

# **R.L. Baxter Building Corporation and Affiliates**

## **EMPLOYEE MANUAL**

**BAXTER**

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# EMPLOYEE MANUAL

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## **Introduction**

Welcome! R.L. Baxter Building Corporation and Affiliates is first and foremost a place to work and earn a living, but we also strive for it to be a friendly and pleasurable work environment.

We are proud of our fine reputation. Our success has been made possible because everyone cooperates in a common effort to develop and keep satisfied customers. Please do your part to help R.L. Baxter Building Corporation and Affiliates continue to earn the public confidence and trust we now enjoy.

Our customers form their impressions of our business with every contact you make whether in person or by telephone. You are this Company! We are pleased that you are joining our team and hope that your contributions will assist us in our remaining a leader in this community and our industry.

Again, welcome to R.L. BAXTER BUILDING CORPORATION AND AFFILIATES!

Sincerely,

Amanda Baxter  
President

## **About Us**

We maintain a diverse team of specialized experts that work in close collaboration with each other and our clients to get every part of the job done right, from start to finish.

### **Purpose Of This Manual**

This Manual is designed to acquaint you with R.L. Baxter Building Corporation and Affiliates and to give you a ready reference to answer most of your questions regarding your employment with us. We intend this Manual to offer two-way communications: what you can expect from us, and what we expect from you.

Neither the contents of this Manual nor any other Company guidelines, policies, or practices shall be construed as a promise of employment or as a contract, bargain, or agreement between the Company and any of its employees, or conferring any contractual rights whatsoever. Since our business and our organization are subject to change, we reserve the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits, including our interpretations, at any time, in an individual case or generally. We will notify all employees of these changes. Changes will be effective on the dates determined by The Company, and after those dates all superseded policies will be null. Nothing in this Manual should be construed as a promise of specific treatment in any specific situation upon which any employee should rely. Additionally, many matters covered by this Manual are also described in separate official documents, and such official documents are always controlling over any statement made in this Manual or by any supervisor or manager. No individual supervisor or manager has the authority to change policies at any time.

However, nothing in this Manual alters an employee's at-will status and either the employee or the Company may terminate employment at any time, with or without cause or reason. No representative of the Company is authorized to provide any employee, individually or on a collective basis, with an employment contract or special arrangement concerning the terms or conditions of employment unless the contract or agreement is in writing and signed by one of the Owners of the Company.

You are responsible for reading, understanding, and complying with the provisions of this Manual. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

This notice and the information contained in this Manual apply to all employees of the Company, regardless of date of hire.

## **Open Door Policy**

Employees who have a job-related problem, question, or complaint can first discuss it with their immediate supervisor. At this level, employees usually reach the simplest, quickest, and most satisfactory solution. If the employee and supervisor do not solve the problem, or if an employee prefers to speak to someone else at the Company, he or she can contact the Human Resources Department.

This policy does not apply to termination decisions or to situations involving perceived violations of a policy or policies with specific reporting guidelines and procedures, such as complaints regarding harassment or requests for reasonable accommodations due to disability.

# **Company Policies**

## **Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Company will be based on merit, qualifications, and abilities. The Company does not discriminate in employment opportunities or practices because of race, color, creed, religion, sex, national origin, ancestry, citizenship status, age, disability, marital status, sexual orientation, veteran status, genetic information, domestic violence victim status or any other characteristic protected by applicable federal, state, or local laws. Our management team is dedicated to ensuring the fulfillment of this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, and general treatment during employment.

The Company will endeavor to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Company. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Any employee who needs assistance to perform his or her job duties because of a physical or mental condition should contact the Human Resources Department.

Employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Department. Employees who raise concerns or make reports of violations of this policy in good faith can do so without fear of reprisal. To ensure our workplace is free of artificial barriers, anyone found to be engaging in conduct in violation of this policy will be subject to disciplinary action, including termination of employment.

## **Harassment, Including Sexual Harassment**

The Company prohibits, and is committed to providing a work environment that is free of intentional and unintentional harassment of any individual by another person on the basis of race, color, creed, religion, national origin, ancestry, citizenship status, age, disability or handicap, marital status, sexual orientation, veteran status, genetic information, domestic violence victim status or any other characteristic protected by applicable federal, state, or local laws. Actions, words, jokes, or comments based on a legally protected characteristic will not be tolerated. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace.

Similarly, it is the Company's policy to prohibit harassment of any employee by any Supervisor, employee, customer, or vendor on the basis of sex or gender. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual on the basis of sex or gender in the workplace.

While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include, but are not limited to:

- unwelcome sexual advances;

- requests for sexual favors;
- obscene gestures;
- displaying sexually graphic magazines, calendars, or posters;
- sending sexually explicit e-mails;
- verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature;
- sexually-related comments, and depending upon the circumstances, improper conduct also can include sexual joking;
- vulgar or offensive conversation or jokes;
- commenting about an employee's physical appearance;
- conversation about an employee's or someone else's sex life;
- teasing or other conduct directed toward a person because of his or her sex or gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you believe you have been the victim of harassment, including sexual harassment, know of another employee who has, or have otherwise witnessed conduct that may violate this policy report it to your Supervisor or the Human Resources Department. An employee who is either unsure of the appropriate person to whom to raise an issue of perceived harassment or who has not received a satisfactory response within five (5) business days after reporting any incident of perceived harassment should contact any of the Owners. Any supervisor who becomes aware of possible harassment should promptly advise their Supervisor or the Human Resources Department who will handle the matter in a timely and confidential manner.

Every report of perceived harassment, including sexual harassment, will be investigated as the Company considers appropriate, and corrective action will be taken where appropriate as determined by the Company in its reasonable discretion. Employees are required to cooperate in all investigations. Violation of this policy may result in disciplinary action, up to and including discharge, as determined by the Company in its reasonable discretion. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Company will not allow any form of retaliation against individuals who report unwelcome conduct to management in good faith or who cooperate in the investigations of such reports in accordance with this policy.

## **Disability/Religious Accommodations**

The Company is committed to fully complying with the American Disabilities Act (ADA) and all applicable local, state and federal laws to provide equal employment opportunities and access for qualified persons with disabilities. The Company recognizes and supports the obligation to reasonably accommodate applicants and employees with qualified disabilities who are able to perform the essential functions of their positions with or without reasonable accommodation. We will provide reasonable accommodations to otherwise qualified employees with disabilities unless doing so would impose an undue hardship on the Company. An employee who believes he or she requires a reasonable accommodation to perform the essential functions of his/her position should discuss such need with the Human Resources Department. You may be required to submit a medical exam or provide medical documentation substantiating the reasons for the requested accommodation and the nature of the accommodation sought. Your cooperation in this

process is expected and essential. The Company will review this request and any supporting documentation and, where warranted, implement an appropriate reasonable accommodation.

Additionally, the Company is committed to reasonably accommodating its employees' sincerely held, good-faith religious beliefs. An employee who believes he/she requires a religious accommodation should contact the Human Resources Department.

Any employee who submits false or misleading information to the Company regarding a serious medical condition or an accommodation request will be subject to immediate termination from employment.

## **Workplace Violence**

We are strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and visitors and damage to Company and personal property.

Threats, threatening language or any other acts of aggression or violence made toward or by any Company employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious and/or destructive action undertaken for the purpose of domination or intimidation.

Weapons are prohibited on Company premises unless such prohibition is restricted by applicable law.

Employees should immediately report all potentially dangerous situations, including threats by co-workers, to their Supervisor or the Human Resources Department. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat in good faith under this policy.

If an investigation confirms that threat of a violent act or violence itself has occurred, the Company will take swift and appropriate corrective action.

Employees threatened by an outside party should follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

Questions about this policy should be directed to the Human Resources Department.

## **Introductory Period**

For every new employee, the first ninety (90) days of full-time employment is an introductory period. During this time, you are able to learn about the Company, your job, and your new surroundings.

During these first ninety (90) days, your job performance, attendance and overall interest in your job will be observed by your Supervisor. During this period, you may not be eligible for some Company benefits. Throughout the introductory period, the Company will be assessing your selection as an employee. After the first ninety (90) days of employment, you may or may not receive an Initial Performance Review. Employees who fail to demonstrate the level of commitment and performance expected by R.L. Baxter Building Corporation and Affiliates may be terminated at any time during the introductory period. However, completion of the introductory period does not change or alter your “at-will” employment status. You continue to have the right to terminate your employment at any time, with or without cause or notice, and the Company continues to have the same right.

The Company reserves the right to extend your introductory period to give you a further opportunity to demonstrate your ability to perform your duties.

During the introductory period, Paid Time Off will accrue, however it may not be used within the first ninety (90) days of employment.

## **Performance Reviews**

Employees are expected to make every effort to learn their job and to perform at a level of satisfaction to the Company. From time to time Supervisors may conduct performance reviews based on your performance, however, you are always welcome to discuss your performance with your Supervisor at any time that is convenient for the both of you.

Full-time and part-time employees may receive a performance review from their immediate Supervisor on an annual basis. Your most recent review may be taken into consideration when management is making salary and wage change decisions. However, a positive performance review does not guarantee a wage increase or continued employment. It is management’s sole discretion if and when salary or wage increases occur.

## **Employee Classification**

### Full-Time Employees

Full-time employees are employees who are regularly scheduled to work at least forty (40) hours per week. Full-time employees may be eligible for benefits based on applicable plan documents.

## Part-Time Employees

Part-time employees are employees who are regularly scheduled to work fewer than forty (40) hours per week. Part-time regular employees are entitled to all benefits as required by law.

The enactment of the Affordable Care Act (ACA) defined employees who work thirty (30) hours or more per week to be eligible for medical insurance as of January 1, 2014.

## Seasonal Employees

Seasonal employees are employees who are employed to work for short periods of time, or on a “fill-in” basis. These positions are not intended to be a part of continuing operations. Seasonal Employees do not work more than 120 days total (consecutive or not) during the calendar year. The employment status of seasonal employees will not be changed due to an extension of employment in excess of that originally planned. Seasonal employees are not eligible for benefits.

If you have any questions concerning your classification or the benefits for which you qualify, please contact the Human Resources Department

For payroll purposes, employees will be classified as one of the following:

## Exempt Employees

Certain employees such as executive, administrative, professional and outside sales employees are paid on a salary basis for all hours worked each week. Certain computer professionals may also be exempt, regardless of whether they are paid on a salary basis. These employees are expected to work whatever hours are required to accomplish their duties, even if it exceeds their normal workweek. No overtime premium pay will be paid to exempt employees.

## Non-Exempt Employees

Non-exempt employee are employees whose wages are paid by the hour. Their wages fluctuate according to the number of hours they work. Nonexempt employees are eligible for overtime pay.

## Change in Employment Status

The Company may change the employment classification of any employee at any time based on the nature of the employment assignment.

## **Workday Hours and Scheduling**

Your Supervisor along with the Human Resources Department will inform you of the hours you are to work. Due to changing needs of our customers, your actual work schedule

may vary from time to time. If your schedule changes, you will be notified with as much advance notice as possible.

The business office is open Monday through Friday, 7:30 a.m. to 5:00 p.m. The workday for employees who regularly work in the business office differ depending on your position. Workdays are determined by Supervisors along with the Human Resources Department.

The typical expected workday at jobsites is 6:45 a.m. to 3:35 p.m. These start and end times are only guidelines, however, and employees are required to be present for work during the workday established for them by their Supervisor along with the Human Resources Department.

## **Meal Periods and Breaks**

Lunch breaks generally are taken on a staggered schedule so that your absence does not create a problem for co-workers or clients. Additional meal periods will be provided to the extent required by applicable law.

The company scheduled lunch or meals break policy is:

Hourly (non-exempt) field employees are allowed a 20 minute unpaid break between the hours of 9:00a.m. and 10:00a.m. and a 30 minute unpaid lunch break between the hours of 11:00a.m. and 1:00 p.m.

Hourly (non-exempt) office employees are allowed a 30 minute unpaid lunch break between the hours of 12:00p.m. and 2:00p.m on a staggered schedule. Lunch breaks cannot be taken at your desk. No work shall be performed during lunch.

Salaried (exempt) employees are allowed a one (1) hour paid lunch break.

## **Travel To and From Work**

Most jobs are located in Dutchess County and you are expected to be at the job site at the proper time. Employees should allow for additional time for jobs not located in the immediate area.

# **Employment Benefits**

## **Your Pay**

R.L. Baxter Building Corporation and Affiliates follows all state and federal law requirements with regard to distribution of paychecks. Every employee is responsible for picking up his/her own paycheck on the regularly-scheduled payday (Tuesdays @ 3:30 p.m.). If Tuesday is a holiday, payroll will be processed on Wednesday. Any questions about your check, including deductions, should be discussed with the Human Resources Department.

## **Timekeeping**

At the RL Baxter Building Corporation, we maintain time records for all employees, so we will have accurate records of time worked. Employees are required to record their time on Company timesheets. All employees are required to submit weekly timesheets. Employees are required to record their time on Company timesheets. Employees must begin work no more than 5 minutes before their scheduled starting time. Employees must record their time in and out for meal periods and record their time out promptly at the end of their shift. Non-exempt (hourly) employees may never work off the clock.

Time should be recorded in 15 minute intervals. Paid holidays must be indicated on timesheets by entering the letter "H" on the "Holiday" line. Full-time hourly (non-exempt) employees called to work on a paid holiday must enter their time in, time out and the number of hours worked on the "Holiday" line.

All time will be cost coded by Site Superintendents and/or Project Managers.

Accurately recording time worked is the responsibility of every employee. Employees must submit completed timesheets to either the Site Superintendent or Foreman or bring their timesheets to the Company's office. Timesheets must be received by RL Baxter office staff by Monday at 8:00AM each week. Authorized personnel will review time records each week. Any changes to an employee's time record must be approved by his/her supervisor. Questions regarding the timekeeping system should be directed to the employee's supervisor, and employees must inform management if they work during their meal period or if they fail or otherwise forget to record their time in or out before or after any working time. Failure to properly record time and/or falsifying time records may result in discipline, up to and including discharge.

Exempt employees must record all hours worked. Exempt employees must identify any work from "home" on their timesheets. Working from "home" should be kept to a minimum and must be pre-approved by your supervisor.

## **Overtime**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required

work. The opportunity to work overtime is at the discretion of management and is based on departmental needs. All overtime to be performed by a non-exempt employee must receive the supervisor's prior authorization. Overtime worked without prior authorization from the supervisor will be paid, but may result in disciplinary action.

Any non-exempt employee who works overtime is compensated at the rate of one and one-half times (1½) his/her normal hourly wage rate for all time worked in excess of forty (40) hours each workweek, unless otherwise required by applicable law.

## **Safe Harbor Policy For Exempt Employees**

Exempt salaried employees receive a salary that is intended to compensate for all hours worked for the Company. This salary is established at the time of hire. While it may be subject to review and modification from time to time, such as during salary review times, the salary is a predetermined amount that is not subject to deductions for variations in the quantity or quality of work.

Under federal and state law, exempt salaried employees' salaries are subject to certain deductions. For example, absent contrary state law requirements, exempt salaried employees' salaries are subject to reduction for the following reasons:

- Full day absences for personal reasons;
- Full day absences for sickness or disability;
- Full day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave absences (either full or partial day absences);
- To offset amounts received as payment for jury and witness fees or military pay; or
- The first or last week of employment in the event of less than a full week worked.

Exempt salaried employees' salaries are also subject to reduction for their portion of health, dental, or life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any workweek in which exempt salaried employees perform any work, their salary is not subject to reduction for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability;
- Absence due to the Company's decision to close a facility on a scheduled work day;
- Absences for jury duty, attendance as a witness, or military leave in any week in which any work is performed; or
- Any other deductions prohibited by state or federal law.

However, subject to state law, it is not an improper deduction to reduce exempt salaried employees' accrued vacation, personal, or other forms of paid time off for full or partial day absences for personal reasons, sickness, or disability.

Employees who believe they have been subject to an improper deduction should report the matter to the Human Resources Department immediately. If a prompt and fully acceptable reply has not been received within five (5) business days, one of the Owners should be contacted.

Every report of improper deductions will be fully investigated and corrective action, up to and including discharge, will be taken, as appropriate, for any employee(s) who violates this policy. In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including discharge.

## **Benefits Overview**

The Company offers a benefits program for its eligible employees. The Company and the plan administrators retain the maximum discretion permitted by law to modify, discontinue, change, enhance or implement all benefit plans. As an employee of the Company, you may be eligible to participate in our company's comprehensive program of fringe benefits. Please refer to the separate benefits manuals you received during orientation or at the time the manuals were last updated for the current and complete description of these benefits.

Fringe benefits include:

- Health Insurance;
- Section 125 Cafeteria Plan
- Aflac; and
- 401(k) plan

While the Company intends to maintain these employee benefits, it reserves the absolute right to modify, amend, or terminate these benefits at any time and for any reason.

Questions regarding benefits may be directed to the Human Resources Department.

## **Holidays**

The Company currently observes the following paid holidays per year for all full-time employees:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

When holidays fall or are celebrated on a regular workday, full-time employees will receive one (1) day's pay at their regular straight-time rate. This must be indicated on your timesheet by entering the letter "H" on the "holiday" line.

In the event a holiday falls on a Saturday, it will be observed on the preceding Friday. If it falls on a Sunday, it will be observed on the following Monday.

To be eligible for holiday pay, you must work the last scheduled workday before the holiday and the first scheduled workday after the holiday unless you receive prior approval from your Supervisor for Paid Time Off.

Non-exempt (hourly) full-time employees who are called in to work on a holiday will receive a rate of two times their regular straight-time rate. Working on a holiday must be pre-approved by your Supervisor. This must be indicated on your timesheet by entering the number of hours worked on the "holiday" line.

Paid holidays off are not counted as hours worked for purposes of calculating overtime.

## **Paid Time Off**

The Company recognizes that we all need time off for rest and relaxation. We provide paid time off (PTO), which combines vacation and personal days. Our PTO benefits for full-time employees are based on your length of continuous service.

You will be advised of your PTO allotment and accrual by the Human Resources Department.

Employees are required to submit a written request for PTO to their Supervisor two (2) weeks prior to the date they wish their PTO to begin. PTO Request Forms may be obtained from the Human Resources Department. We will try to accommodate requests as long as operations are not affected. The Company discourages excessive use of PTO during the months of July and August which are typically the busiest months of the year. PTO may be taken in hourly increments.

If you choose PTO which includes a paid holiday, you will not have the holiday time charged to your PTO account.

Unless otherwise required by law, available PTO may not be carried forward into the following calendar year. Unused PTO of up to ten (10) days will be paid upon termination of employment only if an employee resigns and is in "good standing" at the time of resignation.

## **Military Leave**

Employees who are called into active military service or who enlist in the uniformed services are eligible to receive a military leave of absence in accordance with applicable federal and state laws. To be eligible for military leave, employees must provide management with advance notice of their service obligations, unless they are prevented from providing such notice due to military necessity or it is otherwise impossible or unreasonable to provide such notice.

Employees who are required to attend yearly Reserves or National Guard duty can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). Such employees should give management as much advance notice of their need for military leave as possible so that we can maintain proper coverage.

Employees whose absence does not exceed applicable statutory limitations will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws.

## **FAMILY AND MEDICAL LEAVE**

### **Eligibility Requirements**

Employees are eligible for FMLA if:

- At least fifty (50) or more employees are employed within a 75-mile radius of the employee's work site;
- The employee has been employed for at least one year; and
- The employee has worked at least 1,250 hours within the previous twelve (12) months.

### **Basic Leave Entitlement**

The FMLA requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period to eligible employees for certain family and medical reasons. The 12-month period is determined on a "rolling" 12-month period dating back from the time the employee requests leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent (but not in-law) who has a serious health condition; and/or
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job.

## **Military Family Leave**

Eligible employees with a spouse, son, daughter, or parent on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement which permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period (one time basis only). A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as “current members of the Armed Forces.” Covered service members also includes a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.”

The FMLA definitions of a “serious injury or illness” for current Armed Forces members and covered veterans are distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

## **Job Benefits and Protection**

If applicable, during FMLA leave, the Company must maintain health coverage under any “group health plan” on the same terms as if the employee had continued to work. If paid time off is substituted for unpaid leave, the Company will deduct the employee’s portion of any applicable health plan premium as a regular payroll deduction. If the employee’s leave is unpaid, the employee must make arrangements with the Company prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Company’s obligation to maintain health care coverage ceases if an employee’s premium payment is more than 30 days late. If an employee’s payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave. For purposes of this paragraph, an employee will be considered to have returned to work if he or she

returns to work for at least 30 calendar days, or if he or she retires at the end of the FMLA leave period or within 30 days thereafter.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Company's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees must use accrued vacation and sick time while on unpaid FMLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement.

The Company will allow employees to use accrued vacation and sick time to supplement any applicable paid disability or Workers' Compensation benefits. Receipt of disability benefits or Workers' Compensation benefits does not extend the maximum amount of leave time to which an employee is eligible under the FMLA.

### **Employee Responsibilities**

Employees must provide thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Company's normal call-in procedures.

Employees must provide sufficient information for the Company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide medical certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for ineligibility.

Covered employers must inform employees if leave is designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for the Company to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Concerns regarding a possible violation with respect to either of these obligations should be reported to management.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.

### **Personal Leave**

Under certain circumstances, employees who are not eligible for any other Company leave of absence and/or have exhausted all other leave entitlements may be granted a personal leave of absence without pay. A written request for a personal leave should be presented to the Human Resources Department at least two (2) weeks before the requested start of the leave, except in cases of emergency. Requests are considered based on staffing requirements and the reasons for the requested leave, as well as employees' performance and attendance records. This leave may be requested for

medical reasons. If so, the Company may require submission of medical certifications at various times during the leave.

Normally, personal leaves of absence are granted for a period of up to two (2) weeks. Under unusual circumstances, a personal leave may be extended provided that a written request for an extension to the Human Resources Department is made prior to the expiration of leave, and the request is granted. These time limitations do not apply to leaves taken for medical reasons.

Employees must use accrued paid time off while on unpaid personal leave. The substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with any personal leave granted. Upon written request, the Company will allow employees to use accrued paid time off to supplement any applicable paid disability or Workers' Compensation benefits. Receipt of disability benefits or Workers' Compensation benefits does not extend the length of any personal leave granted.

We will continue health insurance coverage during a personal leave if employees submit their share of the monthly premium payments to the Company by the 1<sup>st</sup> of the month in which coverage is provided to the extent permitted and in accordance with the applicable plans.

When they anticipate returning to work, employees should notify management of their expected return date. Employees should notify management at least one (1) week before the expiration of leave.

Upon completion of a personal leave of absence, the Company will attempt to return employees to either their original job, or to a similar position, subject to prevailing business considerations. We note, however, that reinstatement is not guaranteed unless required by law.

Failure to advise management of availability to return to work, failure to return to work after notifying the Company of expected return to work, or remaining absent from work beyond the time approved by the Company is considered a voluntary resignation of employment unless otherwise prohibited by applicable law.

## **Workers' Compensation Insurance**

The Company pays the entire amount of the Workers' Compensation Insurance premium, which provides benefits to employees who experience an injury or illness connected with employment. If an employee develops a work-related illness or is injured on the job, no matter how slight or minor, the employee must report the illness or incident immediately to his/her supervisor and to the Human Resources Department. We ask for all employees to assist in alerting management to any condition that could lead to or contribute to an employee accident.

## **Civic Duties**

R.L. Baxter Building Corporation and Affiliates encourages each of its employees to accept his/her civic responsibilities. We are a good corporate citizen and are pleased to assist you in the performance of your civic duties.

**Jury Duty** - If an employee is summoned to serve on a jury, the Company will provide time off from work and compensation for jury duty in accordance with New York law, which currently requires payment of the first three days of jury service at the rate of \$40.00/day. If you receive a call to jury duty, please notify your Supervisor immediately so he/she may distribute your work with as little disruption as possible. 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.

The Company will not pay you for time taken to complete your Witness Duties.

**Voting** - Although polls are open for extended hours, we realize that in some instances our employees 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 arrange for you to have the necessary time off to vote.

## **Military Spouse Leave**

An employee who works an average of at least 20 hours per week and who is the spouse of a member of the U.S. armed forces, national guard, or reserves who has been deployed during a period of military conflict is entitled to 10 days unpaid leave when the employee's spouse is on leave from military duty.

## **Blood Donation Leave**

Employees who work an average of at least 20 hours per week are eligible for up to 3 hours of leave during any 12-month period for time off to donate blood. An employee must provide advance notice to his/her Supervisor of his/her intention to take this leave. The Company will not retaliate against any Employee who requests or takes a leave of absence to donate blood. Such leave is unpaid, in accordance with applicable law. Employees may use accrued paid time off for this purpose.

## **Bone Marrow Donation Leave**

Employees who work an average of at least 20 hours per week are eligible for up to 24 work hours of leave to donate bone marrow. The Company may request medical verification of the purpose and length of each leave requested by an employee to donate bone marrow. It is impermissible to retaliate against an employee for requesting or obtaining a leave of absence to donate bone marrow.

## **Accommodation To Express Breast Milk**

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, to the extent required by and in accordance with applicable law. If possible, the break time must run concurrently with rest and meal periods already provided to the employee. Break time that cannot run concurrently with rest and meal periods already provided to the employee is unpaid, to the extent permitted by applicable law.

The Company will make reasonable efforts to provide an employee with use of a room or location other than a toilet stall to express milk in private. This location may be the employee's private office, if applicable.

The Company may not be able to provide additional break time if doing so would seriously disrupt the Company's operations. Employees can contact any of the Human Resources Department with questions regarding this policy.

## **Bereavement Leave**

Employees are eligible to receive up to three (3) days of unpaid Bereavement Leave in the event they miss regularly scheduled workdays due to the death or funeral of a member of the employee's immediate family. Your immediate family includes your spouse, children, stepchildren, parents, legal guardians, grandparents, grandchildren, brother or sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, your spouse's parents, and any other relative permanently residing in your household.

An employee who is notified of a death in his/her immediate family while at work and who leaves work immediately after will not be paid for the remainder of the scheduled hours that day. The three (3) day eligibility for bereavement leave will not commence until the next regularly scheduled workday. All time off in connection with the death of one of the above-listed individuals should be scheduled with the Human Resources Department.

## **Benefits During Leave**

Paid Time Off benefits will not accrue during an unpaid portion of a leave of absence. An employee on an unpaid leave of absence is not eligible for holiday pay.

## **What We Expect of You**

This section of the Manual discusses your responsibilities to R.L. Baxter Building Corporation and Affiliates as an employee. Please thoroughly familiarize yourself with these policies and apply them to your work. The result of your effort will be a more efficient, productive and pleasant atmosphere for you, your co-workers and our customers.

R.L. Baxter Building Corporation and Affiliates has certain policies and procedures in place for the orderly conduct of our business. Violation of the basic rules, policies in this Manual, or any other policy of the Company may lead to disciplinary action, up to and including immediate termination.

If you have any questions about these rules, or what we expect of you, please discuss them with the Human Resources Department. R.L. Baxter Building Corporation and Affiliates' identification of these rules does not alter the "at-will" nature of your employment. You have the right to terminate your employment at any time, with or without cause or notice, and the Company has the same right. Described below are the basic rules that we expect our employees to follow.

### **Absenteeism and Tardiness**

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

If you are unable to report for work for any reason, notify your supervisor as early as possible, but at least thirty (30) minutes before your regular starting time, except in cases of extreme emergency. You are responsible for speaking directly with your supervisor or the Human Resources Department about your absence. The company phone number is (845) 471-1047. This will allow the Company to arrange for temporary coverage of your duties, and helps other employees to continue work in your absence. To the extent permitted under applicable law, if you do not report for work and the Company is not notified of your status, it will generally be assumed after three (3) consecutive days of absence that you have resigned, and you will be removed from the payroll. If you become ill while at work or must leave the office for some other reason before the end of the workday, be sure to inform your supervisor of the situation.

Should undue tardiness or absenteeism become apparent, disciplinary action may be required. Each of our employees plays an important role in getting the day's work done. Therefore each employee is expected to be at his/her work area on time each day and to remain there throughout his/her scheduled hours. Absenteeism or tardiness, even for good reason, is disruptive to our operations and interferes with our ability to satisfy our customer's needs. Excessive absenteeism or tardiness, excused or unexcused, may result in disciplinary action, up to and including termination.

## **Substance Abuse**

We, at R.L. Baxter Building Corporation and Affiliates, have a vital interest in insuring safe, healthful and efficient working conditions for our employees. In addition, as a federal contractor or grantee, we have a duty to safely and efficiently provide the public with quality goods and services at a reasonable cost. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, we have established, as a condition of employment and continued employment, the following drug and alcohol policy.

### **Drug and Alcohol Policy**

R. L. Baxter Building Corporation (the "Company") is committed to providing a drug and alcohol free workplace. This means that the Company does not condone, nor permit, the manufacture, use, sale, distribution, transfer, display or possession of alcohol, illegal drugs and other controlled substances or drug paraphernalia, on its premises and while conducting business-related activities of the Company off-premises. Furthermore, the Company does not condone, or permit, any employee to be on its premises or to conduct business-related activities off-premises while under the influence of illegal drugs, alcohol, or other controlled substance. Drug and alcohol use in the workplace can pose dangers both to the user and to other employees. Of course, this policy does not extend to any employee who is properly using prescription medication on the orders of a physician. If, however, an employee has been advised not to drive or to otherwise limit his or her activities while taking a particular medication, and such activities are part of the employee's regular job duties, if the employee otherwise believes the medication impairs his or her ability to safely and effectively perform, or if the employee believes he/she needs a reasonable accommodation, the employee must inform the Company of the situation and may be asked to provide a doctor's note describing any limitations, in accordance with applicable law.

Although the Company encourages employees with drug or alcohol abuse problems to seek assistance and treatment, doing so may not lessen discipline determined to be warranted based on a violation of this policy.

The Company may, at its discretion, require any employee to submit to a drug or alcohol test, which may require the taking of blood, urine or breath samples, if the Company reasonably suspects that an employee is under the influence of alcohol or illegal drugs or other controlled substances or that the employee used these substances while at work or otherwise on Company premises or while conducting business on the Company's behalf. The Company will pay for all drug or alcohol tests.

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

Employees who test positive will be subject to discipline, up to and including immediate termination of employment. Employees who refuse to submit to testing as required by the Company or who fail to complete the test will be subject to discipline, up to and including immediate termination of employment. Employees acknowledge that allowing employees to work while under the influence of illegal drugs, alcohol, or other controlled substances would create substantial risk to other employees and customers. Employees acknowledge the need to mitigate such risk related to employees working while under the influence of illegal drugs, alcohol, or other controlled substances would constitute an undue hardship on the part of the Company.

## **Bonding**

Certain employees may be required to be of character, reputation, honesty, and integrity as to be “bondable” to the limits required by the law and as per the profile set forth in the Company’s insurance coverage.

## **Cash Handling Procedure**

Any money received by employees for services, parts, or materials, including deposits, must be turned in to the Accounting Department immediately. A log book for cash receipts is maintained by the Receptionist/Accounting Department. Any employee failing to follow Company procedures for handling or depositing money may be held responsible for missing or otherwise unaccounted for money. The Company will take disciplinary action up to and including termination for violation to this policy and will prosecute to the fullest extent permissible by law.

## **Cell Phones, Tablets and Laptops Policies**

Personal cell phones may only be used for emergencies and during non-working hours such as during breaks and meal times.

Cell phones, laptops, tablets and other portable devices issued to employees of R. L. Baxter Building Corporation (the “Company”) remain the property of the Company. Devices provided by the Company for employee use must be registered with Human Resources and may not be given or transferred to other employees without the advance permission of Human Resources.

Users of Company remote-access equipment are expected to protect the equipment from loss, damage, or theft. Lost or stolen devices must be reported to Human Resources within 24 hours. Replacement of a lost or damaged device will be at the discretion of the company.

Company-owned **cell phones** are intended to be used primarily for Company business. Use of the phones is intended to support activities of the Company and allow employees to perform their job-related duties. Excessive use of a Company cell phone for personal calls or texting, or any other activity that is inconsistent with business needs will be considered a misuse of Company resources. Personal text messages should not be sent or received on Company-issued cell phones.

Employees should have no expectation of privacy regarding the use of Company cell phones; phone records are audited to ensure appropriate use. Employees are expressly advised that in order to prevent misuse, the Company reserves the right to monitor, intercept, review and erase, without further notice, all content created on, transmitted to, received or printed from, or stored or recorded on the device for the Company’s business or on behalf of the Company. All materials, data, communications and information, including but not limited to e-mail (both outgoing and incoming), telephone conversations and voice mail recordings, instant messages, and internet and social media postings and activities created on, transmitted to, received or printed from, or stored or recorded on the device for the Company’s business or on behalf of the Company is the property of the Company, regardless of who owns the device(s) used.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while

driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees must pull to the side of the road and safely stop the vehicle before placing or accepting a call.

Employees must pay for their own device costs under this policy which exceed the coverage provided by the Company for business usage, including data in excess of the plan purchased by the Company, international personal travel use and the purchase of applications/games. By signing the handbook acknowledgment, employees acknowledge that they alone are responsible for all costs associated with the device which exceed the coverage provided by the Company for business usage and employees must reimburse the Company for such costs.

The Company's policies prohibiting harassment, discrimination and retaliation apply to the use of all devices under this policy. Employees may not use any device in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

This policy is not intended to preclude or dissuade employees from engaging in activities protected by state or federal law, including the National Labor Relations Act.

Employees who violate any provision of this policy are subject to discipline, up to and including termination of employment.

## **Remote Access to Technology Resources**

The Company may, at its sole discretion, provide certain employees with remote access systems such as laptop, smartphone, tablet, or other personal organizer to allow such employees to handle the tasks associated with their jobs while working away from the office. Employees must take care to ensure the security of all Company-provided equipment. Employees must not share network passwords or other PINS with anyone. As soon as an employee believes Company provided equipment is lost or that the security and confidentiality of the data on that equipment has been compromised, he or she must notify your Supervisor. If the company-provided equipment is lost, or if it damages as a result of carelessness, employees may be responsible for replacement fees. The Company-provided remote access system should only be used for Company-related business. The Company may decide that it is no longer necessary for certain employees to possess a remote access system and their ability to use such systems may be discontinued, in which case such employees are expected to return any Company-issued remote access systems.

The Company does not expect or require employees to work on tasks (including e-mail, work product, etc.) during meal periods or after scheduled working times.

## **Company Expenses & Reporting**

If you are required to make a Company purchase, you will be given a Company Credit Card. Receipts should be submitted to a Supervisor the same day the purchase is made. Company expenses paid by an employee must be submitted to the Accounting Department on the Company's expense reimbursement form on a weekly basis. At no time should employees purchase materials or supplies without authorization from a Project Manager or Supervisor.

## **Company Keys and Property**

Each employee to whom a key is given is responsible for proper use of that key and will be required to sign for it. A lost or misplaced key must be reported immediately to the Office. Never duplicate or loan a key to anyone, for any reason. Employees who take a leave of absence must turn in any keys, tools and/or other Company property prior to beginning their leave. At the end of your employment all keys, tools and/or other Company property must be turned in to the Office Manager.

## **Company Letterhead and Materials**

All Company letterhead and materials (envelopes, invoices, change orders, etc.) are considered Company property and may not be used without proper authorization. When using Company letterhead, you are representing the Company. With this in mind, all information contained in your correspondence should be accurate and completed in a business-like and professional manner. Company letterhead and/or materials should never be used for personal reasons. Misuse of Company letterhead and materials may result in disciplinary action, up to and including termination.

## **Communications and Computer Systems**

The Company's communication and computer systems are intended for business purposes. This includes the computers, related hardware, software and networks as well as telephone, voice mail, e-mail and Internet systems. Any personal use must not interfere with performance or operations and must not violate any Company policy or applicable law. Users have no legitimate expectation of privacy in regard to system usage.

The Company may access its communication and computer systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Company deems it appropriate to do so. Further, the Company may review Internet usage. The reasons for which the Company may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during an employee's absence.

The Company may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Company's policies including, but not limited to, those prohibiting harassment, in their entirety, apply to the use of the Company's communication and computer systems. Additionally, employees may not use the Company's communication and computer systems in violation of any law including, but not limited to, those related to copyrights and software piracy.

All employees, upon request, must inform management of any private access codes or passwords.

No employee may access, or attempt to obtain access to, another employee's communication or computer systems without appropriate authorization.

Employees may not install, duplicate, or remove software on the Company's computer systems without prior management approval. Personal computers and other electronic devices (cell phones, PDAs, etc.) may not be connected directly to the Company's computer systems without prior management approval.

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

## **Social Media**

The Company respects the right of any employee to maintain a blog or website or to participate in social networking on or through websites or services such as Twitter, Facebook, or similar sites/services (collectively "social media"). However, to protect the Company's interests and ensure employees focus on their job duties, employees must adhere to the following rules:

- Employees may not use social media during working time, unless specifically authorized to do so as part of their job duties.
- All rules regarding confidential and proprietary business information apply in full to social media. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed through social media.
- When using social media, if an employee mentions the Company and also expresses either a political opinion or an opinion regarding the Company's actions, the poster must specifically state that the opinion expressed is his/her personal opinion and not the Company's position. This is necessary to preserve the Company's goodwill in the marketplace.
- Be respectful of potential readers and colleagues. Please do not use discriminatory comments, or make maliciously false statements when commenting about the Company, superiors, co-workers, or our competitors.
- Employees may not use the Company's logos or trademarks for commercial purposes or to endorse any product or service.
- Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through social media. For example, posted material that is discriminatory, obscene, defamatory, libelous, or threatening is forbidden.

All other Company policies apply equally to social media. Employees should review this Manual for further guidance.

The Company encourages all employees to keep in mind the speed and manner in which information posted through social media can be relayed (and often misunderstood) by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their Supervisor. When in doubt, do not post! Failure to follow these guidelines may result in discipline, up to and including termination. In enforcing this policy, the Company reserves the right to monitor social media activities of employees, whether or not such activities are conducted with Company resources, to the extent permitted by and in accordance with applicable law.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

## **Confidentiality**

All records and files of the Company are property of the Company and considered confidential. No employee is authorized to copy or disclose any file or record. Confidential information includes, but is not limited to, all letters or any other information concerning transactions with customers; customer personal information; payroll or personnel records of past or present employees; financial records of the Company; internal reports; business strategies, plans, and techniques, records pertaining to purchases from vendors or suppliers; correspondence and agreements with customers or suppliers; and documents concerning operating procedures of the Company. All telephone calls, letters, or other requests for information about current or former employees should be immediately directed to the Human Resources Department.

## **Standards of Conduct**

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

Depending on the severity or frequency of the disciplinary problems, a verbal or written reprimand, suspension without pay, disciplinary probation, or discharge may be necessary. It is within the company's sole discretion to select the appropriate disciplinary action to be taken. Notwithstanding the availability of the various disciplinary options, the company reserves the right to discharge an employee at its discretion, with or without notice.

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

- Theft or inappropriate removal or possession of property;
- Violation of the Timekeeping policy;
- Violation of the Substance Abuse policy;
- Violation of the Workplace Violence policy;

- Negligence or improper conduct leading to damage of company-owned or customer-owned property;
- Violation of safety or health rules;
- Violation of the Smoking policy;
- Violation of the Harassment, Including Sexual Harassment policy;
- Violation of the Attendance/Punctuality policy;
- Violation of the Cellular Phones policy;
- Violation of the Communications and Computer Systems policy;
- Violation of the Confidentiality policy;
- Unsatisfactory job performance; and
- Violation of any other personnel policies.

## **Customer Contact**

To minimize confusion and streamline customer requests and/or changes, all customer communication will be handled by the designated Project Manager/Site Superintendent or Foreman.

## **Customer Property**

It is very important that all employees do their part to ensure that Customer property is not used, damaged or destroyed. At no time should you ever “borrow” or use anything belonging to a customer this includes: tools, vacuum cleaners, ladders, radios, televisions, etc. If you find you need additional items to perform your job, contact your Supervisor.

## **Damage to Property**

In order to better serve our customers and to make your job easier, we have made a tremendous investment in our building, vehicles and equipment. Deliberate or careless damage to Company, co-worker or customer property will not be tolerated.

## **Document Preparation**

Correspondence and documents should be error-free and neatly prepared. Care shown in preparation reflects attention to accuracy and detail. Even simple errors cause unnecessary inconvenience and irritation. Furthermore, the time required to correct them is wasteful and expensive.

## **Emergencies**

Call 911 for fire or medical emergencies. Call 911 first and then immediately contact your Supervisor.

## **Energy Conservation**

Every employee should be mindful that energy costs money. As you leave each day, turn off lights, computer screens, air conditioners, or any other equipment that consumes electricity or natural gas. Additionally, we ask that you conserve water.

## **Equipment**

You should also be mindful that the equipment you use is expensive to replace. At the end of the day always lock up tools and store unused materials in a safe and secure place. Take care of vehicles assigned to you as well as keys and other property such as credit cards, gas wands tablets, laptops cellular phones as well as any other company owned or issued equipment. If you have lost or damaged a company item, notify your supervisor immediately.

## **Facsimile and Copy Machines**

Company facsimile and copy machines are intended for legitimate business purposes only and may not be used for personal use. Employees are prohibited from using these machines for transmitting, receiving or copying materials that may be deemed a violation of our policies. If you question whether an item is a violation of our policies, ask the Human Resources Department. Any employee, who receives such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the Human Resources Department.

## **Fraud, Dishonesty and False Statements**

No employee or applicant may ever falsify any application, medical history record, invoice, paperwork, time sheet, time card, investigative questionnaire or any other document. Any employee found to have engaged in resume fraud or who made material misrepresentations or omissions on their employment application may be subject to immediate termination of employment. If you observe any such violations, please report it to the Human Resources Department immediately.

## **Gambling**

Gambling is prohibited on Company property and job sites.

## **Gifts and Gratuities**

Employees are prohibited from accepting inducements or rewards of any kind, and in any amount whatsoever, which are tied to any Company project, from sources outside the Company. This prohibition includes, but is not limited to cash; incentive payments; trips; clothing, tickets, merchandise; or any other possible incentive or inducement.

Violation of this policy in any way, including failing to report the availability of a reward, gift or gratuity, or accepting a reward, gift or gratuity directly from a source other than the Company, may result in disciplinary action, up to and including termination.

## **Good Driving Record**

Not only must each employee driving a Company vehicle strictly comply with all speed and traffic laws while on the job, but they must also maintain a good personal driving record. Our insurance carrier may periodically review the driving records of all of our employees and reserves the right to charge an additional premium for covering employees with poor driving records or refuse to cover such employees while driving Company vehicles. The Company reserves the right to take whatever appropriate actions it deems necessary, up to and including termination, to ensure all laws and insurance requirements are met.

## **Hazardous and Toxic Materials**

If your job requires that you handle hazardous or toxic materials, you are expected to comply with all laws, rules and regulations concerning their safe handling and disposal. If you have any questions about the materials you work with, or the proper safety procedures to follow, please discuss them with your Supervisor.

If you find, or suspect you have found, any hazardous or toxic materials such as asbestos, lead-based paint, PBC, etc., immediately notify your Supervisor and stop working. The Supervisor will assess the situation and inform you if and/or when you should continue to work.

## **Honesty**

Our credibility with our customers is the most important element of our relationship. Employees are expected to be honest in their dealings with our customers and their co-workers.

## **Housekeeping**

Employees are responsible for maintaining job sites and work areas in a presentable and professional manner. At the close of each business day, ensure that all tools and equipment are clean and put away. All materials and supplies should be securely stored or removed from site. No tools or paperwork should be left out overnight. Employees may not litter or discard such items as cigarettes or wrappers on Company property or job sites. Remember that we want our customers to look upon us as a professional, neat organization.

Work areas must be maintained in a clean, healthy and orderly fashion to prevent unsafe conditions and potential accidents. Tools and equipment should be properly stored when not in use. If you observe conditions or equipment that are potentially dangerous, report them immediately to your Supervisor. It is each employee's responsibility to make sure his/her work area is clean and orderly at the completion of his/her scheduled work shift.

## **Injuries**

If faced with a medical emergency, call 911. All injuries during work hours are to be reported to the Human Resources Department within 48 hours.

## **Insubordination**

We all have a duty to perform at the highest professional level and everyone, must follow directions from someone. It is against Company policy for an employee to refuse to follow the directions of a Supervisor or management official, or to treat a Supervisor or management official in an insubordinate manner. Employees must fully cooperate with Company investigations into potential misconduct. Refusal to fully disclose information in the course of a Company investigation is a form of insubordination.

## **Job Descriptions**

Your position with the Company is very important. Your understanding of your duties and responsibilities is just as important. Upon beginning employment with the Company, you may be provided with a written R.L. Baxter Building Corporation and Affiliates job description specific to your job title.

You will be required to follow your job description. If you have any questions regarding your duties/responsibilities outlined in your job description, please review them with your Supervisor and/or the Human Resources Department.

## **Meetings**

From time to time, individual or staff meetings may be held for the purpose of providing instruction, training, or counseling, or to review Company operating policies. If such a meeting is called and includes your department or you individually, attendance may be required. Prior to any meeting you may verify with your Supervisor if your attendance is mandatory.

## **Misuse of Property**

No employee may misuse, or use without authorization, equipment, vehicles or any other property of customers, vendors, co-workers or the Company.

## **Conflict of Interest**

Performing work for any of R.L. Baxter Building Corporation and Affiliates's customers, past or present, with whom you have worked previously as an employee of the Company is strictly prohibited and grounds for immediate termination. At no time is it acceptable to use Company equipment, tools, materials or supplies for any project not contracted through R.L. Baxter Building Corporation and Affiliates. If it is determined that you have violated this policy you may be required to reimburse the Company for the cost of the materials and/or supplies and will be held responsible for the use of the Company equipment and tools.

## **Off-Duty Social and Recreational Activities**

During the year, the Company may sponsor social or recreational activities for its employees. Your attendance at such social activities is completely voluntary and is not work-related.

## **Off-Duty Use of Company Facilities/Property**

Employees are prohibited from being on the Company premises or job sites, or making use of Company tools, materials and supplies while not on duty. Employees are expressly prohibited from using Company vehicles, Company property, and Company equipment or tools for personal use.

## **Opportunities for Advancement**

From time to time there may be an opportunity of advancement for qualified employees with a good employment track record. You are encouraged to notify your Supervisor that you are interested in advancing not only through your actual words, but also with your actions; reporting to work on time, acting professionally with customers and vendors, efficiently performing your current duties, etc.

## **Outside Employment (Moonlighting)**

There may be times when some of us are faced with the opportunity, or the need, to have two jobs. It is important that your other employment does not interfere with your primary job with R.L. Baxter Building Corporation and Affiliates. Outside employment should not interfere with the safe performance of an employee's job duties with R.L. Baxter.

## **Parking & Employee Vehicles**

Employees are required to park their vehicles in the specific designated areas. Employees are allowed to have only one vehicle on Company property or job sites at any given time. Storage for additional employee owned vehicles or recreational equipment is not available. The Company assumes no responsibility for damage to, or loss of, automobiles or other personal property.

Vehicle Lettering - Only after ninety (90) day Probationary Period

Employee may choose to have his/her personal vehicle lettered with the RL Baxter logo, telephone number and website address (RL Baxter to design and pay for lettering). Employee will receive a gas card in the amount of \$100.00 per month if he/she chooses to have his/her personal vehicle lettered.

## **Personal Appearance and Behavior**

We expect all employees to present a neat, well-groomed appearance and a courteous disposition. We feel these qualities go further than any other factors in making a favorable impression on our customers and co-workers. Shirts and pants must always be clean, and in good condition. Shirts must be tucked in and belts worn. Appropriate shoes are like a piece of equipment and must always be worn. All Employees must keep their bodies and legs covered at all times while working on Company jobs or buildings. Please avoid extremes in dress and behavior such as flashy, skimpy or revealing outfits and other non-business-like clothing as these are unacceptable. Equally unacceptable are radical hairstyles and colors, visible tattoos and visible body piercing. Long hair is permitted but for safety reasons must be secured back or up at all times. Facial hair is also permitted but must be neatly groomed and trimmed. If provided, Company uniforms, should always be kept in good, clean condition and must be worn at all times when on duty.

Employees are expected to observe the Company's personal appearance and behavior policy at all times while at work. Employees who report to work in unacceptable attire may be requested to leave work and return in acceptable attire. Such time off from work will generally be without pay. The Company will consider accommodations to this dress code related to an employee's medical condition or sincerely held religious belief.

## **Personal Telephone Calls and Visits**

We have a limited number of telephone lines and it is essential that we keep those lines open for business calls. Therefore, we ask our employees to refrain from making or receiving personal calls, except in emergencies. Supervisors must approve all long distance business calls, unless your job duties include the routine making of long distance calls. Employees will be responsible for unauthorized calls and subject to disciplinary action, up to and including termination.

Personal visits by friends or relatives during work hours can be disruptive to our operations and for safety reasons are discouraged. Non-employees are strictly forbidden from entering the work place or unauthorized areas.

## **Safety**

It is our policy to promote safety on the job. Please refer to the company's Safety Standards Handbook for more information. The health and well being of our employees is foremost among our concerns. For this reason, you are urged to follow common sense safety practices, and correct or report any unsafe conditions, defective tools, or equipment to your Supervisor . Every employee is expected to assist R.L. Baxter Building Corporation and Affiliates in maintaining safe working conditions.

Safety on the job site is the number one priority. All employees who regularly perform work in the field are required to maintain OSHA certification. If you fail to follow OSHA compliant safety practices or fail to report unsafe practices this may result in disciplinary action, up to and including termination. Safety is a state of mind and requires constant vigilance and common sense. Safety is everyone's responsibility. Remember: SAFETY FIRST.

All accidents - including those that do not involve serious injury and/or those involving customers - must be reported immediately to your Supervisor and ultimately to the Human Resources Department and 911 should be called. It is only through full knowledge of every accident that the Company can become a safer, healthier place for everyone to work.

## **Salvage and Scrap Materials**

All materials used and/or removed from customer job sites, are the property of R.L. Baxter Building Corporation and Affiliates. No employee shall remove from the premises any salvage or scrap materials without being properly billed, or receiving written authorization to the contrary from their Supervisor. Pilfering of new and used materials and supplies is grounds for immediate termination.

## **Searches and Inspections**

R.L. Baxter Building Corporation and Affiliates reserves the right, at all times and without prior notice, to conduct searches and inspections. These inspections may be conducted during or after business hours and in the presence or absence of the employee. Inspections may occur when determining whether any Company policy has been violated, when promoting safety in the workplace or to ensure compliance with state or federal laws.

The Company reserves the right to question and search or inspect any employee or other individual entering onto or leaving the Company premises and/or job sites. The search and inspection may include any Company property such as vehicles, lockers, toolboxes, desks, cabinets, etc., along with packages or items that an individual may be carrying, including briefcases, backpacks, shopping bags, etc, and may also include any item brought onto Company property or job sites. These items are subject to inspection and search at any time, with or without prior notice.

The Company also requires individuals while on the job or on the Company's premises to submit to reasonable inspection of their personal property, vehicles and/or persons. An

individual may also be requested to self-inspect his/her personal property or person by displaying the contents of any lunch box, handbag, pocket, etc. in the presence of a representative of the Human Resources Department or local law enforcement agent. The Company will not tolerate anyone's refusal to cooperate with a search or inspection. Employees who refuse to participate in a search or inspection may be subject to disciplinary action up to and including termination.

## **Scheduling**

Scheduling is a crucial part of organizing the following day's work. You are responsible for knowing your individual schedule including what job duties you are expected to perform at what job site and at what time you are to be there. If you are unable to work, you must personally notify the appropriate individual(s) pursuant to the Company's Absenteeism and Tardiness policy, outlined above. The Company has a business to run, and if you are not able to complete your duties, someone else will need to be contacted, or work will need to be rescheduled. Please be considerate to your co-workers and act in a dependable, reliable manner at all times.

## **Smoking**

The Company is committed to providing a safe and healthy workplace. As a result, smoking is prohibited in all Company buildings/properties, Company vehicles and on job sites. In addition, smoking is prohibited in all areas where paint and flammable materials are present. Smoking is only permitted in your own vehicle during breaks and lunch.

## **Solicitation and Distribution**

Solicitation by an employee of another employee is prohibited, while either the person doing the soliciting or the person being solicited is on working time. Working time includes the time during which any of the employees involved are actually scheduled to work, and does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

Distribution of advertising material, handbills, or other literature by employees during working time (or in working areas) is prohibited.

Solicitation and/or distribution by third parties is prohibited at all times.

## **Theft**

To protect you, your co-workers and R.L. Baxter Building Corporation and Affiliates, we reserve the right to inspect all Company and employee purses, briefcases, packages, toolboxes, lockers and vehicles on Company property and job sites. If you must remove Company property from the premises, you must obtain permission in advance from your Supervisor. If a theft is suspected, a full investigation will be conducted. If a theft is confirmed, a police report will be filed.

## **Tools**

Employees supplying their own tools are asked to secure them by keeping their toolboxes locked when not in use. R.L. Baxter Building Corporation and Affiliates's insurance does not cover the loss of your personal tools. Tools belonging to R.L. Baxter Building Corporation and Affiliates should be similarly secured when not in use. R.L. Baxter Building Corporation and Affiliates's tools are not to be removed from company property or job site under any circumstances.

## **Uniform Policy**

Employees in certain positions in the Company may be required to wear uniforms or special clothing. Other employees may have the option of wearing uniforms. Please see the Human Resources Department regarding the uniform policy and how it pertains to you. When you separate from employment with the Company, you are required to return all uniforms .

## **Voice Mail**

All messages on Company voice mail are the property of the Company and may be reviewed at any time. Company voice mail is to be used for business purposes only. The Company's policy prohibiting harassment applies, in its entirety, to the use of Company voice mail. The Company maintains the right to access your voice mail at any time with or without prior notice, and employees should not assume that voice mail messages are confidential. Use of Company voice mail for unauthorized purposes is prohibited and may result in disciplinary action, up to and including termination.

## **Work Status**

### **Changes to Personnel Records**

To keep your personnel records up to date, to ensure that the Company has the ability to contact you, and to guarantee that the appropriate benefits are offered to you, employees are expected to notify the Accounting Department promptly of any change of name, address, phone number, number of dependents, or other applicable information.

### **Outside Inquiries Concerning Employees**

All inquiries from outside sources concerning former or current employees should be directed to the Human Resources Department. Other employees may not give information regarding an employee to any outside source.

### **Job Abandonment**

Any employee who fails to report to work for three (3) consecutively scheduled workdays without notice to their Supervisor will be deemed to have voluntarily terminated their employment with the Company and will not be entitled to payment of any accrued benefits.

### **Notice of Resignation**

In the event, you choose to resign from your position, as much advanced notice as possible is appreciated. You are responsible for returning all Company property in your possession, or for which you are responsible. This policy in no way alters the "at-will" employment relationship between you and the Company.

### **Re-employment**

The Owners must approve all offers of re-employment. Upon re-employment, an employee's service record may start over with regard to all benefit programs, as though the employee was being hired for the first time.

### **Retirements**

Please provide your Supervisor with at least ninety (90) days advance notice of your intended retirement date so plans can be made to hire a replacement upon your retirement. This policy in no way alters the "at-will" employment relationship between you and the Company.

### **Exit Interview**

Any employee leaving R.L. Baxter Building Corporation and Affiliates may be requested to provide an exit interview, either in person or by telephone. The purpose of this interview is to explore the reasons for separation and your work experience with the Company.

## **In Summary**

This Manual outlines the benefits, practices, and policies of the Company in effect at the time of publication. You should keep this Manual as a guide and ready reference. If you have questions about information contained herein, please do not hesitate to discuss them with the Human Resources Department.

## RECEIPT OF EMPLOYEE MANUAL

This Employee Manual is an important document intended to help you become acquainted with the Company. This document contains management guidelines only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Company's operations may change, the contents of this Manual and any applicable state supplements may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee Manual.

**I have received and read the policies and procedures as stated in the Employee Manual and any applicable state supplements. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of the Company at any time.**

**I further understand that my employment is terminable at will, either by myself or the Company, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no contract of employment other than "at will" has been expressed or implied, and that no representative of the Company other than one of the Owners is authorized to provide any employee or employees with an employment contract or special arrangement concerning terms or conditions of employment and that any such agreement must be in writing and signed by one of the Owners.**

**I acknowledge that I and R.L. Baxter Building Corporation and Affiliates, respectively, waive any right to trial by jury in connection with any dispute or claim and agree that any claim or dispute will be adjudicated by a judge sitting without a jury. To assure individualized adjudication, any claim or dispute between us will be adjudicated solely by R.L. Building Corporation and by me in an individual action, not as a group, class or collective action or proceeding. Any lawsuit that is filed shall be heard in the federal or state court in closest proximity to R.L. Building Corporation.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Company's Employee Manual.**

---

Employee Name (Please Print)

---

Employee Signature

---

Date

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

## **RECEIPT OF HARASSMENT, INCLUDING SEXUAL HARASSMENT POLICY**

The Company prohibits, and is committed to providing a work environment that is free of intentional and unintentional harassment of any individual by another person on the basis of race, color, creed, religion, national origin, ancestry, citizenship status, age, disability or handicap, marital status, sexual orientation, veteran status, genetic information, domestic violence victim status or any other characteristic protected by applicable federal, state, or local laws. Actions, words, jokes, or comments based on a legally protected characteristic will not be tolerated. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace.

Similarly, it is the Company's policy to prohibit harassment of any employee by any Supervisor, employee, customer, or vendor on the basis of sex or gender. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual on the basis of sex or gender in the workplace.

While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include, but are not limited to:

- unwelcome sexual advances;
- requests for sexual favors;
- obscene gestures;
- displaying sexually graphic magazines, calendars, or posters;
- sending sexually explicit e-mails;
- verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature;
- sexually-related comments, and depending upon the circumstances, improper conduct also can include sexual joking;
- vulgar or offensive conversation or jokes;
- commenting about an employee's physical appearance;
- conversation about an employee's or someone else's sex life;
- teasing or other conduct directed toward a person because of his or her sex or gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you believe you have been the victim of harassment, including sexual harassment, know of another employee who has, or have otherwise witnessed conduct that may violate this policy report it to your supervisor, Human Resources Staff or any of the Owners immediately. An employee who is either unsure of the appropriate person to whom to raise an issue of perceived harassment or who has not received a satisfactory response within five (5) business days after reporting any incident of perceived harassment should contact any of the Owners. Any supervisor who becomes aware of possible harassment should promptly advise any of the Owners who will handle the matter in a timely and confidential manner.

Every report of perceived harassment, including sexual harassment, will be investigated as the Company considers appropriate, and corrective action will be taken where appropriate as determined by the Company in its reasonable discretion. Employees are required to cooperate in all investigations. Violation of this policy may result in disciplinary action, up to and including discharge, as determined by the Company in its reasonable discretion. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Company will not allow any form of retaliation against individuals who report unwelcome conduct to management in good faith or who cooperate in the investigations of such reports in accordance with this policy.



**and Affiliates**

**I have read and understood the Company's Harassment, Including Sexual Harassment Policy.**

\_\_\_\_\_  
Employee Name (Please Print)

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

\_\_\_\_\_  
Date

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

## CONSENT FORM FOR DRUG AND ALCOHOL TESTING

As explained in R. L. Baxter Building Corporation's (the "Company") Drug and Alcohol Policy (the "Policy"), the Company is committed to providing its employees with a safe workplace that is free from unlawful drugs and alcohol as classified under New York State, local or federal laws while employees are working on the Company's premises (either on or off duty), while operating Company vehicles or equipment and while performing work for the Company. Pursuant to the Policy, employees of the Company will be tested for drugs and alcohol at certain times during their employment with the Company.

I hereby agree to submit to drug and alcohol tests (the "Drug Tests") as requested by the Company. I agree to provide a urine, breath, hair, saliva, and/or blood sample upon request, and undergo other necessary procedures, as required to perform such Drug Tests. I acknowledge that a laboratory or medical provider will conduct Drug Tests and I agree to cooperate with any such laboratory or medical provider when I provide such samples. I understand that it is my responsibility to provide the Company as well as the laboratory or medical provider administering Drug Tests with information pertinent to such Drug Tests or the Company's Policy, including but not limited to identifying medication and drugs, legal or illegal, prescription or non-prescription, that I have taken in the past, currently take, or plan to take in the future. I authorize such laboratory or medical provider to release the results of my Drug Tests to the Company. I understand that my Drug Test results will remain confidential, unless the disclosure of said Drug Test results to any third party is authorized by me with my written consent or required by any subpoena, court order, agency order or judicial process. I understand that my Drug Test results will not be used for any other purpose than described herein and in the Company's Policy. I also understand that it is not the purpose of the Policy to identify any disability that I may have.

I consent to be tested if I am involved in an accident or injury that gives the Company reasonable suspicion to believe that I was, am, or will be under the influence of unlawful drugs or alcohol, or if the Company otherwise has any such reasonable suspicion.

I understand that if I test positive for drugs or alcohol, then I will be in violation of Company's Policy and subject to discipline, up to and including termination of employment. While the use of marijuana has been legalized under state law for medicinal uses, it remains an illegal drug under federal law and its use as it impacts the workplace is prohibited by the Company's Policy. I understand that my refusal to take or complete a drug test required by the Company will be grounds for discipline, up to and including my termination of employment. I acknowledge that allowing employees to work while under the influence of illegal drugs, alcohol, or other controlled substances would create substantial risk to other employees and customers. I acknowledge the need to mitigate such risk related to employees working while under the influence of illegal drugs, alcohol, or other controlled substances would constitute an undue hardship on the part of the Company.

The terms of this Consent Form work in conjunction with, and do not replace, amend or supplement any terms or conditions of my employment. I acknowledge that a photocopy of this signed Consent Form has the same validity as an original signed copy of this Form.



**I acknowledge that I have fully read and understand this Form and I consent to drug and alcohol testing under the terms discussed herein and in the Company's Policy.**

\_\_\_\_\_  
Employee Name (Please Print)

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

\_\_\_\_\_  
Date

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

## Vehicle Policy

All vehicles owned, leased or rented by R. L. Baxter Building Corporation (the "Company") should be used primarily for Company business and may be driven only by employees of the Company who are authorized to do so. Employees permitted to drive Company cars must have a valid driver's license of the proper class and must be insurable under the Company vehicle insurance policy. In the event that an authorized driver's license is suspended or revoked, that individual must notify Human Resources as soon as possible. In addition, consistent with relevant background check laws, the Company reserves the right to evaluate the driving record of all Company vehicle drivers and revoke driving privileges as necessary. No passengers, other than those on Company business, are permitted to ride in a Company vehicle.

Company vehicles are highly visible representations of the Company to the surrounding community and the industry. They are a direct reflection of the Company. Therefore, it is your responsibility to keep any vehicle you drive in good repair and clean inside and out.

For all Company vehicles, the vehicle manufacturer's recommendations for regular preventive maintenance should be followed. It is your responsibility as a driver to check and maintain all fluid levels and to check the tires of any Company vehicle you drive. Most trucks require an oil change every 5,000 miles. It is your responsibility to ensure that the vehicle is serviced and maintained as per the manufacturer's schedule. It is your responsibility to notify Human Resources of any mechanical problems, at the **onset** of such problems. A substitute vehicle may be supplied, at the discretion, of the President, while a vehicle is being repaired or maintained.

Everyone operating a Company vehicle is expected to operate the vehicle in a safe and lawful manner. This includes, but is not limited to, the wearing of seat belts, at all times, by everyone in the vehicle. The use of cell phones (without the use of a hands free device) while driving – talking or texting - is prohibited. When you are operating any vehicle on Company business, or driving a Company vehicle any time, you may not be impaired by alcohol, drugs or fatigue. The legal use of prescribed drugs while driving, is permitted only if it does not impair your ability to drive in a safe manner that does not endanger yourself or others.

The details of any accident, no matter how minor, must be reported to Human Resources within twenty-four hours of the accident. An accident involving personal injury to anyone must be reported immediately, no later than within twenty-four hours of the incident. The driver of any Company vehicle or vehicle used on Company business is responsible for the payment of tickets, fines, or any other expenses related to the employee's traffic violations. Employees may be disciplined, up to and including termination of employment, for failure to pay tickets, fines and traffic violation fees.

Violations of this policy, including the operation of any Company vehicle or a vehicle on Company business without a valid driver's license, may be grounds for disciplinary action up to and including dismissal.



**I acknowledge that I have fully read and understand the R.L. Baxter Vehicle policy.**

\_\_\_\_\_  
Employee Name (Please Print)

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

\_\_\_\_\_  
Date

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

# **New York Paid Family Leave Effective January 1, 2018**

RL Baxter has established the following leave policy exclusively for employees working in New York State and who are protected by state laws governing mandated leave. For purposes of this policy language, the name “RL Baxter” and the term “Employer” are used interchangeably.

Nothing described in this policy is intended to confer paid leave entitlement to any RL Baxter employee other than individuals directly protected by the New York law, and who satisfy all the conditions required to qualify for leave. Please contact the RL Baxter Human Resources Department should you have further questions.

## **Background**

New York’s Paid Family Leave (“NYPFL”) program provides wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service.

Qualified employees are generally able to return to their job (reinstatement) and continue their health insurance if health benefits have been made available. Employees that contribute to the cost of their health insurance must continue to pay their portion of the premium cost while on Paid Family Leave as if the employee was actively working.

RL Baxter’s HR team will separately communicate details explaining the specific payment obligations required to keep health coverage benefits in place during the approved leave period.

## **Eligibility**

Employees with a regular schedule of 20 or more hours per week are eligible for NYPFL after 26 weeks of continuous employment.

Employees with a regular schedule of less than 20 hours per week are eligible for NYPFL after 175 days of active employment.

Employees do not have to take all of their sick leave and/or vacation before using paid family leave. An employer may permit employees to use sick or vacation leave for full pay, but may not require employees to use available sick or vacation leave prior to or concurrent with taking NYPFL.

An employee’s own illness is ***not*** covered by the Paid Family Leave Law; rather, the employee must use Short-Term Disability, Family Medical Leave under FMLA (if eligible), and/or earned/available sick or PTO time. If an employee needs to combine the Paid Family Leave to care for a close relative, and Short-Term Disability to care for themselves, the employee will only have a total of 26 weeks of paid leave available to them in one calendar year under both of these benefits.

## **Documentation & Definitions**

Beginning on January 1, 2018, employees who provide Proper Documentation may be eligible for up to eight (8) weeks of employee-funded Paid Family Leave.

“Proper Documentation” for each of the qualifying events is defined as follows:

### **1. For Childbirth:**

- *For the birth mother:* Birth Certificate or physician’s note declaring mother’s name and due date of child.
- *For the secondary parent:* Birth Certificate naming them as a parent, or a Voluntary Acknowledgement of Paternity or a Court order of Filiation naming them as parent. If those documents are not available, the second parent can submit birth documentation from the birth mother’s health care provider **and** either a marriage certificate or evidence of a civil union or domestic partnership to demonstrate the relationship to the birth mother. If none of these documents are available, the second parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis by the carrier.

### **2. For Foster Care:**

A letter of placement issued by a county, or city department of social services, or local voluntary agency. If a second parent is not named in documentation, a copy of the document plus a document verifying the relation to the parent named in the foster care placement will be needed.

### **3. For Adoption:**

A court document finalizing adoption, or, for Paid Family Leave taken before the adoption is complete, a document showing that the adoption process is underway. Examples of proof of a pending adoption include a signed statement from an attorney, adoption agency or adoption-related social service provider that the employee is in the process of adopting a child. If the second parent is not named in that document, they must also file documentation verifying the relationship to the parent named in the adoption.

### **4. Serious Health Condition for Close Family Member:**

- A medical certification, completed by the care recipient’s health care provider.
- An authorization for personal health disclosure form is required by the HIPAA Privacy Rule and must be completed by the care recipient and retained on file with the health care provider in order to submit the required medical information.

### **5. Active Military Duty Deployment:**

Either a PFL-5 “Military Qualifying Event” certification or a US Department of Labor “Certificate of Qualifying Exigency for Military Family Leave.” Those forms include (1) military documentation of the family member’s deployment or impending deployment (active duty orders or other notice from the military), and (2) documentation of the reason for leave.

## **How This Works:**

### **1. Maternity and New Parent Leave**

Paid Family Leave only begins after birth, and it not available for prenatal conditions. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.

### **2. Caring for a Close Relative with a Serious Condition**

A close relative includes:

- Spouse
- Domestic partner
- Child
- Parent
- Parent-in-law
- Grandparent
- Grandchild

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential health care facility; or
- continuing treatment or continuing supervision by a health care provider.

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time. You can take NYPFL in these types of instances.

### **3. Active Duty Deployment**

NYPFL is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty.

NYPFL cannot be used for one's own disability or qualifying military event. It may only be taken to care for your:

- Spouse
- Domestic partner
- Child
- Parent

## **Timeline**

Starting January 1, 2018, NYPFL will be phased-in over four years according to the following schedule:

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

Employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during the first year, 10 weeks during the second and third years, and 12 weeks the fourth and subsequent years. The 52-week clock starts on the first day the employee takes Paid Family Leave.

NYPFL coverage will be included under the disability policy all employers must carry. The premium will be fully funded by employees through payroll deductions, generally starting after July 1, 2017. A maximum rate of employees' contribution will be established each year.

## **Benefits**

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

The maximum NYPFL benefit is based on the New York State Average Weekly Wage (NYSAWW). The most recent AWW used for this calculation is \$1,305.92.

## **Cost to Employees**

Employers may collect the cost of NYPFL through after-tax payroll deductions. The maximum employee contribution in 2018 shall be 0.126% of an employee's weekly wage up to the annualized New York State Average Weekly Wage.

## **How to Apply**

1. Employee notifies employer 30 days prior to leave, when practical.
2. Employee fills out a claim form according to employer instructions. Claim forms are available from employer, insurance carrier, or [ny.gov/paidfamilyleave](http://ny.gov/paidfamilyleave).
3. Employee obtains supporting documentation for leave (birth certificate, military deployment certification, etc.).
4. Employee submits claim form and supporting documentation to insurance carrier or as directed by employer. Insurance carrier must pay or deny a claim within 18 days of receipt of the completed claim.

### **Possible restrictions affecting PFL use**

Employees should be aware that under certain circumstances, NYPFL may be limited, or unavailable, including:

- If the employee is receiving total disability payments as part of a claim for workers' compensation;
- If the employee is not employed, or is on administrative leave from employment;
- If the employee is already collecting employer-provided sick pay, or paid time off;
- If the employee works at least part of that day with pay for ABC Company; or
- If married employees each seek to simultaneously use the same time for the same family member when both spouses are employed by ABC Company.

In addition, if an employee experiences a leave-entitling event that qualifies for protections under both NYPFL and FMLA, then both the NYPFL and the FMLA will run concurrently so as to reduce the overall period of available leave to the maximum extent permitted under applicable law.

# BAXTER

**and Affiliates**

**NEW YORK PAID FAMILY LEAVE  
Effective January 1, 2018**

I acknowledge that I have read and understand the New York Paid Family Leave Policy issued by R.L Baxter Building Corporation.

\_\_\_\_\_  
Employee Name (Please Print)

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

\_\_\_\_\_  
Date

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.