



M&M
EXCAVATING

Employee Handbook

(Revised April 2022)

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Greetings from Leadership

Welcome to M&M Excavating Co., Inc. (“M&M Excavating” or “The Company”)!

We are pleased to have you as an employee of M&M Excavating and hope that you find your work with the company to be a rewarding experience. We want you to feel that your association with M&M Excavating will be mutually beneficial and pleasant.

You have joined an organization that has established an outstanding reputation for quality and integrity. In addition to the leadership of M&M Excavating, credit for our reputation goes to every one of our employees. We hope you, too, will find satisfaction and take pride in your work here.

This Handbook is a guide to our rules, policies and guidelines, and applies to all employees at M&M Excavating. As you might know, this Handbook cannot cover every possible situation that may arise. The purpose of this handbook is to summarize and highlight current policies and practices for the team. All policies are subject to change and any change will be communicated to you, in writing. If anything is unclear, please discuss the matter with your manager. You are responsible for reading and understanding this Handbook, and your performance evaluations will reflect your adherence to M&M Excavating policies. In addition to clarifying responsibilities and expectations, we hope this Handbook also gives you an indication of M&M Excavating’s interest in the welfare of all that work here.

We invite you to share your questions and thoughts about the complete employment experience at M&M Excavating. Please feel free to reach out to us directly with any questions or concerns you may have related to the company or your employment at M&M Excavating.

Sincerely,

Brandie Meisner

Brandie Meisner
President/CFO

Ken Nowicki

Kenneth P. Nowicki
CEO

John Landrie

John C. Landrie
COO

SECTION 1 – Introduction

1.01 About the Handbook

The Employee Handbook contains important information on the general policies of the Company and on the privileges and obligations as an employee. This current Handbook supersedes any previously issued handbooks or inconsistent policy statements. M&M Excavating reserves the right, at its sole discretion, to amend the contents of this Handbook at any time. Any change to this document will be made in writing.

M&M Excavating is an “**At Will**” employer, which means that either the employer or the employee may end the employment relationship at any time, with or without notice. The provisions in this Handbook are not intended to establish contractual rights between M&M Excavating and an employee. No amendment or exception to our “**At Will**” employment policy set forth above can be made at any time, for any reason, except by the President of the Company.

1.02 Vision and Mission Statements

We care about our people. Not just when they show up to work, but when they go home – safely. We want them to enjoy satisfying work along with a purposeful life. This philosophy drives our WHY: Unearthing potential to build our team, company, and communities.

A unified team with a strong work ethic carries our company’s vision to connect Michigan’s families and communities.

Together we live the M&M Excavating Mission: Proudly building safe & sustainable infrastructure throughout our Michigan communities since 1973.

1.03 Core Values and Commitment to Integrity

At our core, M&M Excavating is very good at what we do, but we always quest for improvement. That passion defines who we are and it’s what we look for in our team. M&M Excavating is dedicated to an environment that sets a high standard. All employees have a responsibility to support the Company’s commitment to its core values and to demonstrate their commitment through their actions.

M&M Excavating’s corporate culture is built upon the following:

- Safety & Quality – Each team member is skilled and well-trained to keep awareness and ensure safety and quality at the highest level. Nothing is more important than the safety and health of the Company’s employees, customers, and partners.
- Pride & Integrity – We choose to start each day and finish each job with commitment and integrity that leads to industry-leading work we can be proud of.

- Family & Community – Today, our multi-generational family business extends to a vastly talented & diverse team – dedicated to building communities through infrastructure. This is OUR legacy.

We live these values every day and we strive to embed them in the very fabric of our hard-working people. We take pride in changing people's lives for the better!

SECTION 2 – Employment Policies

2.01 Equal Opportunity Employment (Non-Discrimination)

M&M Excavating is an equal employment opportunity employer. Employment decisions such as recruiting, hiring, training, promotion, compensation, benefits, use of facilities and termination are based on merit and business needs. These employment decisions are not based on race, color, religion, sex, age, citizenship, national origin, ancestry, disability, pregnancy, genetic information, veteran status, gender identity, gender expression, sexual orientation, or any other characteristic protected under federal, state (in Michigan: height, weight, marital status, familial status, misdemeanor arrest record), or local law (“Protected Class”). Discrimination in the workplace based on a Protected Class is prohibited.

Management is primarily responsible for seeing that M&M Excavating’s equal employment opportunity policies are implemented, but all employees share in the responsibility for assuring that by their personal actions align with our commitment to equal employment opportunity.

Any employee involved in discriminatory practices will be subject to disciplinary action, up to and including termination.

2.02 Safe Working Environment (Anti-Violence)

M&M Excavating strives to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, open carrying and/or brandishing a weapon or the unlawful conceal carrying of a weapon on Company property, or any other act, which, in management’s opinion, is inappropriate in the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior, any form of harassment, offensive jokes or remarks, or any other abusive conduct or communication will not be tolerated.

Weapons in the Workplace

It is the intent of the Company to provide a safe and secure workplace for employees, clients, customers of clients, visitors, and others with whom we do business. The Company has “zero tolerance” for unlawful possession of any type of weapon, firearm, explosive, or ammunition. Company property includes, but is not limited to, all company facilities, vehicles, and equipment, whether leased or owned by the Company or its client. Unlawful firearms or other weapons in employee-owned vehicles parked on company property are strictly forbidden. The unlawful or unauthorized possession of weapons on company property may be cause for discipline, including immediate termination of employment.

Employees may not open carry on their person or brandish a firearm or other weapon while working for any reason. There are no exceptions to this rule.

Please report any alleged violations to management.

2.03 Harassment in the Work Place

M&M Excavating is committed to providing a work environment that is free from harassment. In keeping with this commitment, the Company maintains a strict policy prohibiting harassment, including sexual harassment, bullying and other harassment in any form, including, but not limited to, verbal, physical, written, and visual harassment. Any employee who believes they have been harassed by anyone in the workplace must report the incident immediately to management or the Company President. If the employee believes they have been harassed by a manager, the employee should report the incident to the President immediately.

2.04 Sexual Harassment

Sexual harassment is illegal and against Company policy. While a complete list of offensive conduct does not exist, the following are some examples of prohibited behavior:

- Making unwelcomed sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature.
- Making submission to, or rejection of such conduct, the basis for employment decisions affecting an employee (for example - promotions, transfers, schedules).
- Telling of lewd or inappropriate jokes.
- Maintaining sexually explicit materials, in any format, in the workplace. This includes on mobile devices and other electronic media.
- Creating an intimidating, hostile, or offensive working environment.
- Viewing and/or distributing material of a sexual nature during work hours and/or via Company equipment, including email systems, internet, or other forms of communication.

All reports of harassment will be treated seriously. The Company will conduct an investigation of any complaint, and the investigation may require limited disclosure of pertinent information to certain parties, including the alleged harasser. While absolute confidentiality is desired, it cannot be promised or assured throughout the course of a thorough investigation.

Any supervisor, manager, or other employee who has been found, after appropriate investigation, to have sexually harassed another employee will be subject to appropriate disciplinary action, up to and including termination. Furthermore, any manager or supervisor who is aware of harassment potentially occurring is required to report it to M&M Excavating immediately. Any supervisor who fails to meet this expectation will be subject to disciplinary action, up to and including termination.

2.05 Employee Recourse for Discrimination, Harassment, Bullying or Other Potential Complaints

If an employee believes that they have been subjected to harassment or bullying of any kind, including sexual harassment, they should:

- Whenever possible, make their unease and/or disapproval directly and immediately known to the harasser. If the employee is uncomfortable with or unable to address the harasser directly, the employee should immediately proceed to reporting the incident to management.
- It is important to report concerns of harassment or inappropriate sexual conduct, regardless of the seriousness, to a manager as soon as possible. Publicizing information about alleged harassment without following the reporting procedures might be considered evidence of a vexatious intent on part of the accuser.
- If an employee is not satisfied with the response of the manager, the employee should speak directly to the President of M&M Excavating.
- If a manager becomes aware of a complaint or potential complaint directly related to their personal conduct, the manager should immediately report this concern directly to their manager or the President of the Company.

The Company cannot stop harassment or correct any situation that is of concern to employees unless it is made aware of the issue. In this regard, employee reporting is critical to our commitment to a workplace free from harassment.

2.06 Anti-Retaliation Policy

No employee shall be terminated, demoted, disciplined, harassed, intimidated, or retaliated against in any manner as a result of filing a good faith complaint or for assisting with an investigation. Employees who file a complaint or participate in an investigation are still held to the same performance and conduct standards as other employees.

Retaliating against an employee is grounds for disciplinary action, up to and including termination.

2.07 Whistleblower Policy

M&M Excavating complies with applicable state and federal whistleblower laws. A whistleblower as defined by this policy is an employee of M&M Excavating who reports an activity that they consider to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to report such concerns promptly to the President, who is responsible for instigating and coordinating corrective action. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline, up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and anti-retaliation. If possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense. The Organization will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the President immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

2.08 Michigan Social Security Number Privacy Act

In an effort to address the growing concern of identity theft, M&M Excavating complies with the Michigan Social Security Number Privacy Act to ensure that employee's personal information is kept safe and confidential. Employees with access to personal and confidential information, such as social security numbers, are required to follow this policy.

M&M Excavating agrees not to:

- Require the use of or publicly display more than four sequential digits of the social security number (SSN).
- Require an employee to use or transmit more than four sequential digits of their SSN to gain access to a website, network, or computer system.
- Include more than four sequential digits of an employee's SSN in any document or information mailed to a person, unless it is required by law, used on an application initiated by the individual, or is a document related to contracts, policies, or insurance benefits.

2.09 Employee Problem Solving (Open Door Policy)

Employees who have a problem or complaint that affects their ability to perform their job properly or to work in harmony with those around them are able to, and have a responsibility to, bring such concerns to M&M Excavating's attention. M&M Excavating maintains this "Open Door Policy" with respect to all employees' questions, concerns, complaints, problems, suggestions, or any other matters related to employment with M&M Excavating, or the policies and procedures of the company.

Employees are urged to discuss and document such matters with management. An employee who feels as though a manager is not able or willing to adequately address and investigate specified concerns is encouraged to contact any manager or the President to assist in this procedure. M&M Excavating will not retaliate against any employee for using this procedure to resolve concerns as long as such procedure is utilized in good faith and not abused. Employee

concerns are ultimately M&M Excavating's concerns; therefore, every attempt will be made to resolve them fairly and equitably.

2.10 Disability Accommodations

It is the policy of M&M Excavating to comply with all relevant and applicable provisions of the Americans with Disabilities Act Amendments Act (ADAAA) and the Michigan Person with Disabilities Civil Rights Act (MPDCRA). These Acts prohibit employers to discriminate on the basis of participation in a disability program and require employers to provide reasonable accommodations for individuals with disabilities unless it would cause undue hardship to the business.

If an employee requires an accommodation, they must inform a manager within 182 days of learning that there is a need for an adjustment or change at work for a reason related to a health condition. The Company will respond promptly and to the best of our ability to accommodate the needs of all employees.

The Company may deny provision of an accommodation if the request is unreasonable, creates an undue hardship on the Company, or poses a direct threat to the health or safety of the individual or others in the workplace.

Upon returning from an unpaid leave provided pursuant to this policy, the employee must provide a certification from their healthcare professional confirming that the employee is able to return to work, with or without a reasonable accommodation.

2.11 Immigration Compliance

The Company is committed to employing only those individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed a Form I-9 with the Company within the past three years, or if their previous Form I-9 is no longer retained or valid. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

2.12 Confidentiality and Non-Disclosure of Proprietary Information

Business knowledge and information that is acquired during employment must stay within the confines of the Company. All properties and trade secrets of the Company are valuable, special and unique assets of the Company. The disclosure of these assets would cause substantial injury and loss of profits and goodwill to the Company. Accordingly, employees must not disclose, use or disseminate any trade secrets to any other person, partnership, association, corporation, or

other entity, without limitation. Additionally, the expectation of confidentiality applies after the termination of an employee's relationship with the Company.

All data, customer and prospect lists, programs, software, systems and other records and written material prepared or compiled by an employee or furnished to an employee during the term of an employee's relationship with the Company shall be the sole and exclusive property of the Company, including equipment lists, crew lists, bidding strategies, bidding production rates, actual production rates, as bid and actual unit costs. Employees are not permitted to video or audio record work meetings or conversations without prior approval from the President. Should the employment relationship be terminated, employees shall return to the Company all trade secrets and other records, computer data and written materials, without limitation.

Trade secrets include, but are not limited to the following: (a) the present and contemplated activities of the Company, (b) the techniques and modes of business operations evolved and used or to be evolved and used by the Company and its clients and prospects, (c) software programs, codes, manuals, user guides, etc. (d) lists of clients and prospective clients, (e) information about the sales strategies and programs for clients served by the Company and for prospective clients (f) human resource practices, strategies, employee and employee lists and potential employee and employee lists (g) compilations of information, records, methods, processes, programs, systems, software and methods of doing business of the Company, (h) financial information of Company, clients and prospective clients, and information regarding disputes with clients and (i) proprietary and confidential information, trade secrets and other confidential information which is not generally known to the public or in the industry in which the Company does business or to other persons who can obtain economic value from such information, and the disclosure of any trade secrets to anyone would be detrimental to the interests of the Company.

Any current employee who improperly uses or discloses confidential information will be subject to disciplinary action, up to and including termination of employment. Additionally, any current or former employee who improperly uses or discloses confidential information may be subject to legal action, even if they do not benefit from the disclosed information.

2.13 Code of Ethics / Conflict of Interest

Employees are expected to act in accordance with the highest possible ethical standards and to comply with all Federal, State, and Local laws and regulations. It is also expected that employees do not place themselves in a position where a conflict of interest, or perception of conflict of interest, may exist with the Company, its partners, and/or its customers. Should such a circumstance occur, a manager must be notified immediately. The Company's relationship with outside vendors and clients shall not be of such a nature as to cause any impropriety, appearance thereof, or unfair advantage for any party. All business transactions, purchases, contracts, etc., shall be absent of any personal (employee) gain not approved by M&M Excavating.

Employees must report any suspected violations of the Code of Ethics Policy to the President immediately. Failing to report suspected unethical behavior carries the same potential

consequences as actively engaging in unethical conduct. Consequences include disciplinary action, up to and including termination of employment.

Examples of unethical behavior include, but are not limited to:

- Kickbacks or bribes of any kind.
- Violation of the Sherman Act or other Antitrust laws, including price fixing or bid rigging.
- Failing to comply with applicable environmental regulations.
- Jeopardizing the safety of employees, customers, subcontractors or suppliers.
- Disrespectful behavior/demeanor to those involved in the Company's line of work. Including but not limited to: MDOT/project inspectors, technicians, contractors, subcontractors, the motoring public, and co-workers, etc.
- Unauthorized use of alcohol, use of illicit drugs and abuse of legal or prescription drugs on Company time or premises.
- Failing to report workplace accidents of any kind.
- Padding or falsifying of expense accounts or timesheets.
- Unauthorized use of Company property, vehicles and supplies.
- The sale of scrap or other waste material, recyclable material, or other material(s) providing value to a third party or for personal gain.
- Conflicts of Interest, including working for a competitor, sharing information with a competitor, or using confidential information for personal gain.
- Theft of any kind, regardless of what is stolen and from whom.
- Falsifying of business records of any kind, including progress reports, pay items, change orders, etc.
- Engaging in improper relationships with direct reports, coworkers, suppliers, subcontractors, or customers.

2.14 Gifts and Favors

Employees shall not directly or indirectly solicit, accept, or agree to accept, any gift, money or goods, loans or services, or other preferred arrangements for benefit under the circumstances which would tend to influence or have the appearance of influencing the manner in which they perform their work, make decisions, or otherwise perform their duties for the Company. An employee shall not grant or make available to any person any consideration, treatment, advantage, or favor beyond that which is general practice to grant or make available to the public at large.

2.15 Drugs and Alcohol

It is M&M Excavating's desire to provide a healthy, drug-free and safe work place. 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.

While on M&M Excavating's premises or while conducting business-related activities off Company premises, no employee may use, possess, distribute, sell, or be under the influence of: alcohol, misused prescription drugs, or illicit drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform their essential job functions and is used in a safe manner that does not endanger themselves or others in the workplace. Prescription drugs that may affect an employee's performance or ability to safely perform their job duties must be disclosed to Human Resources. In states that have a Medical Marijuana or other drug-related law that conflicts with Federal Law, the Company will interpret the Federal law as controlling. This means that the Company will not tolerate the use of drugs, such as marijuana, regardless of whether the employee has a Medical Marijuana card or not.

Employees using prescription drugs must observe all label warnings and inform their supervisor of all warnings associated with their prescriptions.

Consumption of alcohol may be acceptable in certain business situations and/or during industry or Company events; however, it is never acceptable while actively working, while on jobsites, or in active work zones/areas. Employees should use good judgement, take precaution to avoid over consumption of alcohol, and never operate a vehicle while under the influence of alcohol. Employees should consider using public or hired transportation, when necessary.

2.16 Pre-employment Drug Testing

All job applicants that have been offered employment at this Company may undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. Pre-employment test results will be interpreted according to the following table:

Lab Results	M&M Excavating Results
Negative	Negative
Positive	Positive
Negative Dilute	Positive*
Out-of-Temperature Range	Positive
Refusal to render sample	Positive
Untestable Sample	Positive

Applicants will only be eligible for employment if they have a negative result as shown under "Company Results."

*In the case of a negative dilute where there is no indication of tampering or an attempt to avoid detection, an employee may be given an opportunity to re-test within 24 hours of receiving the negative dilute result.

2.17 Random Drug Testing

All employees are in the random drug testing pool. Random drug screen selections are handled by an independent contractor of M&M Excavating. At the time M&M Excavating notifies the employee that a random test is required, the employee has two hours to report to the designated clinic. An employee exceeding the allotted two hours (between receiving notification by the Company and submitting a specimen to the assigned clinic) may be subject to dismissal.

Currently, random drug and alcohol selections are done at a rate of 10% of all field employees on an annual basis. The Company reserves the right to increase this rate at its discretion in response to business conditions, more stringent project requirements, or any other factor.

2.18 Post-Accident Testing

Post-accident drug testing is conducted when there is reasonable suspicion to believe that an employee is using drugs illegally or is under the influence of drugs or alcohol and the employee is involved in an on-the-job accident that may have involved human error, or otherwise engages in unsafe job-related activity that poses a danger to themselves or fellow employees. Testing will be conducted when there is reasonable suspicion and in accordance with the following criteria:

- Employees involved in a work-related injury, regardless of severity, that requires professional medical treatment, will be subject to testing.
- Employees involved in an accident or safety-related incident of any kind while in a Company vehicle or while on Company time or on Company property, will be subject to a drug test.
- The Company may require an employee who contributed to an accident be tested, if there is reasonable cause to believe that the accident may have resulted from the use of drugs.

2.19 Reasonable Suspicion Drug Testing

When there is reasonable suspicion to believe that an employee is using illegal drugs or is under the influence of drugs or alcohol, their supervisor may require that the employee submit to a drug or alcohol test. The circumstances leading to this situation must be thoroughly documented by the supervisor requesting the test. The employee must submit to the testing immediately following the company's request for testing.

2.20 Employees with Commercial Driver's Licenses

This portion of the policy applies to M&M Excavating employees with Commercial Driver's Licenses (CDLs) of Class A, B or C as required by federal regulations. All previous portions of

this policy are also applicable to employees with CDLs in conjunction with the M&M Excavating DOT Drug Policy for Drivers.

CDL Pre-Duty Drug Testing

As required for the issuance of a CDL, CDL holders will be subject to pre-duty DOT drug testing. M&M Excavating must receive negative results prior to the driver beginning work.

CDL Post-Accident Drug Testing

1. The commercial vehicle driver will be required to submit to a drug and/or alcohol test (DOT drug/alcohol test for CDL drivers only. Chauffeur drivers would follow the M&M Excavating Non-DOT post-accident criteria) if the driver is involved in an accident involving a fatality, whether a citation has been issued or not.
2. The commercial vehicle driver will be required to submit to a drug and/or alcohol (DOT drug/alcohol test for CDL drivers only. Chauffeur drivers would follow the M&M Excavating Non-DOT post-accident criteria) if the driver is involved in an accident and one or more of the following occur:
 - If any of the vehicles involved is required to be towed from the scene; or
 - If any person involved requires medical attention away from the scene.

Alcohol testing will be conducted within two hours following the accident. If it cannot be conducted within eight hours, documentation must be provided which gives valid reasons why the testing was not conducted.

Drug testing will be conducted within eight hours following the accident. If it cannot be conducted within 32 hours, documentation must be provided which gives valid reasons why the testing was not conducted.

CDL Random DOT Drug Testing

All employees with CDLs are in the DOT random drug testing pool. Currently, DOT random selections are done at a rate of 25% for drug testing, and 10% for alcohol testing. At the time M&M Excavating notifies the employee that a random test is required, they have two hours to report to the designated clinic.

CDL Reasonable Suspicion and Return-to-Duty Drug Testing

This testing applies as indicated previously.

2.21 Company Responsibilities and Goals Related to Drug & Alcohol Usage

It is the responsibility of the Company's supervisors to inform employees whenever they see changes in performance or behavior that suggests an employee may have a drug or alcohol

problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who may have a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive drug- and alcohol-free environment. Employee compliance is a condition of employment.

All employees are expected to comply fully and promptly with instructions issued under the authority of this program. Refusal to submit to testing will result in disciplinary action, up to and including termination of employment.

Supervisor Responsibilities

Supervisors are required to notify management if there is any suspicion that an employee is in violation of this policy. Failure to do so can result in disciplinary action, up to and including termination of employment.

The intent of this policy is to send a clear message that the illegal use of drugs and alcohol is not acceptable at M&M Excavating.

2.22 Company Driving Policy

To be eligible to drive for M&M Excavating business purposes, candidates must meet *all three* of the following qualifications:

- 1) Must have an active and valid driver's license and Medical Examiner's Certificate (hereafter referred to as "Med Card") for the type of vehicle to be operated and keep their license(s) and Med Card with them at all times while driving.
- 2) Cannot have two or more DUI, OWI, or any other alcohol or drug related convictions affecting their driver's license within the past **10** years, if one of the two or more convictions has occurred within the previous **5** years.
- 3) For CDL Drivers specifically, must have a complete Driver's file as in accordance with the Federal Motor Carrier Safety Administration's regulations prior to operating a company owned vehicle.

Additionally, any current employee who receives a DUI, OWI, or any other alcohol or drug related conviction affecting their driver's license must take a driver improvement course at his or her own expense in order to remain eligible to drive for company business.

This policy applies to the operation of all company-owned vehicles that are licensed for use on public roads, as well as employees that drive a personal vehicle for business-related reasons.

Requirements

Employees who drive company vehicles must abide by all state, federal, and M&M Excavating regulations and work rules at all times and must have an active and valid driver's license for the type of vehicle to be operated. They must also exercise reasonable care in the operation of the company vehicle. The employee will pay all moving violation fines, impoundment recovery costs, and other associated fees unless they are a result of equipment problems not attributed to the employee. The Company will administer any necessary disciplinary procedures, with respect to this policy, on a case-by-case basis as required.

Personal Use

If an employee is permitted use a vehicle for personal use, only that employee may operate the vehicle. The employee will pay for all gas for personal use. Employees must receive prior approval from a member of management prior to using a company-issued vehicle for personal reasons. At no time will the employee allow a non-employee to drive the vehicle for personal use while said vehicle is in the employee's possession, unless otherwise approved by management.

Business Use

Only employees with a valid driver's license will be permitted to operate a vehicle on company business. Other persons (not employees) being transported for business purposes will be permitted to ride only (not operate the vehicle).

Valid CDL or Chauffeur's Drivers' License for All Drivers

It is the responsibility of the individual to whom the vehicle has been issued to verify that only properly licensed drivers operate that vehicle. *Important Note:* Just because an employee drives to work does not mean that person holds a valid operator's license. Any employee whose job responsibilities require them to drive a company-owned vehicle will be required to sign a form that allows M&M Excavating to investigate their driving record annually. A poor driving record as determined by M&M Excavating management may prohibit certain individuals from driving company-owned vehicles.

FMCSA Med Card Registration at Secretary of State requirements for CDL's

Commercial drivers who drive vehicles requiring a CDL have certain requirements regarding their CDL registration. Since January 30, 2014, all CDL holders must declare to their State Driver Licensing Agency (SDLA) that they only operate or expect to operate commercially in 1 of 4 possible categories with their CDL. This process is called self-certification. For more information on the self-certification categories see the [Self-Certification FAQ's](http://www.michigan.gov/sos) at <http://www.michigan.gov/sos>

CDL holders must provide their SDLA with a copy of their Medical Certificate. This information is only being added to the State driving records of CDL holders. Non-CDL holders are not required to self-certify or submit a copy of their Medical Certificate to their SDLA. CDL holders, who are found driving in a category other than one to which they self-certified, are subject to suspension or revocation of their commercial driving privileges. CDL drivers, who do not update the expiration date of their Medical Certificate with their State, will have their commercial driving privileges downgraded, and will not be eligible to drive a commercial motor vehicle that requires a CDL.

IMPORTANT: It is the **CDL holder's responsibility** to confirm their Med Card is updated with the State of Michigan prior to the existing/registered Med Card's expiration date every time. Consequences of not registering the new Med Card with the State of Michigan will result in a down-grading of the license to a Chauffeur status. No notice is given to the company or the driver when this happens, but the CSA rating penalties to the company are severe.

Maintenance and Care

The vehicle will be properly cleaned and maintained at all times. All routine, scheduled maintenance will be conducted in accordance with the manufacturer's specifications as well as M&M Excavating's requirements.

Important Note: Special attention should be paid to timely brake and transmission service. Brakes should be serviced before brake rotors or drums are ruined. Transmission fluid and filters must be changed according to the schedule in the owner's manual. Contact the Maintenance Coordinator if there are any questions regarding the operation or maintenance of a company-owned vehicle.

Driving Under the Influence

No one, under any circumstance, is to drive or operate a company vehicle while under the influence of alcohol or other drugs. All open container citations will be investigated by the company and may result in the forfeiture of driving privileges.

DOT Log Books and Daily Inspections

When required by law, all CDL and chauffeur drivers must fill out a daily logbook entries for every day while actively employed. Entries are to be made individually for all 7 days of the week. All CDL and chauffeur drivers are required to observe the Federal Hours of Service rules in compliance with the 60 hour/7-day format. The white copy of the log book entries are to be sent into the office at the end of each week for filing, according to federal rules. Each driver is to keep at least the most recent seven previous days' completed logs in an originally bound log book with them for inspection by any police agency (including the seven days' logs prior to start date).

All CDL and chauffeur drivers are required to fill in a daily vehicle inspection report for every truck that they drive throughout each work day. In the event that another driver has already performed an inspection that day, it is the driver's responsibility to verify the vehicles safety and sign off on the "Reviewing Driver" line. The white copy of each daily inspection report must be sent to the office at the end of the week for filing according to federal rules. The daily inspection book must be kept in each truck or tractor for inspection by any police agency.

All citations and penalties received by employees for failing to have current driver log-books and daily inspection reports shall be the responsibility of that employee.

The daily inspection report must be filled out, as it concerns the safe operating condition of the vehicle. Minor problems, such as burned out signal bulbs and windshield solvent, must be remedied by the driver. All drivers are required to report known safety-related defects (i.e. brake

issues, electrical issues affecting lights, trailer connections, etc.) on the jobsite to their supervisor immediately. Once repairs are reported to the jobsite supervisor, the supervisor will arrange for repairs with a Company mechanic or an equipment dealer. Needed repairs can be called into the equipment manager as well.

Motor Vehicle Reports:

Drivers Assigned a Vehicle

All employees that drive company vehicles agree to have their motor vehicle driver's license records checked by M&M Excavating at least once per year. Employees with poor or questionable records (more than five points in three years) will be required to take defensive or other driver retraining as determined by M&M Excavating and demonstrate an effort towards improvement. The employee that is identified for such training will pay all expenses for any and all driver retraining. Employees that have accumulated more than 7 points total will not be allowed to drive at all. A continued unacceptable driving record may result in the forfeiture of driving privileges. Forfeiture may require re-assignment to a job that does not require driving company-owned vehicles. Employees refusing to attend defensive driving training will have all driving privileges suspended. This policy also applies to any and all employees, who through the course of work, are required to drive company-owned vehicles.

Moving Violations:

Citations

Any employee who receives a citation for any moving violation while in a company-owned vehicle must report the citation to the Company as soon as possible, and submit a copy within 15 days for Motor Carrier sign-off. The FMCSA requires all Citations and/or Inspections to be retained in the Driver File for 12 months from the date of the event. Employees are responsible for all penalties assessed resulting from a moving violation. The Company will be responsible for equipment deficiency violations, unless such deficiencies were known by the employee prior to driving the vehicle. *Employees receiving moving violations under any circumstance (even while driving their own personal vehicles) will have their company driving privileges evaluated after every citation.*

Reckless Driving

The Company will investigate all reckless driving citations. Reckless driving citations may result in the forfeiture of driving privileges.

Multiple Tickets

Any employee with two or more moving violations within a 12-month period will have their company driving privileges, including personal use, subject to review. Depending on the nature of the violations, the employee's driving privileges may be suspended or revoked.

Accidents:

Police Report

Any employee involved in an automobile accident in a company vehicle must call the police and obtain a report under *ALL* circumstances. Employees must also contact local police agencies when an accident occurs while driving personal vehicles on company business. Copies of the report may be forwarded to the company's insurance carrier. The company's insurance carrier may or may not insure the loss, but must be informed of all vehicle accidents that occur on company time.

Incident Report

An incident report must be completed at the time of any automobile accident in a company vehicle through the Aclaimant App. A traffic accident involving a company-owned vehicle may trigger the company's post-accident drug and alcohol testing policy contained in this manual. Drivers of assigned vehicles are expected to send themselves for testing when required by the policy. Jobsite supervisors are expected to send drivers of "job trucks" in for testing when the accident conditions warrant.

Defensive Driving Classes

Employees involved in an accident in a company-owned vehicle may be required to attend a Defensive Driving Class at their own expense, on their own time, to maintain company driving privileges.

Collision Expense

If an employee is involved in an accident while using a company vehicle for personal use and the employee is at fault, that employee may be required to pay for the cost of the repairs, plus all other related costs, including but not limited to, towing charges and impoundment fees.

100% Seatbelt Usage

All drivers, employees, and passengers in company-owned vehicles and equipment are required to use seatbelts 100% of the time. Any employee involved in an accident and cited for not wearing a seatbelt is subject to the Company's discipline policy.

Fire Extinguishers

The company will provide fire extinguishers for all company-owned vehicles as needed. The driver issued the vehicle must inform the company maintenance or safety personnel if these items need servicing. Any vehicle equipped with torches, welders, or gasoline and fuel dispensing tanks must have at least a 5-pound BC rated fire extinguisher secured to the vehicle, and with a current and legible inspection tag attached at all times.

2.23 Distracted Driving Policy

While the Company acknowledges that cell phones are integral communication tools, employee safety is of primary concern. Employees are required to use a hands-free device when using the phone while operating a vehicle.

Cell phones and other data applications should never be used while driving. Company policy specifically prohibits reading, sending, or typing texts or other electronic communications while operating a vehicle. This includes using web-based applications for business, entertainment, or any other reason outside of a specific emergency requiring such communication.

In states with related laws that exceed the Company's Distracted Driving Policy, employees must abide by the applicable state law(s) in addition to this policy. Failure to follow this policy may result in disciplinary action, up to and including termination.

2.24 Personal Use of Cell Phones

The Company understands that we live in a connected world where communication occurs via multiple channels throughout the day. At the same time, it is important that employees stay focused on workplace safety, productivity, quality and performance. Personal phone usage, including calls and messages, should therefore be kept to a minimum. To ensure the safety, efficiency, and privacy of the Company and Subcontractor work, the use of cell phones for social media and/or posting on social media sites is not tolerated during working hours. This includes, but is not limited to, current and ongoing jobsite photos or real-time photos/videos of job site tasks.

2.25 Employment of Relatives

M&M Excavating is pleased when employees recommend qualified candidates to the Company for potential hiring. All potential employees must meet the requirements of any open positions and M&M Excavating hires the most qualified person for any opening.

Relatives of current employees may be hired only if they meet all required job qualifications. In cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or one or both parties may be terminated from employment.

SECTION 3 – Employment Operations and Practices

3.01 Expectations

M&M Excavating expects the following from each of its employees. Employees should:

- Work to the best of their ability in a productive fashion.
- Be punctual in regard to arrival times, breaks, and meal periods.
- Exhibit M&M Excavating's core values through daily work and productivity.
- Discuss work-related problems or concerns with management and/or the President. Work cooperatively with management and other co-workers.
- Demonstrate a concern for safety as well as the safety of others. Maintain a clean and neat work area.
- Take pride in themselves and in their work.
- Follow the procedures and directives as stated in this Handbook and those presented by management.

In turn, M&M Excavating shall provide the following for each of its employees:

- Equal opportunity for all employees.
- Respect – Employees should have a clear understanding of what's expected of them and open lines of communication.
- Empowerment – Employees will have a certain degree of autonomy and responsibility for decision-making in their daily work.
- Dedication – Employees will have an understanding of the Company's mission and the ability to take ownership of their role at M&M Excavating.
- A sincere effort to assist employees in realizing their full career potential.

3.02 Attendance and Punctuality

As part of the M&M Excavating team, employees' contributions are important to the Company in meeting the needs of our clients. For this reason, regular attendance is expected of every employee. Frequent absences and/or tardiness are disruptive and place a burden on other employees and the Company.

It is understood that, on occasion, illness or urgent personal matters may cause an absence. In the event an employee cannot avoid being late to work or is unable to work as scheduled, it is the employee's responsibility to notify management as soon as possible in advance of the anticipated tardiness or absence. If management cannot be reached, notify the HR Manager and/or Office Manager and ask that person to let management know about the absence and expected return. The Company may, at its discretion, require a physician's note to substantiate an absence.

Management will monitor employee attendance. Any cause for concern with excessive absenteeism or tardiness will be handled on an individual basis. Failure to correct an attendance problem may lead to disciplinary action, up to and including termination.

Employees who are absent for three consecutive scheduled days without notifying M&M Excavating (No Call No Show) will be considered to have voluntarily quit their employment.

3.03 Overtime for Non-Exempt Employees

For non-union, non-exempt employees who work more than 40 hours in a given work week, the Company pays overtime at 1.5 times their base hourly rate. Please note that any overtime worked must be reported on an employee's timesheet within a week of working it.

3.04 Office Dress Code

M&M Excavating expects its employees to dress professionally and appropriately at all times. The most important guideline for employees is to dress for "the business of the day", always considering the environment in which they will be working.

- Employees should be conscious of logos or designs that could be offensive as well as keep proper and professional fit of garments in mind. Additionally, maintaining clean personal hygiene is important.
- When visiting clients, employees are asked to keep the customer environment in mind and dress accordingly.
- Employees are permitted to wear jeans, provided they are not tattered, excessively worn, or otherwise unprofessional.
- When weather permits, open toed shoes are acceptable, however careful attention should be made to the grooming appearance of employees' feet.

3.05 Field Dress Code

Attire, grooming, and safety standards contribute to the morale of all employees and affect the professional image that M&M Excavating presents to the community. In accordance with MIOSHA requirements and the M&M Safety Manual, M&M Excavating expects its employees to dress appropriately and for safe work practices at all times.

General work attire guidelines for field staff include:

- T-shirt with minimum 4-inch sleeves are allowed. Tank tops are not acceptable.
- Employees may wear work pants such as jeans, Carhartt or Dickies. No sweatpants, jogging pants, or shorts are to be worn.
- All clothing should be free of holes and major wear and tear/damage. Loose clothing is not permitted.
- With the exception of single band rings and small earring studs, loose jewelry is not permitted (including necklaces, non-stud earrings, etc.).

- Work boots are required; safety toe & boots with ankle support are recommended.
- No tennis shoes are permitted.
- Any time an individual is on a jobsite, within the work zone and outside of a vehicle, a safety vest must be worn. If overhead danger exists, a hard hat must be worn. If vision or hearing danger exists, safety glasses and hearing protection must be worn.

3.06 Work Rules / Corrective Action

Good working relationships make demands on everyone. Employees have responsibilities to the Company, themselves, and the people with whom they work. An employee's conduct is a major factor affecting the health and growth of the Company. It is also an important aspect of the Company's image within the community.

When management finds an employee's performance is unsatisfactory or an employee's conduct and/or behavior are unacceptable, disciplinary action will be taken.

Discipline may range from an informal discussion with the employee to immediate termination, depending upon the Company's opinion of the seriousness of the situation. Any action taken by management in an individual case should not be assumed to establish a precedent in other circumstances.

3.07 Performance Reviews

Management is continuously evaluating employees' job performance. Day-to-day interaction between employees and management should give a sense of how management perceives overall performance. Management sets individual performance goals designed to collectively meet the overall Company strategy. M&M Excavating works to encourage and foster personal career and skill development and to increase productivity, both qualitatively and quantitatively, through performance planning, development, coaching, and evaluation.

Employee performance will be reviewed periodically. Employees whose performance is unsatisfactory may be subject to more frequent reviews. If an employee's performance does not improve to a satisfactory level, he or she may be subject to termination.

Performance evaluations will be considered in decisions involving merit pay increases and job responsibility advancements.

3.08 Solicitation/Distribution

M&M Excavating recognizes that employees may have interests in events and organizations outside the work place, however, employees or persons not employed by M&M Excavating may not solicit or distribute literature concerning these activities during working time unless previously approved by Company management. Working time does not include scheduled breaks, or any other periods in which employees are not on duty.

3.09 Smoking Policy

M&M Excavating has a “No Smoking” policy and does not permit employees or guests to smoke regular or e-cigarettes on Company premises. Furthermore, there is absolutely NO SMOKING permitted in company vehicles, buildings, or job trailers. Any employee who refuses to comply may be subject to disciplinary action, up to and including termination.

3.10 Property Searches

M&M Excavating reserves the right to conduct at any time, without notice, searches and inspections of employer-provided material in an employee’s possession. Additionally, should a search of employee’s personal property be required, the company will ask that the employee be present for this search.

Any illegal or unauthorized items discovered may be taken into custody and turned over to law enforcement. Any employee who refuses to submit to a search will be subject to disciplinary action, up to and including termination.

3.11 Outside Employment

An employee may maintain outside employment with the understanding that M&M Excavating is primary and the additional employment must not interfere with the employee’s performance at M&M Excavating. Any outside employment must not be in conflict with M&M Excavating’s business interests. Should an employee have another job, it is their responsibility to disclose this information to management.

If M&M Excavating determines that an employee’s outside work interferes with performance or the ability to meet the requirements of the job, as they are modified from time to time, or it is determined that the outside employment is a conflict with M&M interests, the employee may be asked to terminate the outside employment if they wish to remain employed with M&M Excavating.

3.12 Common Sense Expense Policy

Some employees may incur business-related expenses on behalf of the Company and are encouraged to get prior approval for anything significant or out of the ordinary.

3.13 Expense Reimbursement

To be reimbursed for all authorized expenses, employees must submit an expense report accompanied by receipts and it must be approved by management. Please submit expense report each week, as authorized reimbursable expenses are incurred. In order for M&M Excavating to keep records and accounting accurate and current, expense reports older than two months old may not be honored.

3.14 After Employment with M&M Excavating

Should an employee decide to leave, the Company expects as much advance notice as possible. Two weeks is considered the minimum time for proper notification, and all notices should be put in writing.

Human Resources or a Manager will attempt to schedule an exit interview to discuss the reasons for leaving and to confirm details of the final paycheck, benefit termination, and collection of any Company property. Please note that after departing the Company, it is important for employees to keep their address current with the Company so the W-2 can be sent in a timely fashion.

During employment, employees may be exposed to, and obtain control of, a number of proprietary or confidential items which belong to the Company. Upon notice of termination, employees are required to turn in all Company property as designated by management, or the value of such equipment may be withheld from the final paycheck. The actual last day at work will be considered one's termination date.

Should a future employer or other entity need to verify employment with M&M Excavating, please direct any inquiries to the HR Manager. It is the Company's policy to verify dates of employment and position held. The Company will only release salary information if it has received a signed release from the employee.

3.15 Leaving the Company – Final Paycheck

In the event of separation from the Company, the employee will be paid in accordance with applicable state law for all earned wages. For non-union employees, the final paycheck will include actual hours worked plus any accrued, but unused paid time off (PTO) up to a maximum of 40 hours, assuming at least a two-week notice was given to the Company. Union employees should reference their Collective Bargaining Agreement for details on separating from the Company.

SECTION 4 –Technology & Communication Policy

M&M Excavating expects employees to make a conscious effort to protect all work-related material when using different technological devices to communicate externally and internally. Unacceptable use of technology can place M&M Excavating and others at risk. This policy outlines the Company's guidelines for acceptable use of technology, including, but not limited to: internet and email as well as Company and employee-owned hardware and software.

4.01 Guidelines for Use

M&M Excavating has established the following guidelines for employee use of any technology that is used for business purposes. This includes, but is not restricted to: communication networks, including the Internet and email, as well as company-owned and personal equipment. It is the Company's expectation that all technology be used in an appropriate, ethical, and professional manner.

1. All technology provided by M&M Excavating, including computer systems, communication networks, company-related work records, and other information stored electronically, is the property of the company and not the employee. In general, use of the company's technology systems and electronic communications should be job-related and not for personal convenience.
2. Employees who use personal electronic equipment, such as, but not limited to: laptops, tablets, and cell phones are required to take appropriate precautions to protect the Company data on the device. Precautions include setting passwords for the devices and changing them every 90 days, locking after 5 minutes of non-use, using two-factor verification when available, and other commonly accepted protective measures. In addition, and wherever practical, Company data should not be stored locally on devices but kept on Company servers or Company-managed cloud resources.
3. Employees may not use the Company's Internet, email or other electronic communications to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, sexual preference, or other characteristic protected by law may be transmitted. Harassment of any kind is prohibited.
4. Disparaging, abusive, profane or offensive language; materials that might adversely or negatively reflect on M&M Excavating or be contrary to its legitimate business interests; and any illegal activities are strictly forbidden.
5. To prevent viruses and technological problems, all equipment used for work-related purposes must have valid virus protection.

6. Every employee of M&M Excavating is responsible for the content of all text, audio, or image files that he or she places or sends over the Internet and email systems. No email or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else. The Company's corporate identity is attached to all outgoing email communications, which should reflect corporate values and appropriate workplace language and conduct.
7. Email and other electronic communications transmitted by M&M Excavating's equipment, systems and networks are not private or confidential. The Company reserves the right to examine, monitor, and regulate Company email and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite.
8. Internal and external email, voicemail, and text messages are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the company.
9. Any media inquiries received by employees of M&M Excavating need to be directed to the President. As a general rule, employees are not permitted to represent the Company when speaking to the media.

4.02 M&M Excavating's Right to Monitor and Consequences for Misuse

All company-supplied technology, including computer systems, equipment and company-related work records, belongs to M&M Excavating and not to the employee user.

Any employee who abuses the company-provided access to email, the Internet, or other electronic communications or networks, including social media, may be denied future access, and, if appropriate, be subject to disciplinary action, up to and including termination, within the limitations of any applicable federal, state, or local laws.

This policy is not intended to and should not be interpreted to prohibit employees from discussing the terms or conditions of employment or engaging in other protected concerted activities under the National Labor Relations Act. If employees have questions or need further guidance, they should contact management or the President.

4.03 Social Media Policy

The Company understands that employees may engage in social media activities outside of work. However, it is the right and duty of the Company to protect itself from unauthorized disclosure of information.

Unless specifically instructed, employees are not authorized and therefore restricted to speak on behalf of M&M Excavating via traditional media avenues or on social media. Employees may not

publicly discuss clients, products, employees or any work-related matters, whether confidential or not, outside company-authorized communications.

Employees are expected to protect the privacy of M&M Excavating and its employees and clients and are prohibited from disclosing personal employee and non-employee information and any other proprietary and non-public information to which employees have access. Such information includes but is not limited to customer information, trade secrets, financial information and strategic business plans.

SECTION 5 – Compensation

5.01 Wages

M&M Excavating considers employee wages and personal data to be confidential. M&M Excavating strives to pay competitive salaries and benefits comparable to other companies in our industry and geographic region.

Under usual circumstances, employees will work under their assigned job title. For clarification of general duties or title, contact management or the Company President. There may be occasions when employees may be assigned to other tasks or functions. This flexibility gives employees the opportunity to gain additional and varied experiences and provides M&M Excavating the ability to cross-train and meet its business obligations.

5.02 Employment Categories

The definitions below do not constitute a guarantee of work or status for any period of time.

Regular Full-time Employee

- Works a minimum of 40 or more hours per week.

Regular Part-time Employee

- Works fewer than 40 hours per week.

Temporary Employee, Student or Intern

- Hired for a specific period of time or a specific project, generally, not more than six months.
- Work schedule determined on an individual basis.

Exempt Employee

- An employee who is not eligible for overtime pay.

Non-Exempt Employee

- An employee eligible for overtime pay. Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per work week. Hours worked does not include vacation, sick, personal, holiday or any other paid time off.

5.03 Probationary Period

All newly hired employees will be on probation for up to 90 calendar days. The employee's progress may be reviewed during this period. If a new employee proves satisfactory at the end of their probationary period, they will be given seniority status as of their hire date yet remain an "at will" employee. Unsatisfactory reviews or failure to adhere to any other provision of M&M policies could result in disciplinary action, up to and including termination.

5.04 Mandatory Deductions from Paycheck

M&M Excavating is required by law to make certain deductions from each paycheck. Among these are federal, state and any applicable local income taxes and contributions to FICA (Federal Insurance Contributions Act) as required by law. These deductions will be itemized on the check stub. The amount of the deductions will depend on earnings and on the information furnished on the W-4 Employee's Withholding Allowance and state tax forms regarding the number of dependents/exemptions claimed. Any change in name, address, marital status or number of exemptions must be reported to the HR Manager immediately, to ensure proper credit for tax purposes. The W-2 Wage and Tax Statement form employees receive for each year indicates precisely how much of earnings were deducted for these purposes.

Garnishments, alimony, child support, and other court-ordered deductions will be executed in accordance with law upon the receipt of proper notification. Such court ordered deductions will be submitted to the proper agency.

5.05 Pay Cycle

M&M Excavating has a weekly pay schedule for its employees. Payday is normally every Thursday for services performed for the one-week period ending the previous Saturday at 12:00 midnight. In the event of a Thursday holiday, employees will be paid on the workday before the holiday. Any changes made will be announced in advance.

5.06 Pay Transparency Nondiscrimination Provision

The Company will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

5.07 Show-Up and Paid-For Time (Union Employees)

If an employee belongs to a class of employment to which a collective bargaining agreement exists, in certain circumstances, the employee may be entitled to Show-up and/or Paid-for Time. If an employee becomes eligible for Show-up or Paid-for Time according to the agreement, they will be paid according to the agreement in their regular paycheck. However, the employee MUST remain at the jobsite & perform whatever work is assigned by the Supervisor: including, but not limited to, greasing, fueling or cleaning equipment, jobsite housekeeping, etc. If the employee leaves the jobsite without authorization, they forfeit their right to compensation according to the agreement.

SECTION 6 – Benefits (Non-Union Employees)

6.01 Eligibility for Medical Insurance (Non-Union Employees)

All full-time, non-union, non-seasonal employees are eligible for medical insurance benefits on the 1st day of the month following 60 days of employment. Part-time employees and temporary employees are not eligible for medical insurance, and union employees should reference their Collective Bargaining Agreement for details on Medical Insurance.

M&M Excavating will pay the cost of health insurance for full-time, non-union, non-seasonal employees and their families as follows: Upon initial eligibility and with less than 10 years of service to the company, M&M Excavating contributes 80% of base premium per month. For employees with more than 10 years of service to the company, M&M Excavating contributes 90% of base premium per month. The remaining premium shall be the responsibility of the employee and will be deducted from their paycheck each week.

Employees may have the option to include additional coverage, such as supplemental insurance or AFLAC. Premiums for coverage beyond the base coverage will be the responsibility of the employee and will be deducted from their paycheck each week.

M&M Excavating may incorporate other tax advantaged methods to aid in the payment of employee medical expenses, such as HSAs (Health Savings Accounts) or FSAs (Flexible Spending Accounts). The company will review the insurance marketplace annually, considering current legal requirements and tax-advantaged opportunities, to ensure employees are offered the best value and service available.

For more information, we encourage employees to read and review the materials that are provided. The benefit plan legal document, agreement, or policy (and not the following or other summaries) govern the operation of these plans and the payment of benefits.

6.02 401(K) Retirement Plan

Following 90 days of service, each non-union, full time, non-seasonal employee is eligible to enter in the company's 401(k) Retirement Plan. Enrollment is available four times per year on the first of January, April, July, and October. The plan provides an Employer Safe-Harbor offering which matches contributions by the employer equal to 100% of the first 4% of employee contributions and up to 50% on amounts between 5-6% of employee contributions; therefore, to "max-out" the employer contribution of 5% of employee annual income, the employee must defer 6% of income weekly via payroll deduction. Please refer to the full Summary Plan Description (SPD) for more information.

6.03 Group Life Insurance and Short-Term Disability

Each non-union, full time, non-seasonal employee will become eligible to receive Group Life Insurance and Short-Term Disability benefits following a 60-day waiting period in accordance with the following schedule.

1st Year of Service: \$50,000 (Includes Short-Term Disability Insurance)

5th Year of Service: \$100,000 (Includes Short-Term Disability Insurance)

6.04 Holidays

Regular, full-time employees that have been with the Company for one year or more are eligible for holiday pay. Part-time employees, temporary employees and interns are not eligible for holiday pay. The following eight holidays are recognized by M&M Excavating as paid holidays:

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

If a recognized Company holiday falls on a Saturday, it will generally be scheduled for the preceding Friday. If a recognized Company holiday falls on a Sunday, it will generally be scheduled for the following Monday.

In order to qualify for holiday pay, employees must work the scheduled workday immediately before and after the holiday. Unless extraordinary circumstances are involved, only prior approved excused absences will be considered exceptions to this policy. For non-exempt employees, a holiday will not be considered working hours toward the calculation of weekly overtime, unless the employee actually works that day.

6.05 Paid Time Off

Paid Time Off (PTO) is a benefit for full-time, non-union employees and is earned and awarded starting on the 91st day of employment. Part-time and temporary employees are not eligible for PTO. The number of hours earned and awarded annually varies based upon the length of service

of the employee and thus, the PTO Benefit Year for each employee is established by anniversary date, *not* calendar year. PTO may be taken in any increment of eight hours (one full day).

All PTO must be scheduled in advance and is subject to management approval. Every effort will be made to grant PTO at the time desired. A request for time off (paid or unpaid) for more than one consecutive week may present an undue hardship for the Company and will require special consideration. Please note that longer vacations are more likely to be approved in the offseason months (January-March).

Employees will not be charged PTO for a Company paid holiday. 40 hours of PTO may be carried over from PTO Benefit year to year, but all other time must be used in that PTO Benefit year (prior to an employee's anniversary date). Please note that all earned, unused PTO must be exhausted before unpaid time off may be requested, and the approval of unpaid time off is at the discretion of management.

Employees who leave the Company (for reasons other than gross misconduct) with a positive PTO balance are paid out their remaining balance, up to a maximum of 40 hours, assuming a two-week notice has been given. Employees that leave with a negative balance will have the appropriate amount deducted from the final paycheck.

No PTO will be accrued:

- During an approved leave of absence without pay
- While being paid under Workers' Compensation Insurance
- During extended Military leave of absences
- While on temporary or permanent layoff

6.06 PTO Vesting Schedule

<u>Months/Years of Service</u>	<u>Annual PTO Hours/Days/Weeks</u>
3 months to 60 months/5 years	40 hours/5 days/1 week
60+ months/5 years to 120+ months/10 years	80 hours/10 days/2 weeks
120 months/10 years and beyond	120 hours/15 days/3 weeks

6.07 Continuation of Benefits (COBRA)

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) employees may be allowed to continue their health insurance benefits, at their expense, for up to 18 months. Longer periods of coverage may be available depending upon the qualifying event. The Company will provide eligible employees with a written notice describing rights granted under COBRA when a qualifying event occurs. The notice contains important information about the rights and obligations

of the employee and/or beneficiary. Failure to comply in a timely manner with the notice may result in a loss of insurance coverage.

Employees opting for COBRA may be responsible for the entire premium of their insurance coverage during their first two years of service. After an employee's 2nd anniversary, the Company may elect to pay for a portion of COBRA during seasonal lay-off. COBRA benefits will be administered by a third party.

To qualify for COBRA continuation coverage, an employee must have a qualifying event that causes the employee to lose group health coverage. Any questions regarding COBRA benefits should be directed to the HR Manager.

SECTION 7 – Leaves of Absence

At the time a leave of absence is requested, an agreement should be reached between the employee and Management regarding the beginning and end dates of the leave. In most instances, there will be no interruption of the employee's continuous service. Every effort will be made to reinstate an employee to their former position or one comparable upon their return from a leave of absence, provided the employee is physically qualified to perform the duties. Some examples of leave of absence are:

- Family & Medical Leave (FMLA)
- Personal Leave of Absence
- Funeral (Bereavement) Leave
- Jury Duty
- Military Leave of Absence

7.01 Family and Medical Leave

To the extent the Company is legally required to comply, and in accordance with the Family Medical Leave Act (FMLA) of 1993, eligible employees may receive up to a total of 12 weeks (480 hours) of unpaid leave in a 12-month period, which is defined as a leave year based upon a rolling 12-month calendar.

A. Eligibility

To qualify for FMLA leave, the employee must meet all of the following conditions:

1. The employee must have been employed by M&M Excavating for at least 12 months.
2. For the 12 months immediately preceding the first day of the FMLA leave, the employee must have worked at least 1,250 hours. These hours must be actual work hours, not compensated hours (i.e., holiday, sick, vacation, etc.).
3. The employee must work in an office or worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite.

Time in the military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) will count towards fulfilling the length of employment and hours of work requirements to be eligible for an FMLA leave.

B. Qualifying Reasons

The following reasons qualify for FMLA leave:

1. The birth of a child and to care for a newborn child of the employee;
2. The placement of a child for adoption or foster care and to care for the newly placed child of the employee;
3. To care for a spouse, child or parent with a serious health condition;
4. To care for the employee's own serious health condition;
5. For a spouse, son, daughter, parent or next of kin to care for a serious injury or illness of a covered service member as defined under the FMLA (for a total of 26 weeks during a 12-month period); or
6. For a qualifying exigency experienced by a spouse, parent or child who is on active duty or has been called to active duty.

The right to leave for the birth or placement of a child into an employee's family may only be taken within the 12 months immediately following the date of the birth or placement of the child.

In the case where spouses are both employed by M&M Excavating, FMLA leave is limited to a combined total of 12 weeks in a 12-month period when leave is taken for the following reasons:

- The birth, adoption or foster care placement of a child.

If leave is taken for other reasons, such as the employee's own serious health condition or to care for a child with a serious health condition, each spouse can each use up to 12 weeks of leave individually.

Please note if the medical condition is not covered under FMLA, it could potentially be covered under ADAAA. Please refer to section 2.10 for more details on ADAAA.

C. Intermittent Leave

FMLA taken intermittently or on a reduced leave schedule (fewer hours per work week or fewer hours per work day) may be approved only for care of a sick spouse, parent, son or daughter, or for an employee's own serious health condition, or for a covered service member, and only when medically necessary. In the case of family leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted. An employee taking intermittent leave may be required to transfer temporarily to an alternative position that better accommodates recurring periods of leave with equivalent pay and benefits.

D. FMLA Leave Coordination with Other Policies

FMLA leave runs concurrently with and not in addition to any other leave provided by M&M Excavating, including, but not limited to: vacation pay, sick time, short-term disability, and workers compensation. If the employee has any accrued vacation pay or sick time available, the employee must use this leave concurrently with and not in addition to FMLA. With the exception of FMLA Military Leave to care for a family member with a serious injury or illness, no leave of absence under FMLA may exceed a total of 12 weeks.

E. Requesting FMLA Leave

When possible, employees should give management at least 30 calendar days' notice. Employees who cannot foresee the need for FMLA leave must give as much notice as possible. This generally means the employee must notify M&M Excavating within one or two workdays from which the employee first learns of the need for leave unless extenuating circumstances exist. All employees need to submit a request for FMLA Leave to Human Resources.

M&M Excavating will provide individual notice of rights and obligations to the employee within five business days of the request or as soon as practicable.

F. Medical Certification

Employees must provide M&M Excavating with a completed Certification of Health Care Provider Form (which will be supplied to the employee by M&M Excavating) within 15 days of the request for FMLA leave. Failure to provide the appropriate information and the completed Certification of Health Care Provider Form within 15 days may result in the denial of leave. M&M Excavating may also require periodic re-certification of FMLA leave qualifying status; however, not more often than every 30 days.

G. Reinstatement or Termination Following FMLA Leave

If employees take leave because of their own serious health condition, they are required to provide medical documentation that they are fit to return to work. Employees will not be permitted to resume working until they are released by their physician. An employee eligible for FMLA – with the exception of those employees designated as “highly compensated employees” – will be restored to their old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. M&M Excavating cannot guarantee that an employee will be returned to their original job. A determination as to whether a position is an “equivalent position” will be made by M&M Excavating. Except as otherwise provided by law, if an employee does not return from FMLA leave (and as with all Leaves of Absence) at the expiration of the leave, the employee will be considered to have voluntary quit.

Any additional questions regarding FMLA Leave should be directed to Human Resources.

7.02 Paid Maternity and Parental Leave

M&M Excavating values the importance of providing employees the opportunity to spend time with their growing families. For the purposes of this policy, Maternity and Parental Leave is defined as a leave of absence associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care.

For all full-time, non-union, non-seasonal employees, the Company provides two weeks of paid Maternity Leave to expectant mothers and one week of paid Parental Leave to birth fathers and employees with whom a child is placed through adoption or foster care. Maternity Leave is paid in two separate increments – one week at the beginning of the leave of absence, and one additional week once the employee returns to work.

Employees are also able to use available PTO once Maternity and Parental Leave has been exhausted. Additionally, expectant mothers may be eligible for additional compensation via the Company's Short-Term Disability policy. Please refer to the Summary Plan Description (SPD) for details.

7.03 Unpaid Personal Leave of Absence

In special circumstances, M&M Excavating may grant a leave for a personal reason not covered by any other Company leave policy. A personal leave of absence must not interfere with the operations of a department or M&M Excavating. Generally, approval for a leave of absence is based upon:

- The stated needs
- The requirements of the job
- The employee's absence record
- The employee's performance record
- Length of employment with the Company (minimum of one year required)

The maximum amount of time for a Personal Leave of Absence is typically 30 days. Management will submit any request for an unpaid leave of absence to the President for final approval. All accrued, unused PTO must be used at the start of the leave. Employees who fail to return to work on their expected date shall be considered to have voluntarily quit their employment.

7.04 Funeral (Bereavement) Leave

Should an employee suffer a death in the family, all full-time, non-union, non-seasonal employees will be granted a leave of absence with pay to make arrangements for and attend funeral services.

The employee is eligible for payment of up to three working days regular pay in the event of a death of a parent or parent in-law, spouse, child, brother or sister, grandparent, grandchild, step-

mother, step-father, step-brother, step-sister or in-laws. In-laws shall be limited to grandparent-in-law, sister-in-law or brother-in-law, and son-in-law or daughter-in-law.

With management's approval, employees may be granted unpaid leave up to one day in the case that the deceased is not considered immediate family. If preferred, PTO may be used for this purpose.

M&M Excavating understands the sensitive nature of the death of a loved one, however, for recordkeeping and consistency purposes, the company may request the employee to provide a funeral or obituary notice when away from work for bereavement leave.

7.05 Jury Duty

If a full-time, non-union, non-seasonal employee is required to serve on a jury, they will receive their normal pay for any hours missed for up to five business days. If the employee receives any pay from the court they are also entitled to retain these funds. If the employee is not scheduled to work on the day they serve on the jury, he/she will not receive compensation for jury duty. Time paid for jury duty will not be counted as hours worked for purposes of calculating overtime.

After each day of jury duty, the employee must bring a slip back from the court stating what time they started and what time they were released. This slip must be submitted to the HR Manager or the employee's immediate Supervisor upon return to work. If released with time remaining in the workday, the employee is expected to report back to work.

7.06 Military Reserves or National Guard Leave of Absence

In accordance with USERRA (Uniformed Services Employment and Reemployment Rights Act of 1994), employees who serve in the U.S. or state military reserves may take the necessary time off without pay to fulfill this obligation and will retain all of their legal rights for continued employment under existing laws. These employees may apply accrued personal leave and unused earned vacation time to the leave if they wish; however, they are not obligated to do so.

Employees are expected to notify management as soon as they are aware of the dates they will be on duty so that arrangements can be made for coverage during this absence.

7.07 Procedure for Requesting Leave

In all cases, an employee requesting leave must contact management directly for the appropriate forms and paperwork. When possible, employees should give M&M Excavating 30 days' notice.

7.08 Compensation during Leave

While on an unpaid leave of absence, the employee must use all accrued PTO to compensate while away from work. The remainder of the leave period will then consist of unpaid leave, unless approved for short or long-term disability. Please see Human Resources to obtain any forms for short-term disability.

7.09 Insurance Premium Payment during Leaves of Absence

Employees will retain all benefits in which they participate as if they are employed during an approved leave of absence. If PTO is used during a leave of absence, M&M Excavating will continue to deduct applicable payroll deductions for benefits. If leave is unpaid, M&M Excavating will accrue any insurance premium deductions which the employee misses while on leave. When the employee returns from leave, M&M Excavating will double insurance premium deductions until the missed premium deductions are repaid.

If the employee elects not to return to work following the end of the leave period, they are required to reimburse M&M Excavating for the total cost of both M&M Excavating and employee portions of the premiums paid by M&M Excavating for maintaining coverage during leave.

7.10 Restoration to Employment Following Leave

If an employee takes leave because of their own serious health condition, they are required to provide medical documentation that they are fit to return to work. Employees will not be permitted to resume working until they are released by their physician. M&M Excavating cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an “equivalent position” will be made by M&M Excavating.

SECTION 8 – Safety

8.01 Safety

Safety and accident prevention are vital. It is M&M Excavating's intent to prevent personal injury to our employees. It is our goal that: (1) safety hazards be eliminated; (2) unsafe acts or conditions be detected, reported, and corrected; and (3) safety consciousness be instilled in all employees.

Listed below are some important guidelines to follow, but no set of rules can ever assure safe operations. This can only be achieved by the following safety procedures and practices:

- Unsafe Conditions and Acts – Employees must report any unsafe condition, malfunction of a safety device, or any safety hazard immediately to management.
- Good Housekeeping – Work areas should be kept clean, orderly, and free of objects that may result in accidents or injuries.
- When lifting an object, employees should remember to lift with their legs and ask for assistance. It is always better to ask for assistance rather than causing an injury.

Violation of any Company safety rule may result in disciplinary action, up to and including termination.

8.02 Accidents and Worker's Compensation

We all want M&M Excavating to be a safe and healthy place to work.

Every day an employee is at work, they are exposed to the various dangers of our business. We work very hard to select and train employees in order to minimize the risk of a serious accident. If an employee is injured while on the job, the company provides insurance to cover them. However, it is very important that accidents be immediately reported to a supervisor. Employees must report all job-related injuries and illnesses, no matter how slight, to management or the Company President immediately. Accidents not reported immediately are subject to dispute by our insurance carrier.

Should an employee become injured at work, they will be sent to a Company approved medical clinic if medical treatment is necessary. After receiving treatment, documents regarding the visit, future restrictions and any follow-up must be provided back to the Company.

8.03 Emergency Contact Notification

In the event that an M&M Excavating employee requires unscheduled medical treatment during their work shift, the Company will make every effort to reach the employee-designated emergency contact listed on their employment application, or any subsequent written updates, as soon as possible. Employees should notify the office with any additions or deletions to their emergency contact information.

Supervisors must notify the office immediately if an employee is excused from their normal work day to receive unscheduled medical treatment, providing the details surrounding the medical treatment. Office personnel will then initiate a call to the emergency contact designated by the employee, relaying this information.

****For additional safety protocols and information, please reference M&M Excavating's Safety Manual.**

EMPLOYEE HANDBOOK AGREEMENT AND ACKNOWLEDGEMENT

I certify that I have received a copy of M&M Excavating's Employee Handbook and understand that it contains important information on the general policies of the Company and on my privileges and obligations as an employee. This Handbook, revised April 2022, supersedes any previously issued handbooks or inconsistent policy statements.

I have acknowledged and will read the Employee Handbook in its entirety. I understand that failure to comply with the Company's policies and rules may result in disciplinary action, up to and including termination.

I understand that if I require clarification of any policies or procedures contained within this Handbook that it is my obligation to talk with management. I further understand that the Company may revise, change or terminate any policies, benefits, or practices described in this Handbook from time to time in its sole and absolute discretion with or without prior notice. Any change to the Handbook will be communicated in writing.

I understand that nothing in this Handbook changes my "**At-Will**" employment status.

Employee Name (Printed)

Employee Signature

Date Signed