



# EMPLOYEE HANDBOOK

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## FOREWORD

### ABOUT THE COMPANY

Thomas Concrete has a long history in producing ready-mixed concrete. We have been in the market since 1985. After 30 years of serving customers, we are one of the leading suppliers of high quality ready-mixed concrete in the Southeast. Our plant network developed over time and today we are serving our customers from more than 60 plants in Georgia, South Carolina and North Carolina, with our main office located in Atlanta. And, we are positioned for growth! By combining delivery of concrete with our wide range of services, we can provide complete and effective solutions for construction projects. We are *The Concrete Specialists*.

Thomas Concrete is a member of the Swedish, family-owned company, Thomas Concrete Group, established in 1955, operating in the USA, Germany, Sweden, Poland, and Norway. To learn more about our company and its heritage, please visit our web site at [www.thomasconcrete.com](http://www.thomasconcrete.com).

The Company is highly visible with its colors and takes great pride in its image and reputation. A clean, well-maintained fleet and the attention that its employees pay to details and service display this pride.

The people at Thomas Concrete, Team Thomas, are the ones responsible for its reputation and growth. Each employee who diligently performs their job to the best of their ability contributes daily to the growth and success of the company.

It is up to each and every one of us at Thomas Concrete to continue to enhance both the company's reputation and our own. This is accomplished by taking pride in what we do, having a professional appearance, a courteous and helpful attitude and knowledge about our jobs and the products of the company.

No one job is more important than another, and no one person is more responsible for the success of the company than another.

### EVERYONE IS SOMEONE AT THOMAS CONCRETE



## **PURPOSE OF THIS EMPLOYEE HANDBOOK**

This Employee Handbook supersedes all other manuals and handbooks previously issued.

This handbook is designed to acquaint you with Thomas Concrete and to give you a ready reference to answer questions regarding your employment with us. If you ever have a question or are unsure about anything contained in this handbook, please ask your supervisor.

The contents of this handbook, however, constitute only a summary of the employee benefits, personnel policies, and employment regulations in effect at the time of publication. This handbook should not be considered as creating any kind of “employment contract,” since the Company has the ability to add, change or delete wages, benefits, policies and all other working conditions as it deems appropriate to support the needs of the business.

As provided in the Employee Acknowledgement and Agreement, nothing in this handbook creates or is intended to create a promise or representation of continued employment. Employment at the Thomas Concrete is at-will and that may not be changed except in writing signed by the President of the Company.

## **OPEN DOOR POLICY**

If there is something about your job that is bothering you, let’s get it out in the open and discuss it. We cannot help unless we know there is a problem.

Our “Problem Solving Procedure” offers all employees the freedom to discuss anything they wish with their supervisors. If you have a problem, it can usually be resolved by following these steps:

1. Any concern should first be discussed with your immediate manager.
2. If your manager cannot solve the problem or if you are not satisfied after talking with him/her, you should ask to speak to the next level of management, or to the Human Resource Representative or General Manager in your division.
3. If you still feel the need to speak to other members of management after following Steps 1 and 2, we encourage you to speak to the Human Resources Director or to the President.

In the event you have a concern, and for personal reasons you cannot follow the steps in this procedure, you may go directly to the Human Resources Director or to the President. The Human Resources Director or the President is available for guidance and assistance in solving your problem at any time.

## **UNION FREE STATEMENT**

We are proud of our reputation, and our customers are proud of the jobs we do for them. Our competitors respect our company and our efforts. We believe a great deal of our success is directly related to the fact that we work together as a team to get the job done.

At Thomas Concrete, we believe the best way for us to keep our customers happy, ensure our place in the area market, and protect our own job security is by working closely together and directly with each other. For these reasons, we strongly believe we should continue to operate as a union-free company – without outside interference from any labor organization.

Our company has had some experience with a union. In January of 2000, the Teamsters Union won a close election among our drivers and took over the “representation rights” of our employees. Obviously,

some of our employees believed the union promises that were made to them before the election. Some of them voted based on those promises to bring the union in to our company.

After the election, our company negotiated with the Teamsters for approximately 13 months. At the end of that time, an overwhelming majority of our drivers petitioned for the Teamsters Union to “go away” and allow us to get back to working together. And, working together is what we have done ever since.

We are proud to be a union-free company and we intend to take all lawful measures to stay that way. The experience with the Teamsters Union was an unpleasant one for the company and for the great majority of our employees. We do not want to repeat those mistakes in the future.

By working together – and by letting us know if there are issues that need to be looked into – we can continue to maintain a healthy working relationship for many years to come. It’s important you let us know when there are issues that need to be addressed. And, it’s important you understand why we think it is in the best interest of all of us to remain union-free.

## **DIVERSITY**

### **EQUAL EMPLOYMENT OPPORTUNITY**

Thomas Concrete provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. Thomas Concrete complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

### **POLICY AGAINST HARASSMENT AND COMPLAINT PROCEDURE**

Thomas Concrete is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Thomas Concrete expects that all relationships among employees will be free of bias, prejudice and harassment.

It is the policy of Thomas Concrete to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Thomas Concrete prohibits any such discrimination or harassment.

Thomas Concrete encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Thomas Concrete to promptly and thoroughly investigate such reports. Thomas Concrete prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

#### **Definitions of Harassment**

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or

offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

### **Individuals and Conduct Covered**

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Thomas Concrete (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **Complaint Process**

Individuals who believe they have been the victims of conduct prohibited by this policy statement, or who believe they have witnessed such conduct, should discuss their concerns with their immediate supervisor, Human Resources or any member of management.

When possible, Thomas Concrete encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Thomas Concrete recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment. Therefore, Thomas Concrete encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

If a party to a complaint does not agree with its resolution, that party may appeal to Thomas Concrete's Director of Human Resources or President.

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

## **AMERICANS WITH DISABILITIES ACT (ADA) AND THE ADA AMENDMENTS ACT (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Thomas Concrete to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The company will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Thomas Concrete. Contact the Human Resources department with any questions or requests for accommodation.

## EMPLOYMENT

### EMPLOYEE CLASSIFICATION CATEGORIES

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and Thomas Concrete.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are not exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally managers or professional, administrative or technical staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Thomas Concrete has established the following categories for both nonexempt and exempt employees:

- Regular, full time: Employees who are not in a temporary status and who are regularly scheduled to work the company's full-time schedule of at least 40 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.
- Regular, part time: Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule but at least 20 hours each week. Regular, part-time employees are eligible for some of the benefits offered by the company subject to the terms, conditions and limitations of each benefits program.
- Temporary: Employees who are hired to supplement the workforce or to assist in the completion of a specific project for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary workers are not eligible for company benefits.

### PRE-EMPLOYMENT AND REFERENCE CHECKS

To ensure that individuals who join Thomas Concrete are well qualified and to ensure that Thomas Concrete maintains a safe and productive work environment, it is our policy to conduct pre-employment checks on all applicants who accept an offer of employment. Pre-employment checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on information obtained in pre-employment checks being acceptable to Thomas Concrete. All pre-employment checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Information is kept confidential and is only viewed by individuals involved in the hiring process.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

Thomas Concrete also reserves the right to conduct a post-employment check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

## **INTERNAL TRANSFERS/PROMOTIONS**

Employees may request consideration to transfer to other jobs or locations as vacancies become available and will be considered along with other applicants. The current supervisor's recommendation will be required for an employee to be transferred. At the same time, the company may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

Thomas Concrete offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the company's best interest.

When a job vacancy occurs, the job will be posted internally for five business days. After discussing with their supervisors, employees may use the posting process to indicate their interest in being considered for the vacant position. To be considered, employees must have a satisfactory performance record and have no disciplinary actions during the last 12 months. Qualifications, past performance, and ability of all applicants will be considered in the selection process. Entry level positions will not be posted.

Recruitment for a position may occur internally and externally simultaneously. It is intended that the posting process will be used as often as practicable as a means of filling vacant positions. Management does have the right to waive the process for key positions or when business circumstances require it. The Director of Human Resources is responsible for ensuring compliance with this policy and procedure.

## **NEPOTISM, EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS**

Thomas Concrete wants to ensure that corporate practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. Close relatives, partners, those in a dating relationship, or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in law, grandfather, grandmother, son, son-in-law, daughter, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins, and domestic partner relatives.

If employees begin a dating relationship or become relatives, partners or members of the same household, and if one party is in a supervisory position, that person is required to inform management and Human Resources of the relationship.

Thomas Concrete reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

## PROGRESSIVE DISCIPLINE

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Every employee also has the responsibility to perform their duties to the best of their ability and to the standards as set forth in their job description or as otherwise established.

Thomas Concrete supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, human resources best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. Thomas Concrete reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines Thomas Concrete's progressive discipline process:

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is maintained by the supervisor.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Written warning with suspension:** Whenever an employee has been involved in a disciplinary situation that has not been resolved or the nature of the offense is such that a strong message needs to be sent, the employee may be given a written warning with suspension, which will serve as a final warning. Failure to improve immediately will result in discharge.

Thomas Concrete reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

## SEPARATION OF EMPLOYMENT

Separation of employment within an organization can occur for several different reasons.

- **Resignation:** Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization. Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.
- **Retirement:** Employees who wish to retire are asked to notify their manager as far in advance as possible before the planned retirement date.
- **Job abandonment:** Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at

the end of their normal shift on the third day. The supervisor shall notify the human resources department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire.

- Termination: Employees of Thomas Concrete are employed on an at-will basis, and the company retains the right to terminate an employee at any time.

### **Return of Company Property**

The separating employee must return all company property at the time of separation, including uniforms, cell phones, keys, PCs and identification cards. Failure to return some items may result in deductions from the final paycheck. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck.

### **Termination of Benefits**

Health insurance benefits terminate on the date of termination. Information for continued health coverage under COBRA (Consolidated Omnibus Budget Reconciliation Act) will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month.

### **Rehire**

Former employees who left Thomas Concrete in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the human resources department, and the applicant must meet all minimum qualifications and requirements of the position.

Supervisors must obtain approval from the human resources department prior to rehiring a former employee. Rehired employees must meet the eligibility requirements for benefits just as any other new employee.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will not be eligible for rehire.

## WORKPLACE SAFETY

### DRUG-FREE WORKPLACE

Thomas Concrete has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Thomas Concrete is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Thomas Concrete. The Human Resources and Safety departments are responsible for policy administration.

#### Employee Assistance and Drug-Free Awareness

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resources department, whose members have been trained to make referrals and assist employees with drug/alcohol problems.

Thomas Concrete will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued vacation, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

#### Related Work Rules

The following work rules apply to all employees:

- Whenever employees are working, are operating any company vehicle, are present on company premises, or are conducting related work off-site, they are prohibited from:
  - Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
  - Being under the influence of alcohol or an illegal drug as defined in this policy.
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
- Thomas Concrete will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## Required Testing

The company retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test within 72 hours of receiving an offer and before beginning work. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human Resources or Safety must be consulted before sending an employee for reasonable suspicion testing.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a company vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within four (4) hours following the accident, if not sooner.
- **Random:** Thomas Concrete will randomly test employees for compliance with its drug-free workplace policy. As used in this policy, "random testing" means a method of selection of employees for testing, performed by an approved software or an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the Company has no discretion to waive the selection of an employee selected by this random selection method.

## Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated.

Employees who are tested for reasonable suspicion or post-accident will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, the employee will be contacted. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

## Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## Inspections

Thomas Concrete reserves the right to inspect all portions of its premises and equipment for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

## Crimes Involving Drugs

Thomas Concrete prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

## WORKPLACE BULLYING

Thomas Concrete defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the company Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the company will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. Thomas Concrete considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person’s work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

## WORKPLACE VIOLENCE POLICY

All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate will not be tolerated. Thomas Concrete resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. Thomas Concrete treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, Human Resources, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Thomas Concrete will not retaliate against

employees making good-faith reports. Thomas Concrete is committed to supporting victims of intimate partner violence.

Thomas Concrete will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Thomas Concrete will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Thomas Concrete may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Thomas Concrete encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. Thomas Concrete will not discipline employees for raising such concerns.

## **WHISTLEBLOWING POLICY**

Thomas Concrete is committed to maintaining the highest standards of honesty, openness and accountability.

Employees will usually be the first to know when someone inside or connected with an organization is doing something illegal, dishonest or improper, but may feel apprehensive about voicing their concerns. Thomas Concrete does not believe that it is in anyone's interest for employees with knowledge of wrongdoing to remain silent.

This document sets out Thomas Concrete's policy and procedures by which you can report your concerns and be sure they are acted upon. The whistle blowing policy statement is intended to act as a deterrent to fraud or other corruption or serious malpractice; it is also intended to protect Thomas Concrete's business and reputation.

### **Policy Statement**

Thomas Concrete takes all malpractice very seriously, including malpractice committed by an employee, supplier, customer, competitor, or a contractor.

This policy statement applies to all permanent and temporary employees, agents, and contractors. It is intended to complement statutory protection and, for the avoidance of doubt, statutory rights will not be affected in any way by this policy.

Thomas Concrete expects all employees to uphold the Group's Code of Conduct and principles and to report suspected malpractice.

Malpractice includes (but is not limited to):

- Fraud, corruption, bribery or other malpractice, which could lead to a financial loss to Thomas Concrete
- Criminal offences (theft, drug taking, etc.) or breaches of civil law
- Endangerment of the health and safety of any person
- Environmental damage

- The deliberate concealment of any malpractice
- Conduct likely to prejudice the standing of Thomas Concrete

### **How to raise your concerns**

You can make a report orally or in writing. Normally, you should inform your immediate manager or their manager. Alternatively, you may contact the human resources representative in your division or the human resources director for Thomas Concrete, who will act as an independent source of advice and assistance within the company.

### **Proof of wrongdoing**

Thomas Concrete does not expect you to have absolute proof of any malpractice that you report. However, you will need to be able to explain the reasons for your concern and Thomas Concrete will not tolerate deceptive or insignificant allegations. If you make an allegation which you think is genuine, but is not proven, no action will be taken against you. If, however, you maliciously raise an unfounded concern, then disciplinary action may be taken against you.

### **Investigating the case**

Once you have made a report, an independent senior manager will conduct a preliminary inquiry as confidentially as possible. The amount of contact between the senior manager and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. Thomas Concrete will do everything possible to keep your identity as confidential as possible during the investigation. You may assume that only the individual you reported the wrongdoing to, the human resources representative, and the senior manager investigating the malpractice concern will know your identity.

Circumstances may exist (for example, if your report becomes the subject of a criminal investigation) where you may need to be a witness, or once the investigation is complete, the findings may need to be communicated to the individual(s) concerned (see below). Should this be the case, we will discuss the matter with you at the earliest opportunity.

### **Anonymous allegations**

The policy encourages individuals to put their name to the allegations. However, it is understood that some people may wish to remain anonymous. Concerns expressed in this way are much less powerful, but will be considered, at the discretion of the human resources director and a member of senior management.

### **Communication of findings**

Subject to legal constraints, Thomas Concrete will communicate the findings of the investigation to you, as the person raising the report; the individual(s) under investigation; and, if appropriate, those members of Thomas Concrete's management or external authorities who need to consider whether action should be taken.

As with any case where an employee is found to be involved in wrongdoing, they will be dealt with effectively in accordance with our policies and employment law.

## **Victimization**

Thomas Concrete will not tolerate harassment or victimization and will take action as stated above to protect you when you raise a concern in good faith.

If you receive reprisals from those responsible for the malpractice or any other employees, they may be disciplined under Thomas Concrete's procedures.

## **How this matter can be taken further**

If you are unhappy with the outcome of an investigation, you should submit another report explaining why this is the case to the Human Resources Director or the President. Your concern will be investigated again if there is a good reason to do so.

## **WORKING SAFELY**

The safety of the general public on the highways and the safety of every employee, customer, vendor, visitor and guest at each company location, including jobsites, are of primary importance. It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with a client.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events and medical crises.

Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow company safety and health guidelines or engaging in conduct that places the employee, client or company property at risk can lead to employee disciplinary action and/or termination.

## **Workers' Compensation Insurance**

Workers' Compensation insurance provides benefits to employees who experience injury or illness connected with employment. To be eligible for Workers' Compensation benefits, the injury must be a direct result of the job. Benefit entitlements are governed by law, but it is essential that you report all work-related accidents, injuries, and illnesses immediately.

The Company actively investigates all claims suspected to be fraudulent. Abuse of the Workers' Compensation system can cause a severe negative economic effect to the Company and, in turn, your co-workers. We will pursue all available legal action against any employee found to have engaged in fraudulent conduct. Filing a false or fraudulent claim is also a violation of Company policy, and will result in termination of your employment.

## **Accident and Injury Report Procedures**

If you are in an accident and it is warranted, your first response should be to call 911.

Report all accidents and injuries immediately to your supervisor. Accident and injury reports must be submitted to the Safety Department within 24 hours. In the event that the operator of a company vehicle is involved in any accident involving another vehicle, property damage or injury, it must be reported immediately to your supervisor or another member of your management team by radio or telephone. Failure to report any accident or injury could result in termination of employment.

Be prepared to give your location, direction of travel, the nearest cross street, and what city or county so that the proper authority can be called. Inform the company of the nature of the accident and any possible injuries. Follow the instructions given by the manager.

Use the Vehicle Accident Report Packet to exchange information on the other vehicle(s) involved and their insurance coverage. Cards are included to obtain information on witnesses to the accident.

Do not make any statements to anyone other than to the police officer on the scene or to a company official. Give only your name, driver's license and company insurance information.

If you are not in danger, stay near your vehicle to listen for instructions. Do not leave the scene of an accident unless told to do so by the police, your manager, or a company official. Complete an accident report immediately upon returning to the plant.

### **Accident/Injury/Damage Review**

The company will immediately investigate each vehicular accident, damage or injury claim, including injuries to an employee covered under Workers' Compensation.

The safety manager or other designated person is to perform the investigation and obtain the necessary information from all parties involved to determine what caused the accident, injury, or damage, if it was preventable, and what steps, if any, need to be taken to prevent reoccurrence.

The results of the investigation are to be reviewed by the safety manager, plant manager, area manager and/or the fleet manager as warranted by the nature of the claim, and a decision made whether the claim should be chargeable or not chargeable to the employee involved. If the decision is that the claim is chargeable, it will become part of the employee's personnel file.

### **Cellular/Mobile Phone Usage**

#### Commercial Vehicles and Heavy Equipment

A driver or operator of a commercial motor vehicle (i.e. any vehicle with a gross vehicle weight of 10,000 lbs. or more) or of any piece of heavy equipment ("commercial vehicles") is prohibited from using a cell phone or any accompanying equipment (e.g. ear pieces or hands-free devices) for any reason while driving or operating a company commercial vehicle or any other commercial vehicle while on company business. This prohibition applies regardless of where the commercial vehicle is being driven or operated. Anyone accompanying that driver is also prohibited from using a cell phone or any accompanying equipment for any reason while riding with that driver. An employee's failure to follow this policy for commercial vehicles may be grounds for termination.

#### Passenger Vehicles and Small Trucks

The following apply to the use of cell phones by drivers of cars and small trucks ("passenger vehicles"):

- The cell phone use must not violate any laws applicable where the cell phone is being used. Employees are responsible for any fines or penalties imposed for violations of any such laws. The company will not reimburse employees for such fines or penalties.
- Drivers of passenger vehicles may use cell phones only if the cell phone is used entirely in a "hands free" manner whenever the vehicle is in motion. For this policy, "hands free manner" means:
  - To answer a call, the driver need do nothing more, and does nothing more, than push a button within easy reach of the driver, such as on the steering wheel, steering column, driver's side visor, rear view mirror, ceiling console above the rear view mirror or the

- vehicle's console and/or state a voice command recognized by the vehicle's hands free system<sup>1</sup>
  - the driver need not, and does not, hold or handle the cell phone at any time from the call's inception through the end of the call
- While a passenger vehicle is moving, the driver may not look at a cell phone to:
  - see who may be calling,
  - see who may have called,
  - locate contact information for anyone within the cell phone
  - read or review an incoming, or compose or send an outgoing, text message in any form, whether via email, instant message or through any other means of sending a text message, or
  - see who may have sent an email or other text communication.
- Before answering a call, the driver of a passenger vehicle must assess traffic and surrounding conditions and answer the call only when safe to do so. Factors a driver should consider to determine whether it is safe to answer or make a call include the weather, how congested traffic is, and whether driving decisions are imminent (i.e. when approaching turns, changing lanes, looking for streets or addresses etc.).
- When receiving a call, keep the conversation brief, and advise the caller that the call will have to be returned when it is safe to do so. Outgoing calls must only be conducted when the vehicle is pulled off the road and parked in a safe location
- Drivers are encouraged to keep calls within a passenger vehicle to a minimum.
- If a cell phone cannot be used as described above, the driver of a passenger vehicle may not answer a phone call unless the vehicle is stopped in a safe place.
- The prohibitions above do not apply to passengers within a passenger vehicle, who may use their cell phones in any manner that does not distract the driver of the vehicle from safely operating the vehicle.

### Emergencies

In an emergency, a driver may use a cell phone as the driver believes circumstances require. An emergency means any situation in which the driver believes it necessary to dial 911 (or any similar emergency number) or when the driver believes that a person has been or may be injured or killed or that substantial property damage has occurred or may be imminent.

### **General Safety Rules**

Safety rules are put in place to protect our employees. Injuries impose severe burdens on employees and their families. They often result in loss of pay, and can lead to permanent disability or disfigurement.

The observance of the following fundamental safety rules should impose no hardship on anyone. It will make Thomas Concrete a better and safer place to work, and a better place for our customers to do business with.

### Chemicals / Spills / Storage

- All gasoline and other flammable liquids must be stored in an approved and properly labeled safety container.
- All gasoline or oil soaked rags and papers must be disposed of in approved safety containers. When no such containers are available, contact your supervisor.

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<sup>1</sup> Either original equipment or aftermarket installed.

- Clean up any spill immediately.
- Be aware of the location of safety showers and eyewash stations.
- Do not move eyewash stations from their assigned locations. Have eyewash stations restocked after use.
- Separate flammable liquids from other inventory and secure them in a separate structure or fireproof cabinet.
- Familiarize yourself with your location's MSDS - Material Safety Data Sheets.
- Do not deface, remove or alter any safety postings or warnings, hazardous material labels, or any manufacturer's safety data sheet.

#### Electrical

- Close panel doors when not in use.
- Keep 36 inches of clearance in front of electrical panels.
- Only qualified persons may perform electrical troubleshooting or repair.
- Replace frayed electrical cords.

#### Exit and Egress

- Keep all exit ways clear.
- Familiarize yourself with exits close to your work area.
- Ensure all exits are properly marked.

#### Fire Safety

- Do not move fire extinguishers from their assigned locations.
- Do not smoke in posted no smoking or near flammable areas such as fuel islands, lubricant storage areas, propane tanks or painting areas.
- Familiarize yourself with firefighting and evacuation procedures.
- Ensure fire extinguishers are regularly checked and in good service.
- If you use a fire extinguisher, regardless of the type, it must be reported to your supervisor and exchanged for a full extinguisher.

#### General

- Be alert for vehicles when on a plant site and listen for back-up horns.
- Do not disable or tamper with any safety device or control installed on any equipment or tool.
- Do not move first aid stations from their assigned locations. Have first aid stations restocked after use.
- All hand tools and portable tools must be in good repair.
- Use the proper tool for the job to be performed and understand the correct method of operating all tools.
- Extension or drop cords should not be placed in areas where they will create a tripping or other hazard.
- All stored materials must be stacked properly on a firm and even foundation. Stacks must not be allowed to reach a hazardous height.
- Disorderly conduct, running, or horseplay can be hazardous and are not permitted.
- Learn and use proper lifting methods. Use your legs to lift and not your back. Get assistance with heavy items.
- If you see another employee working unsafely, approach the employee to discuss your concern.

#### Guarding and Machinery

- All guards must be in place when machines are in operation.
- All standard safety procedures must be followed when starting, stopping, or changing the speed of machinery. Operators must ensure proper clearance of other individuals, debris, and materials.
- Do not wear loose clothing around machinery. Employees may also be prohibited from wearing items such as rings, bracelets, or necklaces that could catch or create electrical contact points or get caught in machinery.

- Do not put hands or feet into moving machinery.
- Machines that are unsafe must not be operated. Equipment must be tagged out of service and employee must notify his/her supervisor immediately.

#### Housekeeping

- Implement a regular housekeeping procedure.
- Keep the work area clean of clutter and debris.
- Maintain adequate trash receptacles.

#### Ladder Safety

- Always use three points of contact.
- Do not use chairs, desks, boxes, racks, or anything else not designed or intended for use as a ladder for climbing.
- Inspect any ladder prior to use.

#### Lock Out/Tag Out/Try Out

- Only authorized employees may perform Lock Out/Tag Out.
- All hazardous energy sources must be identified and de-energized prior to any equipment service or repair.

#### Mobile Equipment

- All mobile equipment must be equipped with a backup alarm.
- Cell phone use while operating mobile equipment is prohibited.
- Do not climb onto any equipment while it is operating or any vehicle while it is in motion.
- Do not operate any equipment while taking prescribed medication that can make you drowsy.
- Only trained and qualified personnel may operate mobile equipment.
- Shut off and allow engine to cool prior to service.
- Shut off equipment prior to fueling.
- Wearing headphones while operating mobile equipment is prohibited.
- The speed limit is 5 mph on the plant property.

#### Personal Protective Equipment

- Basic PPE is required at all times
  - Hard hat
  - High visibility vest / uniform
  - Safety boots
  - Safety glasses / goggles
  - Seat belt while operating any piece of mobile equipment
- Additional PPE
  - Hearing protection - when jackhammering, grinding, performing electrical work
  - Respirators - when respiratory hazards exist (i.e., chipping concrete, grinding, painting, or handling chemicals)
  - Welding mask, sleeves, and gloves - when welding

#### Pressurized Container Storage (i.e., Welding Tanks)

- Securely chain all pressurized tanks.
- Separate and label oxygen and acetylene tanks.

### Reporting

- Report any chemical, paint, fuel, oil or lubricant spill over one gallon immediately.
- Report any defective equipment, safety device, or control immediately.
- Report any unsafe practice or condition immediately.
- Report any work related accident or injury to your supervisor immediately (including those involving company vehicles), regardless of severity.

### Working at Heights

- Fall protection is required when the fall exposure is over six feet.
- Wear approved safety harnesses and lifelines whenever working on top of material silos.
- Never work on top of material silos without a partner to monitor the lifeline in the event of an emergency.

### **Searches and Inspections**

In order to protect the safety and property of all our employees, the Company reserves the right to inspect employees' lockers, desks, cabinets, briefcases, toolboxes, purses, personal computers, personal motor vehicles and any other personal belongings brought onto Company property. Employees are expected to cooperate in any search. Failure to cooperate will result in disciplinary action up to and including termination of employment.

All files and records stored on Company computers are the property of the Company and may be inspected at any time. Company computers are for business purposes only and should not be used for non-work related matters. Use of Company computers for unauthorized purposes is prohibited. Electronic mail and voice mail messages are to be used for business purposes only and are considered Company property. The Company may access these items at any time with or without prior notice and the employee should not assume that such messages are confidential.

### **Weapons, Fireworks and Explosives**

The possession, transportation, buying, selling, distribution or use of fireworks, explosives, firearms, knives other than pen or pocket knives, other lethal or non-lethal weapons (including chemical disabling agents such as mace, pepper spray, or tear gas) on company property, in a company vehicle or on company time is prohibited. Any firearm exception for a customer event must be approved by the Divisional VP.

Violation of this policy may result in disciplinary action, up to and including termination of employment.

## WORKPLACE EXPECTATIONS

### END-USER TECHNOLOGY AGREEMENT AND INFORMATION SECURITY POLICY

Any employee with access to a company computer and/or phone will be required to read and sign a copy of the End User Technology Agreement.

Upon learning of violations of this policy, employees should notify their immediate supervisor, human resources or any member of management. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

The employee agrees to return to Thomas Concrete all property owned by or belonging to Thomas Concrete upon the termination of his/her employment with the Company. This includes documents, software and other media containing or reflecting any proprietary information. In addition, the employee expressly agrees to not copy, forward, or transfer any data or documents to any kind of thumb drive, compact disc, DVD, portable storage, external hard drive or other device without express written permission from the Thomas Concrete IT Manager.

#### General Computing Policy

This policy applies to the use of computers and networks of Thomas Concrete, hereafter referred to as the Company.

The Company provides computer and network systems for employees solely for the use of performing company related duties. Provided equipment is considered company resources and is intended for business purposes only. Usage may be monitored, at any time, for unapproved activity. Engaging in prohibited actions will lead to disciplinary procedures.

Prohibited actions include, but are not limited to:

- Accessing, browsing, or altering software, hardware, communications or data belonging to others without written authorization.
- Using computers for non-company purposes, such as running an independent business.
- Modifying any system configuration, startup files, or applications, without the explicit written permission of the IT Department. If any modifications are deemed necessary, request should be submitted to [helpdesk@thomasconcrete.com](mailto:helpdesk@thomasconcrete.com) for review and approval.
- Installation of any type of software or applications on company devices.

#### Confidentiality of Information

All company data should be treated as confidential data and not be shared with unauthorized users or external parties without written consent from supervisor.

#### Software and License Agreements

Thomas Concrete purchases licenses for various software for business purposes. Using software on multiple machines is prohibited unless approved by the IT department and the compliance with current software license agreement.

#### Equipment Policies

Any company provided equipment is to be used only for business purposes. Employees are not allowed to place copies of personal software or data on company computer equipment. All equipment should be

treated with respect and safeguarded at all times. Equipment should not be left unattended and should be handled in a manner as to not impose damage. Failure to comply with policy could lead to disciplinary actions, as well as prohibited use of equipment in the future.

### **Office and Company Provided Phones**

Remember that every time you use the telephone, you are representing Thomas Concrete to the outside world. Always convey a positive attitude. While at work, employees are expected to exercise discretion when using company provided phones. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others.

### **Cellular / Mobile Phones and Devices**

Where job or business needs demand immediate access to an employee, the company may issue a business cell phone to an employee for work-related communications. Employees in possession of company equipment are expected to protect the equipment from loss, damage or theft. Upon termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work. Abuse of this privilege may lead to disciplinary action.

The supplied phone has tethering capabilities however the phone plan does not include unlimited data, thus tethering/internet usage should be used wisely. Excessive usage of data for non-business reasons will be charged back to the employee at cost. This plan comes with limited data and should be carefully monitored. The company internet usage policy mentioned herein applies to all company issued mobile devices and should be adhered to.

Outside warranty related items, Thomas Concrete will not be responsible for any physical damage or damage as a result of misuse from the issued party. Damages to the phone due to negligence or misuse will be the responsibility of the designated employee assigned to the device. To help prevent unnecessary damage, device should be maintained in a supplied carrying case and treated as your own personal device in terms of care.

All newly assigned devices, to include, but not be limited to smartphones and tablets will be managed using a MDM (Mobile Device Management) solution. This solution is to help maintain the internet policy discussed herein and is also used to push needed applications. Upon misuse to any policies mentioned herein the MDM system will notify you of this infraction and ask that you change your device to correct the issue, which can include, but not be limited to Apps downloaded and smart device settings changed. MDM will give you a set amount of days to correct the issue. If the issue is not corrected in the set amount of time, the employee may be asked to turn in his/her device for inspection.

### **E-mail Use Policy**

E-mail is provided to employees solely for their use in performing their company-related duties. It is important to understand that e-mail files are company property and may be reviewed under the appropriate circumstances.

It is prohibited to transmit any e-mail over the Company systems that contains any illegal, harassing, defamatory, insulting, vulgar, rude, disruptive, offensive, derogatory, harmful or immoral content. Prohibited transmissions include anything that could be deemed harassing or disparaging based upon sex, sexual orientation, race, ethnicity, national origin, or religious or political beliefs. This includes jokes that could potentially be considered offensive by any part.

E-mail should be professionally written with a professional tone.

In the case of termination, incoming e-mail messages may be forwarded internally to those the company considers appropriate.

### **Internet Use Policy**

Company provided internet and email privileges are considered company resources and are intended for business purposes. Usage may be monitored for unusual activity. Failure to comply with policy will result in disciplinary action, up to and including termination.

#### It is prohibited to:

- Visit internet sites that contain obscene, hateful or other potentially objectionable materials.
- Engage in any fraudulent, harassing, embarrassing, sexually explicit, obscene, intimidating defamatory, or other unlawful or inappropriate material, whether through transmission of e-mail, involvement in chat room, or any other form of electronic communication.
- Solicit non-company business for personal gain and/or profit.
- Use the internet for any illegal purpose.
- Represent or express personal opinions as those of the Company.
- Make or post indecent remarks, proposals, or materials.
- Download any software or files without permission from the IT Department. Work related documents such as .pdf-files are excluded from this.
- Intentionally interfere with the normal operation of the network including sustained high-volume network traffic which might substantially hinder others in their use of the network.
- Reveal or publicize confidential or proprietary information. This includes, but is not limited to: Financial information, new business ideas, strategies and plans, customer information, technical product information, and business relationships.

Limited personal use of the Internet is allowed, however, the employee-user is reminded that use of any and all Thomas Concrete property is primarily for the purpose of Thomas Concrete business. Any personal use of the internet is not to interfere with the person's job responsibilities.

Thomas Concrete will report any illegal violations to the appropriate authorities.

### **Security – Protect Yourself**

Each network account is assigned to one individual who is solely responsible for all computer usage under that account. When any prohibited activity is detected, the company will pursue the owner of the account. Always protect your account information and do not share your password with anyone.

Thomas Concrete may monitor certain traffic and activity and there should be no expectation of privacy in the use of telecommunications and computer technology. As a user, you waive your rights to privacy in the usage of company technology. Company representatives are allowed to access and review any data owned by the company.

## **Security – Password Requirements**

Your Active Directory (Windows) password needs to be at least 7 characters. Please pick passwords that are not easy to guess. Every 42 days you will be asked to change your password. The system will keep up with this and lock your account out if the password hasn't been changed. You cannot reuse a password that has been used the previous 5 times. This is a function that is there to protect you and your sensitive data from unauthorized access.

## **“Bring Your Own Device” (BYOD) Access and Support**

An employee might choose to bring their own personal device such as a phone, tablet or computer to work. The employee cannot expect to be reimbursed for doing so unless an agreement exists.

Thomas Concrete IT will not support non-company owned devices and will not provide network access. If you have a Thomas Concrete e-mail account, you are allowed to connect to the Exchange server with your personal device only if you have a pin code or password and make reasonable efforts to protect sensitive company data.

Thomas Concrete reserves the right to at any time disconnect your device from exchange server and wipe e-mail data.

## **GENERAL RULES OF CONDUCT**

Every city, nation and society has rules for the orderly conduct of business. People cannot live and work together successfully and enjoyably without order.

Our Company is the same way. We need to have certain reasonable policies and rules for the conduct of our business. Our most important rule is the "rule of reason." The following portions of this handbook focus on basic rules that should not be violated under any circumstances. Violation of any of these basic rules, the policies in this handbook, or any other policy of the Company may lead to discipline, up to and including immediate termination. Obviously, this list is not all-inclusive and there may be other circumstances for which employees may be disciplined. If you have any questions about these basic rules, or what we expect of you as one of our employees, please discuss them with your supervisor.

The Company's identification of these rules does not alter the at-will nature of your employment. Described below are the basic rules, which we expect our employees to follow. This list is not all-inclusive, but should provide employees with an overview of what is expected from them. You have the right to terminate your employment at any time, with or without cause or notice, and the Company has a similar right.

### **Job Performance**

Each employee is required to perform all regular and assigned work and duties in a safe, timely, competent, professional and courteous manner without interfering with the work or duties of others.

### **Attendance Requirements**

The nature of our business requires that each employee report on time every working day dressed and mentally and physically ready to work. Regular and on-time attendance is a condition of your employment. The Company expects you to report for work regularly and on time, but we will also try to accommodate your occasional needs to be absent during work hours.

An attendance record of at least 95% must be maintained for continuing employment. Employee attendance records will be based yearly April 1 through March 31. On April 1, every employee will have

attendance of 100%. Employees hired during the year will have their attendance record calculated from their first date of employment.

Any employee whose attendance drops below 95% at any time may be subject to disciplinary action, up to and including termination. This 5% allowance in attendance is intended to accommodate employees with infrequent and unanticipated short-term events, such as minor illness, family emergencies, transportation difficulties or personal business that cannot otherwise be scheduled during non-working hours.

If you are unable to report to work for any reason, or you will be late, you should notify your manager or supervisor before your regular starting time.

Absences of three consecutive working days without notice, or failure to return to work on schedule following a leave of absence, will be considered a voluntary quit.

Absences of five consecutive working days that cannot be covered under any leave of absence policy will result in termination of employment.

If you need to leave work early, you should notify your supervisor in advance. Attendance or tardiness problems will be called to your attention and may result in disciplinary action, up to and including termination.

The company has a "no-fault" attendance policy. Regardless of the reason, all absences, tardiness and time off (including disciplinary suspension) will be counted against an employee's attendance record with the following exceptions, subject to the company policy for each.

- Bereavement Leave
- Jury duty
- Military duty
- Time lost due to an injury or illness covered under Workers' Compensation and/or the Family and Medical Leave Act
- A leave of absence authorized in writing by the company

Except for bereavement leave and jury duty, all leaves of absence are unpaid.

### **Reporting Time**

The reporting time for each employee may vary according to the daily business schedule. Each manager may either set the schedule or inform an employee by the end of the shift of the reporting time for the following day. The employee is responsible for knowing his/her reporting time for the following day before he/she leaves work.

Each employee is to report dressed and ready for work at or before the scheduled reporting time. An hourly employee may not clock in more than seven (7) minutes prior to the scheduled reporting time unless specifically authorized to begin work for the day by the manager. An employee clocking in seven (7) minutes after the specified reporting time will be recorded as a late arrival.

### **Proper and Adequate Notice**

In the event that an unforeseen event occurs overnight or between shifts, the employee is to personally call the company at or before the scheduled reporting time to report to his/her direct supervisor of the circumstances and when the employee will be able to report.

Call-ins from someone other than the employee will only be accepted in the event that the employee is incapacitated or is physically unable to get to a telephone. Unless prior arrangements have been made on a continuing situation, an employee must call in each and every day absent or late.

### **Failure to Report to Work**

Any employee failing to report dressed and ready for work within one hour of the scheduled reporting time without proper and adequate notice given to his/her direct supervisor may be suspended without pay for the remainder of the day and charged with an absence regardless of the reason for the absence.

### **End of Shift Time**

The end of shift time is dependent upon the shipping schedule and the volume of business each day. No employee is permitted to clock out or leave work before the end of the shift without the permission of a supervisor or manager.

### **Callback Time**

In the event that an employee is called back to work after being authorized to leave at the end of the shift, the employee will have the end of shift time for that day changed to the time that the employee completed the call-back shift.

### **Saturday Work**

Saturday is a regular workday for plant employees. Plant employees may be required to work at other locations even if the plant to which they're assigned does not have orders. Unless told not to report, any absence on a Saturday will be counted against an employee's attendance record.

### **Overtime**

The Company may periodically schedule overtime work in order to meet customer and production needs. We will attempt to give as much advance notice as possible, and we expect that all employees who are scheduled to work overtime will be at work, unless excused by their supervisor. All overtime work must be requested or pre-approved by your supervisor or Department Manager. **Working overtime without your supervisor's or Department Manager's approval may result in discipline, up to and including termination.**

### **Requesting Time Off**

In the event that an employee has to schedule an appointment for personal business during working hours, such time off must be coordinated with the plant manager or supervisor and may be subject to the demands of business at the plant or department location. All such time off will be counted against the employee's attendance record.

### **Company Property and Vehicles Ownership of Concrete**

The ownership of ready mix concrete in transit belongs to the company. No employee is to deliver or cause to have delivered any concrete to a location other than the location specified on the delivery ticket, with or without compensation, unless specifically authorized by the plant manager or dispatcher.

This policy specifically includes the disposition of all concrete left over from the jobsite.

### **Ownership of Recyclable Materials**

Any materials, metals, used parts or equipment removed or salvaged from company equipment, vehicles or other property, which may have a value when recycled, is the property of the company and shall not be sold, traded, conveyed or otherwise disposed of, with or without compensation, without the expressed authorization of the President of the company or his designee.

All proceeds from the sale of such recyclable materials are the property of the company.

### **Personal Use of Company Property**

No employee shall use any company property for any reason other than the purpose of conducting the business of the company. This policy includes, but is not limited to, company vehicles other than small fleet, equipment, materials, supplies, tools, telephones, communication networks, reproduction and copy equipment.

### **Personal Use of Shop Facilities**

Except for emergency services required to start an employee's personal vehicle, the use of company shop facilities for the repair, rebuilding, reconditioning or restoration or any employee's personal vehicle is prohibited.

### **Employee Parking**

Employees park at their own risk. The company will not be responsible for any damage resulting from dust, grit, stone or other materials or by-products of the manufacturing process. By allowing employees to park on company property, the company assumes no liability for damage, theft or loss of any personal vehicle or contents.

Employees driving their personal vehicles to work are required to park only in the designated areas at each plant location. No personal vehicles are permitted to be parked on a plant yard at a location with off-site parking facilities. The company will not be responsible for any damage to an employee's personal vehicle caused by company equipment when the vehicle is not parked in the designated area.

### **Trespassing on Company Property Prohibited**

Persons entering on company property who are not on company time or company business will be considered to be trespassing. Any manager or supervisor shall have the authority to have such person or persons removed from the property. No employee is to invite any person onto company property except for the purpose of conducting the business of the company.

### **Personal Business on Company Property**

The conduct of any personal business on company property or company time is prohibited and may result in disciplinary action up to and including termination.

### **Damage to Company Property**

Truck, tire, or equipment abuse resulting from rough or careless operation, failure to follow pre-trip procedures, failure to inspect jobsites properly before proceeding in, or other actions or lack of actions that may cause or contribute to abnormal wear and tear, downtime, or repair costs will not be tolerated.

The Company will investigate all cases of truck, tire, or equipment abuse. Truck, tire or equipment abuse may result in disciplinary action, suspension or discharge from the company depending upon the nature, extent and circumstances surrounding the abuse.

### **Inclement Weather**

In the event that inclement weather affects an employee's ability to report to work at the scheduled reporting time, the employee should contact his or her department manager or the office manager for reporting instructions. Since inclement weather can affect some and not all of the metro areas, those employees who can travel safely should report at their scheduled times.

At the discretion of management, the company maintains the right to determine whether time missed as a result of inclement weather will count as day(s) missed or if an employee is eligible to take a vacation day(s). If an employee does not personally call his/her direct supervisor at or before the scheduled report time, the time missed will count as day(s) missed against attendance.

### **Outside Employment**

The company considers itself to be the primary employer for all full-time employees. Although outside employment is permissible, it must be regarded as supplemental.

No employee is to engage in any outside employment that may involve a conflict of interest, such as employment with a competitor, customer or vendor, or which may embarrass or reflect discredit on the company, or which conflicts with scheduled hours or overtime hours when required, or the performance of an employee's job duties and assignments, including transfers.

### **Smoke-Free Workplace**

It is the policy of Thomas Concrete to prohibit smoking in certain areas in order to provide and maintain a safe and healthy work environment for all employees. No smoking (including e-cigarettes or other nicotine emitting devices) is allowed in any facility, except in specifically posted smoking areas.

The smoke-free workplace policy applies to:

- All areas of company buildings
- All small fleet vehicles
- All visitors (customers and vendors) to the company premises
- All contractors and consultants and/or their employees working on the company premises
- All employees, temporary employees and student interns

Employees who violate the smoking policy will be subject to disciplinary action up to and including termination.

### **Solicitation and Distribution**

Our main job at Thomas Concrete is to give our customers the best service possible. In order to allow employees to provide the Company's customers and their jobs with their undivided attention, the solicitation by an employee of another employee for the support of any organization is prohibited during the working time of either employee. In addition, the distribution of advertising materials, handbills or other literature is prohibited in all working areas and sales areas at all times. E-Mail, facsimile machines, and voice mail may not be used to advertise or solicit employees. Similarly, non-employees may not come on the Company's property at any time to solicit for any cause or distribute material or literature of any kind for any purpose.

### **Transfers**

The business needs of the company may vary from plant to plant over a period of time or on a seasonal basis. For this reason, the company has the right to transfer an employee to another plant or company operation within its metropolitan service area at any time, with or without notice. An employee may request a voluntary transfer to another plant, but the timing or granting of such transfers are subject to the business needs of the company.

Failure or refusal to report dressed and ready for work at a new assigned plant or company operation may constitute job abandonment.

## **Uniforms and Proper Work Clothing in the Plants**

An employee will not be permitted to clock in or begin work for the day unless properly dressed and wearing the required PPE.

Each employee is to maintain a professional appearance and good grooming. Clothing at work may not contain any advertising, pictures, logos, buttons, slogans or other messages unless supplied by the company.

Shirts must be worn at all times, buttoned and tucked in. Short pants and the wearing of torn, tattered or dirty clothing are prohibited.

Each plant employee or visitor is to wear hard-toe safety boots that cover the ankle while on company property or company time. Street shoes, loafers, sandals, tennis shoes and other soft footwear are prohibited. Plant employees will receive an annual reimbursement of up to \$100.00 (receipt required), or will be given a voucher to obtain required footwear.

Each professional driver, yard employee and mechanic is to wear the company uniform when issued. New employees not yet assigned uniforms and employees not required to wear uniforms must wear clothing appropriate for the job assigned. The Company will share in the uniform costs, however, any lost or stolen uniforms are the responsibility of the employee to whom the uniforms are assigned.

Additionally, any damages to uniforms that are not considered a result of customary and ordinary usage will be the responsibility of the employee. Upon termination of employment, it is the responsibility of the employee to return all garments in good condition on or before the regularly scheduled date of issue for the final paycheck. For any garments not returned, or returned damaged, the cost of replacing such will be deducted from the employee's final paycheck. If sufficient funds are not available from the paycheck, the employee will be responsible for paying the non-available balance within thirty days of termination of employment.

## **Dress and Grooming Policy in Office Environments**

Thomas Concrete strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, the company requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, Thomas Concrete department heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas. Also, guidelines may limit natural or artificial scents that could be distracting or annoying to others.

Thomas Concrete team members contribute to the corporate culture and reputation in the way they present themselves. A professional appearance is essential to a favorable impression with customers, vendors, visitors and the public. Good grooming and appropriate dress reflect employee pride and inspire confidence on the part of such persons, and is an ongoing requirement of employment with Thomas Concrete.

Department-specific workplace attire and grooming guidelines should be communicated to team members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

Office environments at Thomas Concrete will maintain a casual dress code, but dress must still be appropriate for a professional work environment. The following guidelines will be used to define appropriate casual attire.

Appropriate	Inappropriate
<b>Slacks or Skirts</b>	
<ul style="list-style-type: none"> <li>• Khakis or Corduroys</li> <li>• Jeans (must be clean and free of rips, tears and fraying; may not be excessively tight or revealing)</li> <li>• Capris (for women)</li> </ul>	<ul style="list-style-type: none"> <li>• Sweat pants; exercise wear</li> <li>• Leggings (unless worn with a long over garment)</li> <li>• Jeans that look worn and/or tattered</li> <li>• Shorts of any kind, mini-skirts and skorts</li> </ul>
<b>Tops</b>	
<ul style="list-style-type: none"> <li>• Polo collar knit or golf shirts</li> <li>• Oxford shirts</li> <li>• Company logo wear</li> <li>• Short-sleeve or sleeveless blouses or shirts</li> <li>• Turtlenecks</li> <li>• Blazers or sport coats</li> <li>• Jackets or sweaters</li> </ul>	<ul style="list-style-type: none"> <li>• Shirts with writing (other than company logo)</li> <li>• T-shirts or sweatshirts</li> <li>• Beachwear</li> <li>• Tank tops</li> <li>• Exercise wear</li> <li>• Crop tops; clothing showing midriffs; spaghetti straps; halter tops</li> </ul>
<b>Shoes</b>	
<ul style="list-style-type: none"> <li>• Shoes or boots that cover the entire foot</li> <li>• Casual, open-back shoes (e.g., mules, sling backs)</li> <li>• Open-toe shoes that, for the most part, cover the foot</li> <li>• Sandals</li> <li>• Tennis shoes</li> </ul>	<ul style="list-style-type: none"> <li>• Flip flops</li> <li>• Crocs</li> </ul>

Any team member who does not meet the attire or grooming standards set by this policy will be subject to disciplinary action. Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a team member comes to work in inappropriate dress, he or she will be required to go home, change into appropriate attire or properly groom, and return to work. Non-exempt and hourly paid team members will not be compensated for any work time missed because of failure to comply with workplace attire and grooming standards communicated in this policy.

If a team member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the team member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

### Miscellaneous Examples of Misconduct

The following are additional examples of misconduct that may result in disciplinary action, up to and including termination of employment.

- Unauthorized possession of company property, or of the property of a fellow employee.
- Willful destruction of company property or the property of a fellow employee.
- Deliberate misuse or unauthorized use of company supplies, materials, machines or tooling.
- Altering one's paycheck in any manner.
- Fighting with, threatening or attempting bodily injury to another employee on company premises.
- Falsifying company records or reports, including one's time records or the time records of another employee.
- Visiting, loitering, loafing, lounging or sleeping during scheduled working time.
- Receiving or making excessive personal telephone calls.
- Allowing an unauthorized person on company premises.
- Disobedience or insubordination.
- Using excessively abusive, threatening or obscene language.
- Exceeding the authorized number or length of break periods, including lunch.
- Unexcused absenteeism or tardiness.

- Working unauthorized overtime.
- No smoking (including e-cigarettes or other nicotine emitting devices) is allowed in any facility, except in specifically posted smoking areas.
- Failing to properly complete required reports.
- Failing to meet company work standards in terms of quantity and quality.
- Interfering with another employee's efforts to meet company work standards.
- Violation of sanitary or safety rules.
- Use or sale of alcohol or illegal or dangerous drugs.
- Intoxication during working hours, including bringing intoxicating beverages, marijuana or other hallucinogenic drugs on company property, the consuming of the same on company property, or any other violation of the company's substance abuse policy.
- Tampering with or mishandling any mechanical equipment.
- Unauthorized disclosure of confidential information.
- Falsification of or tampering with records, reports or other company documents or data including, but not limited to, job applications, shipping tickets, reports and bank deposits, unauthorized alteration of a time card or punching any time card other than the employee's own.
- Failure to report dressed and ready for work immediately upon release by a physician after an injury or illness covered by Worker's Compensation or a personal injury or illness occurring off the job.
- Failure or refusal to perform any light duty available and assigned which is deemed to be within the limits of a physician's instructions.
- Failure to report dressed and ready for work at the specified time and place upon recall by the company from layoff.
- Failure to meet the requirements specified by any job-related federal or state law or regulation.
- Insubordination, disloyalty, refusal to perform work as directed or failure to obey the orders of a supervisor or manager. Discourteous, threatening, intimidating, abusive or unprofessional conduct, including the use of threatening, abusive, profane, vulgar or objectionable language
- Operating a company vehicle without a driver's license on an employee's person or on an expired driver's license.
- The issuing of a citation by a peace officer for a moving violation while operating a company vehicle.
- Conviction by public officials of reckless driving, D.U.I., speeding or failure to obey a traffic control device while operating a company vehicle.
- The notification by the company's insurance carrier that an employee driver is an unacceptable risk.
- The causing of an accident or injury resulting from the defeating of, disabling of or tampering with safety devices attached to or installed on any truck, tool or equipment.
- The causing of an accident or injury resulting from the failure to follow company procedures or safety rules.
- Any chargeable accident.
- The receiving of a complaint regarding the discourteous, careless or unsafe operation of a company vehicle.
- Allowing unauthorized persons to operate company vehicles or equipment.
- Allowing an unauthorized person or persons to ride in a company vehicle.
- Sabotage, theft, unauthorized use of or the causing of damage by actions or lack of actions to materials, equipment or property belonging or entrusted to the company or any of its employees, customers, vendors, visitors or guests.
- Failure to follow company policy on the disposition of any recyclable material of concrete, including leftover concrete from any jobsite.
- Gambling on company property or company time in any form, including, wagering, card playing for stakes, or the sale, purchase or distribution of raffles, lotteries, pools, numbers, or punchboards, regardless of the sponsorship or the beneficiary of the gambling activity.
- Conviction of a crime, the nature of which would adversely affect the employee's relationship with the company, fellow employees or customers.
- Engaging in any activity on or off company time, which constitutes a direct threat to company property or the safety of any employee, customer, vendor or guest of the company.

- Engaging in any activity on or off company time which affects an employee's ability to carry out the duties of his or her job or job performance or affects the ability of any other employee's ability to carry out their duties or their job performance.
- Engaging in any activity on or off company time, which generates publicity or circumstances adversely, affecting the company or its employees or which reflects discredit or embarrassment upon the company or its employees.
- Coercing, inciting, bribing, or otherwise inducing another employee to engage in any practice in violation of the company rules or policies.
- Failure to complete and submit accident or first report of injury reports within 24 hours.
- Failure to report any accident, damage to property or injury immediately to a manager or supervisor.
- Unauthorized posting, removing, defacing, altering or destroying of any authorized posted notice on company property.
- Soliciting or distributing, buying, selling, bartering or exchanging of any non-company articles, products, or services or distributing or accepting any non-company literature, handbills, flyers or other printed matter on company time or property.
- Unauthorized personal use of company telephones, communications networks, reproduction or copying equipment.
- Failure to exhibit a cooperative, courteous and professional attitude in the performance of regular or assigned duties.
- Unauthorized stops in route to or returning from a job site.
- Failure to maintain adequate fuel in a concrete mixer to complete a delivery and return to the plant. Failure to perform daily truck pre-trip inspections or end of the day procedures.
- Failure to pass a clean truck inspection for two or more consecutive weeks on an assigned truck.
- Delivering concrete to the wrong job site.
- Leaving the plant with a slump in excess of maximum on ticket.
- Actions or lack of actions which render concrete unusable to a customer, including "wet loads."
- Violation of any safety rule.
- Failure to correct any safety defects or deficiencies.
- Actions or lack of actions which cause or contribute to the defeating or disabling of any safety device installed on any truck, tool equipment, including the improper use of any tool.

## **DRIVING A COMPANY VEHICLE**

### **Authorized Operators**

No one in the company has the authority to allow anyone other than an employee or authorized contractor to operate a company vehicle at any time for any purpose.

### **Driver's License**

Each operator of a company vehicle must continuously possess a legal and valid driver's license. A driver's license must be carried on each employee at all times while operating a company vehicle. Under no circumstances is anyone to operate a company vehicle without the proper class of license or on an expired, suspended or revoked license. No operator of a company vehicle is to possess more than one valid driver's license. Possession of more than one valid driver's license or operating a company vehicle on a suspended or revoked license may result in disciplinary action up to and including termination of employment.

### **Tickets and Citations**

Tickets for any traffic violations while operating a company vehicle are the responsibility of the operator and must be immediately reported to the company.

Citations for no insurance card, motor vehicle fuel tax "cab card", flare or marker kit, fire extinguisher or other items required by law to be carried in a company vehicle may be the responsibility of the operator of the vehicle once all items have been installed by the company.

Citations for overweight violations are normally the responsibility of the company except when the operator of the vehicle had not been dispatched along the route and/or the company for a particular location or route had issued a prior warning or notice.

### **Driver's License Checks**

All operators of company vehicles must produce their driver's license upon demand. Any operator of a company vehicle who has their license suspended or revoked for any reason must immediately report such action to the company.

## **EMPLOYEE COMPENSATION AND EMPLOYMENT PRACTICES**

### **Your Pay**

The work week for the company begins on Monday morning and ends on Sunday night. For hourly workers, payday shall be every Friday for the hours the employee worked the week before. In the event a regular payday falls on a company holiday, paychecks will be issued the working day before the company holiday.

Salaried employees are paid bi-weekly and are paid current.

### **Hourly Timekeeping**

Time cards are to be prepared, distributed and under the control of the department manager.

An employee may not clock in or out for another employee. Each hourly employee must use the timekeeping method specified by his/her supervisor. Each time card is to be approved by the department manager each week.

Each hourly employee must clock in and out each day for their shift, at their lunch break, and when taking time off for personal business.

In the event that an employee is unable to receive a paycheck in person, the Payroll Department may only release an employee's paycheck to a third party upon presentation of written authorization signed by the employee or the employee's driver's license. The third party must present I.D. and sign for the check. An employee may request a paycheck to be mailed. If other than first class, the employee will pay the cost of postage.

The first class mailing or the presentation and acceptance of the written authorization shall release the company from all liability, claims or action arising from the release or mailing of a paycheck.

Pay adjustments are either set by written company policy or declared by the company on a periodic basis. No one in the company is authorized to either offer or enter into any other written or verbal agreement for pay adjustments without the expressed written consent of the President of the Company.

### **Overtime Pay Policy**

Salaried non-exempt and hourly employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time worked in excess of 40 hours per workweek. Thomas Concrete's normal workweek is from 12:00 a.m. on Monday morning and ends at 11:59 p.m. on Sunday night, consisting of 40 hours during that period.

Approved paid absences, including vacation leave, holiday leave, jury and witness duty, funeral/bereavement leave, and voting time off are paid at an employee's regular rate of pay, but are not counted as time worked for the purposes of computing overtime.

Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position.

During busy periods, the employer may require employees to work extended hours.

Salaried non-exempt employees who anticipate the need for overtime to complete the week's work must notify their managers in advance and obtain approval prior to working hours that extend beyond their normal schedule. At the manager's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime.

Employees who fail to obtain approval prior to working hours that extend beyond their normal workweek will be subject to disciplinary action. Overtime offenses may result in termination.

Thomas Concrete does not allow accrual of compensatory time by exempt or nonexempt employees.

Salaried non-exempt employees are required to keep a record of their hours worked and submit it to their manager by 10:00 a.m. on Monday of each week.

### **Seniority**

The seniority date for each employee is the date hired by the company, provided the employee has had continuous service since the hire date.

An employee laid off for lack of work and recalled will have the last seniority date reinstated provided that the recalled employee reports dressed and ready for work as required on the recall notice.

An employee separated from the company for other reasons and rehired may have the date just rehired as the seniority date regardless of the length of the separation unless seniority is re-instated by the President of the company.

## **EMPLOYEE BENEFITS**

### **Paid Holidays**

Thomas Concrete has nine paid holidays per year. The following seven holidays are “core.” In addition to these core holidays, two additional days will be identified and published on a year-to-year basis. If the calendar falls such that the additional holidays cannot be identified, then two “floating” holidays will be provided.

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

Holidays falling on a Saturday or Sunday will be celebrated on either Friday or Monday as determined by the officers of the company.

In the event that a company holiday falls within a vacation week, the employee will be paid for four vacation days plus eight hours holiday pay, provided that all requirements are met to be eligible for holiday and vacation pay. Salaried employees who take vacation during a holiday week will be paid regular salary for that week and not be eligible for an extra day off the following week. Holiday pay is calculated at 8 hours pay for hourly employees.

To qualify for holiday pay, an employee must report dressed and ready for work the last regularly scheduled shift before the holiday and the first regularly scheduled shift after the holiday.

Holiday hours do not count toward overtime hours for the week in which the holiday occurs. Holiday hours are added to the total hours worked and included in a 35 hour minimum workweek incentive.

## **Paid Vacation**

All vacation time must be requested at least ten days in advance of the date desired. The department manager must authorize all vacation time prior to taking the vacation. A maximum of five working days may be taken off at one time, including holiday time. Vacation does not accrue. It is earned only on the eligibility date.

Vacation time consists of eight hours regular time pay per day for hourly employees or one-fifth of the weekly pay rate per day for salaried employees. A week of paid vacation consists of five days' pay. In the event that Saturday is a normal workday, the employee will not be required to report to work on the Saturday falling before the scheduled week of vacation or at the end of the full week taken for vacation.

Vacation preference is determined by an employee's seniority date at the time of the posting of the vacation schedule.

No employee may be paid for vacation not taken in any year unless authorized by the Company to work through vacation due. Unused vacation time will be forfeited. Employees who resign, abandon their job, quit, are discharged or are laid off by the Company will not be paid for accumulated or unused vacation time upon separation of employment.

An employee hired between January 1 and June 30 is eligible for 5 days of vacation to take from July 1 through December 31 of the same calendar year, after having worked a minimum of three months with the company. The following calendar year, the employee is eligible for 10 days of vacation.

An employee hired between July 1 and December 31 is not eligible for vacation time off during that year. Beginning January 1 following the date of hire, the employee is eligible for 10 days of vacation per calendar year after having worked a minimum of three months with the company.

Beginning January 1 of the seventh calendar year of employment with the company, an employee will be eligible for 15 days of vacation.

Beginning January 1 of the 21st calendar year of employment with the company, an employee will be eligible for 20 days of vacation.

## **Insurance Benefits**

The Company offers a pre-tax "cafeteria plan" benefit package to all full-time regular employees. Once an employee has made selections from the "cafeteria plan", no changes are permitted during the plan year unless there is a qualifying event (change in family status). Certain insurance, if not taken by the employee during the initial enrollment period, may have additional waiting periods or eligibility requirements.

The Company may amend, add, delete, change or terminate all or any part of its benefits plans at any time. There will be a charge for all insurance coverage to the employee. Full information on the "cafeteria plan" is available through the Human Resources Department or the plan administrator.

## **Correct Information**

Each employee is to immediately inform the Human Resources Department of any address or telephone number changes and of any changes to marital status or dependents, which may affect the insurance benefits program covering the employee. Federal law requires notification to a spouse and dependents when health insurance coverage is being dropped because of a change in marital status.

## **COBRA (Consolidated Omnibus Budget Reconciliation Act)**

On April 7, 1986, a federal law known as "COBRA" was enacted, requiring that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law.

If you are an employee of the Company, covered by the Company's medical insurance plan, you have the right to choose continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part). Your eligible dependents may also have the right to elect and pay for continuation coverage for a temporary period in certain circumstances where their coverage under the Plan would otherwise end. If you have any questions concerning your rights under COBRA, please contact the Human Resources Department for details.

## **Employee Discounts**

Employees may purchase concrete at a discount of 10% less than market value for their personal residence and must coordinate any purchase through plant and area operations managers.

## **Bereavement Leave**

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or overtime.

Paid bereavement leave is granted according to the following schedule:

Employees are allowed up to three consecutive days off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, child, father, mother, brother, sister, grandparent, or grandchild. To be eligible for paid bereavement leave, the employee generally must attend the funeral of the deceased relative.

Employees are allowed one day off from regular scheduled duty with regular pay in the event of death of the employee's father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, spouse's grandparent. To be eligible for paid bereavement leave, the employee generally must attend the funeral of the deceased relative.

An employee may, with his or her supervisor's approval, use any available vacation for additional time off as necessary.

## **Civic Duties**

The Company encourages each of its employees to accept his or her civic responsibilities. We are a good corporate citizen, and we are pleased to assist you in the performance of your civic duties.

### Jury Duty

If you receive a call to jury duty, please notify your supervisor immediately so he or she may plan the department's work with as little disruption as possible.

You must bring in written documentation stating that you have served or will be serving on a jury, which is provided to you by the court.

While you are on jury duty, the Company will pay the difference between your basic rate of pay and the total amount of pay you receive from serving as a juror, for up to one week per year.

Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to call their supervisor as soon as possible and report to work if requested.

#### Witness Duty

If you receive a subpoena to appear in court, please notify your supervisor immediately. You are expected to return to work as soon as your service as a witness is completed.

#### Voting

Although polls are open for extended hours, we realize that in some instances our employees are required to work overtime and may find that these hours are not sufficient to enable them to make it to the polls. If you have a problem in this respect, please let your supervisor know so that we can make arrangements for you to have the necessary time off to vote.

### **FMLA (Family and Medical Leave Act) Policy**

In accordance with the Family and Medical Leave Act, Thomas Concrete will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

1. In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;
  - Leave must be taken within the 12-month period following the child's birth or placement with the employee;
  - If married spouses both work for the Company, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child.
2. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
3. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
4. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

#### Service member Family Leave

Eligible employees who are the spouse, child, parent, or next of kin of a covered Service member are entitled to up to 14 weeks of additional leave during a single 12-Month Service member Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Service member who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Service member Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Service member Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work

for the Thomas Concrete, their total Service member Family Leave may be limited to an aggregate of 26 weeks.

#### Coverage and Eligibility

To be eligible for family/medical leave an employee must have worked for at least 12 months total and have worked at least 1250 hours over the previous 12-month period.

#### Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave.

#### Use of Paid Leave

An employee will be required to use accrued paid leave (including paid vacation and workers' compensation) for any part of a family/medical leave. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service member Family Leave time).

#### Employee Notice Requirement

An employee must give 30 days' notice in the event of a foreseeable leave. A "**Request for Family/Medical Leave**" form should be completed by the employee and returned. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.

When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt Thomas Concrete's operations.

In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

#### Employer Notice Requirements

Notice of Eligibility Rights: Within five days after the employee requests leave or after the Thomas Concrete learns the leave may be for an FMLA-qualifying reason, the company will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, the reason why.

Notice of Designation of Leave: Within five days after the employee requests or the company learns of the need for FMLA leave, the company will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the company will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the company will provide written notice of and reason for denial.

#### Medical and Military Certification

For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "**Physician or Practitioner Certification**" form and

return the certification to the company. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the company will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The company may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.

The company may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.

The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.

Employees requesting extended Service member Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.

Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

#### Effect on Benefits

An employee granted a leave under this policy will continue to be covered under Thomas Concrete's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.

Employee contributions will be required either through payroll deduction or by direct payment to the company. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.

If an employee's contribution is more than 30 days late, the company may terminate the employee's insurance coverage.

If the company pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the Company (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

If the employee fails to return from unpaid leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the company may seek reimbursement from the employee for the portion of the premiums paid by the company on behalf of that employee (employer contribution) during the period of leave.

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

#### Job Protection

If the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Service member Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.

The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.

If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

## EMPLOYEE ACKNOWLEDGEMENT AND AGREEMENT

This will acknowledge that I have received my copy of the Thomas Concrete Employee Handbook published January 2016 and that I will familiarize myself with its contents.

I understand that this handbook represents the current policies, regulations, and benefits, and that except for employment at-will status, any and all policies or practices can be changed at any time by the Company. The Company retains the right to add, change or delete wages, benefits, policies and all other working conditions at any time (except the policy of "at-will employment" which may not be changed, altered, revised or modified without a writing signed by the President of the Company).

I understand that nothing in the employee handbook creates or is intended to create a promise or representation of continued employment. I understand that I have the right to terminate my employment at any time, with or without cause or notice, and that the company has a similar right.

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DO NOT SIGN UNTIL YOU HAVE READ THE ABOVE ACKNOWLEDGEMENT AND AGREEMENT

Print Full Name:

Signature:

Date: / /

[TO BE RETAINED IN EMPLOYEE'S PERSONNEL FILE]