

**PLEASE READ AND SIGN THE
FOLLOWING PROVISION:**

I, _____, have been furnished this copy of the Manatt Employee Handbook. At the time this Handbook was provided to me, I was directed to read this manual in its entirety and was directed that, if I have any questions concerning the provisions in it, I should contact the Director of Human Resources, Dan Boyer, with those questions. By signing and dating this page in the Handbook, I agree that I will read this manual in its entirety within the next 24 hours and that I will contact the Director of Human Resources, Dan Boyer, with any questions I have concerning any of the policies, either now or in the future. By signing and dating this page in the Handbook, I signify my understanding that this Handbook does not constitute an employment contract and that I understand that I am an employee at will. By signing and dating this page in the Handbook, I signify my understanding that Manatts, Inc., reserves the right to change the contents of this Manual and my agreement to abide by the intent and the rules set forth in this Manual while I am employed by Manatts, Inc.

Printed Name _____

Signature _____

Date _____

(Remove this page and turn in to Human Resources Dept.)

ACKNOWLEDGMENT FORM

This handbook is intended to provide general information to employees of Manatts, Inc. The policies and information described in this handbook are not conditions of employment, and the language is not intended nor does it create a contract between Manatts, Inc., and any employee. Manatts, Inc., reserves the right to change, add to, eliminate, or modify any of the policies in this manual at its discretion, with or without notice. Employees may resign their employment at any time and for any reason, and Manatts, Inc., reserves the same right to discontinue an individual's employment at any time and for any reason.

Any employee handbooks or manuals previously distributed are now specifically revoked and rescinded and the provisions in them are now null and void. Employment or continued employment following the distribution of this new handbook and the revocation of all prior handbooks or manuals will be considered to be your acceptance of this handbook as the sole and exclusive source of information regarding your employment other than applicable employee benefit documents.

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Welcome

1. Welcome

WELCOME TO THE MANATT TEAM

We are pleased you have chosen to join our team. We hope your association with us will be challenging and rewarding. You have been instructed to read this manual carefully and you have agreed to do this when you received this manual. It is your personal copy to keep for future reference. The information contained is important for new and veteran employees.

A Look At Manatts and How It All Started

In April of 1947, Junie Manatt bought a new Studebaker truck for \$2,000. He bought a thirteen foot stock and grain box for \$300. Junie paid the \$65.00 for the license plates and borrowed all the rest. He hauled grain and livestock in that truck until November of 1947. He then bought a new 1948 K-6 International for \$2,659.00 He hauled #2 mix from the Flint Crushed Gravel Company at Tama. A seven ton load of #2 mix was a mixture of 70% sand and 30% river gravel which Junie unloaded by hand! In 1948, he bought a new F6 Ford truck and placed a new, all steel Weston lime box on it. Then he bought a 1949 Studebaker truck with a center-dump lime box for hauling lime in the winter and stone in the summer. With a new 1951, F6 Ford truck, Junie and the trucking business was off and running. Junie would haul anything, anywhere, at anytime. Junie and his brother, Clair, hauled from that Tama location for the next ten years. They did, however, get hoists on their trucks.

In 1958, they bought Flint Crushed Gravel for \$75,000. and Manatts, Inc., still operates from that location as Tama Sand & Gravel Plant.

In 1952, Merlin graduated from college and began an implement dealership with Junie in Victor, Iowa. They sold the implement business in 1958, and Merlin joined his brothers, Junie and Clair. The road construction business began about 1956 when 3 old Minneapolis Moline tractors, some rubber-tired rollers, two sheepsfoot rollers and an old lowboy trailer were purchased to begin laying rolled stone base.

The farming business began around 1962 when Junie bought 260 acres at an auction. The Company (Manatt Enterprises) now has around 3500 acres, of which 1500 is farmed and the rest is rented out.

In 1959, they had about three ready mix plants, three ready mix trucks and three or four dump trucks. Clair had the responsibility for the sand and gravel plant at Tama, while Merlin had the asphalt and seal coat construction projects. Junie was in charge of ready mix and concrete paving operations. After Clair passed away in 1962, Junie and Merlin jointly assumed the other construction tasks. They plowed back into the operations any money they made to create the Company that exists today.

Today, Manatts, Inc., is a diversified construction company with operations in ready mix concrete, asphalt paving, concrete paving, seal coat, water and sewer, trenching and shouldering, milling, sand and gravel, limestone quarries, farming, dirt excavation, laboratory consulting and miscellaneous contracts utilizing over 350 power units.

Following is a list of the more important events in the history:

CHRONOLOGICAL EVENTS OF SIGNIFICANCE

- 1954 Started first ready mix plant in Brooklyn.
- 1958 Junie, Merlin, and Clair organized Manatts, Inc. Bought Tama Sand Plant from Flint Crushed Gravel Company. Built ready mix plant at Montezuma.
- 1960 Bought Wahl & Dee Ready Mix plant at Victor.
- 1960-70..... Bought ready mix plant at Belle Plaine from Andy Wilson. Bought Dysart and Traer from Jim Youngblut. Built plant at New Sharon.
- 1963 Bought first Mack truck.
- 1964 Bought eight Mack trucks with trailers. Had contract to haul 50,000 ton of rip rap from Ferguson Quarry to Red Rock dam. Approximately 55 mile haul and received \$2.50 per ton. Bought portable plant for

- use on Interstate 80 south of Marengo for bridges and culverts.
- 1965 Moved above portable plant to stationary location at sand plant at Tama. Still in use today.
- 1970 Bought United Concrete at Waterloo with Cecil Crouse.
- 1971 Purchased ground in Newton and began concrete and asphalt operations, 75 tph asphalt plant.
- 1977 Bought Cecil Crouse's interest in United. 100,000 ton shouldering project on Highway 30. Purchased two new 12 G's and RW195 shoulder machine.
- 1979 First one million dollar project installing subdrain on I-80 Poweshiek County. Purchased first asphalt drum mixer 250 tph for Newton operation.
- 1980-81..... Manatt-Carter Paving Company is subcontractor for Blount International in Ft. Polk, Louisiana. Two million dollar project to install parking lot for tanks.
- 1981 Newton asphalt crew goes to Texas to overlay I-20 in Van Zant County.; \$4 million project. Lost \$400,000 on project and burnt up three trucks.
- 1982 Purchased Iowa Road Builders in Ames; asphalt and concrete. Bought out K. C. Carter's interest in concrete paving operations. Martin Marietta sold Jackson's and Manatts their Waterloo Northern Iowa quarry operation. First experience in limestone crushing operations. Hired Don Dunlap to run the company called Basic Materials.
- 1983 Purchased first milling machine, a CMI PR450.
- 1984 First interstate asphalt resurfacing project in Jasper County; 3.4 million. First interstate concrete unbonded overlay project in Poweshiek County; \$4 million.
- 1985 Brad, John, Mike, Tim, and Tony purchased L. L. Pelling Company with asphalt and sealcoat operations in Iowa City and Cedar Rapids. Their partner is Russ Rhinehart.
- 1985-89..... PCC Paving Division got strong on Corp of Engineer's work at Offutt AFB, Nebraska; Ellsworth AFB, South

- Dakota; and McConnell AFB, Kansas. Over 200,000 cy placed.
- 1986 PCC Division bought a new Con-E-Co plant with Hetzel drum and Rex Town & Country paver. Start of the big time.
- 1987 Purchased twenty ready mix plants from Shirey. Purchased Wendling Quarry, a limestone producer in Muscatine, Cedar, Linn, and Jones counties. Purchased Illowa Investment in Blue Grass.
- 1990 Purchased Aggrecon from Jerry Kincaid. Limestone producer in Clinton, Jackson, Cedar, Linn, and three counties in Illinois. Merged them with Wendling Quarries.
- 1991 Purchased Macy Brothers in Grinnell.
- 1992 Brad, John, Mike, Tim, and Tony purchased Manatts, Inc., Wendling Quarries, and Illowa Investment from Merlin and Junie. United Concrete, Marquart Block and interest in Basic Materials and Aspro, Inc. were retained by Junie and Merlin. Completed new ready mix plant in Grinnell.
- 1992 Purchased Norris Asphalt of Ottumwa. Basically, a highway asphalt laydown company with two portable plants and two permanent plants. Brady Meldrem is president of the new company.
- 1993 PCC Paving Division got PCC inlay in Jasper County for \$7.8 million. Used our new invention, "The Paradigm" for the first time. The Paradigm is an on grade recycling system that will revolutionize the industry of recycling PCC pavements.
- 1994 Completed new ready mix facility in Ames.
- 1995 Wendling Quarries Inc. purchased Vulcan Materials-Iowa Division Quarries in Tama, Benton, Lynn, Jones, and Jackson Counties. Low in Jasper County on I-80 project by one million dollars on twenty million dollar reconstruction job. Six sections to build in two years; completed five sections. Very good job. Completed ready mix plant in Tama. Completed new asphalt facility in Ames. Won NAPA's Ecological Award for new hot mix facility.

- 1996 Won the NOVA Award for construction innovation with the development of the Paradigm.
- 1997 Norris Asphalt purchased Moberly Stone in Moberly, Missouri rock quarry and underground mine. Completed new ready mix plant in Traer. Celebrated 50 years in business. Purchased the first recycler/stabilization machine.
- 1998 Manatts, Inc., purchased GNA Concrete and Iowa. Contractors with ready mix plants in West Des Moines, Johnston, Ankeny, Altoona. Curt Manatt to manage Metro Division. Ames Ready Mix has unbelievable year; sells and delivers over 100,000 cy. Larry Ford, Tom Manatt, and Cindy Ogden were managing this operation.
- 1999 Purchased Green Limestone Quarries. Located across the road from Moberly Stone. Renamed Norris Aggregates. Should be about 800,000 ton market. Purchased Colfax ready mix plant from VO Ready Mix. Low bid on I-35 reconstruction - twenty miles, twenty million dollar job. Portable asphalt plant fire in Adair County; replaced Plant and continued work. Major work on I-80 in Adair County, 80,000 ton; Audubon County, new construction, 160,000 ton.
- 2000 March 19, 2000, Junie died at the age of 73. Completed new weld shop, equipment shop, and parts room addition in Brooklyn at the Corporate Office. Purchas-ed ½ interest in Bard Concrete with ready mix plants and quarries located in NE Iowa. Completed new ready mix plant in Vinton. Purchased 4th milling machine to help complete 235,000 ton of asphalt removal to be replaced with 12 miles of new PCC pavement in Adair County. Finished this twelve million dollar 2-year project in 1 year.
- 2001 Manatts, Inc., purchased United Concrete in Waterloo from Manatt Enterprises. Completed new state-of-the-art ready mix plant at United Concrete. Purchased portion of Russ Rhinehart’s share in L. L. Pelling. Norris Asphalt won prestigious Sheldon B. Hayes Award for County Road P46 Ringgold County

paving project. Eleven million dollar paving project in Hardin County and three million dollar, 87,000 ton asphalt job in Greene County.

2002 Completed new 15,500 square foot building for concrete dispatch, tire shop, and quality control in Brooklyn. Completed new ready mix plant in Independence. L. L. Pelling purchased Landa Painting which merged with Pelling. Purchased 2nd reclaimer/stabilization machine and 1st machine with foamed asphalt system. Completed one of Iowa's first DOT experimental full-depth projects in Boone County using this technique. The Paradigm traveled to Arkansas to complete 1st half of 2-year project. Four million dollar 90,000 ton asphalt job in Jasper County.

2003 Brad, John, Mike, and Tony purchased Tim's Company interests from him in preparation for his retirement. Completed new ready mix plant in Montezuma. Purchased R-Way Concrete in Adel which became part of Metro Division. Purchased land for future ready mix plant site in Guthrie Center and Grimes. Norris Aggregates purchased 11 Martin Marietta quarries. Seven million dollar I-135 PCC project in Wichita, Kansas.

2004 Purchased new portable asphalt plant. Norris purchased 2 additional quarries from Ideker Inc. in St. Joseph, Missouri. Ten million dollar PCC new and reconstruction project in Tama-Marshall Counties. 118,000 ton 4.8 million dollar asphalt project in Jasper County using new super high performance materials.

2005 Tim Manatt officially retired. Lost two key people in our organization unexpectedly; April 17, 2005, Tom Manatt, 44, drowned in canoeing accident and July 1, 2005, Mike Manatt, 52, suffered a fatal heart attack. Completed new state-of-the-art ready mix plant in Ankeny and also built a new ready mix plant at Grundy Center. Formed strategic alliance with Allied Construction and Green Limestone. Purchased the

- assets of M.Peterson Company with American Concrete in Des Moines. Helped Valley Environmental build new facility in Newton capable of storing 500,000 gallons of waste oil used at our asphalt plants. 3.5 million dollar Grinnell downtown street reconstruction project. PCC paved 37.5' wide on two different projects with two different paving crews. Fly ash stabilization business boomed in growth.
- 2006..... Brad, JoAnn, and Tony purchase John's interests in preparation of his retirement. Manatts are majority shareholders of the Iowa Speedway in Newton, a state-of- art 7/8 mile racing facility capable of hosting NASCAR and Indy Racing Series races. Completed new shop and office south of Newton. Norris Aggregates acquired 3 quarry lease operations from Hunt Midwest and purchased 3 additional quarries from Hunt-Martin for a total of 18 quarry operations. A new IT facility is built in Brooklyn to house servers, data storage, and backup systems.
- 2007..... The Iowa Corn Indy 250 is the first high level race at the Iowa Speedway, attracting over 30,000 fans. Manatts purchase 2 ready mix plants located in Williamsburg and Walford from Marengo Ready Mix. Wendling Quarries begins construction on facilities for new company, Beneficial Technologies. The return on Beneficial Technologies investment allows WQI a dual income stream by selling and hauling ag lime to ADM and then hauling and disposing of flyash from the site.
- 2008..... New ready mix plant is erected in the Brooklyn north yard. Record rainfall, flooding, and over 60% increases in diesel fuel prices added company- wide challenges. Johnston, Tama, and Waterloo ready mix plants dealt with major flooding. Wendling Quarries had 5 sand pits and 2 quarries affected by the floods. Most notably was the Moscow quarry in Muscatine County when the Cedar River shattered previous crest levels and completely filled the quarry.
- 2009..... Purchased Allied Construction, Allied Ready Mix, and

Green Limestone forming new company, Allied-Manatts Group LLC. Allied relocates offices to remodeled facility attached to existing equipment shop in Charles City. Iowa Speedway adds 2 NASCAR sanctioned events, the Nationwide Series and the Camping World Truck Series. Nationwide race attracts over 45,000 race fans. Wendling Quarries purchased Aggregates, Inc., a sand producer in Cedar Rapids which provides long term sand reserves for the area. Determann Asphalt, commercial asphalt producer in Clinton, IA, is purchased by Brad, JoAnn, and Tony. PCC Division paves V18 in Poweshiek County from Iowa 85 to Old 6 Road using stringless technology, the first successful stringless project in the State.

Introduction

2. Introduction

INTRODUCTION

This manual is for general information purposes and nothing in this manual or in other Company policies, procedures or practices (whether verbal or written), the acceptance of or continuance of employment, should be interpreted as a contract of employment, a promise of continued employment or as creating an implied or contractual duty between the Company and any employee. No one, except the President, has the authority to enter into an employment contract with any employee and then it must be in writing.

COMPANY VISION

The Manatt Companies are engaged in a variety of enterprises. They range from road construction to ready mix concrete, to material producers, to a variety of trucking services and other related fields. It is our intent for these companies to grow. This can be done by providing our customers with quality products, at a price that the customer is willing to pay and with an efficiency that will create a profit that we will be able to pay good wages and be generous with fringe benefits. If you can view the customer as the one who ultimately pays your wages and the Company's profit, then you will properly see your role in this economic process. It would be good to memorize and practice the Company's Mission Statement:

**TO SAFELY DO EVERY JOB WE DO
BETTER THAN ANYBODY ELSE**

*Employee
Policies*

3. Employee Policies

NO LEGAL STATUS

This Employee Policy Manual does not represent contractual terms of employment. It is an explanation of employment policies subject to change by Manatts, Inc. The Company reserves the right to make changes in content or application of its policies as it deems appropriate, and these changes may be implemented even if they have not been communicated, reprinted, or substituted in this employee manual. Employment at Manatts, Inc., is At-Will, meaning that either the employee or the Company may terminate the employment relationship at any time, with or without notice. This At-Will relationship remains in full force and effect notwithstanding any statements to the contrary made by Company representatives or set forth in any other documents.

EQUAL OPPORTUNITY EMPLOYMENT EMPLOYER

It has been, and will continue to be, the policy of Manatts, Inc., to be an equal opportunity employer. In keeping with this policy, Manatts, Inc., will continue to recruit, hire, train and promote into all job levels the most qualified persons based upon merit and abilities without regard to race, color, religion, gender, national origin, age, disability, or status as a Vietnam era or disabled veteran. Similarly, Manatts, Inc., will continue to administer all other personnel matters such as compensation, benefits, transfers, layoffs, and discipline in accordance with Company policy.

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

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of his or her immediate supervisor or Dan Boyer, the Director of Human Relations. Employees can raise concerns and

make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

EMPLOYEE CLASSIFICATIONS

It is the intent of Manatts, Inc., to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Manatts, Inc.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by Manatts, Inc.,'s management.

In addition to the above categories, each employee will belong to one other employment category:

- Full Time Employee - An employee who is scheduled to work 12 months of the year.
- Full Time Seasonal Employee - An employee who is scheduled to be laid off at the conclusion of the construction season, but is expected to return at the beginning of the next season.
- Part Time Employee - An employee who remains on the payroll roster and may work anytime during the year, but not on a regular basis.

EMPLOYEE STATUS CHANGES

Any change in name, address, telephone number, marital status, dependency changes, or other similar changes, should be reported to your immediate supervisor and to the Human Resources Department in Brooklyn.

PROHIBITED HARASSMENT POLICY

PURPOSE

It is the policy of Manatts, Inc., that harassment on the basis of protected classification (race, creed, color, religion, sex, national origin, marital status, status with regard to public assistance, disability, age, membership in a local human rights commission, or sexual orientation) including sexual harassment, is prohibited.

Such harassment violates the law, creates an offensive working environment, decreases productivity, adversely affects positive working relationships, increases costs to the Company and tarnishes the image of the Company and everybody associated with it.

POLICY

No employee of Manatts, Inc., may engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, creed, color, religion, sex, national origin, marital status, status with regard to public assistance, disability, age, membership in a local human rights commission, or sexual orientation, or that person's relatives, friends, or associates, if the conduct:

- has the purpose or effect of unreasonably interfering with the person's work performance; or
- otherwise adversely affects that person's employment opportunities.

The following are examples of prohibited harassment. Please note that these are not the only examples. If you have a question about whether conduct is permissible under this policy, you should discuss it with your supervisor or with Dan Boyer, the Director of Human Resources.

- Epithets, slurs or negative stereotypes;
- Intimidating or hostile acts based upon protected classification;
- Written or graphic material that denigrates or shows hostility or aversion to persons of a protected classification and that is posted or circulated on Manatts, Inc.,'s property;

One form of prohibited harassment is sexual harassment. Sexual harassment is prohibited as to both females and males. Sexual harassment is defined as:

- Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's obtaining employment or continuing employment; or
- Making submission to or rejection of such conduct the basis for employment decisions affecting an employee; or
- Creating an intimidating, hostile or offensive working environment or otherwise substantially interfering with an individual's employment by such conduct; or
- Retaliating against an employee for complaining about such conduct.

The following are examples of sexual harassment. Please note that these are not the only examples.

- Unwelcome sexual flirtations, propositions, and invitations to social events;
- Offensive physical contact or physical closeness;
- Use of words of a sexual nature describing body parts or sexual acts, telling "suggestive" jokes or stories, and conversations about sexual exploits or sexual desires;
- Displaying in the workplace sexually suggestive objects, pictures, cartoons, or representations of any action or subject which is sexual in nature and which can be perceived as offensive;
- Sabotaging an employee's character, reputation, work effects, or property because of sex;
- Direct and indirect suggestions that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend in any way upon the granting of sexual favors or relations.

If you have a question about whether conduct is permissible under this policy, you should discuss it with your supervisor, the Director of Human Resources, Dan Boyer at 641-522-9206, Ext.209; or the Assistant Director of Human Relations, Diane Kilmer 641-522-9206, Ext. 261.

Manatts, Inc., recognizes that consensual relationships sometimes exist between employees who are, or have the potential of becoming, sexual in nature. Manatts, Inc., strongly discourages such relationships, particularly those between a supervisor and subordinate and those in which differences in age, background, or other characteristics of the two individuals compromise the ability of either one to make an informed decision about participating in the relationship.

COMPLAINT RELATING TO PROHIBITED HARASSMENT

An employee who believes he or she has been subject to harassment prohibited by this policy, or who believes he or she knows of or has witnessed harassing behavior directed towards other employees, should report the incident immediately to his or her supervisor, Dan Boyer, Director of Human Resources, or Diane Kilmer, Assistant Director of Human Resources. Under no circumstances are you required to report such behavior to the person you believe is harassing you.

The complaining employee will be asked to put the facts surrounding the offensive conduct or communication in writing. The complaint will be investigated, and the investigation may include interviews with the employee making the charges, the accused employee, and appropriate witnesses, depending upon the individual circumstances of the matter.

Determination of whether prohibited harassment occurred will be made on a case-by-case basis, depending upon the circumstances of the matter, including the type of harassment alleged, the context in which the alleged harassment occurred, and any other facts deemed relevant. The employee making the complaint will be advised of the final disposition of the matter.

PENALTIES FOR PROHIBITED HARASSMENT

A violation of this policy may be grounds for immediate discipline, up to and including discharge, or other appropriate action. Sanctions, if any, will be determined on a case-by-case basis, after a review of the relevant information.

HOW TO GET MORE INFORMATION

Any questions regarding your obligations and those of others under this policy should be directed to Dan Boyer, Director of Human Relations.

ANTI - RETALIATION POLICY

Manatts, Inc., has zero tolerance for unlawful retaliation.

Employees and management must work together to prevent and stop unlawful harassing conduct in the workplace.

No employee will suffer unlawful retaliation for reporting or opposing alleged instances of unlawful discrimination or harassment against oneself or others in the workplace. "Unlawful retaliation" in the workplace is when:

- An employee communicates to Manatts his or her belief that some activity of Manatts constituted unlawful harassment or discrimination under an employment discrimination statute *and*
- an adverse action is taken against the reporting employee. Unlawful retaliation can occur after the employment relationship between Manatts and the employee has ended. Such post-employment unlawful retaliation can include actions that are designed to interfere with the individual's prospects for employment, such as giving an unjustified negative job reference, refusing to provide a job reference, and informing an individual's prospective employer about the individual's protected activity.

A "report" of unlawful discrimination or harassment includes, but is not limited to, a complaint or protest about alleged employment discrimination to a manager, union official, co-worker, company EEO official, attorney, newspaper reporter, or Congressperson.

"Opposition" to unlawful discrimination or harassment includes, but is not limited to, such things as picketing, engaging in a production slow-down, or refusing to follow an order if the employee reasonably believes that the order requires him or her to carry out unlawful employment discrimination.

An “employment discrimination statute” includes Title VII, the ADA, the ADEA, and ERISA, FLSA or any statute that contains anti-retaliation provisions (the so-called “whistleblower” statutes). The anti-retaliation provisions also make it unlawful to discriminate against any employee because she or he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing, or litigation under any such employment discrimination statute.

An “adverse action” is significant retaliatory treatment, such as denial of promotion, refusal to hire, denial of job benefits, demotion, suspension, and discharge. Other types of adverse actions include threats, reprimands, negative evaluations, and harassment.

It is imperative that each and every employee report any instances of unlawful retaliation, whether against that employee or others, to his or her supervisor, the Director of Human Resources, Dan Boyer, and/or to the Assistant Director of Human Resources, Diane Kilmer.

EQUAL EMPLOYMENT OPPORTUNITY / NON-DISCRIMINATION POLICY

POLICY

It is the policy of Manatts to maintain a working environment free of all forms of unlawful discrimination.

EQUAL OPPORTUNITY

The Company affords equal opportunity to all employees and prospective employees without regard to race, color, sex, gender, sexual orientation, religion, age, marital status, disability, veteran status or national origin or other criteria protected by law.

DISABILITY

The Company will not discriminate against any employee or applicant for employment because of disability in regard to any position for which the employee or applicant for employment is qualified. To comply with applicable laws ensuring equal

employment opportunities to qualified individuals with a disability, Manatts will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result. Employees who believe they need an accommodation, should contact the Director of Human Resources.

COMPLAINT PROCEDURE

Any individual, whether an employee or applicant for employment, who believes that he or she has been discriminated against should bring their concerns to the Director of Human Resources. Complaints may be lodged in writing or orally in person.

CONSEQUENCES

The Company will not tolerate any form of discrimination and will take appropriate disciplinary action, including possibly termination, of any person determined to have engaged in unlawful conduct under this policy.

RIGHT TO KNOW LAW

Manatts, Inc., has a written Hazardous Communication Program. This program applies to potentially hazardous chemicals that employees may come in contact with on the job. Employees should be aware of the following:

- A list of hazardous substances expected to be used on the jobsite will be posted at each jobsite.
- Information about such potentially hazardous substances will be detailed on the Material Safety Data Sheets (MSDS).
- Material Safety Data Sheets which inform employees about hazardous substances on our jobsites will be available on the jobsites or at the Safety Department office in Brooklyn.
- If any employee should have a question regarding any potentially hazardous substance, they should refer to the Material Safety Data Sheet or ask their immediate supervisor.
- If there should be an accidental spill or any other such mishap in which you believe a hazardous substance is

involved which might endanger yourself or others, notify your supervisor immediately.

DRUGS IN THE WORK PLACE

It is the intent of Manatts, Inc., to comply with the Omnibus Anti Drug Abuse Act of 1988, otherwise known as the "Drug Free Workplace Act" and referred to in this section as "the Act".

It is prohibited to manufacture, distribute, possess or use a controlled substance in the workplace. Disciplinary actions of up to, and including discharge will be taken against individuals violating the Act.

Discharge, or a conditional status, may be imposed on the first offense. Such conditional status would require that the employee submit to appropriate and approved counseling within thirty (30) days of the violation. A second positive test for illegal drugs will result in termination. A refusal to submit a test sample is considered a positive test.

Should any employee desire assistance in contacting or locating appropriate substance abuse counseling or an assistance facility, they should contact the Director of Human Resources in Brooklyn or they should make contact with the Employee Assistance Program by calling EMPLOYEE ASSISTANCE PROGRAM OF IOWA at *1-800-327-4692*.

If an employee should ever be convicted of a substance abuse violation at the worksite, they are required under the Act to notify the Company within five (5) days. Notification should be to either their immediate supervisor or the Director of Human Resources. Failure to notify will result in immediate discharge from employment.

REASONABLE CAUSE

Any employee involved in an accident, in the course of the work day, that causes injury to themselves or anyone else, or causes property damage may be required to submit to substance abuse

testing at the discretion of the supervisor based on reasonable cause.

Failure of the employee to submit to such required testing within a reasonable time will result in the suspension and possible termination of the employee.

WORKER'S COMPENSATION PROGRAM

FREQUENTLY ASKED QUESTIONS:

- **When will I be paid?** The first worker's compensation check usually takes from 7 to 10 days to receive. After that they generally come every week at the same time.
- **Can I see my own doctor? Chiropractor?** No, you will be sent to a doctor of our choice. We generally set up Occupational Medicine at a facility nearby to take care of our employees. Sometimes when we are on a crew this is not possible. Chiropractic care is not taken care of unless a medical doctor has okayed it.
- **What if I do not want to do the Return to Work modified duty job?** If work is available and within your restrictions, you must do the modified return to work job. Worker's compensation benefits will suspend if you refuse to work.
- **Who pays the medical bills?** All medical bills will be taken care of by the worker's compensation carrier. However, these bills and the provider's will have to be approved by either the Work Comp coordinator and/or the insurance carrier.
- **What if medical bills shows up at my home?** If you are receiving medical bills at home, then they are not being received at Manatts. You will need to make sure that they get to the Work Comp Coordinator so that payment can be made.

POLICY

Manatts, Inc., recognizes the importance of a consistent and equitable Workers' Compensation Program in protecting the valued employee in the event of a work related injury or illness.

Reasonable effort will be made to assure proactive, quality care and an expedient return of the employee to his/her pre-injury status whenever possible.

The Workers' Compensation Program covers all individuals meeting the regulations set forth by the state of Iowa regardless of the position or status (i.e., full-time, part-time, PRN, volunteer, etc.). The plan is according to Iowa statute and provides medical and indemnity (lost wages) protection for the individual in the event of a work related injury or illness.

Benefits begin on the fourth day of disability and typically end when maximum medical improvement has been reached or when the employee returns to work. These benefits may be extended as part of the **Early Return to Work Policy** when a physician recognized by Manatts, Inc., as a designated caregiver identifies temporary or permanent partial disability.

Note: Under Iowa law, the *employer* has the right to direct medical treatment, including specifying and authorizing the treating physician.

PROCEDURE

Injury Reporting/Claim Processing Procedures

Responsibilities of the Injured Worker:

- The employee must report the work-related incident that caused (or could have caused) illness or injury to his/her supervisor and the workers' compensation coordinator *on the day of the incident*. This is accomplished by completing the Incident Report available from his/her supervisor and should be done regardless of whether medical treatment is initially given or not. Failure to report the work-related incident within 24 hours of the incident may result in corrective action. Failure to follow the **Iowa Notice Statute** may jeopardize Workers' Compensation benefits. The law states that the employer (Manatts, Inc.) must have notice or knowledge of an alleged injury within 90 days of its occurrence; if not, benefits may be denied. The 90-day period begins when the employee knew, or should have known that the injury arose out of and in the course of employment.

- The Supervisor must fill out an incident report. The employee must read and sign this report, indicating that they understand and agree with the content on the incident report.
- All medical treatment for the alleged injury or illness (except initial one-time treatment) must be authorized by the workers' compensation coordinator or supervisor.
- A urine drug test **must** be performed on all employees involved in a work related incident in which \$1,000 or more property damage has occurred (ie., a car accident) or when medical evaluation or treatment is needed. The employee's failure to give consent as requested will result in termination per Manatts, Inc., Drug and Alcohol Free Workplace Policy in the employee handbook.
- Treatment sought by the employee prior to notifying the W.C. coordinator or supervisor of a possible work-related injury may remain the responsibility of the employee.
- The injured employee must maintain regular contact with the supervisor to report changes in condition and continuing medical treatment recommendations.
- The injured employee is expected to keep all appointments and follow authorized physician's prescribed treatment, both at and away from work. Failure to do so may delay recovery progress and jeopardize workers' compensation benefits.
- Following medical treatment, the injured employee must receive written clearance to return to work.
- Under Iowa Law, worker compensation benefits start the 3rd day after your injury for time missed from work.
- Mileage accrued to and from Medical appointments will be reimbursed by our worker's compensation carrier. A mileage reimbursement form must be filled out to receive this. If working, Manatts will reimburse your lost wages while you are at your medical appointments. This time is not included in any overtime pay.

Responsibilities of the Supervisor:

- When the incident is reported by the employee, the supervisor will complete an Incident Report form, including as much narrative information as possible, witnesses to the

occurrence, etc. The employee and supervisor must sign and return this form to the W.C. Coordinator.

- It is the Supervisor's responsibility to get the employee medical attention.
- The supervisor will allow the employee to return to work, only upon receipt of a signed authorization from the medical provider.

Responsibilities of the Workers' Compensation Coordinator:

- The W.C. Coordinator will file a First Report of Injury with the insurance carrier as required by Iowa law.
- The W.C. Coordinator will be available to answer questions or address concerns expressed by the injured employee.
- The W.C. Coordinator will maintain records on each employee-reported injury.
- The W.C. Coordinator will communicate verbally and in writing with a considerable amount of internal and external contacts.
- The W.C. Coordinator will coordinate worker's compensation functions including claims processing and review.

The W.C. Coordinator will maintain OSHA records to determine reportable illnesses and injuries, prepare reports for all establishment sites on a regular basis, and prepare required annual reports.

EARLY RETURN TO WORK PROGRAM POLICY

Manatts, Inc., is committed to returning employees who are injured at work to their original position. In keeping with this commitment, Manatts, Inc., has established an **Early Return to Work** program to assist employees during the transitional process. The program incorporates modified duties to assist employees to return to work even though they may be unable to fulfill essential requirements of their respective job/position. To be eligible for modified duty, the employee must present a work release from the authorized W.C. physician that describes specific work restrictions or describes the activities the employee may perform. Working within the restrictions, effort will be made to find appropriate work for the employee. If excessive restrictions have been placed

on the employee, a modified duty assignment may not be possible. Manatts, Inc., reserves the right to make this decision.

It is vital that the employee still feels a part of the Manatts organization whether he/she is working there in a modified duty capacity or has been assigned to work in another area during the transitional process of returning to full duty status.

From the day of injury until the first day back to work, it is the supervisor who can most influence back to work attitude. The injured employee's supervisor should continue to communicate with him/her even if assignment has been made to another area.

In the event an employee refuses modified duty that is offered, the employee will be counseled that such action will result in loss of compensation from the Workers' Compensation carrier for temporary partial, total or healing period benefits during the period of refusal, per Iowa Code Section 85.33, Paragraph 3.

PROCEDURE

Responsibilities of the Supervisor:

The supervisor is still expected to enforce all the same personnel policies and practices to the employee who is on modified duty. The supervisor will keep the W.C. Coordinator informed about the progress or lack of progress regarding the employee, along with any illness and absenteeism.

Responsibilities of the W.C. Coordinator:

The W. C. Coordinator will call the supervisor to notify them of the employee's injury, activity restrictions, etc., in an effort to determine if restrictions can be accommodated within the crew, department, or office.

The W.C. Coordinator will discuss job duties, hours of work, etc. The employee will sign the **Modified Duty Participation Agreement**.

The W.C. Coordinator will communicate with the supervisor and the employee on the injury status.

Temporary Partial Restriction

The employee or physician will present the release to work information to the W.C. Coordinator. The W.C. Coordinator will discuss the work restrictions with the employee's supervisor to determine if reasonable accommodations can be made so that the employee can return to his/her assigned department. If it is not possible to accommodate the restriction in the regularly assigned area, the W.C. Coordinator will attempt to place the employee in another department that can accommodate the restrictions. The hours of work and the duties demanded will be discussed with the employee and the supervisor. The job duties will be in writing as necessary. The employee performing modified duty is expected to comply with all Manatt personnel policies and procedures.

Release to Full Duty

Release to Full Duty within 120 days: When an employee is released by the physician to return to full duty, the employee will be permitted to return to their regular position provided full duty status occurs within 120 calendar days of the onset of the inability to perform his/her job.

Release to Full duty after 120 days: When the employee is unable to return to their original position within 120 days, the employee's supervisor may fill the position. From the time that the authorized physician has determined that the employee may return to work, either at modified or full capacity has been reached, the employee will be allowed an additional 45 days of employment. This 'grace period' allows the employee to continue employment with Manatts, Inc., while searching for a permanent position consistent with his/her capabilities. If the employee is not able to secure a regular position at the end of the 45 day 'grace period', his/her employment status may be terminated. The Workers' Compensation claim will in no way alter that employee's rehire eligibility.

Priority Hiring and Preferential Consideration:

During the 45-day 'grace period' the employee will be given priority hiring status within their regular department. When

applying for positions outside of their regular area preferential consideration in hiring will be granted.

Absenteeism/Illness:

Employees who are ill must report to the supervisor they are working for while on modified duty.

Concerns/Problems:

Employees are to contact the W.C. Coordinator should they have any questions.

*Personnel
Policies &
Practices*

4. Personnel Policies & Practices

PERSONAL APPEARANCE

It is important that our employees see and present themselves as professionals. A key element is how they dress and their personal grooming. You could be called upon to meet with customers or have visitors in your work area, so how you look to others is important and reflects on the image of the Company. If your job involves meeting with customers on a regular basis, your clothing should be clean and presentable at all times.

Employees working at construction sites or plants are not allowed to wear shorts or cut-off pants. Substantial leather shoes or boots are to be worn at construction sites and at plants. Tennis shoes are not considered substantial. All field employees are expected to dress in a fashion which fully complies with Manatts Safety rules which is a part of this employee manual.

WORKING HOURS

Working hours in the highway construction industry will vary greatly depending on various factors, especially weather conditions. Employees are to check with their supervisors and follow their instructions regarding reporting hours. Long working hours during the summer construction season are expected and employees who refuse to work overtime hours shall be subject to discipline of up to, and including, discharge.

Hourly employees should be aware that inclement weather conditions can cause project delays or cancellation of work hours. It may be necessary for the employee to report to the project work site prior to being notified that such a shutdown will occur. It may also be required of the employee to remain available in case the project is started later in the day of an initial shutdown.

TIME CARDS

To avoid potential trouble with employees punching other employee's time cards, it is prohibited for one employee to punch in or out another employee's time card. Some locations may handle time cards with handwritten records and, therefore, this policy may not apply to such operations. Any employee who tampers with another employee's time card will be subject to discipline, of up to and including, discharge.

It will be the responsibility of each employee to record their hours on their own time card in the absence of a time clock. Every time card must be properly and completely filled out including name, dates, and times. These time cards must be turned in to your supervisor each day. Your supervisor will instruct you regarding what additional information is required on your time card.

PAYROLL POLICY

Effective July 1, 2005, the State of Iowa authorized Iowa employers to require direct deposit for payroll at a financial institution of the employee's choice. All employees are required to complete a direct deposit form upon hire.

ABSENCE POLICY

To maintain a safe and productive work environment, Manatts expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Company. In the rare instances when employees can not avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive.

ABSENCES

There are two (2) types of absences - excused and unexcused, both of which may result in disciplinary action.

- An excused absence is an absence that is properly reported and approved by the employee's immediate supervisor.

- An unexcused absence is an absence that is not properly reported or approved.

An unplanned (unexcused by definition) may be excused if it involves a work related injury, a personal illness, or a family emergency. If at any time an unplanned absence is related to a work injury or covered under the FMLA, it is the employee's responsibility to report the illness as set forth in the following policies: 1) Absence Policy; or 2) Family Medical Leave of Absence Policy. The absence will be handled as appropriate to those circumstances.

If the unplanned absence is due to a personal illness or family emergency that is not work related or covered under the FMLA, Manatts reserves the right to require that the employee produce to their supervisor a statement of illness from the employee's doctor for any employee that states the unplanned absence is due to a personal illness or verification of the family emergency for any employee who states the unplanned absence is due to a family emergency. If the proof of illness (statement of the illness from a doctor) or family emergency verification is not received within 72 hours of its request, the unplanned absence will be considered an unexcused absence.

Unexcused absences are not allowed and the very first such absence will result in disciplinary action.

If an employee is absent from work for three consecutive workdays and has not properly notified his/her immediate supervisor of his/her absences, Manatts considers the employee to have voluntarily quit.

CALL IN PROCEDURE

Employees who are going to be late for work or absent including reasons related to unforeseen FMLA leave (intermittent or otherwise), must contact their immediate supervisor. **Employees are required to call at least 30 minutes in advance of their scheduled starting time to report being late or absent and call in person, unless there are unusual circumstances that prevent the**

employee from doing so. Employees are required to speak directly to their immediate supervisor unless that supervisor is unavailable. The supervisor will provide all employees with appropriate phone number. If he/she is not available, the employee should contact another supervisor or the Human Resources Department at 1.800.877.1258.

TELEPHONE USAGE

Company telephones are intended to be used for Company business only! Please do not use telephones to make personal calls. It will be the Company's policy not to disturb employees on the job to receive personal calls unless there is an emergency.

Cell Phone calls should be limited to Company business unless the call is an emergency. Any non-business calls should be reimbursed to the Company. Personal cell phone calls should be made on an emergency basis or during a scheduled break.

INTERNET USAGE

Company employees who are permitted access to the INTERNET through the Company are required to adhere to the following directives:

PASSWORD

- Disseminating your Company password and log in information to others is forbidden as is using another's password and log in information.

ACCESS

- E-mail sent or received by Company equipment is the property of the Company.
- E-mail stored in a Company computer or stored by the network server after it emanates from Company equipment or password and log in information is the property of the Company.
- The Company expressly reserves and retains the right to monitor, watch, and review all INTERNET activity generated from Company equipment or through Company password or log in information.

Company employees who are permitted access to the INTERNET through use of Company equipment or by use of Company password or log in information have no reasonable expectation of privacy and all Company INTERNET activity may be monitored, watched, and reviewed by Company personnel.

The Company reserves and retains the right to use Company INTERNET information as it sees fit including legal proceedings.

FORBIDDEN ACTIVITY

The following activities are forbidden to Company employees who have access to the Company INTERNET:

- Employees are forbidden to give out their passwords or log in information to others.
- Employees are forbidden to use other employee's passwords or log in information.
- Employees are forbidden from using objectionable, profane, or obscene language or graphics.
- Employees are forbidden from sending nasty, mean, or cruel messages.
- Employees are forbidden from breaking any federal or state law through use of the INTERNET.

The Company retains the right to discipline any employee as the Company finds appropriate up to and including termination for any employee who violates any of the mandates in this usage policy.

RESTRICTED MATERIAL

Company employees using Company equipment or Company password or log in information shall not access, download, or send any text, file or picture or engage in any conference that includes material which is obscene, libelous, indecent, vulgar, profane or lewd, or advertises any product or service not permitted to minors by law, or constitutes insulting or fighting words, the very expression of which injures or harasses others or presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause material and substantial disruption of the proper and orderly routine of another individual's life.

MOONLIGHTING

Moonlighting will only be allowed with the prior approval of Company management, including your immediate supervisor and the President. Because of the seasonal nature of our type of work, permission to obtain outside employment during our working season will seldom be granted. The work requirements of Manatts, Inc., should be an employee's priority.

It is not the intent of Manatts, Inc., to control an employee's off-work activities. However, no employee will be allowed to engage in outside employment with a company which is in the same business or which in any way is a competitor.

After permission has been granted to an employee to engage in outside employment, failure of the employee to maintain a high level of work performance may lead to the rescinding of such permission and possibly subject the employee to dismissal.

Manatts, Inc., will not allow its benefits to pay for any injuries or illnesses resulting from employment with another company.

AGE REQUIREMENTS

The State of Iowa Code requires that all construction workers be at least 18 years of age. This would not apply to office workers. Federal Highway Administration Regulations require truck tractor drivers be at least 21 years of age.

TRUCK DRIVER QUALIFICATIONS

All Company employees who drive company vehicles which fall within the coverage of the Federal Motor Carrier Safety Regulations, must meet the qualifications of the U. S. Department of Transportation, Federal Highway Administration Safety Regulations, Part 383, requiring the possession of a current, valid Commercial Driver's License and Part 391, covering of qualification of drivers, including physical qualifications and examinations which may include substance abuse screening.

RESIGNATIONS

In the event an employee wishes to terminate their employment relationship with Manatts, Inc., a two (2) week notice is requested to properly prepare necessary documents and process final paychecks. Upon separation from the Company, whatever the circumstances, all Company property, including but not limited to keys, tools, accident prevention equipment, cell phones, and credit cards must be returned to the Company immediately. Upon receipt of an employee's intended voluntary termination, the Company reserves the right to ask the employee to leave the work site immediately. Under such circumstances, the employee will receive compensation "in lieu of notice", in an amount not to exceed two weeks of pay based on a 40-hour week at the employee's straight-time rate of salary.

EMPLOYEE SUGGESTIONS

Manatts encourages employees to submit any suggestions or ideas that will improve productivity, efficiency, safety, or the profitability of the Company or its employees. You are encouraged to place all your suggestions in writing and give them to your supervisor. Each suggestion will be considered for its feasibility and merit.

CUSTOMER COMPLAINTS

One of the best ways to measure the success of any company is to evaluate how they respond to customer complaints. Because of the importance of such complaints, employees should immediately report such complaints to their supervisor. Employees should never engage in arguing or debating with customers. Employees should simply state that they will look into the matter and then pass the complaint on to the proper management authorities. If the customer is seeking a follow-up response, indicate that someone will get back to them and then make sure higher management is aware of this commitment. Our customers are our most important resource since without them we would have no projects, and therefore, no jobs.

Failure to treat customers with respect, courtesy, tact, and consideration may result in discipline, up to and including termination of employment.

HOUSEKEEPING

Take pride in your work place site and keep it clean and orderly since dirty and disorderly conditions are the cause of many accidents.

Access to first aid kits, fire extinguishers and escape exits shall be unobstructed at all times.

Slips and falls are one of the major causes of employees' injuries, therefore, keep your work area neat, clean and free of any hazards.

Every employee's personal assistance is needed to help keep the drinking dispensers, toilets, and washrooms clean and sanitary. Please observe and practice a code of decency for the health and safety of all employees.

Housekeeping is not only important for the safety of employees, but contributes to the image we convey to the public. Your help in making our plant sites and job sites as clean and orderly as possible is most important.

SECURITY

Security is very important to all of us. The lack of security can lead to great financial loss and even the loss of projects. No one is permitted on one of our construction sites without proper authorization. If you should observe someone that you are not familiar with on the job, question their presence and notify your supervisor immediately. If you should observe evidence of trespassing or forced entry, notify your supervisor immediately and law enforcement officials as soon as possible.

PERSONAL USE OF COMPANY EQUIPMENT OR FACILITIES

Because of safety and liability concerns, employees will not be permitted to perform work of a personal nature with the use of Company equipment nor on Company premises. Personal use of company vehicles is also prohibited. Exceptions to this policy must have the approval of the President, or one of the Vice-Presidents of the Company.

PERSONAL TOOLS

Manatts, Inc., does not carry insurance on an employee's personal tools which are used and located on Company property. Manatts does allow supervisors to identify employees who utilize a sufficient quantity of personal tools on the job to justify a shared cost of coverage of personal insurance for such tools. Usually the only way an employee can obtain such coverage is to obtain a "rider" amendment to their existing personal home owner's policy. Since every home owner's policy is different, and every employee's personal insurance coverage is different, these costs will vary. Manatts will assist certain mechanics that have been approved by their supervisor. Approved employees will bring in their paid receipts for the additional coverage and Manatts will reimburse the employee half of the cost. Personal items can only be covered if an employee has a personal liability insurance coverage rider policy, such as an Inland Marine Policy. There may be a maximum amount imposed, above which Manatts will not compensate.

OCCASIONAL EXPENSES PAID BY EMPLOYEE

On occasion, it may be necessary for employees to make purchases on behalf of the Company. In such cases, the purchase must be authorized by the appropriate supervisor and the employee must obtain a dated, signed receipt which will be forwarded to the Accounting Office before reimbursement can be made. Invoices cannot be honored without the proper documentation showing the date of purchase, the department, division, plant or shop using the product ordered, the name of the employee placing the order, the identification number of the equipment on which the product will be used, the job or project number and the price. If an ordered

item is not received within a reasonable length of time, or if it becomes necessary to make an exchange, the Accounting Office in Brooklyn must be notified. Since invoices are payable upon receipt, we do not want to pay an invoice on which a credit might be due.

CELLULAR PHONE POLICY

USE OF PERSONAL CELLULAR PHONES

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Company phones. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the Company encourages is to limit personal calls during work time to no more than one per day as needed. Employees are therefore asked to limit any other personal calls to non-work time where possible and to ensure that friends and family members are aware of the Company's policy. Flexibility will be provided in circumstances demanding immediate attention.

The Company will not be responsible or liable for the loss of personal cellular phones brought into the workplace.

PERSONAL USE OF COMPANY PROVIDED CELLULAR PHONE

Where job or business needs demand immediate access to an employee, the Company may issue a business cell phone to that employee for work-related communications. In order to protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons, only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

Employees in possession of Company equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

SAFETY ISSUES FOR CELLULAR PHONE USE

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use or have a personal cell phone with them 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 are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Violations of this policy will be subject to discipline including suspension or termination.

*Employee
Relations*

5. Employee Relations

VIOLENCE IN THE WORKPLACE PREVENTION POLICY **ZERO TOLERANCE**

This company has a policy of zero tolerance for violence. If you engage in any violence in the workplace, or threaten violence in the workplace, your employment will be terminated immediately for cause. No talk of violence or joking about violence will be tolerated.

“Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with this business, including employees and customers, never feels threatened by any employee’s actions or conduct.

WORKPLACE SECURITY MEASURES

In an effort to fulfill this commitment to a safe work environment for employees, customers, and visitors, access to the company’s property is limited to employees, those with a legitimate business interest, and DOT personnel.

ALL WEAPONS BANNED

The company specifically prohibits the possession of weapons by any employee while on company property. This ban includes keeping or transporting a weapon in a vehicle in a parking area, whether public or private. Employees are also prohibited from carrying a weapon while performing services off the company’s business premises while on duty.

Weapons include guns, knives with a blade of more than 4 inches, explosives, and other items with the potential to inflict harm. Appropriate disciplinary action up to and including termination, will be taken against any employee who violates this policy.

INSPECTIONS

Desks, telephones, and computers are the property of the business. We reserve the right to enter or inspect your work area including, but not limited to, desks and computer storage disks, with or without notice.

The fax, copier, and mail systems, including e-mail, are intended for business use. Personal business should not be conducted through these systems. Any private conversations overheard during such monitoring, or private messages retrieved, that constitute threats against other individuals can and will be used as the basis for termination for cause.

REPORTING VIOLENCE

It is everyone's business to prevent violence in the workplace. You can help by reporting what you see in the workplace that could indicate that a co-worker is in trouble. You are in a better position than management to know what is happening with those you work with.

You are encouraged to report any incident that may involve a violation of any of the company's policies that are designed to provide a comfortable workplace environment. Concerns may be presented to your supervisor.

All reports will be investigated and information will be kept as confidential as possible under the circumstances.

CONFLICT RESOLUTION

If you have a problem, we want to know about it. If there is something about your job that is bothering you, bring it to our attention. We realize that there can be an honest difference of opinion regarding Company policies, working conditions and a number of other areas that can cause you concern. We will make every effort to resolve your problem. But we will not be able to do anything about your problem if you do not bring it to our attention.

Here are three (3) basic steps to take to obtain a fair hearing of your concern.

- Step 1. As a starter, take your concern to your immediate supervisor, explaining your problem and any proposed solution you wish to offer. Your supervisor works with you every day and knows your work and your job better than anyone else. He/she may be able to resolve your concern quickly.
- Step 2. If your problem remains unresolved after discussing it with your immediate supervisor, then contact your department head or division superintendent. You may be requested to place your concern in writing at this step. You may use any letter size sheet of paper. In most cases, the Department head will take appropriate steps to resolve your problem and report back to you.
- Step 3. If you are still not satisfied with the resolution of your concern, you may contact the Director of Human Resources and request a hearing with the President. During this final step, a detailed investigation will be conducted and a final resolution will be made. The President, or a designated representative, may meet with you and all interested parties in an attempt to resolve such disputes.

DISCIPLINE POLICY

The Company expects all employees to exhibit appropriate behavior and good judgment at work. Unfortunately, there are times when employees fall short in these areas and disciplinary action must be considered. Disciplinary action may result from any violations of Company rules, inappropriate conduct, unsatisfactory performance or other matters that the Company believes make disciplinary action necessary.

While a progressive disciplinary approach may be utilized where feasible, the Company reserves the right to decide in all cases whether and to what extent disciplinary action will be imposed. Termination may result from the first incident if the Company believes that such action is warranted under the circumstances. The decision as to the form of discipline, which is at the sole

discretion of the Company, will be based upon the nature and severity of the conduct, the employee's work record and all other relevant circumstances. Disciplinary action may take any of the following forms:

- **Oral warning** - if a progressive approach is used, this ordinarily is the first step in the process. Oral warnings will generally be documented in the employee's file.
- **Written warning** - depending upon the nature of the conduct, or the recurrence of the same or similar conduct, a written warning may be issued. Written warnings will be documented in the employee's file.
- **Suspension** - if the employee fails to improve after a written warning, or if the conduct requires a more severe form of initial discipline, the employee may be suspended for a period of time without pay.
- **Termination** - depending upon the nature of the conduct, termination may be the initial form of discipline or it may be taken after any or all of the above progressive discipline steps have been taken and the required improvement has not been demonstrated.

Employees are free to resign their employment with the Company at any time and for any reason, and the Company retains the same right regarding discontinuance of employment.

On the next page is an example of a Notice of Substandard Performance.

**EMPLOYEE EVALUATION
NOTICE OF SUBSTANDARD PERFORMANCE**

EMPLOYEE _____

DATE OF EVALUATION _____

NATURE OF VIOLATION: (circle appropriate areas needing improvement)

1. Substandard work performance
2. Carelessness
3. Uncooperative/Insubordinate
4. Poor customer relations
5. Poor attitude/Inattention to work duties

SUPERVISOR'S REMARKS

ACTION TO BE TAKEN IF SUPERVISOR'S WARNING IS NOT FOLLOWED:

1. Reprimand
2. Suspension without pay
3. Termination

COMMENTS: _____

SUPERVISOR'S SIGNATURE: _____

I have discussed my performance weaknesses with my supervisor and have been told what I must do to continue my employment with Manatts, Inc. I understand that if I do not adhere to the goals outlined by my supervisor, I may be suspended or terminated.

EMPLOYEE SIGNATURE: _____

DATE: _____

PERFORMANCE REVIEWS

Performance reviews by an employee's immediate supervisor are normally conducted at the end of the construction season. Such reviews are normally done in conjunction with the annual layoff. Employees who have worked for the same supervisor during the entire construction season can expect such reviews. This is the appropriate time for an employee and their supervisor to make mutually acceptable goals and objectives for the coming year. Employees who have worked for more than one supervisor during the construction season may experience difficulty in receiving such reviews. Every attempt will be made to coordinate with multiple supervisors and prepare such a review. These reviews may be considered when deciding on an employee's recall status.

COMPANY PUBLICATIONS

Every regular employee should receive a copy of the Company newsletter, the MANATT MIRROR. This is normally a quarterly publication. The distribution may vary, but outside of the offices, will generally will be mailed to the employee's home.

*Safety & Loss
Control*

6. Safety & Loss Control

LOSS CONTROL POLICY

The management of this Company recognizes that loss control is an essential ingredient in our business for humanitarian, economic, and legal reasons.

Management has dedicated itself to providing the active leadership and support necessary to develop and maintain a successful loss control program with these objectives:

- Provide a safe and healthful work environment for all employees.
- Minimize the risk of human and economic losses resulting from unnecessary personal injury and property damage.
- Ensure the security, protection and well-being of the personnel, property and vehicles of our Company.
- Compliance with all existing safety and health laws that apply to the workplace.

The success of the Loss Control Program requires the full, earnest cooperation of each employee. Loss control must be considered a vital part of every job in our Company.

ACCIDENT REPORTING

All accidents, no matter how slight, must be promptly reported to your supervisor and to the Insurance Department. It is always a good idea to make notes of important facts such as the time, date, location, persons injured, witnesses, damages to property or vehicles, and such details as one might forget later. If possible, obtain the names, addresses and phone numbers of non-employee witnesses. If police are called to the scene, obtain the officer's name, badge number and request copies of reports be sent to the Brooklyn Office. As soon as possible, write up a brief outline of what happened while the events are fresh in your mind. If it was a vehicle accident, diagram how the accident occurred. Date and sign any such statements and diagrams and send them to Manatts Insurance Department in Brooklyn.

INVESTIGATION OF ACCIDENTS AND INJURIES

All accidents and/or injuries will be investigated as soon as possible following the incident. Such investigations will be conducted by Foremen, Supervisors, Managers, Superintendents, and/or the Director of Safety. These investigations are for the purpose of determining the cause and to make recommendations on the actions to be taken to prevent a recurrence. Such recommendations may include a written report to the Director of Safety, the President or our insurance carrier.

ACCIDENT PREVENTION PROGRAM

The accident prevention program of Manatts, Inc., involves every official, supervisor, foreman, and employee performing work for this Company.

The purpose of the program is the prevention of accidents through the elimination and control of unsafe acts and unsafe conditions.

Responsibility for the accident prevention program is everybody's business, and everybody has to know it, and what to do about it.

Management's Responsibility:

Management is responsible for the successful application of the accident prevention program. Management's designated safety representative will employ all accepted accident prevention techniques to eliminate and reduce the frequency and severity of accidents.

Safety Director's Responsibility:

The safety director will provide guidance for the over-all accident prevention program. He will aid all supervisors in discharging their responsibilities for accident prevention.

Supervisor's Responsibility:

The accident prevention program can only operate effectively with the cooperative support of key staff supervisors and superintendents. By their active interest, increased acceptance will be shown by all their subordinate supervisors.

Foreman's Responsibility:

The foreman is the key man in the accident prevention program, since he directs the people who are actually doing the work. He must set the example and enforce procedures relating to the safety of those he supervises. The foreman is responsible for full compliance with the established management directives regarding accident prevention.

All Employee's Responsibilities:

All employees shall be responsible for understanding, observing and practicing the safety standards which have been established to prevent injury to themselves and other persons, or damage to equipment and property.

EMERGENCY PROCEDURES

FIRST AID & MEDICAL TREATMENT

Anytime an employee is injured on the job, no matter how slight, the incident must be immediately reported to their supervisor so as to receive initial first aid treatment. At that time, the supervisor can make a determination if further medical treatment at a medical facility is necessary.

FIRE

In case of fire, employees should remember and use the RACE formula.

- R - Rescue any persons in immediate danger.
- A - Alarm should be sounded immediately thereafter.
- C - Confine the fire the best way possible by shutting doors.
- E - Extinguish the fire with fire extinguishers and/or hoses if available. Shut off all valves or switches to stop operations.

TORNADO

In case of tornado: The alarm will be sounded over the Civil Defense Alarm System. This would be a one minute blast. The following safety precautions are recommended:

If you are outside when you hear such an alarm, you should move quickly to the nearest predesignated tornado shelter facility or

large well-constructed building. If there is no shelter available, then move to the nearest ditch, culvert or lowest area you can find. Highway construction workers may find the underpass of a bridge the best protection on a highway.

If you are inside, then stay inside. Move away from windows, from door openings and all exterior areas with glass. Move toward the center of the building and into small interior rooms without glass, such as rest rooms, conference rooms, and closets.

The building structure should be able to withstand the extreme wind, however, there is always the danger of wind driven glass and other debris. Remain under cover until the all-clear has sounded and the danger has passed.

GENERAL RULES

Employees must not operate equipment or vehicles unless they are familiar with the operation and have been authorized to do so. A valid driver license is required.

If you move your place of residence or change your home telephone number, please notify your supervisor as soon as possible. This is very important in case we must reach you or your family for emergencies.

Company telephones are to be used for Company business only, so please do not use them to make personal calls. Also, because the volume of incoming calls can easily get out of hand and upset production, it is Company policy not to allow employees to be disturbed on their jobs to receive personal calls unless there is an emergency.

An employee's prime duties are involved around his job classification. However, it may also include other duties as required by his supervisor.

In order to provide a harmonious, productive, and safe working environment, we insist that all employees adhere to common decencies. To prevent any misunderstanding about satisfactory conduct, the following rules have been made for the benefit of all

employees. Failure to comply with these rules may result in disciplinary action or termination of employment.

- Fighting, scuffling, horseplay, using abusive language, possessing weapons, threatening, or intimidating fellow employees.
- It is our policy to promote and maintain a work environment in which all employees are treated with respect and decency. No form of discriminatory or disrespectful conduct by or toward any employee will be tolerated. All harassment, including sexual harassment, is prohibited.
- Telling any false or malicious statements about the Company or its customers.
- Possession, use, or sale of illegal drugs or alcohol, or reporting to work under the influence of these substances is strictly prohibited. Employees who violate these rules are subject to immediate discharge.
- Unsatisfactory work performance.
- Damaging or removing Company property or the property of other employees from the premises or jobsite.
- Falsifying any Company reports, including time cards.
- Excessive absence or tardiness or failure to observe departments working schedules.
- Unauthorized taking or destruction of Company records or disclosing confidential Company information.
- Failure to report any injury or accident to Company management immediately.
- Violating Company safety, housekeeping, or sanitary rules and practices.
- Unauthorized use of Company fuel in personal vehicles.

GENERAL SAFETY RULES

HEAD PROTECTION

- Hard hats shall be worn in all required areas and any place an overhead projection or falling objects are probable.

EYE AND FACE PROTECTION

- Eye and/or face protection shall be provided when machines or operations present potential eye or face injury. Safety glasses, goggles, or guarding **MUST** be provided where hazards exist.

HEARING PROTECTION

- Hearing protection will be required when noise levels exceed an 8 hour time weighted average noise level of 85db. Machines and equipment should be identified as requiring hearing protection.

PERSONAL PROTECTIVE EQUIPMENT

- The foreman is responsible for requiring the wearing of appropriate personal protective equipment in all operations when needed.
- Employees working over or near water shall wear life jackets.
- A safety belt with an affixed line must be worn when climbing or working in elevated locations.
- Substantial work shoes will be required in all construction job activities.

FIRST AID

- When medical facilities are not close at hand, an employee with a Red Cross First Aid Card must be available at the jobsite.
- A first aid kit shall be easily accessible at each location and shall be checked weekly to ensure there are adequate supplies available.

HAND TOOLS

- Unsafe hand tools shall not be issued or permitted to be used.
- Small tools shall be used for the purpose designed. Company tools which are defective should be returned to your supervisor for repair or replacement. If tools are owned by the employee, he will be expected to discard faulty tools or have them repaired.
- Wooden handles shall be kept free of splinters and cracks and be kept tight in the tool. Impact tools shall be kept free of mushroomed heads.

AIR TOOLS

- Pneumatic power tools shall be secured to the hose in a manner to prevent accidental disconnection.
- The manufacturer's safe operating pressure shall not be exceeded.
- All pneumatic tools shall be inspected to ensure safe operating conditions.

CONVEYORS

- Any tail pulley, chain, or belt drive, etc., less than seven feet above ground must be guarded.
- Power conveyors shall have an audible warning signal that can be sounded before starting.

LADDERS

- The use of faulty or defective ladders is prohibited.
- Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-fourth ($\frac{1}{4}$) of the working length of the ladder.
- Portable ladders in use shall be tied, blocked, or secured in some other fashion.

ELEVATED PLATFORMS

- Railings are required on catwalks and elevated platforms.
- All above floor level storage areas under which people pass, must be provided with a toeboard of at least four (4) inches.

STAIRS

- Every flight of stairs with four or more risers shall have railings or hand rails.
- On all structures 20 feet or higher, stairways, ladders, or ramps must be provided. Fixed ladders must be caged when 20 feet or longer.

ABRASIVE GRINDING

- All wheel bench and stand grinders shall be provided with safety guards.
- Floor and bench-mounted grinders shall be provided with work rests, at a distance not to exceed one-eighth inch from the surface of the wheel.

COMPRESSED GAS CYLINDERS

- Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored.
- Valves shall be closed when work is finished and when cylinders are empty or are moved.
- Cylinders shall be secured in an upright position at all times.
- Cylinders shall be kept at a safe distance from other welding or cutting operations.
- On the jobsite, cylinders must be stored with either a 25 foot or 1 hour of fire separation between them and the welding.

WELDING

- Proper precautions for fire prevention shall be taken in areas where welding or other "hot work" is being done.
- Welding and cutting operations shall be shielded to protect employees from direct ARC rays.
- Where welding or cutting is being performed in confined areas, the fumes must be vented away from the welder or anyone else in the area.
- Defective cables shall be repaired or replaced.

FIRE EXTINGUISHERS

- Fire extinguishers are provided in many areas such as buildings, on equipment, in vehicles, and at fuel points.
- Notify your supervisor of any missing, damaged, or empty fire extinguishers so they can be repaired or replaced.
- Know where fire extinguishers are located and how to use them.
- Read instructions beforehand - at the time of the fire is not the time to be reading instructions.

FLAMMABLE AND COMBUSTIBLE LIQUIDS

- Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids.
- No more than 25 gallons of such material shall be stored in a room outside an approved storage cabinet.
- Flammable liquids shall be kept in closed containers when not in use.

- Conspicuous and legible signs reading, "NO SMOKING OR OPEN FLAMES," shall be posted in service and fueling areas.

LP GAS

- Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.
- Every container shall be provided with at least one approved safety relief valve or device.
- Containers shall be stored on a firm foundation or otherwise firmly secured.
- Portable heaters shall be equipped with an approved automatic device to shut off the flow of gas in the event of a flame failure.
- Storage of LPG in buildings is prohibited.

STORAGE

- Materials stored in tiers will be secured to prevent sliding, falling, or collapse.
- Aisles and passageways shall be kept clean.
- Materials shall not block exits.
- Materials shall be stored with due regard to their fire characteristics.

ELECTRICAL

- Fixed equipment shall be grounded and portable tools protected by an approved system of double insulation or its equivalent.
- Extension cords used with portable electric tools shall be the 3-wire type.
- Exposed bulbs, when not deeply recessed in the reflector, will be guarded.
- Each electrical box will be clearly marked to indicate its purpose.
- All 120 volt 15 and 20 amp outlets on construction sites shall have ground fault circuit interrupters for personal protection.

COMPRESSED AIR

- Compressed air used for cleaning purposes shall not exceed 30 psi.

- When using compressed air, personal protective equipment, such as safety glasses, face shields, dust masks, hearing protection, etc., may be necessary.

TIRE CAGES

- A safety tire rack, cage, or equivalent protection shall be provided and used when inflating tires on split rims.

WIRE ROPES, CHAINS, ROPES

- All rigging equipment shall be inspected prior to use, to ensure safety. Defective gear shall not be used.
- Job or shop hooks and links, or makeshift fasteners formed from bolts, rods, etc., shall not be used.

BATTERY CHARGING

- Face shields, aprons, and rubber gloves shall be worn.
- Facilities for washing eyes with water or solutions should be available.
- Facilities for fire prevention will be provided and no smoking or sparks are allowed in the area.
- Battery charging shall be done in specified areas, where there is no smoking allowed.
- When charging batteries, the vent cap will be in place and in operation.

DRINKING WATER

- An adequate supply of drinking water shall be provided.
- Water containers shall be capable of being tightly closed, and be equipped with a tap.
- Common drinking cups are prohibited.

WASHING FACILITIES

- Washing facilities shall be provided for employees.

TOILETS

- Toilets shall be provided for employees, or transportation made available to the nearest facility.

DRIVERS

Construction projects are often congested areas with limited space and access. Much care and alertness must be used at all times in your driving responsibilities.

- Only qualified drivers or those authorized by management are allowed to drive Company vehicles.

- A valid chauffeur's license is required to drive vehicles with a gross vehicle weight over 10,000 lb.
- Check with dispatch before driving without a chauffeur's license.
- Obey all traffic rules and regulations.
- Seat belts must be worn during operation of vehicles.
- Unauthorized riders are prohibited.
- Do not drive in driveways, on sidewalks, or curbs, unless authorized to do so.
- Do not tailgate or follow too close to vehicles or equipment.
- Always be alert for overhead obstructions or power lines when raising boxes or hauling over height loads.
- Keep tailgates tight and clean off lips and other surfaces where materials can accumulate. Prevent materials from blowing or falling off while driving. Tarp loads if necessary.
- Do not jump out of or off equipment or vehicles. Use the three point system for climbing into or out of vehicles or equipment.
- Vehicles must be inspected daily to assure safe operation. Check brakes, lights, steering, and clean windows, mirrors, etc.
- In case of accident, refer to Accident Reporting Section in the "Safety and Loss Control" section. Any driver who is cited for driving under the influence may not drive a Company vehicle for a period of one (1) year from the date of the conviction.

MOTOR VEHICLES AND MECHANIZED EQUIPMENT

- All vehicles shall be inspected each day, to make sure brakes, lights, steering, and all other parts, equipment, and accessories affecting safe operation, are free from defects and in safe operating condition.
- All vehicles shall be equipped with back-up alarms when visibility to the rear is obstructed.
- All vehicles with cabs shall have a fire extinguisher.
- Bulldozer and scraper blades, endloader buckets, dump bodies, and similar equipment shall be either fully lowered or blocked during maintenance, inspection, or when not in

use. All controls shall be in neutral position with motors stopped and brakes set, unless work being done requires otherwise.

- When equipment has rollover protection, seat belts must be worn while in operation.

TRAILERS

- All equipment or materials hauled on trailers must be tied down or made secure before moving.
- Inspect the pintle hitch and safety latch, and check lights to make sure they are working.
- All trailers must be equipped with safety chains and must be hooked to the towing vehicle in a secure manner.

ROLLOVER PROTECTION STRUCTURES - ROPS

- All rubber-tired, self-propelled scrapers, rubber-tired front end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler-type loaders, and motor graders, with or without attachments used in construction work must have ROPS.

EXCAVATING AND TRENCHING

- Before opening any excavation, efforts shall be made to determine if there are any underground utilities in the area.
- The walls and faces of all excavations and trenches in which employees are exposed to danger from moving ground, shall be guarded by a shoring system, sloping of the ground, or some other means.
- All materials shall be stored and retained at least two feet from the edge of a trench.
- Daily inspections of excavating shall be made to ensure a safe excavation.
- Trenches more than four feet deep shall have ladders or steps located no more than 25 feet apart.

FLAGPERSONS

- Flagpersons will be provided when needed to ensure safe traffic control.
- Flagpersons shall wear an ANSI 107 Class 2 vest, shirt or jacket; and a soft cap meeting ANSI 107 headwear requirements. A hard hat in the same colors shall be worn

while flagging in all required areas and any place an overhead projection or falling objects are probable.

- Flagpersons shall be provided with a handbook and given instructions as to their responsibilities.

CRANES

- The employer shall comply with the manufacturer's specifications and limitations applicable to the operations of cranes.
- Rated load capacities and recommended operation speeds, special hazard warnings, or instructions shall be conspicuously posted on all equipment.
- The employer shall designate a person who will inspect all machinery and equipment prior to each use and during use, to make sure it is in safe operating condition.
- Monthly inspections will be made by a qualified person. Records of inspection for all hoisting machinery must be kept, monthly.
- Cables will be replaced according to 1926.550 (7) OSHA Standards. All belts, gears, shafts, pulleys, sprockets, etc., will be guarded. Exhaust pipes will be guarded if located where they might be touched.
- A fire extinguisher of 10 B.C. rating shall be available

RIDING OF EQUIPMENT - PROHIBITED

- Due to the type of equipment used in the construction industry, which is designed to perform a specific purpose, employees are prohibited from riding equipment unless it is specifically designed to carry passengers.
- Rollers, pavers, brooms, loaders, tractors, graders, dozers, the outside of vehicles, such as running boards of trucks, and any other piece of equipment not designed to haul people, shall not be used to move employees from one part of the job site to another.
- Operators of equipment being used improperly to haul employees, as well as the offending employee, will be removed from the safety incentive program for violations of this policy.
- A second violation of this policy will result in suspension or termination.

TAMA DREDGE SAFETY RULES

SAFE ACCESS

- Safe access to water and to the dredge must be maintained.
- Obstructions shall not be laid on or across the gangway.
- Decks and other working surfaces shall be maintained in a safe condition.
- Employees shall not be permitted to pass fore and aft, over, or around deck-loads, unless there is safe passage.
- Safe access to water pump (i.e., hand railing, good steps, etc.) are necessary.

LIFE PRESERVERS

- Employees working over or near water, where the danger of drowning exists, shall be provided with U. S. Coast Guard approved life jackets.
- Prior to and after each use, the life preservers shall be inspected for defects which would alter their strength. Defective units shall not be used.
- Ring buoys with at least 90 ft. of line shall be provided and readily available for reserve operation. They should not be over 200 ft. apart.
- At least one lifesaving skiff shall be immediately available at locations where employees are working over or adjacent to water.

CONCRETE PLACEMENT SAFETY RULES

- Concrete itself is a relatively safe building material, however, dangers exist due to its extreme weight, chemical make-up, and placement hazards.
- At close to two (2) tons per cubic yard, injuries from lifting, off balance shoveling, etc., can often result in muscle strain, back injuries, or hernias.
- Chemical burns from cement are a very common occupational disease in construction. Avoid these burns by wearing long pants and high boots to protect the tender skin of the legs and ankles. Protect your eyes from concrete splash with safety glasses. Avoid prolonged contact with cement saturated gloves and clothing. If your

skin is exposed, wash it thoroughly, as soon as possible. Concrete burns can be dangerous, get medical help quickly.

- When unfolding or adding chutes, keep your fingers from between the hinged sections to prevent them from being smashed or severed.
- Don't electrocute yourself - be watchful for overhead wires. Don't use conductive handles on bull floats where electrical hazards exist. Keep electrical vibrators and power tools in safe operating condition.
- Drivers and concrete workers must always be alert for backing vehicles. Trucks being backed up must be under the direction of a signal person. Drivers should stop when contact with the signal person is lost.

CONSTRUCTION AND PAVING CREWS SAFETY RULES

CONCRETE PLACEMENT

There will be guards on open moving parts.

- The dump man and all personnel working in front of paving machines must wear hard hats and protective glasses.

FORM SETTER

- Form trucks should be inspected daily; brakes, hoist operation, booms, and cables.
- Personnel working in or around form trucks; pulling, loading, and setting forms, must wear hard hats or other safety equipment as advised.
- When manual lifting is necessary, forms should be handled by at least two persons.

CONCRETE SAWING

- The saw operator must wear safety glasses at all times.
- The saw must have belt guards, blade guards, and a tall exhaust stack.
- Breathing masks should be worn at all times that dust is present.

SEALING JOINTS

- The operator of the air compressor for blowing joints should wear a mask and protective glasses or face shields.
- All air hoses must be inspected before each operation to make sure they are in good repair.

PAVEMENT BREAKER OPERATION

- Pavement breakers should be inspected to make sure all cables are good, have good brakes, and controls are working right.
- The operator must wear a hard hat and protective glasses.

JACK HAMMER

- Jack hammers should be inspected to make sure they are in good condition and have good bits and all good hose connections.
- When operating jack hammers, hearing and protective eye wear must be worn.

ALL MACHINERY

- All machinery should be inspected on a daily basis for brakes, steering, and hoses, and should be kept in good working order.

SCRAPERS AND GRADERS

- Scrapers and graders should be inspected for steering, brakes, and lights and each one should have a slow moving vehicle sign attached.

ASPHALT PLACEMENT SAFETY RULES

- Employees involved in the handling and use of hot mix asphalt must understand the hazards associated with the product. The main hazard is the temperature of 325°F. Contact with the product can cause severe burns.
- Wearing of long sleeved shirts and pants is recommended for most operations. Substantial work shoes are required. Avoid breathing of vapors for extended periods of time.
- Workers must always be alert for backing vehicles.
- Trucks being backed up must be under the direction of a signal person. Drivers should stop when contact with the signal person is lost.
- Employees must always be alert and careful not to step out into moving traffic which often is very close.

LOWBOY LOADING SAFETY RULES

PRIOR TO LOADING

- Clear the lowboy deck of all debris.

- Examine the lowboy deck for any weak or hazardous areas and repair before using.
- Check to be certain that the deck is dry at all times before using.
- Clear the immediate area of all unnecessary personnel and on-lookers.
- Inspect the ramps to ensure they are set properly and are secure.
- Inspect the wheels or tracks of equipment to be loaded, making sure they are dry and free of debris, whenever this is at all possible.

DURING LOADING

- With extremely wide items of equipment, a second party needs to be employed to assist in directing the loading.

AFTER LOADING

- Secure all equipment by chain and binders, to protect against shifting or falling from the vehicle.
- Drive a short distance then recheck all chains and binders for security.
- Proper signs or placards are required on oversize loads.
- Proper permits must be obtained for oversize loads.
- All requirements of the permits must be followed.

NOTE: Loading equipment onto a lowboy is very specialized work.

*Policies
Required By
OSHA*

7. Policies Required By OSHA

CONFINED SPACES ENTRY PROGRAM

Confined spaces are a very common and VERY DANGEROUS part of many workplaces. A confined space is defined as an area that is hard to get into and to get out of. They are not designed to be continually occupied by humans; poor ventilation and other hazards in these areas can threaten your life. If you know the risks, and follow careful safety procedures, confined spaces won't prove dangerous to you.

Manatts, Inc., has various areas that can be classified as confined spaces; tanks, material bins, cement tankers, and sewer jobs, are some areas of confined spaces. There are four major dangers in confined spaces:

1. Oxygen Deficiency
2. Combustibility
3. Toxicity
4. Physical Hazards

Prepare carefully before you enter.

- Know what substance was previously kept in the space and test carefully for those dangers.
- Wear the protective equipment prescribed for the expected hazard.
- Check out and follow the required procedures for doing the job in the confined space.
- Clean the space before entering, if possible.
- Use only safe, grounded, explosion proof electrical equipment.
- Use ventilating equipment.
- Cut off, according to Company procedures, steam, water, or fume causing agents, such as gas or power lines that are coming into the confined space.
- Use lockouts and tags to protect against accidental startup of any equipment while you're in the confined space.

- Get an entry permit or permission from your supervisor before entering. Post the permit to warn others you are inside.

Test the air in the confined space.

- Test for oxygen and combustibility.
- Test the air from top to bottom and all corners and spaces where gas may accumulate.
- Test for toxicity.
- If pretests find any risks in the confined space, check with your supervisor - clean, ventilate, and test again.
- Continue to test at frequent intervals or if something seems unusual.

Have a buddy outside to help you. Never enter a confined space without someone being outside to help you.

- Have a lifeline or body harness attached to you which could be used to pull you out, if necessary.
- The person on the outside should be trained in first aid, safety equipment and CPR, or be prepared to get help fast.
- Persons on the outside should remain outside at all times; a third person should be within hailing distance.
- Have the person on the inside signal periodically so person on the outside knows he's okay.

Keep alert at the first sign of dizziness, difficulty breathing or anything. Leave immediately or call for help. Report problem to your supervisor. Continue to play it safe while you're in the space.

- Keep ventilating the area with clean make up air.
- Keep testing for oxygen deficiency.
- Wear your respirator.
- Wear all required safety equipment; hat, goggles, ear plugs, protective clothing, safety shoes, etc.
- Take all equipment you need for the job when you enter the area.
- Don't smoke or eat.
- Finish the job as quickly as possible, and get out.

If you must rescue someone in a confined space:

- Remove victim, with harness and ropes rather than going into area yourself.

- Get more help before going in to rescue someone. Don't even try if you're not trained or equipped.
- Wear respirator and protective clothing.
- Make sure ventilation equipment is operating.
 - Once victim is out, give artificial respiration, if necessary.
 - Get emergency medical help.
 - Close the area off.

EXPECT THE UNEXPECTED
and be prepared to act quickly.

HAZARD COMMUNICATION PROGRAM

PURPOSE

The purpose is to ensure that all employees are informed of workplace safety and health hazards.

FUNDAMENTALS

Methods used to ensure employees are informed will be:

- Container labeling.
- Material Safety Data Sheets. (MSDS)
- Employee education and training.

APPLICATION

The program applies to:

- Known safety and health hazards.
- Chemicals known to be present in the workplace.

IDENTIFY HAZARDS

The Company identifies workplace safety and health hazards by:

- Material Safety Data Sheets provided by the chemical manufacturers and distributors.
- Information provided by machinery and equipment manufacturers.
- Safety and health codes and regulation
- Company job surveillance of product use and reports.

MATERIAL SAFETY DATA SHEETS (MSDS)

MSD sheets are written documents concerning chemical hazards prepared and distributed by chemical manufacturers and distributors. The Company maintains an MSDS file for the hazardous chemicals used by employees. Contents of MSD sheets include:

- The identity of the chemical.
- Physical and chemical characteristics.
- Physical and health hazards.
- Primary routes of entry.
- Exposure limits.
- Precautions and controls.
- Emergency and first aid procedures.
- Name of manufacturer or importer.

Employees may review their MSD sheets by contacting their immediate supervisor. They will be accessible during normal working hours.

The Company maintains a list of hazardous chemical MSDS's. This list will be posted at the Main Office and other locations where bulletin boards are located.

The Company is concerned about job safety and health and solicits employee assistance in determining safety and health hazards.

TRAINING

Initial training and implementation will take place on the job. Handout materials and record of attendance will be included in the training.

New employees must receive appropriate safety and health information, education and training during their initial job assignment. Retraining is necessary when:

- New chemicals are introduced into the workplace.
- Processes or equipment changes cause new or additional exposure.
- Employees are transferred to another work area where different hazards are present.

Special emphasis must be made in tasks where exposures may be unknown.

LABELS

Chemical containers must be labeled and must contain:

- Identity of the chemical.
- Appropriate hazard warning.
- Name and address of manufacturer or importer.

Labels must not be defaced in any way. Undetectable labels must be reported immediately to your supervisor.

CONTRACTORS

Subcontractors must be notified of workplace hazards and exposures. Subcontractors must comply with all safety standards and also ensure that their operations do not increase our employee exposure to additional hazards.

LOCKOUT TAGOUT POLICY

WHAT IS LOCKOUT/TAGOUT?

Lockout is usually a padlock arrangement that secures a valve or lever in the off position. Tagout means placing a tag on the power source to warn others not to turn it on. Tags must be treated like locks and must not be removed without authorization.

Lockout/tagout procedures cover SERVICING AND MAINTENANCE of MACHINES AND EQUIPMENT in which expected energizing or starting up or a release of stored energy could cause injury to employees.

Protect yourself and your co-workers. Follow these lockout/ tagout procedures any time you clean, repair, service, inspect or clear equipment.

- NOTIFY OTHERS that you're beginning a lockout/tagout procedure and why.
- TURN OFF equipment and disconnect the energy source.
- LOCKOUT OF energy sources is preferred.
- TAGOUT, if lockout is not possible.
- ADDITIONAL PROCEDURES include disconnecting, capping of controls, switches, lines and valves or blocking of moving parts.
- CHECK Attempt to start the equipment before doing any work to make sure it is properly locked out and energy dissipated.

- Make sure others are safe, guards are in place, tools, locks and tags are removed BEFORE RESTORING ENERGY. Notify others it is being returned to service.
- SPECIFIC LOCKOUT/TAGOUT Each piece of equipment is to have a specific written lockout/tagout procedure.
- REVIEW Each written lockout/tagout procedure shall be reviewed annually, updated as needed, and documented.

GUIDE TO LOCKING OUT A TRUCK MIXER

DEVELOPED FOR MANATTS, INC.

INTRODUCTION

These general guidelines are to be used before entering a mixer drum. A mixer drum is to be entered only when it becomes necessary to inspect it, chip old concrete out, or to reblade the drum.

- Begin lockout. Notify affected person(s).
- Park truck in appropriate area and set brakes. Place "Out of Service" placard on vehicle.
- Isolate energy source(s)
 - 1.2.1. Remove ignition key and keep in pocket -or-
 - 1.2.2. Disconnect batteries -or-
 - 1.2.3. Relieve air for air starting system -or-
 - 1.2.4. Other methods as necessary for type of truck
- Lock or tag all mixer controls.
- Secure drum to prevent rotation.
- Verify that energy source(s) is (are) disabled.
- Open access doors (hatch) to drum.
- Place ventilating fan at charge hopper if needed.
- Assemble personal protective equipment - hard hat, respirator, goggles, hearing protection, long sleeve shirt (coveralls), gloves, other equipment as necessary.
- Assemble necessary tools and equipment.
- Complete job.
- If drum must be repositioned, and lockout condition interrupted, clear the area, energize vehicle, rotate drum and go back to No. 3
- Inspect drum, remove tools and supplies.
- Check for other employees; notify affected employees that equipment is being returned to service.
- Remove drum securing devices.
- Remove locks/tags/placards.
- Notify appropriate persons vehicle returned to service.

FALL PROTECTION POLICY

Manatts, Inc., is dedicated to the protection of our fellow employees from on-the-job injuries. All employees of Manatts, Inc., have the responsibility to work safely on the job. The purpose of this policy is: (a) To supplement our standard safety policy by providing safety standards specifically designed to cover fall protection and; (b) to ensure that each employee is trained and made aware of the safety provisions which are to be implemented by this policy prior to the start of the project. Falls are the leading cause of fatalities in the construction industry.

Each employee that may work from an elevated area will be trained in these procedures and strictly adhere to them except when doing so would expose the employee to a greater hazard. If, in the employee's opinion, this is the case, the employee is to notify the foreman of the concern and the concern addressed before proceeding. For example, this fall protection policy does not apply to climbing the ladders of mobile equipment such as paving equipment, ready mix trucks, cement tankers, fixed ladders with cages, etc. Employees that work with this equipment will use the three points of contact system to safely climb into or out of the vehicles or equipment.

It is the responsibility of our Safety Director to implement the Fall Protection Policy. Our Safety Director is responsible for continual observational safety checks of their work operations and to enforce the safety policy and procedures. The foreman also is responsible to correct any unsafe acts or conditions immediately. It is the responsibility of the employee to understand and adhere to the procedures of this policy and to follow the instructions of the foreman. It is also the responsibility of the employee to bring to management's attention any unsafe or hazardous conditions or acts that may cause injury to either themselves or any other employees. Our Safety Director must approve any changes to this Fall Protection Policy.

Fall protection involves a series of steps taken to cause reasonable elimination or control of the injurious effects of an unintentional fall while accessing or working. Our ideal is fall prevention, which includes the use of sufficient perimeter guardrails constructed to a minimum of current OSHA standards and controlled access zones. When fall prevention measures are not feasible, we will need to use proper fall protection equipment when working near open edges over 6 feet high. Even with the proper fall protection, we want to prevent the fall from an open or leading edge from happening in the first place by staying at least 6 feet away from edges unless work requires it, always face the edge, and work from your knees. Fall arrest systems shall also be used when working from a man lift or a bucket on a bucket truck, or when the employee leaves the safety of the work platform.

Personal fall arrest systems consist of an anchorage, connectors, and a body harness. Depending on the work environment, the fall arrest system may also require and include a deceleration device, lifeline, or suitable combinations.

- Employees climbing and/or working in elevated locations without guardrails or cages shall wear and/or use harnesses, lanyards, and connectors that meet or exceed ANSI Z359.1 standards. Body belts are NOT acceptable as part of a personal fall arrest system.
- Anchoring points must be capable of supporting at least 5,000 pounds per employee attached.
- Always anchor above your head if possible. If it is not possible, find the next highest place to anchor.
- When using a 6-foot shock-absorbing lanyard, you must allow at least 19 feet between the anchorage point and the lower level due to the length of the lanyard, 3 ½ feet of deceleration distance, 6 feet for the height of the worker, and add a 3-foot safety factor.
- Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet nor contact any lower level.
- Fall protection equipment shall be inspected by the user before each use and, additionally, by a competent person other than the user at intervals of no less than 1 year.

- Any damaged or deteriorated item must be removed from service and replaced.
- Personal fall arrest systems and components subjected to impact loading shall be immediately removed from service and shall not be used again for employee protection until inspected and determined by a competent person to be undamaged and suitable for reuse.

BODY HARNESS FITTING

Body harness must be sized for the worker by:

- Chest strap tightened at mid chest
- Proper snugness from shoulder to hips
- Leg straps snug but not binding
- “D” ring between shoulder blades on back; center of chest for the front “D” ring
- Butt strap supports the load

Proper adjustment is key:

- Need to be able to reach your “D” ring with your thumb
- A maximum of four flat fingers of slack between your legs and straps, wear the leg straps as high as comfortably possible
- Ensure chest strap is across your chest/breastbone
- Have a buddy double-check your harness for twists, proper tightness and everything buckled, etc.

Never use fall arrest systems without a spotter/attendant. In the event of a fall, studies have indicated permanent damage to the lower extremities when the worker hangs from a properly worn harness for more than 20 minutes. Since we perform several different types of work/maintenance from elevated areas, the immediate supervisor shall outline the rescue plan before the work requiring the use of fall arrest systems begins. The rescue plan shall be documented and reviewed with all employees involved with the work before the process begins. Our Safety Director is a resource for us to prepare a rescue plan for specific jobs.

Guidelines to follow for our rescue plans:

- The spotter will call for emergency help right away
- Allow the person to rescue themselves if possible
 - Self-rescue ladders are available for deployment

- The spotter will NOT attempt to rescue the victim without assistance
 - Attempting to rescue the victim would cause the spotter to be injured if they are not properly equipped/trained
 - The release of pooled blood from the lower extremities could cause over-strain of the heart and cause death
 - Relief steps can be attached to harness to reduce the tension until rescue occurs

Plan for the “worst case” scenario before starting the job. Safety is everyone’s responsibility.

BLOOD BORNE PATHOGENS POLICY

OSHA has introduced a new standard on BLOOD BORNE pathogens that became effective March 6, 1992. While the main thrust of this standard is aimed at workers in health care facilities, our first-aiders are also included. It is becoming increasingly more important to protect all employees against BLOOD BORNE pathogens, such as hepatitis B and HIV. BLOOD BORNE pathogens are microorganisms in human blood that can cause disease in humans, and they include but are not limited to hepatitis B (HBV) and human immunodeficiency virus (HIV) which causes AIDS. Potentially infectious material referred to in this regulation includes the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

The OSHA standard covers employees who may be reasonably anticipated to come in contact with human blood and other potentially infectious materials in order to perform their jobs. This includes employees trained in first aid, or any person who may come in contact with a body fluid during the course of their employment.

METHODS OF COMPLIANCE

- **Hand washing.** Hand washing facilities are to be provided and employees are to thoroughly wash their hands and any

other skin with soap and water immediately or as soon as possible following contact with blood or other potentially infectious materials, and when gloves and other personal protective equipment are removed.

- **Bandages.** It is our interpretation that band-aids and other small bandages do not constitute infectious waste and can be disposed of in the normal manner. However, a serious bleeding case where there is dripping blood resulting in blood-soaked materials, would be considered infectious waste and would require proper safeguards for disposal.
- **Food.** In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials, eating, drinking, smoking, applying cosmetics or lip balm, handling contact lenses, and storage of food and drinks are prohibited.
- **Personal Protective Equipment.** Appropriate personal protective equipment such as disposable gloves, gowns, lab coats, face shields or masks, eye protection, mouthpieces, resuscitation bags, are to be furnished and used as necessary to protect the employee from blood or other potentially infectious materials reaching the employee's clothes, skin, eyes, mouth, or other mucous membranes under normal conditions of use.

Common sense must be used in determining when to use gloves (disposable only) and other protective wear. The rule of thumb is that when it can be reasonably anticipated that the employee may have contact with blood or other potentially infectious materials, the proper protective wear is to be worn. All personal protective equipment will be cleaned, laundered, repaired, replaced and disposed of by Manatt's with no cost to the employee.

To make sure that this equipment is used as effectively as possible, our employees adhere to the following practices when using their personal protective equipment:

- All garments which are penetrated by blood shall be removed immediately or as soon as feasible.

- All personal protective equipment will be removed prior to leaving the work area.
- Contaminated clothing should be placed in an approved hazardous waste bag or if none is readily available in a clean plastic bag. The bag will be sealed and properly marked. The employee will wash all affected body parts thoroughly.
- Gloves shall be worn where it is reasonably anticipated that employees will have hand contact with blood, other potentially infectious materials, non-intact skin, and mucous membranes. Gloves will be available in the first aid supply kit.
- Disposable gloves are not to be washed or decontaminated for re-use and are to be replaced as soon as practicable when they become contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for re-use provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.
- Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, are required to be worn whenever splashes, spray, splatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can reasonably be anticipated.
- **Housekeeping.** Care must be taken that the sinks, work tables, etc. at the worksite or shop area are cleaned and disinfected immediately after being contaminated with blood or other potentially infectious material. Also, any location on the job where an injury could have caused bleeding on equipment or the floor must be immediately cleaned and disinfected.

Equipment which has become contaminated with blood or other potentially infectious materials shall be examined

prior to servicing or shipping and shall be decontaminated as necessary unless the decontamination of the equipment is not feasible. A 10 to 1 solution of water and bleach will be used to clean the equipment.

All bins, pails, cans, and similar receptacles shall be cleaned, inspected and decontaminated as soon as possible if visibly contaminated. Potentially contaminated broken glassware is picked up using mechanical means (such as dustpan and brush, tongs, forceps, etc.).

HEPATITIS B VACCINATION

POST-EXPOSURE EVALUATION AND FOLLOW-UP

Everyone in our company recognizes that even with good adherence to all of our exposure prevention practices, exposure incidents can occur. As a result, we have implemented a Hepatitis B Vaccination Program, as well as set up procedures for post-exposure evaluation and follow-up should exposure to BLOOD BORNE pathogens occur.

VACCINATION PROGRAM

All employees who have been identified as having exposure to blood or other potentially infectious materials will be offered the Hepatitis B vaccine, at no cost to the employee. The vaccine will be offered within 10 working days of their initial assignment to work involving the potential for occupational exposure to blood or other potentially infectious materials unless the employee has previously had the vaccine or who wishes to submit to antibody testing which shows the employee to have sufficient immunity.

Employees who decline the Hepatitis B vaccine will sign a waiver. A copy of the waiver used by Manatts accompanies this policy. Employees who initially decline the vaccine but who later wish to have it may then have the vaccine provided at no cost.

HEPATITIS B VACCINE DECLINATION

Date: _____

Employee Name: _____

Employee Number: _____

I understand that due to my occupational exposure to blood or other potentially infectious materials, (including untreated sewage) I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine at no expense to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Signature _____

Date _____

Employer Witness _____

Date _____

POST EXPOSURE EVALUATION AND FOLLOW-UP

When an employee incurs an exposure incident at a Manatts, Inc., worksite, it should be reported to the Safety Department as soon as possible. All employees who incur an exposure incident will be offered post-exposure evaluation and follow-up in accordance with the OSHA standard. The follow-up will include:

- Documentation of the route of the exposure and the circumstances related to the incident.
- If possible, the identification of the source individual and the
- status of the source individual. The blood of the source individual will be tested (after consent is obtained) for HIV/HBV infectivity.
- Results of testing of the source individual will be made available
- to the exposed employee with the exposed employee informed about the applicable laws and regulations concerning disclosure of the source individual.
- The employee will be offered the option of having their blood
- collected for testing of the employees HIV/HBV serological status. The blood sample will be preserved for up to 90 days to allow the employee to decide if the blood should be tested for HIV serological status. However, if the employee decides prior to that time that testing will or will not be conducted then the appropriate action can be taken and the blood sample discarded.
- The employee will be offered post-exposure prophylaxis in accordance with the current recommendations of the U.S. Public Health Service. These recommendations are currently as follows:
 - The employee will be given appropriate counseling concerning precautions to take during the period after the exposure incident.
 - The employee will also be given information on what potential illnesses to be alert for and to report any related experiences to appropriate personnel.

INFORMATION PROVIDED TO THE HEALTH CARE PROFESSIONAL

To assist the Health care professional we will forward a number of documents to them, including the following:

- A copy of the BLOOD BORNE Pathogens Standard.
- A description of the exposure incident.
- The exposed employee's relevant medical records.
- Other pertinent information.

HEALTH CARE PROFESSIONAL'S WRITTEN OPINION

After the consultation, the Health care professional provides our facility with a written opinion evaluating the exposed employee's situation. We, in turn, furnish a copy of this opinion to the exposed employee. With emphasis on confidentiality, the written opinion will contain only the following information:

- Whether Hepatitis B Vaccination is indicated for the employee.
- Whether the employee has received the Hepatitis B Vaccination.
- Confirmation that the employee has been informed of the results of the evaluation.
- Confirmation that the employee has been told about any medical conditions resulting from the exposure incident which require further evaluation or treatment.
- All other findings or diagnoses will remain confidential and will not be included in the written report.

MEDICAL RECORD KEEPING

Medical records must remain confidential. They will be kept in a separate medical records file in the risk manager's office. Records must be maintained for the duration of employment plus 30 years in accordance with OSHA's standard on access to employee exposure and medical records. The following information will be maintained on the medical records:

- Name of the employee.
- Social security number of the employee.
- A copy of the employee's Hepatitis B Vaccination status. Dates of any vaccinations. Medical records relative to the employee's ability to receive the vaccinations.

- Copies of the results of the examination, medical testing and follow-up procedures which took place as a result of an employee's exposure to BLOOD BORNE pathogens.
- A copy of the information provided to the consulting Health care professional as a result of any exposure to BLOOD BORNE pathogens.

EXPOSURE INCIDENT INVESTIGATION FORM

Name of Employee Involved in Exposure _____

Name of Employee's Supervisor _____

Date of Incident _____ Time of Incident _____

Potentially Infectious Materials Involved _____

Source _____

Circumstances (Type of work being performed) _____

How Incident Was Caused (accident, equipment malfunction, etc. _____

Personal Protective Equipment Being Used _____

Actions Taken (decontamination, clean-up, reporting, etc. _____

Recommendations for Avoiding Repetition _____

MANATTS POST-EXPOSURE EVALUATION
AND FOLLOW-UP CHECKLIST

The following steps must be taken, and information transmitted, in the case of an employee's exposure to BLOOD BORNE Pathogens:

Employee furnished with documentation regarding exposure incident. _____

Source individual identified. _____

(_____)

SOURCE INDIVIDUAL

Source individual's blood tested and results given to exposed employee. _____

Consent has not been able to be obtained. _____

Exposed employee's blood collected and tested. _____

Appointment arranged for employee with Health care professional. _____

(_____)

PROFESSIONAL'S NAME

Documentation forwarded to Health care professional.

_____ BLOOD BORNE Pathogens Standard. _____

Description of exposed employee's duties. _____

Description of exposure incident, including routes of exposure. _____

Results of source individual's blood testing. _____

Employee's medical records. _____

INFORMATION AND TRAINING

Training for all employees will be conducted prior to initial assignment to tasks where occupational exposure may occur. Training will be conducted in the following manner:

The training sessions will be conducted during regular work time at no cost to the employees. Employees will be retrained annually to keep their knowledge current. Additionally, all new designated employees, as well as employees changing jobs or job functions will be given any additional training their new position requires at the time of their new job assignment.

TRAINING TOPICS

Training for employees will include the following explanations of:

- The OSHA standard for BLOOD BORNE Pathogens.
- The symptoms of BLOOD BORNE disease.
- The modes of transmission of BLOOD BORNE pathogens.
- Explanation of the exposure control plan such as main points of the plan and the implementation of the plan.
- Procedures which might cause exposure to blood or other potentially infectious materials at jobsites, plants, or shops.
- Control methods which will be used at the jobsite, plant, or shop to control exposure to blood or other potentially infectious materials.
- Personal protective equipment available at the jobsite, plant, or shop and who should be contacted concerning it.
- Post-exposure evaluation and follow-up.
- Hepatitis B vaccine program at Manatts.

RECORD KEEPING

All medical records required by the OSHA standard will be maintained by the Safety and/or the Personnel Department. Included will be information relative to the Hepatitis B vaccination as well as post-exposure evaluation and follow-up. These records are to be considered confidential. Training records will include:

- Dates of training.
- Summary of training content.

- Names and qualifications of trainer.
- Names and job titles of all attendees.

It is the goal of Manatts, Inc., to provide a safe work environment for all employees. Realistically, accidents do happen. However, we intend to do everything possible to prevent injuries and protect employees from unsafe work-practices. To achieve this goal, employees, supervisors, and management must take an active role in safety issues. Safety is everyone's responsibility.

*Employee
Benefits*

8. Employee Benefits

GROUP MEDICAL AND HOSPITALIZATION

New full time and new full time seasonal employees are eligible for coverage on the Company group health plan on the first day of the month following 30 days of employment. However, coverage is **NOT** automatic. This plan will be effective on the first day of the month following receipt (in the Brooklyn office) of the employee's enrollment form or application. Each employee has a 120-day window to sign up. The date on the enrollment form or application determines the effective date.

The first of the month following ninety (90) days of employment, the Company will pay 80% of the monthly group insurance premium the current calendar year until laid off or January 1, whichever comes first. The Company share will be paid during the layoff period after working two (2) construction seasons. In order for a new hire's first season to count as a full year, they must have a hire date prior to September 1. Therefore, a new hire that starts before September 1, participates in the Wellness Program, and is full time seasonal, will pay 100% of the premium for only the first winter. Any employee who quits and is rehired will have the same waiting period as a new employee. The Wellness Program is part of the health plan. Employees are required to participate in a health screening each calendar year to remain on the health plan the following calendar year. Insured spouses are also required to participate in a screening to maintain coverage. In order for an employee to remain eligible for the Company's share of the premium, they must have worked 1000 hours the preceding year and be a current full time or full time seasonal employee. The maximum months covered during a layoff will be six (6) months.

The Manatt Group Health Plan offers an open enrollment period each year during the month of December for a January 1 effective date. Employees may elect to change the current coverage elected (family/single), or elect to waive participation in the plan. Full-time seasonal employees' open enrollment period is 30 days from

the date of their return to work from seasonal lay-off. Enrollment changes will only be allowed during this time period, unless there is an event/family status change as defined by the IRS. Certain waiting periods and pre-existing conditional clauses may apply. (For further information, please see the Manatts, Inc., Group Health Benefits book.)

Employees may choose to have extra deductions made while they are working to cover their share of the group health insurance premium cost during the layoff season or slow periods. Seasonal employees who opted not to participate in the Wellness Program the current calendar year, will be required to have their share (80%) of the monthly health insurance premium paid prior to January 1 to continue coverage. Non-payment by the January 1 due date will result in cancellation of coverage. New employees who enroll in the Manatt Group Health Plan as soon as they are eligible, may sign up for the Cafeteria Plan for PREMIUM ONLY. After the initial enrollment form has been signed, the health insurance premium will automatically go through the Cafeteria Plan every year. This allows the employee's share of the health insurance premium to be paid with pre-tax dollars.

EMPLOYEES ON SPOUSE'S GROUP HEALTH INSURANCE

Full time and full time seasonal employees who are included on their spouse's health insurance plan may be eligible for \$200 per month in additional wages. Employees must work at least 1000 hours in the prior calendar year to be eligible to participate in this benefit. This is NOT automatic. **A verification form must be completed each calendar year prior to January 1st, accompanied by a copy of the employee's marriage certificate.**

To qualify for this benefit, an employee must be on their spouse's group health insurance plan. Individual plans do not qualify. These wages will be added to the employee's pay and subject to taxes or the employee may receive it as tax free dollars by utilizing the Cafeteria/Flex Plan.

New full time and new full time seasonal employees are eligible to enroll January 1 or July 1 following 1000 hours of employment. New employees that do not reach 1000 hours before layoff and

return to work the following season will be eligible July 1 as long as they have worked a total of 1000 hours.

Note: This policy is subject to change due to Government mandates controlling Flex and health insurance.

VOLUNTARY DENTAL INSURANCE

New full time and new full time seasonal employees are eligible for Voluntary Dental Insurance on the first day of the month following 30 days of employment. This plan will be effective on the first day of the month following receipt (in the Brooklyn office) of the employee's enrollment form or application. Each employee has a 120-day window to sign up. The date on the enrollment form or application determines the effective date.

The Manatt Voluntary Dental Plan offers an annual enrollment period each year during the month of December for a January 1st effective date. Employees may elect to change the current coverage elected or elect to waive participation in the plan. Full-time seasonal employee's enrollment period is June 1st following return to work. Enrollment changes will only be allowed during this time period, unless there is an event/family status change as defined by the IRS. Certain waiting periods and pre-existing conditional clauses may apply. (For further information, please see the Manatt Voluntary Dental Insurance Policy).

Employees may choose to have extra deductions made while they are working to cover the dental insurance premium cost during the layoff season or slow periods. New employees who enroll in Voluntary Dental Insurance Plan as soon as they are eligible, may sign up for the Flex Plan for PREMIUM ONLY. This allows the dental insurance premium to be paid with pre-tax dollars.

WELLNESS PROGRAM

Manatts is dependent upon their employees for the success of the company. They wish to show their appreciation for that success by extending a comprehensive Wellness Program to all employees. Health care costs, productivity, absenteeism, and work-comp claims are all affected by the wellness of employees. Simply

stated, if we are healthier and more productive, we will all share in the success.

Wellness is a confidential screening that is intended to give employees an AWARENESS of their health. It is NOT intended to be a complete physical exam. Following is a list of medical procedures available in conjunction with the Wellness Program:

- **Health Screening** - Includes health risk assessment, blood pressure, heart rate, height, weight, body composition analysis, blood profile (results vary based on venous draw or finger-stick) and a *private, confidential* consultation of your results. Employees have the opportunity to participate in follow-up consultations and receive educational materials on a variety of topics throughout the year.
- **Pulmonary Function Test (PFT)** - This exam provides a baseline, indicative of current lung function. Subsequent annual tests will provide the information necessary to determine whether lung function is deteriorating or improving. OSHA requires some job classifications to have this test done on an annual basis. Employees in these job classifications will not be allowed to return to work until this mandatory test is performed.
- **Mammogram** - A mammogram is offered to women 40 years or older, and those younger with a history of breast cancer in their immediate family. Physicians recommend a baseline at the age of 35 and annually, over the age of 40. This is offered free of charge to employees or spouses insured under the Manatt Group Health Plan when done in conjunction with the Wellness Program.
- **Prostate Exam** - This exam is done at the employee's family physician prior to or 30 days after the date participated in the Health Screening. The PSA blood test will be performed automatically at the Health Screening for employees or spouses over the age of 50 with a venous blood draw. The results will be sent to the employee for use at their family physician.

CAFETERIA—FLEXIBLE BENEFITS PROGRAM

Employees can elect to pay for group health insurance premiums, voluntary dental insurance premiums, unreimbursed medical expenses and dependent care expenses with pre-tax dollars. Employees must work at least 1000 hours in the prior calendar year to be eligible to participate in the Cafeteria/Flex Plan. All eligible employees must enroll each year. **A new enrollment form is required each calendar year prior to January 1st.**

New full time and new full time seasonal employees are eligible to enroll January 1 or July 1 following 1000 hours of employment. New employees that do not reach 1000 hours before layoff and return to work the following season will be eligible to enroll in the Cafeteria/Flex Plan as of July 1 as long as they have worked a total of 1000 hours.

The Company will contribute \$12.00 per month (\$144.00 per year) into a Cafeteria/Flex Plan for each eligible employee. This is not automatic. An enrollment form must be completed by the employee each year to select desired allocation of the Company contribution.

Claim forms accompanied by proper documentation are due in the Brooklyn Office by noon on the 10th of each month in order for reimbursement checks to be issued approximately on the 15th. February 28th is the deadline for submitting claims incurred during the previous calendar year.

401(k) AND ROTH 401(k) RETIREMENT PLAN

Employees who are at least 19 years of age are eligible to contribute to the 401(k) Retirement Plan immediately when hired. In accordance with federal maximum limits, employees may set aside 60% of their weekly gross earnings. The traditional 401(k) is tax deferred except for FICA. The Roth 401(k) is set aside after tax.

To enroll, employees may log on to Fidelity Net Benefits at www.401k.com and follow the web navigation steps or call 1-800-835-5097 and follow the phone prompts. A completed beneficiary

form must be returned to Human Resources. Employee's contributions are always 100% vested. Upon termination, funds are inaccessible until the following July 1st at which time options will be sent by Fidelity. In the event of disability or retirement, employees should contact the Human Resources Department regarding available options.

To be eligible for a matching contribution, an employee must be employed by Manatts for one (1) Plan Year and worked at least 500 hours during the year being matched. The matching contribution is calculated based on employee's total traditional 401(k) and Roth 401(k) contributions. Manatts matching contribution will be directed solely into the traditional 401(k). Manatts will match funds based on years of service as follows:

Years of Service	Maximum Matching Funds
1 & 2	\$100
3 & 4	\$250
5 & 6	\$500
7 & 8	\$750
9 - 14	\$1,000
15 - 24	\$1,500
25 & over	\$2,500

GROUP TERM LIFE INSURANCE

New full time and new full time seasonal employees who work at least 1000 hours their first calendar year, will have group term life insurance coverage paid by the Company beginning January 1 of the following year or the first of the month after they return to work. The Company will continue to pay for the employee's life insurance coverage, including layoff not to exceed six (6) months, provided the employee works at least 1000 hours the preceding year.

This coverage is \$20,000 for the employee, \$10,000 for spouse and for any dependent children birth to 19 years (or age 26, if a full time student).

VOLUNTARY TERM LIFE INSURANCE

Employees are eligible to purchase *additional* term life insurance for themselves, spouse, and dependent children up to the age of 19 (or to their 26th birthday, if a full-time student).

New full time and full time seasonal employees may purchase this additional term life insurance without underwriting by completing an enrollment form and returning it to the Brooklyn Office. This must be done prior to the first of the month following the effective date of the Company provided life insurance.

For further information regarding voluntary life insurance enrollment procedures for employees who are not new hires, contact the Human Resources Department.

SHORT-TERM DISABILITY PAY

New full time and full time seasonal employees who work at least 1000 hours their first calendar year, will have short-term disability coverage paid by the Company beginning January 1 of the following year or the first of the month after they return to work. The Company will continue to pay for the employee's short-term disability coverage, including layoff not to exceed six (6) months, provided the employee works at least 1000 hours the preceding year. Coverage will cease upon termination of employment.

Whenever the employee is unable to work because of a non-work related accident or illness, the plan provides payment of \$300.00 per week not to exceed 26 weeks. A physician's statement of disability will be required. Disability payments are not available if drawing unemployment.

HOLIDAYS

Employees are not eligible for Holiday Pay until they have completed 90 calendar days, including at least 45 work days. Additionally, employees must work the scheduled work day before and the scheduled work day after the Holiday. Paid Holidays are: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. A paid holiday is 8 hours of straight time pay.

FUNERAL LEAVE

Upon the death of a member of the immediate family (parent, parent in-law, child, spouse) each employee will receive eight hours of straight time pay for up to three days from the regular work week.

Eight hours of straight time pay for one day will be allowed for attendance of the funeral of other family members (brother, sister, grandparents, grandchildren, brother-in-law, sister-in-law, or grandparent in-law).

SAFETY BOOTS & SAFETY PRESCRIPTION GLASSES

Employees required to wear boots on the job and purchase steel-toed boots will be reimbursed for 25% of the boot cost. A detailed paid receipt showing what was purchased must be turned in to the Safety Department for approval and reimbursement. The 25% reimbursement will be paid directly to the employee.

Employees required to wear safety glasses on the job and have prescription glasses will be reimbursed up to \$50.00 for prescription safety glasses. Employees must contact the Safety Department for details of this program before ordering prescription safety glasses.

PAID DAYS OFF

After one year of employment, full-time employees, **not including** fulltime seasonal employees, are eligible for paid days off, according to the schedule below. Years of service are based on the employee's anniversary hire date. Paid days off will be based on 40 hours per week at straight time. All paid days off must be approved by the employee's immediate supervisor or manager. Because of the seasonal nature of the construction industry, it is normally not possible to schedule paid days off from April 1 through November 30 of each year.

Employees may carry over up to 5 paid days off from the previous year. Any additional paid days off earned will result in the loss of previously accumulated paid days off. If a situation occurs which prevents an employee from taking the paid days off when he or she

requests them, an exception may be made to the “use it or lose it” rule by making a written request to the Human Resources Department explaining the reason for the inability to take the time off.

Employees terminated for Company policy violations or criminal laws will lose any accrued paid days off.

Schedule for Paid Days Off

After one (1) year’s service:	5 days
After two (2) year’s service	10 days
After three (3) year’s service	11 days
After six (6) year’s service	12 days
After nine (9) year’s service	13 days
After twelve (12) year’s service	14 days
After fifteen (15) year’s service	15 days

PER DIEM POLICY

Employees must be full-time or full-time seasonal and working on a project 50 miles or more from home base (ie: Brooklyn, Newton, Ames, Tama) to the center of the project. Per diem cannot be collected if the employee is driving a Company vehicle back and forth to the project. Each employee must show up on time or no per diem will be paid for that day.

Employees will receive \$30.00 per day for each scheduled work day that the employee is on the job and available to work. After two construction seasons of employment, the employee will receive \$35.00 per day for each scheduled work day the employee is on the job and available to work. If rained out and cannot work, the employee must show up, notify the supervisor of arrival, and be staying away from home to qualify.

If an employee is on a federal wage scale paying more than \$3.00 per hour over normal wages including fringe benefits, the Company will not pay per diem.

Each employee must complete and submit the per diem request weekly to their supervisor. This form must have all required

information completed to satisfy the IRS. If incomplete, per diem will not be paid.

UNIFORM SERVICE

All employees have the opportunity to order uniforms at their own expense. Employees will be required to complete a payroll deduction form for the uniform cost as it will be deducted from the employee's weekly paycheck.

Employees classified as full-time or full-time seasonal mechanics will be charged for 50% of the uniform cost. Employees will be required to complete a payroll deduction form for the remaining 50% of the uniform cost as it will be deducted from the employee's weekly paycheck.

A field employee classified as a supervisor, foreman, or manager is provided with uniforms free of charge. Employees in the job classifications receiving all or a portion of the uniform cost paid by the Company must have a supervisor's approval before placing an order with the uniform company.

CREDIT UNION

Manatts, Inc., is a sponsor for the University of Iowa Community Credit Union which has offices in Grinnell, Iowa City, Coralville, and North Liberty, Iowa. All Manatt employees are eligible for membership. Enrollment forms are available at the Brooklyn office. For more information, visit www.uiccu.org or call 800.397.3790. Some of the services available to members are the following:

- Payroll deduction and Direct Deposit
- Savings Accounts
- I. R. A. Accounts
- Certificates of Deposit (CD)
- Money Market Accounts
- Investment & Trust Services
- Special Club Accounts
- Rewards Checking
- Visa Check Card & Credit Cards
- Free ATM Access

- Online Home Banking & Bill Payer
- E-Statements
- Bilingual Touchtone Teller
- Wealth Management Services
- Home Loans & Home Equity Loans
Auto & Personal Loans

EMPLOYEE ASSISTANCE PROGRAM

Because there are many things that can cause stress in our lives and can have a very negative impact if left unaddressed, Manatts, Inc., has entered into an agreement with EMPLOYEE ASSISTANCE PROGRAM OF IOWA, to provide an Employee Assistance Program for our employees and their families.

EMPLOYEE ASSISTANCE PROGRAM OF IOWA is designed to provide employees and their family members with a confidential means of dealing with problems that may arise from the stresses of modern living. EMPLOYEE ASSISTANCE PROGRAM OF IOWA will provide assessment, referral and short-term counseling services.

An employee or family member calling EMPLOYEE ASSISTANCE PROGRAM OF IOWA will enter into a confidential relationship bound by Federal Confidentiality laws. No information is transmitted to Manatts which would identify the caller or the issue involved.

Calls will be handled by professional counselors who will assess the caller's needs and help locate a local resource to assist the caller. The caller can use up to three sessions with a provider without cost. If further services are required, assistance will be provided in finding a resource that is covered under the caller's benefit plan or a sliding fee scale can be arranged.

Typical issues that are handled are marital, family, grief, financial, legal, psychological, alcohol or drug dependency. The program is not limited to any issues and these are only examples.

Manatts is concerned about maintaining the well being of our employees and their families. Since Manatts wishes to respect the

employee's right to privacy, they retained the services of EMPLOYEE ASSISTANCE PROGRAM OF IOWA. Any employee or family member seeking assistance, should call: **EMPLOYEE ASSISTANCE PROGRAM OF IOWA** at 1-800-EAP-IOWA (1-800-327-4692).

FMLA LEAVE OF ABSENCE POLICY (FMLA)

Manatts is required to comply with the Federal Family Medical Leave Act (FMLA) of 1993, which is outlined in Appendix A. The Company reserves the right to designate FMLA leave as needed to any eligible employee and to require employees to use first all available paid time off as qualifying FMLA time toward the 12 week limit. The FMLA entitles eligible employees to take up to 12 weeks of paid or unpaid, job-protected leave in a 12-month period based on the employee's anniversary hire date for:

- The birth or placement of a child for adoption or foster care
- To care for an immediate family member (spouse, child, or parent) with a serious health condition
- To take medical leave when the employee is unable to work because of his/her own serious health condition.

ELIGIBLE EMPLOYEES

To be eligible for FMLA, an employee must have worked for the Company for at least one year and have completed 1,250 hours over the 12 months prior to the commencement of the leave. The 12-month period during which an eligible employee may take up to 12 weeks of unpaid leave will be calculated using the eligible employee's service anniversary date.

PROCEDURE

An eligible employee who wishes to take FMLA must provide his/her supervisor with 30 days advance notice when the leave is foreseeable. At the time of the request, the employee may complete a "Family Medical Leave Information/Request Form". Once FMLA is requested or designated by the Company, the employee will receive an information packet containing the full policy, forms, rights and duties of the FMLA for both the employee and the Company.

In most cases, the eligible employee must submit medical certification to support a request for leave. Health and dental benefits will continue during the FMLA provided the employee makes his/her regular, monthly contributions to the plan. Failure

to pay premiums may result in lapse of coverage. Contact the Human Resources Department for specific details on continuing benefits while on leave.

Employees returning from FMLA within the 12 week period will be restored to their original job, or to an equivalent job with equivalent pay and benefits.

Employees returning from a medical FMLA may be required to present medical certification of fitness for duty. Failure to provide a medical certificate of fitness for duty may result in a denial of job reinstatement until medical certificate release is provided.

FMLA may be taken in increments as small as one hour.

Employees may not earn additional paid time off while on FMLA.

Contact human resources for the complete policy on the Family and Medical Leave Act and for a full explanation of your rights. FMLA will always begin with paid time off until all available paid time is used. After exhausting paid FMLA leave, non-paid FMLA leave will continue until the conclusion of the protected 12 week time limit. Following the conclusion of protected leave, the employer will decide whether non-FMLA leave should apply.

The medical Certification of Health Care Provider serves as a "doctor note" to certify the reason and expected duration of the extended medical leave in writing. All requests for medical leaves must be accompanied by a doctor's statement verifying your total disability and your estimated date of return to work. Further, the Company requires written medical verification of your ability to resume work and a list of restrictions that would directly relate to your ability to perform your job.

SERVICEMEMBER FMLA LEAVE

In 2008 and 2009, the FMLA was amended and now entitles eligible employees to take leave for a covered family member's service in the Armed Forces.

LEAVE ELIGIBILITY AND DURATION

Eligible employees may take Servicemember leave for either (or both) of the following reasons:

- A “qualifying exigency” arising out of a covered family member’s active duty or call to active duty in the Armed Forces

Leave Duration: Up to 12 workweeks of leave during any 12-month period

- To care for a covered family member (“next of kin”) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating.

Leave Duration: Up to 26 workweeks of leave during a single 12-month period. (Leave may not exceed 26 weeks in a single 12-month period when it is combined with other FMLA-qualifying leave).

Veterans: The 2009 amendments extends military caregiver leave to close family members of veterans who were members of the Armed Forces (including the National Guard or Reserves) at any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.

IMPORTANT

Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

APPENDIX A- EMPLOYEE FMLA RIGHTS & RESPONSIBILITIES

BASIC LEAVE ENTITLEMENT

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- 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, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job,

MILITARY FAMILY LEAVE ENTITLEMENTS

- Qualifying Exigency Leave for Families of Active Duty Members of the Armed Forces

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the Armed Forces 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, and attending post-deployment reintegration briefings.

- Military Caregiver Leave for Veterans and for Aggravated Illnesses or Injuries

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member or veteran during a single 12-month period. A "covered service member" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces), and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating. (emphasis added).

Since veterans do not have a current "office, grade, rank,

or rating," the serious injury or illness must be one "that manifested itself before or after the member became a veteran."

The entitlement to take military caregiver leave for the care of veterans extends only to family members of veterans when the veteran was a member of the Armed Forces at some point in the five years preceding the date on which the veteran undergoes the medical treatment or receives the therapy that necessitates the leave.

BENEFITS AND PROTECTIONS

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

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

ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

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 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 employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

EMPLOYEE RESPONSIBILITIES

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

Employees must provide sufficient information for the employer 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 employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for

leave.

EMPLOYER RESPONSIBILITIES

Covered employers must inform employees requesting leave whether they are eligible under 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 the ineligibility.

Covered employers must inform employees if leave will be 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 any employer to:

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

ENFORCEMENT

An employee 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.

MEDICAL LEAVE OF ABSENCE POLICY

A medical leave of absence may be granted at the discretion of the Company to employees who are either ineligible for leave under the Company Family and Medical Leave policy or who have exhausted that leave. A leave may be granted for up to six months but will be reduced by the amount of any medical leave taken by

the employee under any other company policy. Requests for extensions will be considered on a case-by-case basis.

Employees taking a medical leave under this policy must exhaust their accrued paid days off, provided they are otherwise eligible for paid days off in accordance with the Company policy. Paid days off need not be exhausted, however, during the first eight weeks of leave related to the birth of a child.

A medical leave will not be granted unless the employee provides a statement from a health care provider stating the need for the leave and the expected duration of the leave, and explaining in general terms the nature of the condition.

All benefits shall be suspended during the medical leave. The employee will be notified of COBRA rights and will be required to pick up the entire cost of the premium for health insurance, as well as the nominal administrative cost of maintaining the employee in the group plan.

Employees returning from a medical leave within the 6 months will be returned to their former job, or one of equivalent pay, benefits and status.

MATERNITY LEAVE

Pregnancy-related leaves of absence shall be available for a period of up to eight weeks of unpaid leave for childbirth or other pregnancy-related conditions. In all other respects, a pregnancy-related leave of absence is treated in an identical fashion as other leaves resulting from temporary illness or disabilities.

During maternity leave, an employee may be eligible for short-term disability benefits. Employees may also choose to substitute paid days off during the eight weeks of parenting leave, if paid days off are earned.

Employees who are eligible for FMLA leave, maternity leave will run concurrently with the first eight weeks of FMLA leave.

While on maternity leave, employees will continue to be eligible to participate in the group health insurance plan. Employees who are not eligible for FMLA leave or if the employee's annual FMLA time has been used up for other purposes, will be responsible to pay the entire monthly health insurance premium. Employees must contact the Human Resources Department to make these payment arrangements.

JURY DUTY

Jury duty is a civic duty that the Company believes is everybody's responsibility to serve, if called upon. Employees who must serve on jury duty will be placed on a leave of absence without pay, but will not lose any Company benefits in which they are presently enrolled.

A written note from the Clerk of Court stating the exact starting and finishing hour of the employee's jury service must be furnished to the employee's supervisor.

MILITARY LEAVE

An employee requesting a leave of absence to meet military requirements shall be granted such a leave, without pay, together with re-employment rights as provided by Federal Law in effect at the time.

*Drug & Alcohol
Policies*

9. Drug & Alcohol Policies

DOT DRUG & ALCOHOL POLICY

Manatts, Inc., has a vital interest in the safety and well being of our employees as well as the general public. It is well recognized that individuals who use illegal drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time, and perform their jobs in a substandard manner.

Therefore, it is Manatt's intent to continue to promote a safe and secure work environment, free of illegal drug use and alcohol abuse. It is also our intent to comply with all U.S. Department of Transportation rules and regulations (49 CFR Part 40), the Drug Free Workplace Act of 1988, the Americans with Disabilities Act and the Family Medical Leave Act.

All applicants will be notified of Manatts, Inc., drug and alcohol use and testing policy at the time they apply for a position with Manatts, Inc. Anyone possessing a valid CDL will comply with the following rules and regulations. **Any questions or concerns regarding Manatts, Inc., Drug and Alcohol Policy shall be directed to the Designated Employee Representative (DER), Dan Boyer, or Diane Kilmer at 641-522-9206.**

The goal of Manatts, Inc., policy and the testing of employees is to insure a drug and alcohol free work environment, and to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities and property damage. The following conduct is prohibited:

- Employees are prohibited from using, being under the influence, or possessing illegal drugs.
- Employees are prohibited from using or being under the influence of legal drugs that can adversely affect the ability to work safely.

- Employees are prohibited from buying, selling, soliciting to buy or sell, transport or possess illegal drugs while on or in Manatts, Inc., time or property.
- Employees are prohibited from using alcohol within 8 hours of performing a safety sensitive function (D.O.T. requires a minimum of 4 hours).
- Employees are prohibited from using or being under the influence of alcohol at any time while on duty, 8 hours post-accident, or until tested post-accident.
- Employees are prohibited from possessing ANY amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty. This is a new DOT regulation.
- Testing positive for drugs and/or alcohol while on duty.
- Refusing to be tested for drugs and/or alcohol when circumstances warrant.
- Reporting for duty or remaining on duty to perform a safety-sensitive function with an alcohol concentration of 0.02 or greater.

An employee who violates this policy will be subject to disciplinary action by Manatts, Inc., which may include termination, as mandated by D.O.T. In addition, any driver who is convicted by the judicial system of a felony for a drug or alcohol related matter is subject to immediate termination.

Confidentiality

Employee test results are confidential. Test results and other confidential information will only be released to the employer and the substance abuse professional. Any other release of this information is only with the employee's consent as mandated by the D.O.T. 49 CFR §40.321

Drug & Alcohol Testing: Training and Awareness Driver Handout

Introduction

This handout provides a general overview of the Department of Transportation regulations on drug and alcohol use. A review of the effects of alcohol and certain drugs on the body is also included. Throughout this handout "substance abuse" will be used in place of terms "alcohol abuse" or "drug abuse" in reference to

both substances. Chemical dependency comprises all chemicals, whether they are controlled substances or alcohol.

Abbreviations and Terms You Should Know

Abbreviations

BAT	Breath and Alcohol Technician
CDL	Commercial Driver's License
CMV	Commercial Motor Vehicle
DER	Designated Employer Representative
DHHS	Department of Health and Human Services
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer
STT	Screening Test Technician

Definitions

Actual Knowledge - Knowledge by the employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a commercial motor vehicle (CMV) while under the influence of alcohol or a controlled substance, or a driver's admission of alcohol or a controlled substance use under the provisions of §382.121.

Alcohol - Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration (or Content) - Alcohol in a volume of breath (shown as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test.

Alcohol Screening Device (ASD) - Breath or saliva device, other than an evidential breath testing device (EBT), that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol Use - Consumption of any beverage, mixture, or preparation, including medications containing alcohol.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing device (EBT).

Confirmation Test - In testing for alcohol: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. An evidential breath-testing device must be used. In testing for controlled substances, a second procedure to:

- Identify and quantify the presence of a specific drug or metabolite.
- Further support a validity test result in the case of an adulterated, diluted, or substituted specimen.
- In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmed Drug Test - A confirmation test result received by a medical review officer (MRO) from a laboratory.

Controlled Substance - In the regulation, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines

Designated Employer Representative (DER) - An individual identified by the employer who is:

- Able to receive communications and test results from service agents
- Authorized to take immediate actions to remove drivers from safety-sensitive duties
- Able to make required decisions in the testing and evaluation processes.

The individual must be an employee of the employer. Service agents cannot serve as Designated Employee Representative (DER).

Driver - Any person who operates a commercial motor vehicle (CMV), including:

- Full time, regularly employed drivers
- Casual, intermittent or occasional drivers
- Leased driver, independent, owner-operator contractors who are either directly employed by or under lease to the employer or who operates a commercial motor vehicle (CMV) at the direction of or with the consent of the employer.

Evidential Breath Testing Device (EBT) - A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and reviewing laboratory results generated by an employer's drug testing program. The MRO must have knowledge about and clinical experience in substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and other relevant bio-medical information.

Refusal to Test - Failure to provide an adequate urine specimen for a drug test without a valid medical explanation; failure to provide saliva or adequate breath for an alcohol test without a valid medical explanation; failure to submit to either test as directed; engaging in any conduct which clearly obstructs the testing process.

Safety-Sensitive Function - A driver is considered to be performing a safety-sensitive function when he/she begins work- or is required to be in readiness to work - until the time he/she is relieved from work and all responsibilities for performing work. Safety-sensitive functions include six specific items found in §382.107 of the Federal Motor Carrier Safety Regulations. (See Page 4 of this handout)

Screening Test (Initial Test) - In testing for alcohol; a procedure to determine if a driver has a prohibited concentration of alcohol in his/her system. In testing for controlled

substances: a test to eliminate “negative” urine specimens from further consideration or to identify a specimen that requires additional testing for the presence of drugs.

Screening Test Technician (STT) - A person who instructs and assists employees in the alcohol testing process and operates an alcohol-screening device (ASD).

Stand-down - The practice of temporarily removing a driver from the performance of safety-sensitive functions based only on a report from a laboratory to the medical review officer (MRO) of a confirmed positive drug test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Substance Abuse - Refers to patterns of use that result in health consequences or impairment in social, psychological, and occupational functioning.

Substance Abuse Professional (SAP) - A licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor who evaluates employees who have violated a DOT drug and alcohol regulation. The SAP makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Who is Covered by the Drug and Alcohol Regulations?

The Federal Motor Carrier Safety Administration, Department of Transportation Drug and Alcohol regulations apply to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce in the United States, and is subject to the commercial driver’s license (CDL) requirements of Part 383 and his/her employer. It also applies to drivers who operate CMVs in the United States and are subject to the Licencia Federal de Conductor (Mexico) or the CDL requirements of the Canadian National Safety Code.

What is a Safety-Sensitive Function?

Safety-sensitive functions for operators of commercial motor vehicles (CMV) are listed under §382.107.

A safety-sensitive function means all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time at an employer or shipper plant, terminal, facility, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by §392.7 and §392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of §393.76 of this subchapter);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

A driver who refuses to submit to post accident testing will be terminated.

What are the Alcohol and Drug Prohibitions?

The DOT refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

Alcohol prohibitions include:

- Use while performing a safety-sensitive function

- Use during the 4 hours before performing a safety-sensitive function
- Reporting for duty or remaining on duty to perform a safety-sensitive function with an alcohol concentration of 0.04 or greater
- Use during the 8 hours following an accident, or until the driver undergoes a post-accident test
- Refusal to take a required test

NOTE: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 may not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

Drug prohibitions include:

- Use of any drug, except by a doctor's prescription (and only if the doctor has advised the driver that the drug will NOT adversely affect the driver's ability to safely operate a commercial motor vehicle)
- Testing positive for drugs
- Refusal to take a required test

What Tests are Required and When Will I Be Tested?

There are five situations where testing is done to determine the presence of alcohol and/or drugs.

- **Pre Employment Testing**
When: A controlled substances test is required before a new hire or a person transferring into a driving position from elsewhere in the company can perform any safety-sensitive function. Education will be provided to all employees regarding the effects of drugs and alcohol, signs and symptoms of a drug or alcohol problem, information regarding assistance for abuse problems and testing requirements. §382.601
- **Post Accident Drug and Alcohol when any of the following conditions are met:**
 - If there is a fatality Removed section like this that was "Post Accident Drug" and included here

- If the driver of a Manatts, Inc., vehicle receives a citation under state or local law within 8 hours for a moving violation arising from the accident and if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident OR
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- Following an accident in which injury or property damage in excess of \$1,000 occurs and though the accident does not fall within the requirements listed above, a non-DOT test will be requested.

Alcohol testing MUST be done within 2 hours of the accident. If the test cannot be performed within 2 hours, the employer must prepare a record stating why the test wasn't given. If the test cannot be performed within 8 hours, the employer should not give the test and must prepare a record stating why the test could not be given within that time.

Post-accident drug testing must be performed within 32 hours. If the test cannot be performed within 32 hours, the employer should not give the test and must prepare a record stating why the test could not be given within that time.

Nothing in the regulations should delay medical attention for those who are injured. The employer must provide the necessary information and instructions to allow the driver to be tested or to get emergency medical care.

A driver subject to post-accident alcohol testing must remain available for testing. Not remaining available for testing is considered a refusal to test.

The employer must provide drivers with necessary post-accident information, procedures, and instructions BEFORE the driver operates a commercial motor vehicle.

Immediately notify Dan Boyer, Manatts, Inc., at 800-877-1258 or 319-560-7981.

- **Random Testing**

When: Random testing for alcohol must be completed just before, during, or immediately after performing a safety-sensitive function. Random testing for drugs can be done anytime you are at work for your employer. Once you are notified that you have been selected for testing, you must proceed immediately to the test site.

Unannounced random testing is required for a certain percentage of drivers each year. The test must be reasonably spaced throughout the year. The random selection process must ensure that each driver has an equal chance of being tested each time selections are made. One method is a computer-generated system using social security number, payroll identification number, or other identifying number. Methods such as pulling names out of a hat are not acceptable. Testing rates are as follows:

- 10% of the average number of driver positions must be randomly tested for alcohol during the year.
- 50% of the average number of driver positions must be randomly tested for controlled substances during the year.

NOTE: DOT will change the testing rates. The testing rates have not been changed since 1998.

Manatts, Inc., has a pool of all the valid CDL holders. The random selection of drivers from the pool is done once

every three months. These tests are unannounced per D.O.T. regulations §382.305 (k)(1) Once you are notified that your name is included in the random selection, you must report to the collection site IMMEDIATELY.

A driver who refuses to submit or tests positive (second offense) for drugs and/or alcohol will be immediately discharged.

- **Reasonable Cause**

When: If the employer has reason to believe that your behavior or appearance may indicate alcohol or drug use. Observations for alcohol testing must be made just before, during or just after the performance of a safety-sensitive function. Observations for drug testing will be made at any time while you are at work for your employer.

A driver will be required to submit to a drug and/or alcohol test when reasonable suspicion exists. **§382.307**

Reasonable suspicion exists when a driver's appearance, speech, or odors of breath and/or body, or physical symptoms indicate drug and/or alcohol use. Observations must be personally observed and documented by at least one Manatts, Inc., trained official. A "trained official" is one who has undergone at least 2 hours of education, which included behavioral, physical, speech, and performance indicators of possible drug and/or alcohol use.

IMPORTANT POINTS TO REMEMBER...

- The supervisor who makes the observation and determines that reasonable suspicion testing should be done will not be the one who conducts the alcohol test on the driver.
- If the alcohol test cannot be given within 2 hours of the observation, the employer must prepare a record stating why the test could not be given.
- If the alcohol test cannot be given within 8 hours of the observation, the employer should not give the

test and must prepare a record stating why the test could not be given.

- Even if reasonable suspicion is observed but a test could not be done, you cannot perform safety-sensitive functions until:
 - A test is done and the driver's alcohol concentration is determined to be less than 0.02

OR

- 24 hours have passed from the time of the initial observation.
- The employer may not take action against the driver regarding alcohol misuse unless an alcohol test was administered within required timetable.
- The chronic and withdrawal effects of drugs, as well as the conditions listed above, are used to determine reasonable suspicion for drug testing.
- Documentation of the driver's conduct must be prepared and signed by the supervisor who made the observations within 24 hours of the observed behavior, or before the results of the alcohol or drug test are released, whichever is first.
- Whenever a driver is notified of reasonable cause to be tested, they will immediately report to the test site. A Manatts, Inc., representative will accompany the driver to the testing site.
- The individual will be transported home by a company representative, friend, or family member.
- The individual will be on suspension until the results come back.
- If the driver refuses to submit to reasonable cause testing, Manatts, Inc., can terminate the employment.
- **Return -to-Duty and Follow-Up Tests**
When: Return-to-duty testing is required for drivers who tested positive for drugs, failed an alcohol test, or refused to take a drug or alcohol

test. In order to return to performing safety-sensitive functions an alcohol concentration of less than 0.02 and/or a negative drug test is required. There are also referral, evaluation and treatment requirements that must be met.

When: Follow-up testing is required for drivers who tested positive for drugs, failed an alcohol test, or refused to take a drug or alcohol test. The regulations call for a minimum of six (6) tests during the first year back in a safety-sensitive position. However, follow-up testing can continue for up to five (5) years.

Only the Substance Abuse Professional can set the number, frequency, and length of time that follow-up testing is required. All Return-To-Duty and Follow-Up testing will be at the employee's expense.

What Happens if I Refuse to be Tested?

As part of the alcohol and drug regulations, you must submit to alcohol and drug testing. A refusal to test is treated the same as a positive test. If you refuse to be tested, you cannot continue to perform safety-sensitive functions. "Refusal" occurs when:

- You fail to appear for any test within a reasonable time
- You fail to remain at the testing site until the testing process is complete
- You fail to provide:
 - A urine specimen for drug testing, or
 - A saliva or breath specimen for alcohol testing
- You fail to provide enough urine and there is no medical explanation for the failure
- In the case of a directly observed or monitored drug test collection, you fail to permit the observation or monitoring of your provision of the specimen;

- You fail or decline taking a second drug test when directed by an employer or collector
- You fail to undergo a medical examination or evaluation as part of:
 - The verification process for drug testing or as directed by the designated employer representative (DER)
 - “shy bladder” procedures for drug testing or
 - insufficient breath procedures for alcohol testing
- You fail to cooperate with any part of the testing process

A verified adulterated or substituted drug test is also considered a refusal to test.

How is Alcohol Testing Done?

All alcohol testing is conducted by a trained technician in a private setting where no one but you and the technician can see or hear the test results. A breath or saliva-testing device approved by the National Highway Traffic Safety Administration must be used.

The technician will ask for photo identification (driver’s license, employer issued identification). You may ask for the technician’s identification as well.

The technician will complete the first part of the alcohol testing form, which includes your name, your company’s name and the reason for the test. You will be asked to complete the second part of the form stating that you understand that you are about to be tested and that all information given is correct. Refusal to sign the form is considered a refusal to take the test. Refusal to take the test is treated the same way as failing a test.

A screening test is done first. If an evidential breath-testing device (EBT) is used, an individually sealed mouthpiece will be opened in front of you and attached to the EBT. You must blow forcefully into the mouthpiece of the testing device for at least six seconds

or until you have provided an adequate amount of breath for testing.

The technician must show you the reading on the device and enter the result on the testing form or (if the device prints the results) affix the printed results to the form with tamper-evident tape.

If a saliva-testing device is used, the technician must check the expiration date on the device and show it to you. A device may not be used after its expiration date.

The technician must open the individually sealed package containing the device in front of you.

You or the technician will insert the swab into your mouth and allow it to be saturated with saliva. After the saliva is collected, the swab will be inserted into the testing device.

The result on the device must read within 15 minutes of the test, but no sooner than specified by the manufacturer of the device.

The technician must show you the reading on the device and enter the result on the testing form.

If the reading on the EBT or saliva testing device is 0.02 or greater, a confirmation test must be done using an approved EBT. The test must be done after 15 minutes but within 30 minutes of the first test. You will be asked not to eat, drink, belch, or put anything in your mouth. These steps prevent the build-up of mouth alcohol, which could lead to an artificially high result. A new mouthpiece must be used for the confirmation test and the calibration of the EBT must be checked. Again, all of this must be done in front of you.

If the screening and confirmation test results are not the same, the confirmation test result is used.

The results of the confirmation test are forwarded to the employer. However, these records (positive, negative, and refusal) are required to be released to any potential employers (with your consent) if you seek employment as a driver with another company.

Remember, if you refuse to be tested or refuse to sign the testing form, the technician will immediately notify your employer. Again, a refusal is treated the same way as failing an alcohol test.

How is Drug Testing Done?

All drug testing is done by analyzing a urine sample and is conducted by a trained collection site person in an appropriate, private setting. The urine sample will be collected at your place of employment or at a certified collection site. In either case, the collection must be conducted by an individual trained in compliance with Part 40 of the regulations and in a location that is clean and equipped with all the necessary materials to collect and secure the urine sample(s).

To avoid a false positive test result and to ensure that your rights are being upheld, it is a good idea for you to understand the correct procedure for collecting specimens for testing. Too often, drivers realize that all or part of their drug testing was not conducted according to the regulations, but it's well after the test results have been released. If you have concerns about the way your drug test is being handled, consult the Safety Department immediately and refer to the Drug Testing section of the Federal Motor Carrier Safety Regulations (FMCSR).

Regulated Documentation

The collection site, the laboratory and your carrier are required to follow the regulations for what's known as a chain of custody regarding your sample. This is the documentation that assures that the sample collected and tested is indeed the same one, and that steps have been taken to maintain the integrity of the test results. It tracks the specimen from the moment it is collected and stored

up to the point that it is tested at the laboratory and the results are known.

A federal drug testing custody and control form must be used and filled out appropriately. Unless it can't possibly be avoided, the person who collects your sample should not be your direct supervisor.

Specimen Collection

You should be positively identified by the collection site person using some type of photo identification or be positively identified by a representative of your employer. You may request to see the collection site person's identification as well. If the collection is directly observed or monitored, that individual must be of the same gender as yourself.

You will be instructed to remove all unnecessary outer garments (coats, jackets, hats) and leave these garments along with any briefcase, purse, or other bag you will be carrying in a mutually agreeable location. You will keep your wallet. You will also be instructed to empty your pockets and display the items in them to ensure you are not carrying anything that could be used to tamper with a specimen. You will then be asked to wash and dry your hands prior to urination, immediately before providing a urine specimen.

Urine specimens must be collected in clean, single-use specimen bottles that are to remain in their protective, sealed wrapper until they can be unwrapped in front of you. This ensures that the specimen is not tainted or contaminated.

You will then be instructed to go into the room used for urination and provide a specimen of at least 45mL.

The temperature of the urine specimen must be taken within four minutes of collection and fall within the acceptable temperature range for testing (90-100 degrees F/32-38 degrees C).

If the collection site person suspects the urine sample has been contaminated or tampered with, any unusual signs must be recorded on the collection site form and you will be asked to provide a second sample. The first sample will still be tested as usual, but the second sample must be collected under direct observation of a same-gender collection site person.

The specimen is then divided into two containers by the collection site person and within your presence. This provides two samples for testing, should you dispute the results of the first test. These two samples, called primary and split, are sent to a testing laboratory certified by the Department of Health and Human Services and must be tracked using the custody and control form.

Both you and the collection site person must keep the specimen in view at all times prior to the specimen container being sealed and labeled in your presence. The collection site person must place an identification label securely on the bottle containing the date, the individual specimen number, and any other identifying information required by your employer. (If separate from the label, a tamperproof seal must also be applied and initialed by you and the collection site person.)

You must then initial the identification label on the specimen bottle to certify that the specimen collected was yours.

Regardless of where the sample is collected, the steps must be taken to ensure that no other persons are present or will gain access to the area of specimens, which could lead to a false positive result. This includes the process for shipping the sample(s) to the certified testing lab, which must follow 49 CFR Part 40.73 of the regulations.

Laboratory Analysis

At the laboratory, an initial test is performed on the primary sample. If this test is positive for the presence of controlled substances, a confirmation test will be conducted.

Reporting the Results

All test results must be reported to the medical review officer (MRO) in a timely manner, preferably the same day that the review of the specimen by the certifying scientist is completed. The laboratory and MRO must ensure that results are transmitted in a confidential and secure manner.

Stand-down Provision

An employer may not remove a driver from safety-sensitive functions (stand-down) when the MRO receives a laboratory report of a confirmed positive, adulterated, or substituted drug test before the test result has been verified by the MRO.

An employer may apply for and receive a waiver from this prohibition by completing an application for a waiver with the Federal Motor Carrier Safety Administration. Consult your company policy and/or supervisor for details.

A review of the results must be done by an MRO, who is required to explore any possible medical explanations for a positive result or a result that indicates a specimen has been adulterated or substituted. At this time, the MRO must contact you about the test result and give you the opportunity to discuss the test result before making a final determination.

A positive test result or a result that indicates a specimen has been adulterated or substituted does not automatically mean you have used drugs and are in violation of DOT regulations. In order to find other possible reasons; the MRO will interview you, review your medical history, and/or review any other biomedical factors. The MRO must look at all medical records and data you give him/her, such as information on any prescribed medications you are using.

After being notified of a positive test result or a result that indicates a specimen has been adulterated or substituted for the initial test, you have 72 hours to request to the MRO for the split specimen to be sent to another laboratory. If you make this request, the split specimen must be tested at a different Department of Health and Human Services certified laboratory.

If you do not contact the MRO within 72 hours but can provide a legitimate reason for not doing so, the MRO will order the split specimen test at his/her discretion.

Please note that removal from safety-sensitive duties as required by the regulations following a positive drug test is NOT delayed to await the result of the split specimen test.

If the analysis of the split sample fails to confirm the presence of a drug, or reconfirm that the specimen was adulterated or substituted, the MRO will cancel the test and report this to you and your employer.

The results of all tests must be forwarded to your employer in written form within three working days of completion of the MRO review. All records must be kept confidential. However, these records are required to be released to any potential employers (with your consent) if you seek other employment as a driver.

What are the Consequences of Violating the Alcohol or Drug Prohibitions?

If you fail an alcohol test (first offense):

- You will be removed from and not return to safety-sensitive duties for at least 24 hours if alcohol concentration is determined to be 0.02 or greater but less than 0.04. You will be required to pass a return-to-duty test.
- If your blood alcohol level is .04 or greater, you will be removed from safety-sensitive duties. You will not return to safety-sensitive duties or drive a company vehicle for a minimum of 30 days from date of positive confirmation.

You will not return until an evaluation by a substance abuse professional (SAP) has been done, you have complied with prescribed treatment, and you pass a return-to-duty test. You are then subject to six follow-up tests in the first 12 months after your return to duty and will be subject to follow-up testing for up to five years

If you fail an alcohol test (second offense):

- You will be terminated immediately upon the return of a second confirmed positive test.

If you test positive for drug(s), or have a verified adulterated or substituted test result (first offense):

- You must be removed from all safety-sensitive functions.
- You will not return to safety-sensitive duties or drive a company vehicle for a minimum of 30 days from date of positive confirmation. You will not return to a safety-sensitive function until an evaluation by a substance abuse professional (SAP) has been done, you have complied with prescribed treatment, and you pass a return-to-duty test. You are then subject to six follow-up tests in the first 12 months after your return to duty and will be subject to follow-up testing for up to five years.

If you test positive for drug(s), or have a verified adulterated or substituted test result (second offense):

- You will be terminated immediately upon the return of a confirmed positive test.

NOTE: In accordance with Iowa's code 730.5 Private Sector Drug-Free Workplaces, confirmed positive test results will be mailed to the employee by Manatts, Inc., via certified mail, return receipt requested.

Manatts, Inc.'s Employee Assistance Program is available for help in locating appropriate substance abuse evaluation, counseling, or assistance facilities. Contact Human Resources to make contact with the Employee Assistance Program. Regulations do not require Manatts, Inc., to pay for rehabilitation or to hold a job open for you while undergoing treatment. Manatts, Inc., will pay for the cost of the initial evaluation but further counseling and

compliance, including follow-up testing, is the responsibility of the employee.

If you violate an alcohol or drug prohibition, you will be evaluated by a substance abuse professional (SAP) to determine what specific help is needed. This helps ensure that people with alcohol and drug problems get referred to the appropriate agencies for assistance.

Exception

As required by Iowa Code, upon receipt of a confirmed positive alcohol test, if the employee has been employed by Manatts, Inc., for at least twelve of the past eighteen months, and if the employee has not previously violated the company substance abuse prevention policy, Manatts, Inc., shall provide for rehabilitation of the employee:

- If the employee is enrolled in Manatts, Inc., Group Health Plan, the cost of rehabilitation shall be apportioned as provided under the employee benefit plan.
- If the employee is not enrolled in Manatts, Inc., Group Health Plan but does have coverage for any portion of the cost of rehabilitation under another health care plan of the employee, the cost shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and Manatts, Inc. However, Manatts, Inc., shall not be required to pay more than two thousand dollars toward the cost of rehabilitation.
- If the employee does not have coverage for any portion of the cost of rehabilitation, the cost shall be apportioned equally between the employee and Manatts, Inc. However, Manatts, Inc., shall not be required to pay more than two thousand dollars toward the cost of rehabilitation.

Self-admission of Alcohol and Drug Use

The regulations include a provision that allow an employer to establish a program that lets a driver voluntarily admit to drug use

or alcohol abuse without DOT consequences. Manatts, Inc.. does not have this program.

What are the Effects of Alcohol and Drugs on the Body?

ALCOHOL

A central nervous system depressant found in beer, wine, hard liquor and in some over-the-counter medications (for example: some allergy and cold medications). Alcohol is widely abused primarily due to its social acceptance and availability. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. "Abuse" occurs when it is used primarily for its physical and mood-altering effects. About half of all auto accident fatalities in the United States are related to alcohol abuse.

Signs and Symptoms of Use:

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Pupils will be constricted
- Sleepy or stuporous condition
- Slowed reactions
- Slurred speech

Note: With the exception of the odor of alcohol, these are general signs and symptoms of any depressant substance.

Other Effects:

- Greatly impaired driving ability
- Reduced coordination and reflex actions
- Impaired vision and judgment
- Inability to divide attention
- Lowering of inhibitions
- Headaches, nausea, dehydration, unclear thinking, unsettled digestion and aching muscles are associated with overindulgence (hangover)

How does it work on the body?

Alcohol first acts on the parts of the brain that affect self-control and other learned behaviors. Diminishing self-control often leads

to aggressive behavior. In large doses, alcohol dulls sensations and impairs muscular coordination, memory and judgment. Taken in large quantities over a long period of time, alcohol can damage the liver and heart, and will cause permanent brain damage. On average, heavy drinkers shorten their life span by about 10 years.

After ingestion, alcohol is absorbed through the stomach and intestine into the bloodstream. Here it passes through the liver where it is metabolized in several steps. Metabolism helps prevent alcohol from accumulating in the body and destroying cells and organs. The liver can't metabolize alcohol as quickly as the body can absorb it. This is the point of intoxication. Any concentration of alcohol that remains un-metabolized can be detected and measured during a blood alcohol concentration test.

Many factors contribute to levels of alcohol absorption, rates of metabolism, and intoxication. Among them are: body size and weight, food ingested, gender, physical condition, and other drugs of medication in the body. Impairment begins with one drink.

Health Effects:

Over time, chronic* consumption of alcohol will result in the following health hazards.

- Liver damage
- Inflammation of the esophagus
- Aggravation of peptic ulcers
- Acute and chronic pancreatitis
- Malabsorption of food nutrients will lead to malnutrition
- Heart attack
- Hypertension
- Stroke
- Immune system depression (makes body more susceptible to infections)
- Cancers of the liver, esophagus, nasopharynx or larynx
- Brain damage (dementia, blackouts, seizures, hallucinations, peripheral neuropathy)

*Chronic consumption of alcohol = Average of three servings per day of 12 ounces of beer, one ounce of whiskey or six ounces of wine.

How alcohol impairs functions needed for driving:

The subtlety and complexity of the skills required to operate a motor vehicle safely make people susceptible to impairment from even low doses of alcohol. The evidence linking alcohol and transportation accidents is supported by experimental studies conducted by the National Institute on Alcohol Abuse and Alcoholism, relating the effect of alcohol on specific driving related skills. Impairment is related to alcohol in terms of its concentration in the bloodstream. For example, a blood alcohol concentration (BAC) of 0.04 percent might be achieved by a 150-pound man consuming two drinks in one hour.

In driving, the eyes must focus briefly on important objects in the visual field and track them as they move (along with the vehicle). Low to moderate BACs (0.03 to 0.05 percent) interferes with voluntary eye movements, impairing the eye's ability to rapidly track a moving target.

Steering is a complex psychomotor task. A delay in the body's eye-to-hand reaction time is compounded by the visual effects described above, causing significant impairment in steering ability at about 0.035 percent BAC.

Alcohol impairs nearly every aspect of the brain's information processing. Alcohol impaired drivers require more time to read street signs or respond to traffic signals than unimpaired drivers. As a result, impaired drivers tend to look at fewer sources of information. A narrowing of the field of attention begins at about 0.04 percent BAC.

Drivers must divide their attention among many skills in order to keep a vehicle in the proper lane while monitoring the environment for vital safety information, such as other vehicles, traffic signals

and pedestrians. Results of numerous studies show that a deficit in the ability to divide attention will occur at 0.02 percent BAC.

Facts:

- About two in every five Americans will be involved in an alcohol-related vehicle accident in their lifetime.
- The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than a sober one.
- A 12-ounce can of beer, a 5-ounce glass of wine and a 1½-ounce shot of hard liquor all contain the same amount of alcohol.
- Each 1½-ounce of alcohol takes the average body about one hour to process and eliminate.
- Coffee, cold showers and exercise do not quicken sobriety.

MARIJUANA

Also known as grass, pot, weed, gold, joint, hemp, and reefer.

Active chemical - THC. Marijuana is one of the most misunderstood and underestimated drugs of abuse. It is used for its mildly tranquilizing, mood and perception altering effects. It alters the brain's interpretation of incoming messages but does not depress the reactions of the central nervous system. It alters a person's sense of time and reduces the ability to perform tasks requiring concentration, swift reflexes and coordination. The drug has a significant effect on a user's judgment, caution and sensory/motor abilities.

Signs and Symptoms of Use:

- Reddened eyes
- Slowed speech
- Distinctive, pungent odor on clothing (aroma of alfalfa combined with incense)
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough
- Chronic sore throat

Other Effects:

- Restlessness
- Inability to concentrate

- Increased pulse rate and blood pressure
- Rapidly changing emotions and erratic behavior
- Impaired memory and attention
- Hallucinations, fantasies and paranoia
- Decrease in/temporary loss of fertility
- Distorted perception of time
- Apathy
- Delayed decision making
- Aggressive urges
- Anxiety
- Confusion
- Hallucination

Health Effects:

Over time, long-term inhalation of marijuana smoke will result in the following health hazards:

- Lung irritations
- Emphysema-like conditions
- Cancer
- Heart conditions
- Respiratory tract and sinus infections caused by the fungus *Aspergillus*, a common contaminant of marijuana
- Lowered immune system response
- Aggravation of ulcers
- Brain damage

Note: Marijuana causes long-term negative effects on mental function-also known as “acute brain syndrome,” characterized by disorders in memory, cognitive functions, sleep patterns and physical condition.

How marijuana impairs functions needed for driving:

Marijuana impairs driving ability for at least 4-6 hours after smoking one “joint” (cigarette); it impairs signal detection (ability to detect a brief flash of light); it impairs tracking (ability to follow moving objects with the eyes); it impairs visual distance measurements; and it chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex

system of critical thinking skills and reflexes that allow people to think safely and conscientiously.

Note: THC is stored in body fat and is slowly released over time, causing a long-term effect on overall performance.

Facts:

- Marijuana remains in the body for 28 days. This is in contrast to alcohol, which dissipates in a matter of hours.
- A 500% to 800% increase in THC potency in the past several years makes smoking three to five joints (cigarettes) per week today the equivalent of 15 to 40 joints per week in 1978.
- Combining marijuana with alcohol or other depressant drugs can produce a multiplied effect, increasing the impairment caused by all substances.

COCAINE

A stimulant drug also known as coke or blow when it is inhaled (snorted), ingested or injected. Free-base cocaine, known as crack or rock, is smoked. Cocaine is used medically as a local anesthetic. It is abused for its powerful physical and mental stimulant properties. The central nervous system is energized by cocaine. Heart rate and blood pressure are elevated. Muscles become more tense and the body burns more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

Crack or rock cocaine gets its name from popping sound when it is heated. The most dangerous effect of crack is that it can cause vomiting, rapid heartbeat, tremors and convulsive movements. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat-regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing and heartbeat are depressed—leading to death.

Signs and symptoms of use:

- Fatigue
- Anxiety and agitation

- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- High blood pressure, heart palpitations and irregular heart rhythm
- Insomnia
- Profuse sweating and dry mouth

Other effects:

- Impaired driving ability
- Hallucinations
- Talkativeness
- Restless, aggressive behavior
- Wide mood swings
- Increased physical activity
- Heightened, but momentary, feeling of confidence, strength and endurance
- Paranoia (which can trigger mental disorders in users prone to mental instability)
- Repeated sniffing/snorting causes irritation of the nostrils/nasal membrane and leads to nosebleeds
- Compulsive behavior such as teeth grinding or repeated hand washing
- Craving for more cocaine

Health effects:

- Accelerated pulse, blood pressure and respiration. Will cause spasms of blood vessels in the brain and heart, leading to ruptured vessels that lead to heart attack and stroke.
- Regular use will upset the chemical balance of the brain, which will speed up the aging process by causing irreparable damage to critical nerve cells.
- Mental dependency on crack cocaine occurs within days (within several months when coke is snorted).
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose can be rapid and

the potentially fatal effects of an overdose are often not reversible.

How cocaine impairs functions needed for driving:

Cocaine chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.

Facts:

- The number of cocaine overdose deaths has tripled in the last four years.
- Treatment success rates are lower for cocaine than for other chemical dependencies.
- Cocaine causes the strongest mental dependency of any known drug. Strong psychological dependency can occur within one "hit" of crack.
- Many people think that because crack is smoked, it is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances know today. The crack "high" is reached in 4-6 seconds and lasts about 15 minutes.

AMPHETAMINES AND METHAMPHETAMINES

Stimulant drugs. Some common street names for amphetamines are speed, uppers, black beauties, bennies, wake-ups and dexies. Some common street names for methamphetamines are ice, crank, crystal, meth, 64 glass, Christy, go fast, zip and in a form able to be smoked "LA" (as in the city of Los Angeles). Amphetamines and methamphetamines are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. While amphetamines are usually sold in tablet form, methamphetamines are available as powder and will be swallowed, snorted or injected.

Although they were widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. In action, methamphetamines are nearly identical to amphetamines. It is abused for the physical sense of energy at lower doses and the

mental exhilaration of higher doses. Even small, infrequent doses can produce toxic effects in some people.

Signs and symptoms of use:

- Hyper-excitability, restlessness, anxiety
- Dilated pupils
- Profuse sweating
- Rapid respiration
- Difficulty in focusing eyes
- Exaggerated reflexes, body tremors

Other effects:

- Impaired driving ability
- Loss of appetite
- Headaches/dizziness
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Short-term insomnia
- Paranoid thoughts
- Hallucinations

Health effects:

- Heartbeat disturbances or heart damage caused by severe constriction of capillary blood vessels
- Increased blood pressure
- Convulsions
- Coma
- Brain damage resulting in speech disturbances
- High doses will cause toxic psychosis resembling schizophrenia
- Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry, dull hair

How amphetamines and methamphetamines impair functions needed for driving:

They chemically alter the brain and gross motor functioning of the body, having direct impact on the complex system of critical

thinking skills and reflexes that allow people to drive safely and conscientiously.

Fact:

- People with a history of sustained low-dose use quite often become dependant and believe they need to take the drug to “get by.” These users frequently keep taking amphetamines to avoid the “down” mood they experience when the “high” wears off.

OPIATES

Narcotics, including heroin, morphine, codeine and many synthetic drugs used to alleviate pain, depress body functions and reactions. In large doses, opiates cause a strong euphoric feeling. Common street names are: horse, morpho, China, M, brown sugar, Harry and dope. Sometimes narcotics found in medicines are abused.

This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal and cannot even be obtained with a physician’s prescription. Most medical problems associated with the use of opiates are caused by uncertain dosages, use of unsterile needles, contamination of the drug, or from combining a narcotic with other drugs.

Signs and symptoms of use:

- Mood swings
- Impaired mental function and alertness
- Impaired vision
- Constricted pupils
- Impaired coordination

Other effects:

- Impaired driving ability
- Drowsiness followed by sleep
- Decreased physical activity
- Sleeplessness and drug craving
- Depression and apathy
- Constipation
- Nausea and vomiting

Health effects:

- IV needle users have a high risk for contracting hepatitis and HIV due to the sharing of needles.\
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves and fail to seek medical attention due to a lack of pain sensitivity.
- The effects of narcotics are multiplied when used in combination with alcohol and other depressant drugs, causing an increased risk for overdose.

How opiates impair functions needed for driving:

Opiates chemically alter the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.

Facts:

- Heroin, also called "junk" or "smack," accounts for 90% of the narcotic abuse in the United States.

PHENCYCLIDINE (PCP)

PCP acts as both a depressant and a hallucinogen, and sometimes as a stimulant. Also called angel dust, rocket fuel, embalming fluid and killer weed. PCP was developed as a surgical anesthetic in the late 1950s. Later, due to its unusual side effects in humans, it was restricted to use as veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured. It is abused largely for its variety of mood-altering effects.

PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult.

A low dose produces sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Increased doses produce an excited, confused state including any of the following; muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation and convulsions.

Signs and symptoms:

- Impaired driving ability

- Impaired coordination
- Thick, slurred speech
- Severe confusion and agitation
- Muscle rigidity
- Profuse sweating

Other effects:

- Loss of concentration and memory
- Extreme mood shift
- Nystagmus (jerky, involuntary eye movements)
- Rapid heartbeat
- Dizziness
- Convulsions
- Memory loss

Health effects:

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP becomes more potent in combination with other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.

How PCP impairs functions needed for driving:

PCP chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously. PCP also causes severe disorientation.

Facts:

- PCP abuse is less common today than in the past.
- There are four phases to PCP use:
 - Toxicity (accompanied by convulsions, combativeness, catatonia and even coma)
 - Toxic psychosis (including visual delusions and paranoia)
 - Schizophrenia
 - Depression

NON-REGULATED DRUG & ALCOHOL POLICY

Manatts, Inc., has a vital interest in the safety and well being of our employees as well as the general public. It is well recognized that individuals who use illicit drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time, and perform their jobs in a substandard manner.

Therefore, it is Manatts, Inc.,’s intent to continue to promote a safe and secure work environment, free of illicit drug use and alcohol abuse. It is also our intent to comply with Iowa Code 730.5 Private Drug-Free Workplaces, the Drug Free Workplace Act of 1988, the Americans with Disabilities Act, Family and Medical Leave Act, and all other applicable laws.

Applicability (Iowa Code 730.5 Private Sector Drug-Free Workplaces)

This policy shall apply to all applicants and individuals employed by Manatts, Inc., who are not already covered by Part 40 of the US Department of Transportation CDL regulations. Since alcohol and drug use impair an employee’s ability to perform their duties safely, this Drug and Alcohol Policy shall be applicable to all employees at any time they are actually performing, ready to perform, or immediately available to perform any paid function as designated by Manatts, Inc.

All applicants will be notified of Manatts, Inc.,’s drug and alcohol use and testing policy at the time they apply for a position with Manatts, Inc., and during their first interview.

Abbreviations and Terms You Should Know

Abbreviations

BAT	Breath and Alcohol Technician
DER	Designated Employer Representative
DHHS	Department of Health and Human Services
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer

Definitions

Alcohol - Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration (or Content) - Alcohol in a volume of breath (shown as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test.

Alcohol Use - Consumption of any beverage, mixture, or preparation, including medications containing alcohol.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing device (EBT).

Confirmation Test - In testing for alcohol: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. An evidential breath-testing device must be used. In testing for controlled substances, a second procedure to:

- Identify and quantify the presence of a specific drug or metabolite.
- Further support a validity test result in the case of an adulterated, diluted, or substituted specimen.

In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmed Drug Test - A confirmation test result received by a medical review officer (MRO) from a laboratory.

Controlled Substance - In the regulation, the terms “drugs” and “controlled substances” are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines

Designated Employer Representative (DER) - An individual identified by the employer who is:

- Able to receive communications and test results from service agents
- Authorized to take immediate actions to remove drivers from safety-sensitive duties
- Able to make required decisions in the testing and evaluation processes

The individual must be an employee of the employer. Service agents cannot serve as the Designated Employer Representative (DER).

Evidential Breath Testing Device (EBT) - A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and reviewing laboratory results generated by an employer's drug testing program. The MRO must have knowledge and clinical experience in substance abuse disorders and appropriate medical training to interpret and evaluate individual's confirmed positive test result along with his/her medical history and other relevant bio-medical information.

Screening Test (Initial Test) - In testing for alcohol; a procedure to determine if a driver has a prohibited concentration of alcohol in his/her system. In testing for controlled substances: a test to eliminate "negative" urine specimens from further consideration or to identify a specimen that requires additional testing for the presence of drugs.

Substance Abuse - Refers to patterns of use that result in health consequences or impairment in social, psychological, and occupational functioning.

Substance Abuse Professional (SAP) - A licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor who evaluates employees who have violated a drug and alcohol regulation. The SAP makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Pre-Testing - Education will be provided to all employees regarding the effects of drugs and alcohol, signs and symptoms of a drug or alcohol problem, information on assistance available for abuse problems, and testing requirements. Such information shall be provided at the time the employee receives the policy statement.

Education for supervisors will include signs and symptoms of drug and alcohol misuse, determining the need for reasonable cause testing and testing requirements. This training will be at least one (1) hour in duration for alcohol education and at least one (1) hour for drug education.

Prohibited Drug and Alcohol Use

The goal of Manatts, Inc.,'s policy and the testing of all employees is to insure a drug and alcohol free work environment, to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities and property damage and to provide the highest quality service possible for our customers. Manatts, Inc., has the option of implementing alcohol testing at their discretion. The following conduct is prohibited:

- Using, being under the influence of, or possessing illegal drugs.
- Using or being under the influence of legal drugs being used illegally.
- Using or being under the influence of legal drugs that can adversely affect the ability to work safely.
- Buying, selling, soliciting to buy or sell, transport or possess illegal drugs while on Manatts, Inc's., time or property
- Using alcohol within eight (8) hours of performing work duties
- Using or being under the influence of alcohol at any time while on duty, eight (8) hours post accident, or until tested
- Possessing ANY amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty. Sentence Change - leave off last part and end after duty.
- Testing positive for drugs and/or alcohol

- Substituting or adulterating a urine sample in order to alter the out come of the drug screen
- Refusing to be tested for drugs and/or alcohol
- Refusing to submit to testing as directed by Manatts, Inc.
- Failing to stay in contact with Manatts, Inc., and its medical review officer (MRO) while awaiting test results.

In the event of a confirmed positive drug or alcohol test, Manatts, Inc., shall notify the employee of the test results in writing by certified mail, return receipt requested.

An employee who violates these prohibitions will be subject to disciplinary action by Manatts, Inc., up to and including discharge. In addition, any employee who is convicted or pleads guilty or otherwise accepts any form of legal reprimand of a drug or alcohol related matter would be subject to disciplinary action up to and including discharge. An employee, who is arrested for any reason that might adversely impact the safe operation of company equipment or the public safety, may be suspended without pay pending resolution of the situation.

Testing Conditions

- **Pre-Employment / Prior to Transfer**
This test will be conducted before applicants are transferred or hired, after an offer to hire, and before actually performing any paid position for Manatts, Inc. These tests are the only tests allowed to be performed using instant test kits. A positive test will be confirmed using the split specimen procedure.
- **Post-Accident**
Testing is conducted after accidents on employees whose performance could have contributed to the accident when either:
 - The accident resulted in an injury to a person, for which injury, if suffered by an employee, a record or report could be required under Chapter 88
 - or*
 - The employee received a citation for a moving violation involving the accident. For the purpose

of this rule an accident is defined as an incident involving a company motor vehicle in which there is either a fatality, and injury treated away from the scene or at least one vehicle requires towing from the scene of the accident.

or

- The accident resulted in damage to property, including to equipment, in the amount reasonably estimated at the time of the accident to exceed one thousand dollars.

Testing performed by a law enforcement officer may be utilized as Manatt,s Inc.,’s post-accident test (provided breath-alcohol testing is conducted with an Evidential Breath Tester on the Conforming Products List and by a law enforcement officer certified on the EBT). The employee is required to contact his/her supervisor immediately with the officer’s name, badge number, and telephone number. In the event a law enforcement official does not perform testing on an employee involved in an accident, the employee must contact Dan Boyer at 800-877-1258 or 319-560-7981. Breath-alcohol testing should be performed within two (2) hours following the accident.

An employee who has submitted to a post-accident test will, at Manatts, Inc.,’s discretion, will either be assigned to a non-safety-sensitive function or be placed out of service, without pay, pending the results of the testing.

An employee testing positive or who refuses to submit to a post-accident drug and alcohol test will be subject to disciplinary action up to and including discharge.

- **Post Injury**

An employee who suffers an injury while on the job that requires medical treatment beyond first-aid may be subject to drug and/or alcohol testing. The employee is required to contact his/her supervisor immediately following the injury.

An employee testing positive or who refuses to submit to a post-injury drug and/or alcohol test will be subject to disciplinary action up to and including discharge and, in addition, could be denied Workmen's Compensation benefits.

- **Random**

Random testing of employees is a required Manatts, Inc., policy and these tests must be unannounced. Random selection must ensure every employee will have an equal chance of being selected each time.

An employee will be notified of his/her selection and instructed to report to the collection site immediately.

Drug Test shall be performed immediately before, during, or just after the performance of a work related function. If an employee is performing a safety-sensitive function at the time of notification, the employee's supervisor will insure that the employee ceases to perform that function and proceeds to the testing site as soon as possible.

An employee who tests positive or refuses to submit to a test is medically unqualified to drive or perform a safety-sensitive or work-related function. In addition, an employee who tests positive, refuses to submit, or fails to report for the test will be subject to disciplinary action up to and including discharge.

- **Reasonable Cause**

An employee will be required to submit to a drug and alcohol test when Manatts, Inc., has reasonable cause to believe the employee has used drugs or alcohol in violation of this policy.

Reasonable cause will exist when an employee's appearance, behavior, speech or odors (of breath) or just physical symptoms indicate drug or alcohol use.

Observations must be personally observed and documented by at least one Manatts, Inc., trained official. A "trained official" is one who has undergone at least two (2) hours of education that includes behavioral, physical, speech and performance indicators of possible drug and alcohol use.

Whenever an employee is notified of reasonable cause to be tested, he/she will be expected to immediately report to the collection site

A Manatts, Inc., representative will transport the employee home or attempt another means of transportation by contacting a family member of another person designated by the employee in the event the employee tests positive. If the employee refuses alternate transportation, Manatts, Inc., reserves the right to take whatever means are appropriate to protect the employee and the public. This may include contacting local law enforcement and imposing disciplinary action, up to and including discharge.

The employee being tested under reasonable cause will be considered unqualified to work and placed on suspension, without pay, pending the results of the test. If the test results are negative, the employee will be reimbursed for the time of suspension. If the results are positive, the employee will not be reimbursed for the time of suspension.

An employee whose reasonable cause test is positive or who refuses or fails to submit to a test will be subject to disciplinary action, up to and including discharge.

- **Return to Duty / Follow-up Testing**

Upon an employee's first positive drug or alcohol test, an employee may be required to submit to evaluation by an Employee Assistance Counselor. The employee is expected to follow all recommendations resulting from this evaluation. If the employee follows through on all

recommendations, no disciplinary action will be taken against the employee. If the employee refuses to be evaluated or fails to comply with all recommendations, the employee will be disciplined, up to and including discharge from employment. (*See Exception)

Manatts, Inc., is not obligated to reinstate or retain any employee who violates any of Manatts, Inc., 's prohibition or requirement concerning drugs and/or alcohol. Should Manatts, Inc., decide to reinstate an employee after a violation, he/she will be required, at his/her own expense, to submit and pass a drug and/or alcohol test before returning to duty. The employee must also comply with Management Referral expectations and submit to follow-up testing as outlined in company policy, all of which will be paid for by the employee.

Follow-up testing will be required for an employee who has complied with and completed all of the EAP counselor's recommendations. The employee will be required to submit to a minimum of six (6) tests during the first twelve (12) months following their return to duty. All follow-up testing will be unannounced and without prior notice to the employee and will be at the employee's expense. A second violation of the drug and alcohol policy will result in termination of employment with Manatts.

Exception

As required by Iowa Code, upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established Manatts, Inc., and if the employee has been employed by Manatts, Inc., for at least twelve of the past eighteen months, and if the employee has not previously violated Manatts, Inc., 's substance abuse prevention policy, Manatts, Inc., shall provide for rehabilitation of the employee:

- If the employee is enrolled in Manatts, Inc., Group Health Plan, the cost of rehabilitation shall be apportioned as provided under the employee benefit plan.
- If the employee is not enrolled in Manatts, Inc., Group Health Plan but does have coverage for any portion of the cost of rehabilitation under any health care plan of the employee, the cost shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and Manatts, Inc. However, Manatts, Inc., shall not be required to pay more than two thousand dollars toward the cost of rehabilitation.
- If the employee does not have coverage for any portion of the cost of rehabilitation, the cost shall be apportioned equally between employee and Manatts, Inc. However, Manatts, Inc., shall not be required to pay more than two thousand dollars toward the cost of rehabilitation.
- In addition to penalties imposed by Manatts, Inc., an employee whose return to duty/follow-up test is positive, refuses or fails to submit to a test will be subject to disciplinary action, up to and including discharge.

Testing

Testing will be performed in accordance with Iowa's procedural protocols and safeguards set forth in Iowa Code 730.5 Private Sector Drug-Free Workplaces.

Drug Test Procedures

Specimen Collection

- You should be positively identified by the collection site person using some type of photo identification or be positively identified by a representative of Manatts, Inc. Refusal to present identification will be treated as a refusal to test and the employee will be subject to disciplinary action, up to and including discharge. You may request to see the collection site person's identification as

- well. If the collection is directly observed or monitored, that individual must be of the same gender as yourself.
- You will be instructed to remove all unnecessary outer garments (coats, jackets, hats) and leave these garments along with any briefcase, purse, or other bag you will be carrying in a mutually agreeable location. You will keep your wallet. You will also be instructed to empty your pockets and display the items in them to ensure you are not carrying anything that could be used to tamper with a specimen. You will then be asked to wash and dry your hands prior to urination, immediately before providing a urine specimen.
 - Urine specimens must be collected in clean, single-use specimen bottles that are to remain in their protective, sealed wrapper until they can be unwrapped in front of you. This ensures that the specimen is not tainted or contaminated.
 - All drug tests will be administered using the split sample method as required by Iowa Code 730.5.
 - You will then be instructed to go into the room used for urination and provide a specimen of at least 45mL.
 - The temperature of the urine specimen must be taken within four minutes of collection and fall within the acceptable temperature range for testing (90-100 degrees F/32-38 degrees C).
 - If the collection site person suspects the urine sample has been contaminated or tampered with, any unusual signs must be recorded on the collection site form and you will be asked to provide a second sample. The first sample will still be tested as usual, but the second sample must be collected under direct observation of a same-gender collection site person.
 - The specimen is then divided into two containers by the collection site person and within your presence. This provides two samples for testing, should you dispute the results of the first test. These two samples, called primary and split, are sent to a testing laboratory certified by the

Department of Health and Human Services and must be tracked using the custody and control form.

- Both you and the collection site person must keep the specimen in view at all times prior to the specimen container being sealed and labeled in your presence. The collection site person must place an identification label securely on the bottle containing the date, the individual specimen number, and any other identifying information required by your employer. (If separate from the label, a tamperproof seal must also be applied and initialed by you and the collection site person.)
- You must initial the identification label on the specimen bottle to certify the specimen collected was yours.

Laboratory Analysis

- At the laboratory, an initial test is performed on the primary sample. If this test is positive for the presence of controlled substances, a confirmation test will be conducted using a gas chromatography/mass spectrometry (GCMS).
- To exercise the option to have the second bottle sent to a different laboratory, the employee must request in writing to Manatts, Inc.,’s MRO within 72 hours of being told the primary specimen was positive.
- The cost of the second test is to be paid by the employee, in cash, to Manatts, Inc., at the rate of \$150.00. Should the second test be reported as a “negative”, the employee will be reimbursed the fee.

Reporting the Results

- All test results must be reported to the MRO in a timely manner, preferably the same day that the review of the specimen by the certifying scientist is completed. The laboratory and MRO must ensure that results are transmitted in a confidential and secure manner.
- In the event of a positive primary test result, the employee will be considered physically unqualified to perform work duties and will be suspended without pay, pending the outcome of additional analysis.

- The employee will be given the opportunity to speak with the MRO to determine if there is a medical explanation of a positive test result. This opportunity is given prior to the result being confirmed positive. If a medical explanation exists, the result will be reported as “negative” to Manatts, Inc. If a medical reason does not exist, the result will be reported as a “confirmed positive”.

Alcohol Procedures

- All alcohol testing is conducted in a private setting where no one but you and the technician can see or hear the test results. Tests will be administered using a breath specimen, given by a trained breath-alcohol technician (BAT) utilizing an approved evidential breath-testing device (EBT).
- The technician will ask for photo identification (driver’s license, employer issued identification). Refusal to present identification will be treated as a refusal to test and the employee will be subject to disciplinary action, up to and including discharge. You may ask for the technician’s identification as well.
- The technician will complete the first part of the alcohol testing form, which includes your name, your company’s name and the reason for the test. You will be asked to complete the second part of the form stating that you understand that you are about to be tested and that all information given is correct. Refusal to sign the form is considered a refusal to take the test. Refusal to take the test is treated the same way as failing a test and will subject the employee to disciplinary action, up to and including discharge.
- A screening test is done first. An individually sealed mouthpiece will be opened in front of you and attached to the EBT. You must blow forcefully into the mouthpiece of the testing device for at least six seconds or until you have provided an adequate amount of breath for testing.
- The technician must show you the reading on the device and enter the result on the testing form or (if the device

prints the results) affix the printed results to the form with tamper-evident tape.

- Breath-alcohol tests that register less than 0.04 will be reported as "negative". No further testing required.
- If the reading on the EBT is 0.04 or greater, a confirmation test must be done using an approved EBT. The test must be done after 15 minutes but within 30 minutes of the first test. You will be asked not to eat, drink, belch, or put anything in your mouth. These steps prevent the build-up of mouth alcohol, which could lead to an artificially high result. A new mouthpiece must be used for the confirmation test and the calibration of the EBT must be checked. Again, all of this must be done in front of you.
- If the screening and confirmation test results are not the same, the confirmation test result is used.
- Breath-alcohol tests that register 0.04 or greater but less than 0.08 will cause the employee to be removed from duty until the next regularly-scheduled duty period, but no less than 24 hours. The employee may be subject to additional disciplinary action by Manatts, Inc., up to and including discharge.
- Breath-alcohol results that register 0.08 or greater on the confirmation test will cause the employee to be immediately suspended, without pay, referred to a Substance Abuse Professional (SAP) in addition to disciplinary action, up to and including discharge.

If you have any questions regarding this policy, call Dan Boyer or Diane Kilmer at 641-522-9206.

What are the effects of alcohol and drugs on the body? (See DOT Drug & Alcohol Policy)

