



# **EMPLOYEE HANDBOOK**

**2018**

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The most recent and approved version of this handbook and the Winger Safety Programs are available on the Winger Contracting Company website: [www.wingercompanies.com](http://www.wingercompanies.com), Go to Employee Login Password: **WingerSafety**

# INTRODUCTION AND OVERVIEW

## MANAGER'S DIRECTORY

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## PURPOSE/WELCOME

This handbook has been prepared to provide you with an overview of the Winger Contracting Company's (Winger) policies, benefits, and rules. It is intended to familiarize you with important information about the Company, as well as provide guidelines for your employment experience with us in an effort to foster a safe and healthy work environment.

It is obviously not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. In addition, circumstances will undoubtedly require that policies, practices, and benefits described in this handbook change from time to time. Accordingly, the Company reserves the right to modify, supplement, rescind, or revise any provision of this handbook from time to time as it deems necessary or appropriate in its sole discretion with or without notice to you.

The Company has adopted and implemented these policies in coordination with the requirements of its negotiated contracts with the unions it employs. In the event, any policy contained herein conflicts with the requirements of the negotiated contract with a union it employs, the union contract shall control. Should any dispute arise with respect to the application or implementation of this policy between workers employed pursuant to the collective bargaining agreement and the Company, or the Company and the union, such dispute shall be submitted through the grievance and arbitration provisions of the agreement.

We welcome you to Winger, where safety is our number one priority. We hope your employment here will be a safe, fulfilling and rewarding experience. As a reminder, all employees have the right to stop work, without retaliation, especially if they feel the conditions are unsafe.

## MISSION STATEMENT

Winger is a privately held company committed to continued growth through building long-term partnerships with our customers that meet or exceed their needs and expectations. Winger desires to be the service provider of choice for all our customers by empowering our employees with the resources necessary to make the vision successful, make our employees successful, and aid our customer's success today and in the future.

\$5.00 per week for single coverage and \$20.00 per week for family coverage. Company funded life insurance is also available for all eligible full-time executive, administrative, office and non-union employees after 90 days of satisfactory employment. The coverage amount is \$25,000.00 per employee and the premium is covered by the Company. The employer reserves the right to modify the group insurance benefits at any time. Part-time employees and full-time employees working less than 32 hours per week are not eligible for coverage.

## LONG TERM DISABILITY INSURANCE:

The Company provides all eligible full-time executive, administrative, office and non-union employees with long term disability insurance coverage after 90 days of satisfactory employment in the event of a work-related injury sustained in the scope of employment. Under the plan, employees are assured of replacement of a substantial portion of income when faced with long-term illness or injury of six months or more. The plan provides benefits for both partial and full disability. A disability is defined as an injury or illness that prevents an employee from performing the substantial duties of any occupation for which they may be qualified by education, training or experience. After certification of the disability by the insurance carriers, the plan provides a monthly income of 60% of basic annual salary as of the date of disability (less any income from other sources), to a maximum benefit of \$5,000 monthly after 90 days of disability. The employer reserves the right to modify the group long term disability insurance benefits at any time.

## COBRA:

Under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), insured employees, and the insured dependents of active or retired employees, may apply to continue group health insurance coverage if they lose normal eligibility due to employee termination, reduction in work hours, divorce or legal separation from an insured employee, or cessation of eligibility as a "dependent child" or any situation which results in the loss of benefits eligibility.

Vacation leave is a benefit available to all full-time Company employees and is accrued based on the number of years of service. The vacation year is January 1 through December 31 of the same year. Employees with less than two (2) years of service will earn and accrue 3.33 of vacation hours for each full month of service. This is the equivalent of 40 hours, or 5 days of vacation for a full year of service. Employees with two to five years of service with the Company earn and accrue 6.67 of vacation hours for each full month of service. This is the equivalent of 80 hours, or 10 days, of vacation for a full year of service. Employees with five years but less than ten years of service earn and accrue 10 hours of vacation for each full month of service.

Vacations must be taken during the year earned. In the event that a vacation cannot be taken in the current year, only one (1) week, or 40 hours, of vacation will carry over to the following year and only with management approval. All other non-used vacation during the year earned will be forfeited.

Employees may borrow unearned vacation during the same calendar year in which the vacation is being taken.

Most terminated employees are eligible for payment for accrued but unused vacation time. Should the terminating employee have a "negative balance" of vacation time as a result of borrowing forward, compensation for such time will be deducted from the employee's final pay. Terminated employees are not eligible for payment for accrued but unused sick time.

## **INSURANCE BENEFITS SUMMARY (NON-UNION EMPLOYEES)**

### **401K RETIREMENT SAVINGS PLAN:**

The Company provides a 401K retirement savings plan for all eligible full-time executive, administrative, office and non-union employees who are at least 21 years of age. Employees are eligible after their 90 day probation period. The Company matches 100% of the first 3% contributed by the employee and 50% of contributions that exceed 3% but not to exceed 5% of your compensation. Individuals seeking additional information on the plan should contact the plan administrator, Debra Shaw, Winger Office Manager at 641-682-3407.

### **HEALTH/GROUP LIFE/ACCIDENTAL DEATH INSURANCE:**

The Company is interested in the health and well-being of both you and your family. A major-medical health program is available for all eligible full-time executive, administrative, office and non-union employees and the employee's dependents after 90 days of satisfactory employment. Coverage will constitute a payroll deduction and is

## **COMPANY HISTORY**

Winger was founded in 1942 and is a full-line mechanical contracting company. Winger specializes in data technology, electrical, fire sprinkler systems, HVAC, millwright, pipe fitting, plumbing, process piping, service and maintenance, sheet metal, and steel fabrication.

Winger has union contract agreements with Locals 13, 33, 91, 125, 347, 464, 669, and 2158. Our employees go through a rigorous 4 to 5-year training and apprentice program, emphasizing quality control, workmanship and safety. As we look toward the future, with you as an employee, Winger continues to dedicate itself to the same founding principles of safety, quality and integrity to bring customers the most efficient, productive and professional results.

## **OPEN DOOR POLICY**

In keeping with the Company's philosophy of open communication, all employees have the right and are encouraged to speak freely with management about their job-related concerns.

We urge you to go directly to your supervisor to discuss your job-related ideas, recommendations, concerns and other issues which are important to you. If, after talking to your supervisor, you feel the need for additional discussion, you are encouraged to speak with the Company president, Thomas W. Keck.

The most important relationship you will develop at the Company will be between you and your supervisor. However, should you need support from someone other than your supervisor, the entire management team, including the Company president, is committed to resolving your individual concerns in a timely and appropriate manner.

## **EQUAL EMPLOYMENT/WORKPLACE VIOLENCE**

### **EQUAL OPPORTUNITY (EEO) POLICY**

It is the policy of the Company to provide equal employment opportunities to all qualified persons without regard to race, color, religion, sex, national origin, physical or mental disabilities, marital status, veteran status, or any other status protected by law. It is our intent and desire that equal employment opportunities will be provided in employment, recruitment, selection, compensation, benefits, promotion, demotion, layoff, termination and all other terms and conditions of employment.

Employees are directed to bring any violation of this policy to the immediate attention of their supervisor or the Company president. Any employee who violates this policy or knowingly retaliates against an employee reporting or complaining of a violation of this policy shall be subject to immediate disciplinary action, up to and including discharge. Complaints brought under this policy will be promptly investigated and handled with due regard for the privacy and respect of all involved.

## HARASSMENT PREVENTION POLICY

It is the Company's policy to provide a work environment based on mutual respect and that encourages productive and cooperative work. The Company will not tolerate harassment or intimidation of our employees on any basis prohibited by law; including race, color, sex, religion, national origin, handicap, disability, marital status, veteran status, gender identity, sexual orientation, or any other classification protected by law. Moreover, any suggestions made to any employee that sexual favors will affect any term or condition of employment with the Company will not be tolerated. It is the policy of the Company that any harassment, including acts that create a hostile work environment or any other discriminatory acts directed against our employees, will result in discipline, up to and including discharge. It is the responsibility of all employees, supervisors and managers to conduct themselves in a manner consistent with this policy. In addition, it is a requirement for supervisors and managers to maintain a work environment free of unlawful harassment. This includes acting promptly to investigate all allegations of harassment once the supervisor or manager becomes aware of the allegations. The Company also will not tolerate any such harassment of our employees by our customers or vendors.

Do not assume that the Company is aware of your harassment problem. It is your responsibility to bring your complaints and concerns to our attention so that we can help resolve the problem. All employees are responsible for keeping our workplace free of harassment. Any employee who experiences or observes conduct which he or she believes constitutes harassment or retaliation should report this problem to a supervisor or the Company president immediately. All complaints will be investigated impartially, promptly, thoroughly, and as confidentially as possible. Employees are expected to cooperate in the investigation process. Substantiated acts of harassment will be met with appropriate corrective action, up to and including termination of employment. The discipline will vary depending on the nature, the number and severity of the acts and the position held by the harasser relative to the victim. An individual may be terminated for a first offense if the proven offense is sufficiently serious, using the factors listed above. In addition, any retaliatory action taken against an individual who honestly complains of harassment is a form of discrimination which will result in disciplinary action against the perpetrator of the retaliation.

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

FMLA leave.

11. Employees are required to provide certification by a health care provider regarding the employee's own serious health condition or that of a family member. Certification forms must be turned into the Safety Director.

## PAID LEAVES OF ABSENCE (NON-UNION EMPLOYEES)

### HOLIDAYS:

The company observes the following seven holidays:

- ✚ New Year's Day
- ✚ Memorial Day
- ✚ Fourth of July
- ✚ Labor Day
- ✚ Thanksgiving
- ✚ Friday after Thanksgiving
- ✚ Christmas Day

Full time non-union employees will be paid for these holidays so long as the employee was present for work on the workdays immediately before and after that holiday, or had an acceptable excuse for being absent on any such days. If a paid holiday falls within an employee's vacation period, the holiday will not be counted as a vacation day. Regular part-time employees will be paid for those holidays which fall on a week day that they are normally scheduled to work and are paid for the number of hours normally worked on that day. Employees who are on a leave of absence, paid or unpaid, are not eligible to receive holiday pay for holidays falling during such leave.

### SICK DAYS:

Paid sick leave is a benefit provided to employees who may be unable to work due to illness or injury not arising within the scope of employment, or who must remain at home to care for an immediate family member who is ill. Full-time employees accrue a total of six (6) paid sick days per calendar year, accrued at the rate of one-half (1/2) day each month the employee actually works or receives pay from the Company, up to a maximum number of ninety (90) days. Paid sick leave does not accrue during any period of unpaid leave of absence. Employees are eligible for paid sick leave as days are accrued.

The Company may request a doctor's written verification of illness or suitability for work before the employee returns to work if the employee has been out of work for three (3) days, or at any time the supervisor believes such verification is warranted. Accrued but unused sick leave will not be paid upon termination of employment.

### VACATION DAYS:

Hours of work will be determined according to the principles established in the Fair Labor Standards Act for determining compensable hours. No more than a 12-week leave may be taken during any 12-month period. Under certain circumstances, the 12-week leave may be taken intermittently or on a reduced schedule, but will be counted towards the 12-week FMLA maximum.

FMLA leave will also be subject to the following rules:

1. Leave for birth or placement of an adopted or foster child may be taken only for a period within twelve (12) months of the birth or placement.
2. Spouses employed by the Company are entitled to a combined total of twelve (12) weeks of FMLA for the birth or placement of an adopted or foster child.
3. Employees are required to use all available sick and vacation time while on FMLA leave. All of these days will be used in the calculation of the 12-week period for the employee.
4. Any time off taken through Company's disability plans that meets the definition of FMLA leave will be charged against the 12-week FMLA entitlement.
5. Employees will continue to receive insurance benefits while they are on FMLA leave under the same coverage levels, and on the same basis, as when they were on the job. For benefits during any paid portion of a Family and Medical Leave, employee contributions will be collected from payroll deduction. Employees who become more than 30 days delinquent in their benefit payments will be dropped from coverage. Coverage will be restored upon their return within the time frame established in FMLA.
1. Any workers' compensation leave and FMLA leave will run concurrently if the employee's condition qualified for Family and Medical Leave. Prior to the expiration of the FMLA leave entitlement, the employee may not be forced to return to work in a light-duty assignment. However, if an employee refuses to accept a medically approved light-duty assignment, the FMLA does not prevent state workers' compensation laws from suspending the payment of benefits as a result of the employee's refusal.
6. Upon returning from FMLA leave, employees are entitled to return to their previous or an equivalent position with the same pay, benefits, and other terms and conditions of employment. However, an employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the same leave period.
7. Employees who are salaried and in the top 10% highest paid in the Company are not guaranteed job restoration if it would cause substantial and grievous economic injury to the Company's operations.
8. Employees who do not return to work following FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond their control, may not be reinstated to the same or equivalent job.
9. The Company reserves the right to charge individuals who do not return to work following FMLA leave retroactively for the COBRA cost of their health insurance as allowed by the FMLA.
10. Employees are required to give as much notice as possible prior to the start of

- ✦ Submission to such conduct is made an implicit or explicit condition of an individual's employment;
- ✦ Submission to or rejection of such conduct affects employment opportunities; or
- ✦ Such conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.

Workplace bullying and/or corporate bullying is a form of harassment that will not be tolerated in the workplace. If you are aware of bullying in the workplace and do not take action, then you are accepting a share of the responsibility for any future abuses. This means that witnesses of bullying behavior should be encouraged to report any such incidences. The following is Winger Contracting Companies' policy towards workplace bullying and corporate bullying:

- ✦ Winger Contracting Companies considers workplace bullying unacceptable and will not tolerate it under any circumstances. Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.
- ✦ Winger Contracting Companies believes all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied.
- ✦ Winger Contracting Companies will use its Workplace Violence Prevention procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.
- ✦ Winger Contracting Companies encourages all employees to report workplace bullying. Managers and supervisors must ensure employees who make complaints, or witnesses, are not victimized.
- ✦ Winger Contracting Companies has a non-retaliation policy, intended to prevent an individual who reports a violation of law or company policy from being punished. If an employee needs help or wants to discuss an issue in the workplace, they are encouraged to contact leadership, the safety director/human resources or general counsel.
- ✦ Disciplinary action will be taken against anyone who bullies a coworker. Discipline may involve a warning, transfer, counseling, demotion or dismissal, depending on the circumstances.
- ✦ The contact person for bullying at this workplace is:  
Name: Jerelyn Merrill  
Phone: (641) 777-5717  
Email: [jerelyn@wingercompanies.com](mailto:jerelyn@wingercompanies.com)

## EMPLOYMENT POLICIES

### HIRING REQUIREMENTS

In order to qualify for employment with Winger you must have the following qualifications:

- ✚ Valid driver's license.
- ✚ Social security card or birth certificate.
- ✚ OSHA 10-Hour Training (office employees exempt). If an employee does not have OSHA 10-Hour Training, it must be completed and/or schedule within 2 weeks from hire date.
- ✚ Union referral (for union employees).
- ✚ Pre-employment drug screen.
- ✚ Pre-employment background check.

### BACKGROUND CHECK REQUIREMENTS

**Winger Contracting Company is required by their customers to perform a background check. These may be performed prior to, as well as periodically, during the course of employment. The following questions are included on our employment application for new hires and on our periodic background check form.**

Do you have a valid driver's license? Yes or No

Class A CDL \_\_\_\_\_ Class B CDL \_\_\_\_\_ State\_\_\_\_ Expiration Date \_\_\_\_\_

Has your license ever been suspended, denied or revoked? Yes or No

Have you been issued any citations for a moving violation(s) of any kind, driving under the influence (OWI), reckless driving, driving while suspended, driving while barred or any other similar moving violation at any time within the last (7) years? Yes or No. If "yes", please provide date(s) and details: \_\_\_\_\_

Have you ever been convicted of a felony or misdemeanor involving: violence, terrorism, assault, sexual misconduct, theft, fraud, financial or computer crimes, illegal drug possession or distribution, unlawful possession or use of dangerous weapon, registered sex offender, domestic abuse, or habitual offender, in the last (7) years? Yes or No. If "yes", please provide date(s) and details: \_\_\_\_\_

For some federal installations, ANY employee with a felony is unapproved forever and banned from site.

full-time employees upon request to make arrangements for and attend funeral services of the employee's immediate family. Immediate family includes parents, spouse, children, etc. Up to three (3) working days of leave without pay in the event of an extended family member.

### USERRA - MILITARY LEAVE:

The Company provides unpaid military leaves of absence to employees who serve in the uniformed services as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable Iowa laws. The uniformed services include the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, and any other category of persons designated by the President of the United States in time of war or emergency.

Service consists of the performance of any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full-time National Guard duty, and absence from work for an examination to determine fitness for such duty. Total military leave time may not exceed five years during employment, except in special circumstances.

An employee returning from military leave is entitled to any unused, accrued vacation benefits the employee had at the time the military leave began. Upon reinstatement, the employee will accrue vacation benefits at the rate he or she would have attained if no military leave had been taken. Employees will not be entitled to utilize sick days for military leave.

### FMLA—FAMILY MEDICAL LEAVE:

The Company provides family and medical leave for its eligible employees, pursuant to the Family and Medical Leave Act (FMLA) of 1993, for the following reasons:

1. An employee's serious health condition that prevents the employee from performing the essential functions of the job.
2. The birth, adoption, or foster placement of a child with the employee.
3. The care of a child, spouse, or parent with a serious health condition.
4. A qualifying exigency arising out of a covered family member's active military duty in support of a "contingency" operation.
5. The care of a child, spouse, parent or covered family member recovering from a serious illness or injury incurred in the line of duty during active service.

Up to 12 weeks (26 weeks for paragraph 5) of unpaid leave in a rolling 12-month period is available for the foregoing reasons to all employees who have been employed for at least 12 months, have worked at least 1,250 hours during the previous 12-month period, and who work within a 75-mile radius of 50 other Company employees.

programs.

For the sole purpose of determining the allowance of certain employee benefits, non-union employees are classified as:

- ✚ **Regular full-time:** An employee who has satisfactorily completed the introductory period and is scheduled to work an average of thirty-two (32) hours per week on a regular and continuous basis.
- ✚ **Regular part-time:** An employee who has satisfactorily completed the introductory period and is usually scheduled to work less than an average of thirty-two (32) hours per week but not less than ten (10) hours per week on a regular and continuous basis.
- ✚ **Temporary:** An employee whose services are anticipated to be of limited duration falls into this classification. Temporary employees are not eligible for participation in those employee benefits programs made available for the Company regular full-time and regular part-time employees. Service as a temporary employee does not count as service as a regular employee for benefit eligibility purposes.

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

- ✚ **Exempt:** Employees whose jobs are not subject to the provisions of the Fair Labor Standards Act which requires the reporting of hours and payment of overtime for hours worked in excess of forty (40) hours per week.
- ✚ **Non-Exempt:** All employees who are not identified as exempt employees are considered non-exempt employees. Non-exempt employees are eligible for payment of overtime premium pay.

For purposes of administering sick leave, dependent care leave, and other policies, “immediate family members” will be defined as domestic partners, siblings, parents, grandparents, grandchildren or other members of the employee’s household residing with the employee. “Extended family member” is defined as father-in-law, mother-in-law, brother-in-law, sister-in-law, aunts, uncles, nieces and nephews of the employee.

## UNPAID LEAVES OF ABSENCE

### JURY OR WITNESS DUTY:

It is your civic duty as a citizen to report for jury duty whenever called. If you are called for jury duty, you must notify your supervisor within forty-eight (48) hours of receipt of jury summons. Winger policy is that you will be permitted to take the necessary time off as unpaid leave that will not affect your attendance record.

### FUNERAL/BEREAVEMENT LEAVE:

Employees will be allowed up to five (5) working days of leave without pay for regular,

## AT-WILL EMPLOYMENT DISCLAIMER

**THIS HANDBOOK IS NOT A CONTRACT FOR EMPLOYMENT.** All employees of the Company, regardless of their classification or position, are employed on an at-will basis. This means that each employee’s employment is terminable at the will of the employee or the Company at any time, with or without cause and with or without notice. No officer, agent, representative, or employee of the Company has any authority to enter into any agreement with any employee or applicant for employment on other than an at-will basis. Furthermore, nothing contained in the policies, procedures, handbooks, manuals, job descriptions, application for employment, or any other document of the Company shall in any way create an express or implied contract of employment or an employment relationship other than an at-will basis.

## RULES OF CONDUCT/DISCIPLINARY PROCEDURE

There are reasonable rules of conduct which must be followed in any organization to help a group of people work together effectively. Winger expects each employee to present himself or herself in a professional appearance and manner. If an employee is not considerate of others and does not observe reasonable work rules, disciplinary action will be taken.

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

Winger adopts the following progressive disciplinary policy. The policy is intended to ensure employee compliance with Winger’s Program for Safety and Health Manual, in addition to safe and healthful work practices.

Violations of any safety rules or policies set forth herein or in the Company Employee Safety Handbook may result in discipline and/or discharge. Discipline may include, but is not limited to, verbal and written notice for a first offense; verbal and written notice and three (3) working days off without pay for a second offense; and discharge for a third offense. A flagrant violation, which puts you or your fellow workers in a dangerous situation, may result in immediate discharge.

Supervisors and foremen all have the responsibility of enforcing these policies. Questions may be directed to Winger’s Safety/Human Resources Director. Each employee has the responsibility to follow all safety rules, Winger policies and Winger’s customer policies. Written warnings will be placed in the employee’s personnel file.

The following is not a complete list of offenses for which an employee may be subject to discipline, but is illustrative of those offenses that may result in immediate discipline, up to and including discharge, for a single offense:

1. Willful neglect of safety practices, rules and policies.
2. Illegal manufacture, distribution, dispensation, sale, possession, or use of illegal drugs or non-prescribed controlled substances.
3. Reporting for work with illegal drugs or non-prescribed controlled substances in your body.
4. Possession of, consumption of, or being under the influence of alcohol while on Company or customer premises or on Company business.
5. Possession of weapons, firearms, ammunition, explosives, or fireworks on Company or customer premises.
6. Speeding, reckless driving or any other violation of the rules of the road while in a Company vehicle.
7. Fighting, disorderly conduct, horseplay, or any other behavior which is dangerous or disruptive.
8. Commission of a crime, or other conduct which may damage the reputation of the Company.
9. Stealing, misappropriating, or intentionally damaging property belonging to the Company or its customers or employees. Customers may perform searches on employees and vehicles entering and exiting their facility for security reasons, including both employee lunchboxes and toolboxes. All employees are required to comply with those requirements including those listed under the Substance Abuse Safety Program. Refusal will result in any or all of the following: banned from sites, notification of authorities and/or termination.
10. Failure to promptly report a workplace injury or accident involving any of the Company's employees, clients, equipment, or property.
11. Dishonesty, including falsification of Company related documents, or misrepresentation of any fact.
12. Failure to cooperate with an internal investigation, including, but not limited to, investigations of violations of these work rules.
13. Violation of the Company's Equal Employment Opportunity or Harassment Policy.
14. Unauthorized use of the Company's or its clients' name, logo, funds, information, documents, equipment, vehicles or property.
15. Failure to maintain the confidentiality of trade secrets or other confidential information belonging to the Company or its customers.
16. Employees shall not post confidential or proprietary information about Winger Contracting, co-workers, or customers on any type of social media. This includes photographs of work sites, individuals on the work site, or any work-related material.
17. Failure to comply with the personnel policies and rules of the Company.
18. Excessive absenteeism or tardiness including late or tardy to required safety training meetings.
19. Insubordination, including failure to comply with any work assignments or instructions given by any Company supervisor with the authority to do so.

basis.

## RETURN TO WORK POLICY—NON-WORK ILLNESS OR INJURY

Employees who have been out of work for three (3) days or more as the result of an illness or a **non-work** injury are **required to provide a doctor's written verification and release to work, indicating the employee is suitable for work.** In the event the Company does not feel the verification or release is sufficient, the company reserves the right to require the employee to be examined by a Company doctor prior to commencing work.

## FIT FOR DUTY REQUIREMENTS

- ✚ **Employees are physically capable of performing their job function-** may require a physical or medical exam to be included in the hiring process, changing into certain job functions, transfers and different environments or in a post-injury returning to work situation.
- ✚ **Client Drug and Alcohol Testing Requirements-** Drug and alcohol testing for pre-employment, post-accident or random as prescribed by the host facility shall be implemented.
- ✚ **Personal Medical Reporting Requirements-** Employees need to report all medications to their supervisor they are taking that could impair their ability to work safely.
- ✚ **Employee Activity and Behavior Project-** Management will monitor employee activities and behaviors to determine if employees should be removed from the work site.
- ✚ **Employee Self-Referrals-** Employees are responsible for notifying their supervisor if they are fatigued to the point of not being able to perform their duties safely.
- ✚ **For the full Procedure please see the complete Fit For Duty Safety Program.**

## BENEFITS FOR NON-UNION EMPLOYEES

### EMPLOYMENT CLASSIFICATIONS

Upon being hired by the Company, all new non-union employees must serve a ninety (90) calendar day introductory period. It is especially important that you make your supervisor aware of any questions or problems you may encounter during this period. Your performance will be carefully monitored during this period. At the end of the introductory period, your performance will be reviewed, and if it has been satisfactory, you will become a regular full-time or regular part-time employee. Satisfactory completion of the introductory period does not entitle you to employment for any specific term, but does entitle you to participation in many of the Company's employee benefit

records (e.g.: air, noise surveys, biological monitoring results, etc.) are maintained at the Winger Contracting Company corporate office located at 918 Hayne Street, Ottumwa, IA 52501, and are available for your review upon submitting the required request form.

- ✚ The person responsible for maintaining and providing access to these records is Jerelyn Merrill, Winger HR/Safety Director.
- ✚ You may ask Jerelyn Merrill for a copy of the request form.
- ✚ Access to your occupational medical records will be provided in a reasonable time, place and manner (generally within 15 working days).

## HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

This notice describes how medical information about you may be used and disclosed and how you can get access to this information.

We are required by law to:

- ✚ Maintain the privacy of your medical information,
- ✚ Give you notice describing our legal duties and privacy practices, and
- ✚ Follow the terms of this notice.

How we may use and disclose medical information about you:

- ✚ We will use your medical information for treatment.
- ✚ We will use your medical information for payment.
- ✚ We will use your medical information for health care operations (i.e. Workers Compensation Claims).
- ✚ If you have an accident at a customer's facility, we are required to report general incident medical information for reporting purposes.

For any questions, contact your Human Resources/Safety Director.

## TRANSITIONAL RETURN TO WORK POLICY

The goal of our Transitional Return to Work Policy is to assist individuals with “work related injuries and/or illnesses” that result in temporary medical restrictions that prevent the employee from performing their usual and customary duties.

If the employee is placed under medical restrictions by a qualified medical practitioner, Winger Company will make every effort to modify the employee's work to accommodate those restrictions on a temporary basis. It is the employee's responsibility to work safely. Should the employee choose to not accept the work made available, with the restrictions listed, the employee will be sent home and pay will be discontinued.

The duration of the modified duty will be determined by the medical practitioner until the employee is released to full duty. Each situation will be evaluated on a case by case

20. Interference with the work performance of other employees.
21. Use of profane language while on Company business.

## SAFETY

The Company believes in maintaining safe and healthy working conditions for our employees and customers. You are required to follow safety rules, without exception. It is Winger Company policy that every employee read the Winger Company Employee Safety Handbook prior to commencing any work for the Company. If you have a question regarding the safety of your workplace and practices, contact the Company's Safety Director.

Your health and safety is a primary concern to Winger Companies. These rules have been designed with your safety in mind. It is essential that you read and understand these rules so that we can achieve an accident free work place.

- ✚ **Use common sense.** These general safety rules are a guide to safe work practices. All safety rules, procedures, and practices set forth by Winger Companies and our customers will be followed.
- ✚ Report unsafe conditions immediately. All employees have the right to stop work under unsafe conditions without risk of retaliation from the Company.
- ✚ Working while intoxicated or under the influence of any controlled substance such as drugs or alcohol is strictly prohibited.
- ✚ All accidents and injuries must be reported to your foreman supervisor immediately.
- ✚ Keep the public, customers, and all other personnel in the workplace aware of potential hazards in order to eliminate on-the-job injuries and illnesses. Assist less-experienced employees in their efforts to comply with applicable safety practices and standards.
- ✚ Be a leader in the effort to provide a safe and healthy workplace by setting a proper example and by encouraging others to develop and maintain a strong, positive attitude toward compliance with all applicable safety standards.
- ✚ Apply the principles of accident prevention in your daily work and use proper safety devices and protective equipment as required.
- ✚ Proper care will be given to all tools, equipment, and vehicles and precautions taken to protect them from loss, damage, and theft.
- ✚ Vehicles and machinery will not be abused and misused.
- ✚ Work clothes will not be torn, tattered, or in need of repair. Clothing in this condition is a potential safety hazard and promotes a poor company image.
- ✚ Company provided Personal Protective Equipment (PPE) must be worn for the job being performed. This includes, but is not limited to the following items: ANSI approved safety glasses with side shields, hard hats, hearing protection, work gloves, face shields, fall protection harnesses, respirators, welding jackets, sleeves, and hoods, etc. PPE items not provided by the Company are safety toed work boots and prescription safety glasses which can be worn off of the job site.

- ✚ Additional safety rules in the Winger Companies Safety Manual should be read, understood, and followed.
- ✚ Refusal or flagrant violations of the above rules may result in immediate termination.

**REMEMBER**...Good safety practices are not limited specifically to those in writing. The best safety practices are followed with common sense and good judgment. Accidents do not just happen. 95% of all accidents are human error. ALL ARE PREVENTABLE!

## SUBSTANCE ABUSE POLICY

Winger Contracting Company, hereafter referred as the Company, together with all unions with which it has a contract, have a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer or possession of an illegal drug at the work place, and the use, possession, or being under the influence of alcohol also imposes unacceptable risks for a safe, healthy and efficient operation.

The Company has an obligation to maintain a safe, healthy, and efficient work place for all of its employees and to protect its property, information, equipment, operations and reputation. The Company also recognizes its obligation to other companies to provide services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug and alcohol services.

The Company expresses its intent through this policy to comply with Federal and State rules, regulations and laws that relate to the maintenance of a work place free of illegal drugs and alcohol. The Company has adopted and implemented this policy in coordination with the requirement of its negotiated contracts with unions it employs. In the event this policy conflicts with the requirements of the negotiated contract with a union it employs, the contract shall control. Should any dispute arise with respect to the application or implementation of this policy between workers employed pursuant to the collective bargaining agreement and the Company, or the Company and the union, such dispute shall be submitted through the grievance and arbitration provisions of the agreement.

Winger Companies reserves the right to review the policies and procedures contained in this Substance Abuse Testing Policy, and reserves the right to change, revise or terminate the policy at any time. Nothing in this policy is intended or should be construed as requiring "for cause" termination or otherwise affecting the at-will nature of the employment relationship.

At the Company's expense, each employee is required to take drug and alcohol tests in the following circumstances:

5445 Avenue O  
 Ft. Madison, IA 52627  
 Occupational Health Medicine Coordinator  
 (319) 372-6530  
 7:00 a.m. to 4:30 p.m.  
 After Hours, On-the-Job Injuries will be seen at the FMCH Emergency Room.

Other health care providers will be determined as our company expands. These occupational health centers will be posted at each job site.

**The following steps should be followed for all non-emergency workplace injuries when an individual needs medical treatment.**

- Step 1.** All injuries, no matter how minor, must be reported immediately. The injured employee must notify their foreman or supervisor that an injury has occurred. The foreman/supervisor will notify the Safety Director of the accident.
- Step 2.** The Safety Director will call Occupational Health Services and notify them of the employee's pending arrival and relay available information. The injured employee will be escorted by their foreman, supervisor, or safety department personnel.
- Step 3.** Required injury and insurance forms will be completed and submitted to the Safety Director within twenty-four (24) hours of the incident.

**Do NOT go to your own doctor for any workplace injury. Failure to follow the steps and rules regarding injury reporting may result in non-payment of medical bills, and employee disciplinary action, including discharge.**

## EMPLOYEE ACCESS TO MEDICAL & EXPOSURE RECORDS

In accordance with 29 CFR §1910.1020(g)(1) Access to Employee Exposure and Medical Records (g) "Employee information.": Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees covered by this section of the following:

- ✚ The existence, location, and availability of any records covered by this section;
- ✚ The person responsible for maintaining and providing access to records; and
- ✚ Each employee's rights of access to these records.

Each employer shall keep a copy of this section and its appendices, and make copies readily available, upon request, to employees. The employer shall also distribute to current employees any informational materials concerning this section which are made available to the employer by the Assistant Secretary of Labor for Occupational Safety and Health.

The following information regarding employee and/or employee representative access to medical and/or exposure records is provided:

- ✚ Certain occupational medical records and employee occupational exposure

107 North 3<sup>rd</sup> Street  
Eddyville, IA 52553 (641) 969-5212

### Ft. Dodge, Iowa Division

UNITYPOINT HEALTH  
Occupational Medicine  
2520 9th Avenue South  
Ft Dodge, IA 50101  
(515) 574-6810

UNITYPOINT HEALTH  
Trinity Regional Medical Center  
802 Kenyon Road  
Ft. Dodge, IA 50501  
(515) 573-3101

### Ottumwa, Iowa Area

OTTUMWA REGIONAL HEALTH CARE  
1001 East Pennsylvania Avenue  
Ottumwa, IA 52501

EMERGENCY ROOM  
24 Hour Emergency Service - 911  
Non-Emergency (641) 682-7511

OCCUPATIONAL HEALTH DIVISION- (641) 684-2466  
Monday – Friday 6:00 am – 5:00 pm. Closed on weekends and holidays  
After Hours On-the-Job Injuries Will Be Seen at the ORHC Emergency Room

OTTUMWA CLINICS  
HEARTLAND EYE CARE (641) 682-8571

### SE Iowa Division

GREAT RIVER BUSINESS HEALTH  
Great River Medical Center  
1221 South Gear Avenue West  
Burlington, IA 52655  
(319) 768-4151  
7:00 a.m. to 5:00 p.m.  
After Hours, On-the-Job Injuries will be seen at the GRMC Emergency Room.

FT MADISON COMMUNITY HOSPITAL ANNEX

- ✚ When a prospective employee is applying for employment with the Company a drug test will be required.
- ✚ When an employee is required, subject to drug and alcohol testing pursuant to federal law, regulations, or law enforcement.
- ✚ When placing an employee at a customer location that requires recent drug screens before access is allowed.
- ✚ Employees will be tested for drugs and/or alcohol if there is a probable cause that the employee is under the influence of a drug or alcohol. Probable cause drug or alcohol testing is defined in this policy, and Iowa Code §730.5(1)(h).
- ✚ A random test.
- ✚ When the Company is investigating an accident in the workplace which 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 of the Iowa Code, or resulted in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed one-thousand dollars (\$1,000.00).

### Purpose:

This policy is implemented pursuant to Iowa's Private Sector Drug-Free Workplace law (Iowa Code §730.5) and the Drug-Free Workplace Act of 1998. This policy outlines the goals and objectives of the Company's drug and alcohol testing program and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program.

### Scope:

Substance abuse is recognized as a treatable illness. The desired result and preferred procedure is rehabilitation through a referral to a locally operated employee assistance program agreed to between the Company and respective bargaining units. For information regarding the available treatment programs, please access the Company's substance abuse resource file located in the main office or contact your respective signed union representative.

### Definitions:

- ✚ **Alcohol** means any beverage that contains ethyl alcohol (ethanol), isopropanol, or methanol, including but not limited to beer, wine, and distilled spirits.
- ✚ **Drug Testing** means the scientific analysis of urine, breath or saliva for the purpose of detecting a drug or alcohol.
- ✚ **Employee** means a person in the service of the Company, and applies to all employees of all departments, all job applicants, bargaining employees, clerical, management, contract employees and part-time employees. (See below for conflict with a particular negotiated union contract.)
- ✚ **Employee Assistance Program (EAP)** means a program designed to assist

employees with alcohol and/or substance abuse or other problems by means of counseling, treatment, or referral to more specific centers. The emphasis of the program is centered on the recovery of the individual, and to provide services designed to assist in recovery.

- ✚ **Good Faith** means reasonable reliance on facts, for that which is held out to be factual, without the intent to be deceived, and without reckless, malicious or negligent disregard for the truth.
- ✚ **Illegal Drug** means any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer for the purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), any so called designer drugs and look-alike drugs, or those substances included in Schedule I, II, III, IV or V under the Federal Controlled Substances Act, 21 U.S.C. §801 et seq.; also, any substances regulated by the Iowa Imitation Controlled Substances Act (which includes, “a substance which is not a controlled substance but which by color, shape, size, markings and other aspects of dosage unit, appearance and packing or other factors, appears to be or resembles a controlled substance”) found at Iowa Code Chapter 124A; and any controlled substance or counterfeit substance under the Iowa “Uniform Control Substances Act” found at Iowa Code Chapter 124.
- ✚ **Legal Drug** means any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose for which prescribed or manufactured.
- ✚ **Limits for drug tests** will be provided in compliance with this policy to screen for detection of the following drugs at the following cutoff concentrations:

Amphetamines	300 mg/ml
Barbiturates	300 mg/ml
Benzodiazepines	300 mg/ml
Cocaine	300 mg/ml
Methadone	300 mg/ml
MDMA/Ecstasy	500 mg/ml
Methamphetamine	1000 mg/ml
Opiates	2000 mg/ml
Oxycodone	100 mg/ml
Phencyclidine	25 mg/ml
THC (Cannabinoids)	50 mg/ml
- ✚ **Medical Review Officer** means a licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by an employer’s drug or alcohol testing program, and who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual’s positive test result, together with individual’s medical history and any other relevant biomedical

terminated by you or the Company at any time with or without cause. Upon termination of employment you are required to return all company issued customer scan cards, safety equipment and tools. A Separation Notice form must be filled out and completed by their supervisor and returned to the Winger Payroll and Safety departments, upon termination.

## RE-EMPLOYMENT

Former employees who are rehired and return to work within 90 days of their termination will not be required to go through another probationary period, unless the Company deems it necessary. Former employees who are rehired and return to work more than (90 days) after their termination will be rehired only as new employees and must complete a new orientation period.

## MEDICAL CARE PROVIDER PROGRAM

Our desire is that each employee receives prompt medical treatment when necessary. Our chosen medical care facilities provide industries and businesses with several occupational health services. We utilize the following Occupational Health Service Providers for workplace injuries and services at our permanent job sites:

### Blair, Nebraska Division

MEMORIAL COMMUNITY HOSPITAL & HEALTH SYSTEM  
810 North 22nd Street  
Blair, NE 68008  
24 Hour Emergency—911; Non-Emergency (402) 426-1159  
Occupational Health Services (402) 426-1291

### Cedar Rapids, Iowa Division

UNITYPOINT WORK WELL SOLUTIONS - Occupational Medicine  
830 1st Avenue NE  
Cedar Rapids, IA 52402  
(319) 369-8153  
UNITYPOINT HEALTH MEDICAL CENTER - ST. LUKE’S HOSPITAL / ER  
1026 A Avenue NE  
Cedar Rapids, IA 52402  
(319) 369-7211

### Eddyville, Iowa Area:

EDDYVILLE HEALTH CLINIC

must notify your supervisor **PRIOR** to the start of your scheduled workday that you will be late or absent and provide the reason for that absence or tardiness. If your supervisor is not available, you should contact the Company on-call number **PRIOR** to the start of your scheduled workday at (641) 682-3407. For employees working at other nested jobsites must contact their supervisor. You are required to leave your name, phone number and brief message so that your supervisor can return your call. Failure to properly contact us will result in an unexcused absence for disciplinary purposes.

## WORK HOURS, PAY PERIOD AND PAYDAY

Designated work hours and breaks for employees will depend on the project they are scheduled at. Ask your supervisor for the work hours and break times designated for that jobsite.

Pay periods start on Wednesday morning and end on Tuesday night. Therefore, each Friday, you will be paid for all hours worked in the pay period ending the previous Tuesday.

As of January 1, 2015, Direct Deposit became mandatory for all Winger employees. On Fridays, checks will be deposited into the employee's designated checking or savings account(s).

Overtime will be paid according to union contracts. Overtime for non-union employees must be approved by their supervisors. No employee will work in excess of 16 hours without proper work rest scheduling. All employees must have a minimum of 8 hours off time before returning to work the next day.

Per diem and travel pay for union members will be on a case-by-case basis and depend on contract agreements with union contract and our customers. Non-union personnel will not be paid per diem. Motel lodging for non-union employees will be paid directly to the motel. Travel expenses will be reimbursed for reasonable expenses when warranted and approved beforehand by their supervisor.

## TIMESHEETS

Time sheets are to be completed online by Wednesday morning. Failure to turn in time sheets by this deadline may delay your paycheck for that week.

## TERMINATION OF EMPLOYMENT

Company employees are employees' at-will. This means that your employment may be

information.

- ✚ **Minor** means an individual who is under 18 years of age and is not considered by law to be an adult.
- ✚ **Parent** means one biological or adoptive parent, a step parent or a legal guardian or custodian of the minor.
- ✚ **Pre-Employment screening** means the screening of prospective employees, which will include drug testing and/or alcohol testing as a pre-requisite for the employment offered depending upon the requirements of the applicable bargaining agreement.
- ✚ **Probable Cause Drug or Alcohol Testing (reasonable suspicion)** means drug or alcohol testing based upon evidence that an employee is using or has used alcohol or other drugs in violation of the Company's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. For purposes of this paragraph, facts and references may be based upon, but not limited to, any of the following:
  - ✚ **Observable phenomena** while at work, such as direct observation of alcohol or drug use or abuse, or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance. A report of alcohol or other drug use provided by a reliable and credible source. Evidence that an individual has tampered with any drug or alcohol tests during the individual's employment with the current employer. Evidence that an employee has caused an accident while at work which 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 of the Iowa Code, or resulted in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed \$1,000.00.
  - ✚ **Prospective Employee** means a person who has made an application, whether written or oral, to the Company to become an employee. Prospective employee includes a bargaining unit member who has been referred to the Company through their union's referral procedure.
  - ✚ **Random Test** means testing which is conducted on a periodic basis, without advance notice of the test, to employ a subject to testing prior to the day of testing, and without individualized suspicion, any employee is subject to unannounced testing who is in a pool(s) consisting of the entire employee population. If there is to be unannounced testing, employees who are in the pool all have an equal chance of selection, regardless of whether the employee has been selected or tested previously. The Company, as required by law will utilize a random selection process conducted by an entity independent from the Company, or pursuant to the process set forth below in "Unannounced Testing of Employees for Drugs and Alcohol."
  - ✚ **Safety-sensitive position** means a job wherein an accident could cause loss of human life, serious bodily injury, or significant property or environmental damage, including a job with duties that immediate supervision of a person in a job that meets the requirements of this paragraph.
  - ✚ **Under the Influence** means a condition in which a person is affected by a drug

or by alcohol. Determination of being under the influence can be established by a professional opinion with a scientifically valid test, such as urinalysis or breath test.

- ✚ **Under the influence of alcohol** means a blood alcohol content of .04% or greater. Under the influence of a chemical or a chemical substance or drug means the urine content determined to exceed the limits established by this policy (see Section (d)).
- ✚ **Use** means consuming, possessing, selling, concealing, distributing or arranging to buy or sell, being under the influence and reporting for duty under the influence of alcohol or illegal drugs.
- ✚ **Work hours** means all of the time in which an employee is engaged in work duties.
- ✚ **Workplace, Company Premises or Company Facilities** means all property of Winger Companies, or place in which Winger Companies is providing services including, but not limited to, the offices, facilities, and surrounding areas on Winger Companies owned or leased property, parking lots and storage areas. These areas also include Winger Company job sites. The term also includes Winger Companies owned or leased vehicles and equipment, wherever located.

### Company Work Rules Involving the Use of Drugs and Alcohol:

- ✚ **Abuse of Legal Drugs:** Abuse of legal drugs will not be tolerated and Winger Companies will deal with such abuse in the same manner as it does the use of illegal drugs.
- ✚ **Drug or Alcohol Possession or Use:** Except use or possession described in the Use of Prescription Drugs section, an employee who possesses, uses, consumes, sells, transfers or attempts to sell or transfer any drug, prescription drug or alcoholic beverage while on duty at Winger Companies, whether or not that individual is on Winger Companies premises, is guilty of misconduct and is subject to disciplinary action, even for a first offense and without the necessity of a drug or alcohol test.
- ✚ **Impairment During Working Hours:** An employee who appears to be impaired during work hours due to the effects of the use of alcohol and/or the abuse of a legal drug and/or the use of a drug will not be allowed to work and is subject to disciplinary action, even for the first offense and without the necessity of a drug or alcohol test.
- ✚ **Use of Over-the-Counter Drugs:** An employee may take an over-the-counter drug during work hours only if the drug is used for its intended purposes, has been prescribed for the employee by a physician or another authorized prescriber and only if the drug is taken according to the directions on the package and the directions as modified by the employee's physician or other authorized prescriber.
- ✚ **Use of Prescription Drugs:** An employee may take a prescription drug during work hours only if the drug has been prescribed for the employee by a physician or another authorized prescriber and only if the drug is taken according to the directions of the prescription. Employees are required to immediately notify

payroll tax forms, federal I-9 form, benefit records, performance related items, salary changes, disciplinary notes and memos, attendance records, signed acknowledgement of receipt of the Employee and Safety Handbooks, safety training documentation, medical evaluations and other information relevant to your employment at Winger.

If you would like to access your personnel file, you will need to contact the Human Resources/Safety Director to set up an appointment to do so. Employee files are the property of the Company, and do not belong to the employee. However, upon request, the Company will provide employees with copies of certain documents from the personnel file.

**Keeping your personnel file up-to-date can be important to you with regard to payroll, tax deductions, benefits and other matters. If any of the following items change, please be sure to notify the Payroll and Safety Department as quickly as possible:**

- Legal name**
- Home address**
- Contact telephone number**
- Emergency contact name(s)**
- Marital status**
- Number of dependents**
- Number of exemptions on your W-4 tax form**
- Driving record or status of driver's license**
- Training certificates**
- Professional licenses**

## ATTENDANCE AND REPORTING TO WORK

Each employee is important to the overall success of this Company. When you are not here, someone else must do your job. Consequently, you are expected to report to work on time at the scheduled start of the workday.

The Company depends on its employees to be at work at the times and locations scheduled. Excessive absenteeism and/or tardiness will lead to disciplinary action, up to and including discharge. The determination of excessive absenteeism will be made at the discretion of the Company.

**Absence from work for three consecutive days without properly notifying your supervisor will be considered a voluntary resignation. Three missed days of work per month for reasons other than sickness or other reasons not previously approved shall be considered grounds for immediate discharge.**

If you expect to be absent from the job for an approved reason (e.g., paid time off or a leave of absence), you should notify your supervisor of your upcoming absence as far in advance as possible. If you unexpectedly need to be absent from or late to work, you

The WEX, Inc. Driver ID, authorizes the employee to fuel company vehicles only, using the company's WEX, Inc. Card. WEX, Inc. fuel cards are issued to the Winger vehicle and are only to be used in that truck with an accurate ODOMETER input. Each individual listed on the vehicle fuel card agrees to be personally responsible for all transactions made with that vehicle card and track the location of that card at all times.

The Driver ID identifies the employee by name on a fuel report and holds them accountable for all transactions made using their Driver ID. The employee is not to share their Driver ID with anyone. If an employee believes someone else knows their Driver ID, they will immediately notify their supervisor and/or fleet manager.

Under no circumstances is a WEX, Inc. Card to be used for personal vehicles or non-business purposes. Using the WEX, Inc. Card for any purpose other than official business use will be considered theft of company property. Each time the employee uses a WEX, Inc. Card they are required to completely fill the vehicle's fuel tank and enter an accurate ODOMETER reading. This will allow the company to monitor fuel usage and track required maintenance intervals. Failure to do this may result in disciplinary action.

Equipment fuel cards are for gas cans and on-site equipment using a job number in the ODOMETER input at the pump. Each WEX, Inc. Card is assigned to either an individual company vehicle or specific fueling purpose (example; off road equipment fuel card). issued to the company. It is against company policy to swap or share cards between vehicles or to use any card for other than the intended purpose.

#### Card Cancellation Policy:

- a. Upon termination of WEX, Inc. fuel card holder, any lost fuel card, any suspected fraud/stolen fuel card or revocation of company vehicle, fuel cardholder must turn in their WEX, Inc. card to their supervisor immediately.
- b. Supervisor will send a written request to the Fleet Manager, Danny Thrasher to deactivate card with WEX, Inc.
- c. Any card still in possession that was deactivated must be mailed to Danny Thrasher for destruction.
- d. Any change in cardholder status, not limited to termination or revocation driving rights, shall be communicated with the Fleet Manager, Danny Thrasher immediately.

Danny Thrasher, Fleet Manager, is the contact for all card problems, card additions, changes, or lost stolen cards, or if an employee is let go. His email is Danny Thrasher dthrasher@wingermechanical.com and his cell phone number is 641-680-4765.

## PERSONNEL FILES

The main office maintains confidential personnel files for each employee. They include your employment application, resume (if applicable), background verification, applicable

their supervisor and/or the Company Human Resources/Safety Director of any prescription drug(s) they are taking which a physician or pharmacist have indicated may impair their ability to work.

## Drug and Alcohol Testing of Employees:

The Company will notify employees of this policy by providing each employee a copy of the written policy, and obtaining a written acknowledgement from each employee that the policy has been received and read and announcing the policy in various written communications and making presentations at employee meetings.

An employee's consent to submit to drug or alcohol testing is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal. Additionally, any employee who is tested in a probable cause situation may be suspended pending receipt of written test results and whatever inquiries may be required. If the drug or alcohol test results are negative, the employee will be reimbursed for all back-pay that resulted from the suspension.

The Company will offer to provide transportation or pay reasonable transportation costs to a current employee if drug and/or alcohol sample collection is conducted at a location other than the employee's normal work site. If the employee whose faculties appear to be impaired refuses transportation assistance and indicates an intention to drive from work or to the testing center, the supervisor or designee will document the refusal and will warn the employee that proper authorities will be notified.

Any action taken against an employee or prospective employee shall be based only on the results of the drug or alcohol test. If rehabilitation is required, the Company shall not take adverse employment action against the employee so long as the employee complies with the requirements of rehabilitation and successfully completes rehabilitation.

Winger Companies does not require alcohol testing for prospective employees unless the alcohol test is a requirement of a customer. We reserve the right to amend this policy at any time without notice. Should alcohol testing be initiated during employment at Winger Companies pursuant to this policy, testing shall be taken in conformance with Iowa Code Chapter 730. The standard for alcohol concentration shall not be more than .04, expressed in terms of grams of alcohol per two hundred ten liters of breath, or its equivalent.

## Drug and Alcohol Testing of Prospective Employees:

All prospective employees are subject to drug and alcohol testing at the Company's expense. A prospective employee must pass the drug and alcohol test to be considered for employment. In the event that an employee was previously a tested employee of

Winger Contracting Co. and said employment terminated not less than ninety (90) days prior, the employee shall not be required to submit for a pre-employment drug test.

All drug and alcohol testing of prospective employees shall provide a rapid result wherever possible. A prospective employee will be provided a written notice of this policy by the Company, and by signature will be required to acknowledge receipt and understanding of the policy. If the initial test result is inconclusive, the prospective employee will be offered one more opportunity to test, at the Company's expense, before the pre-employment process is terminated.

At the time of the collection of the sample, the prospective employee may provide to the medical review officer (MRO) any information that may be relevant to the drug test. Such information may include identification of prescription or non-prescription drugs currently or recently used or any other relevant medical information.

The Company will pay a prospective employee who has been referred for employment by the respective union, and for whom a negative test result has been forwarded to the Company an expense reimbursement or pay in accordance with the applicable union contract.

A confirmed positive test result or a refusal to provide a testing sample will result in Winger Companies refusal to hire the prospective employee. The result does not preclude the prospective employee from later initiating employment with Winger Companies.

### **Unannounced Testing of Employees for Drugs and Alcohol:**

At the Company's expense, the Company may conduct unannounced drug or alcohol testing of employees who are selected from any of the following pools of employees:

- ✚ The entire population at a particular work site of the employer except for employees who are not scheduled to be at work at the time the testing is conducted because of the status of the employees, employees who cannot be tested pursuant to a collective bargaining agreement, or employees who have been excused from work pursuant to the employer's work policy prior to the time testing is announced to employees.
- ✚ The entire full-time active employee population at a particular work site except for employees who are not scheduled to be at work at the time the testing is to be conducted because of the status of the employee, employees who cannot be tested pursuant to a collective bargaining agreement, or employees who have been excused from work pursuant to the employer's working policy.
- ✚ All employees at a particular work site who are in a pool of employees in a safety-sensitive position and who are scheduled to be at work at the time testing is conducted, other than employees who are not scheduled to be at work at the time testing is conducted, employees who cannot be tested pursuant to a collective bargaining agreement, or employees who have been excused from work pursuant to the employer's work policy prior to the time the testing is announced to employees.

carrying personal cell phone on their work sites altogether. Know and follow your customer's policy at the location you are working.

As of July 1, 2017, Iowa has updated its previous cell phone use law, and has **banned use of electronic devices for text, email or the use of social media for all drivers while behind the wheel.** Drivers may still use hands free devices to talk or to check weather or traffic. Safely pull over off of the roadway if necessary.

## **SOCIAL MEDIA POLICY**

The protection of Winger business information, property and all other Winger assets are vital to the interest and success of the company. Social media can be a powerful communication tool that can have a significant impact on organizational and professional reputations. Winger has crafted the following policy to help clarify how best to enhance and protect personal and professional reputations when participating in social media.

Social media is defined as media designated to be disseminated through social interaction, created using high accessible techniques. Examples include but are not limited to LinkedIn, Twitter, Facebook and YouTube.

Employees shall not post confidential or proprietary information about Winger Contracting, co-workers, or customers on any type of social media. This includes photographs of work sites, individuals on the work site, or any work-related material. Employees who share confidential information do so at the risk of disciplinary action, up to and including discharge.

Employees who have been contacted regarding a statement from the media shall contact the President of the company prior to proceeding.

## **CREDIT CARD/GAS CARD POLICY**

Certain Company employees may receive a Company credit and/or gas card to be utilized for expenses on behalf of the Company. Employees in possession of a Company card are only authorized to utilize the card for Company related business expenses. Any other non-authorized or personal charges shall be the responsibility of the employee and will be deducted from the employee's payroll. Any violation of this policy is grounds for discipline, up to and including discharge.

Winger employees authorized to fuel company vehicles are issued a (4) digit Driver ID to be used with the company's WEX, Inc. Card. Each employee with a fuel card in their possession will be required to sign a FUEL CARD AND DRIVER ID POLICY form to verify that they understand their responsibilities and the company's policies regarding the use of their Driver ID and possession of a vehicle specific WEX, Inc. Fuel Card.

employee's personal auto liability insurance will be primary, the employee's physical damage insurance applies, the employee's personal insurance premiums can be greatly impacted, the employee is responsible for all maintenance and repairs and the employee is responsible if their car is in the shop for repairs.

To make it more convenient for the employee to fuel their assigned Company vehicle and to help buy fuel at the lowest price, the employee will be issued a WEX, Inc. fuel card which is only valid for fuel purchases and certain maintenance items depending on the restrictions set for each card. The authorized maintenance items are oil, filters, lubricants, and safety items, such as light bulbs and windshield wipers. The card is accepted at nearly all branded gas stations. The card will bear the employee's name, and will have a unique pin tied to the employee's name. If the employee's unique pin is used for any Vehicle specific cards, Winger will have record that the employee purchased fuel for that vehicle. The gas cards are to remain in the employee's possession only for as long as they are assigned to drive a Company vehicle. Do not leave credit cards in vehicles.

Every driver of a motor vehicle involved in an accident from which results injury to or death of any person or person, or property damage of any kind, regardless of the amount, shall: stop their vehicle as close to the crash scene as possible without blocking traffic, protect the scene, help the injured, call 911, call their supervisor and Winger Safety Director immediately to report any property damage or bodily injury, stay at the scene, identify themselves to others, use a wrecker only with police say-so, make a complete personal record, don't sign anything or talk to anyone but the police, post-accident drug screen and complete all required reports. Complete the Winger Incident Report form and Iowa DOT form in detail (somebody unfamiliar with the accident should be able to fully understand what happened) and immediately send it and digital pictures to the Safety Director. This must be received no later than the next business day (no exceptions). Should a tow be needed, contact Danny Thrasher, Winger Fleet Manager, 641-680-4765.

## CELL PHONE POLICY

Company cell phones and electronic devices are to be used for business purposes and personal emergency use only. Any unauthorized personal or non-Company related calls, for which the Company incurs charges, shall be the responsibility of the employee and the charges will be deducted from the employee's payroll.

During working hours, unless directed differently by their foreman for communication purposes, no Winger employee shall have their personal cell phone on their person. Cell phones for personal calls may be used before or after work, during break and lunch time only.

It is highly dangerous to divide your attention from the task of driving while using cell phones. Many of our customers have banned the use of cell phones while driving, operating, using hands free devices or even walking. Several discourage the use of

## Appeal of a Drug or Alcohol Test Result:

A confirmed positive drug or alcohol test result of a current employee shall be provided to the employee by the Company in writing, by certified mail, return receipt requested. An employee or prospective employee whose drug or alcohol test is positive will be offered the opportunity to explain to the Medical Review Officer (MRO) the positive results. The purpose of this meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The Company, through inquiry with the MRO, will judge whether or not an offered explanation merits further inquiry.

An employee or prospective employee whose drug or alcohol test is reported positive will be offered an opportunity to obtain an independent test at the employee's expense, of the remaining portion of the urine specimen which yielded the positive results and/or obtain the written test result and submit it to an independent MRO at the employee's expense. The test must be performed at an approved independent MRO. If an employee is a minor, any notice that is required to be given shall be provided to the parents of any minor employee by certified mail, return receipt requested.

An employee or prospective employee may contest the positive test results by informing the Human Resources Director of the Company in person or by certified mail, return receipt requested, within 7 days of the date of mailing by the Company by certified mail, return receipt requested, of the notice that he or she has had a positive test result for a prohibited substance and requesting that such confirmation test be done at a laboratory of his or her choosing. The laboratory that the individual chooses must be a certified laboratory and the testing limits must be at or below those required by this policy. During the period of an appeal and any resulting inquiries, the pre-employment selection process for a prospective employee will be placed on hold, and the employment status of an employee may be suspended and the costs of second testing will be paid by the employee. If the employee appeal is successful, the employee will receive back-pay for all time he or she was suspended and the costs of the second testing.

## Union Bargaining Employees:

Any bargaining unit employee, subject to this policy, continues to have access to the usual protections provided by their prospective collective bargaining agreement. A bargaining unit member may request that a union representative be available or present prior to any action taken by the Company at any stage of the policy in its administration. If an individual is aggrieved by any action taken under this drug/alcohol policy and his or her complaint cannot be resolved, it may, if the individual or union requests, be referred as a grievance under the grievance and arbitration provisions of that union's collective bargaining agreement. In the event the matter is ultimately referred to an arbitrator, the arbitrator shall be bound by the provisions of the drug/alcohol policy.

## Rehabilitation and Employee Assistance:

Rehabilitation assistance in lieu of discharge shall be offered to any current employee, with a confirmed positive alcohol test greater than .04, who requested rehabilitation assistance, provided the request is unrelated to any identification of the employee as a violator of this policy or to any employee, with the exception of prospective employees, who has violated this policy for the first time.

When an employee tests positive for the first time for the presence of alcohol, the Company shall take no disciplinary action against said employee if the employee undergoes a substance abuse evaluation and if an employee successfully completes substance abuse treatment, if treatment is recommended by the evaluation. However, if an employee fails to undergo a substance abuse evaluation required under the results of the alcohol test within one (1) week from the occurrence, or fails to complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined, up to and including discharge.

Rehabilitation assistance provided by the Company, with approval of the appropriate Union, will be limited to those medical benefits that are available in the employee's medical benefits plan or those medical benefits obtained through a rehabilitation program that has been pre-approved by the Company and with the approval of the appropriate union.

The Company will provide to any employee, upon request, and at no cost to the employee, information concerning local resources that are available for treatment of drug and alcohol related problems. A Substance Abuse Resource file is located in the main office of the Company, as well as major jobsites, and is accessible by any employee during regular business hours.

## Prohibited Activities:

The use, sale, purchase, transfer, or possession of any illegal drug or alcohol by an employee while on Company premises or while performing Company business is prohibited.

## Discipline:

- ✚ Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on Company premises or while on Company business will be discharged.
- ✚ Any employee who is found in possession of or under the influence of alcohol in excess of .04 blood alcohol content or greater violates this policy and is subject to discipline, up to and including discharge.
- ✚ Any employee who is found through drug or alcohol testing to have in his or her

## COMPANY VEHICLE DRIVING POLICY

It is the driver's responsibility to drive or operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damages. The company expects each driver to drive in a safe and courteous manner pursuant to the Winger Vehicle Fleet Safety Program. Any violation of this policy shall be grounds for discipline, up to and including discharge.

Company employees are required to complete the driving history questionnaire on the employment application. Employees are further required to consent to a Motor Vehicle Report driving history during the pre-employment process and annually during employment. These reports shall be systematically reviewed to ensure good driving records are being maintained. Drivers of vehicles with a GVWR of 26,001 pounds or more, vehicles which transport 16 or more passengers, or vehicles used in transportation of hazardous materials must have the appropriate commercial driver's license (CDL).

It shall be in the discretion of the Company to restrict access to Company vehicles for any employee based on their driving history and/or violations. Any employee with access to a Company vehicle is required to immediately notify their supervisor and the Human Resources/Safety Director of any driving violations incurred or if their driver's license becomes suspended or revoked. Said notification shall be within five (5) days of the violation. Any employee(s) with a restricted or suspended license are not allowed to drive any Winger vehicle for any reason.

Only employees assigned to a Company vehicle are authorized to drive the vehicles and are required to have and maintain a valid driver's license at all times. No one outside the Company may drive your assigned vehicle. Employees assigned Company vehicles shall be held responsible for any other unauthorized persons they allow to drive the vehicle.

Company vehicles are to be used only for valid business purposes. Personal use of company vehicles, including having family members as passengers, is prohibited. If a company-owned vehicle is damaged or involved in an accident during unauthorized use, the employee-driver will be held financially responsible. If you are assigned a Company vehicle and authorized to garage it overnight at home, then commuting to and from work is allowed.

Jobsite vehicles are not to be driven on public streets, unless properly licensed. Report theft of any Winger vehicle, tools or materials immediately to your supervisor.

Winger Contracting will not be held responsible for monetary fines received by an employee while driving a Winger vehicle. Any employee which receives a traffic violation while driving a Winger vehicle will be responsible to pay their own fine.

Personal vehicles SHALL not be used for company business unless they have the proper insurance coverage and permission from Winger legal counsel. Remember: the

## NON-SMOKING COMPANY

Pursuant to the Smoke Free Air Act of 2008, this Company is required to be smoke-free. Therefore, smoking of any kind is prohibited inside any office, worksite, break room, Company vehicle, or other Company owned building. Employees may smoke on scheduled breaks or during meal times so long as they do so outside the worksite, office or vehicle. Employees are also responsible to inform all those working on our job sites of this smoke-free policy, and report to their supervisor any violation(s).

In the event the Company incurs a monetary fine under the Smoke Free Air Act as a result of an employee smoking, the employee shall be required to reimburse the Company the fine amount. Such a violation shall be grounds for discipline, up to and including discharge, at the discretion of the employee's supervisor and/or the Company president. Any personal fines the employee incurs as a result of a violation of the Smoke Free Air Act, whether on Company time or in a Company vehicle or not, shall be the sole responsibility of the employee.

Many of our customers have adopted a NON-TOBACCO Policy. This means no tobacco products, chew, cigarettes, E-cigarettes, etc., are allowed inside their facility. Winger employees will have to leave the customer's property to chew or smoke for those locations that do not have designated smoking areas.

## CARE OF EQUIPMENT AND SUPPLIES

All employees are expected to take care of all equipment and supplies provided to them. You are responsible for maintaining these items in proper working condition and for promptly reporting any unsafe or improper functioning of this equipment to your supervisor. Neglect, theft, and/or destruction of the Company's equipment are grounds for disciplinary action, up to and including discharge.

Company vehicles are the responsibility of the shop manager or his/her designated representative. Personal use of company vehicles is prohibited unless approved by the Company president. You are responsible for any repairs determined to be necessary because of misuse. If you have a Company vehicle issued to you, it is your responsibility to notify the main office of repair and maintenance needs. No modifications or repairs are to be made to the vehicle without prior approval, unless deemed an emergency. Unauthorized riders are not allowed inside Company vehicles. Any violation of this policy is grounds for discipline, up to and including discharge.

body an amount of an illegal drug or alcohol above the level, which is in violation of the standards established by this policy will be offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by the Company and the Union. During rehabilitation, the employee will be subject to unannounced drug or alcohol testing. Upon return to work from rehabilitation, the employee will be subject to unannounced drug or alcohol testing for a period of one (1) year. Any test that is confirmed as positive during or following rehabilitation will result in discharge.

- ✚ When an employee tests positive for the first time for the presence of alcohol, the Company shall take no disciplinary action against said employee if the employee undergoes a substance abuse evaluation and if an employee successfully completes substance abuse treatment, if treatment is recommended by the evaluation. However, if an employee fails to undergo a substance abuse evaluation required under the results of the alcohol test within one (1) week from the occurrence, or fails to complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined, up to and including discharge.
- ✚ Any employee who refuses to submit to a drug or alcohol test when requested to do so will be subject to discipline up to and including discharge.
- ✚ Employees receiving unacceptable drug and/or alcohol test results will not be allowed to work on Client/Host sites or facilities and will be removed from the site immediately. If the unacceptable testing result occurs during the pre-employment process the employee will not be hired by Winger Companies. If this is a current employee, a confirmatory second test may be performed at the employee's discretion and at the employee's expense. Refusal to do so will result in immediate termination. In the event the employee receives an unacceptable test result and continues to work for Winger Companies, including participation in the rehabilitation program, the employee will be terminated or removed from Client/Host site.

### Drug Awareness Education:

Selected supervisory personnel of the Company will attend a minimum of two hours of initial training and attend on an annual basis thereafter a minimum of one hour of subsequent training. The training shall include, but is not limited to, information concerning the recognition of evidence of employee alcohol or drug abuse, the documentation and corroboration of employee alcohol or other drug abuse, and the referral of employees who abuse alcohol or other drugs to the employee assistance program or the resource file of employee assistance services providers. The Company shall provide to all applicable union representatives a report including the name of all those receiving such training, the dates of their training, a description of the training received and persons and/or organizations that provided the training and the report shall be updated at least once per year.

The Company shall inform employees of a Substance Abuse Resource file located in the main office shop break room and permanent jobsite trailers containing the following:

- ✚ Dangers of drug and alcohol use in the workplace.
- ✚ Local employee assistance programs, and other drug abuse programs certified by the Iowa Department of Public Health, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems.
- ✚ The provisions of this policy.

## Inspections and Searches:

When probable cause, as defined by this policy, exists to believe an employee has illegal drugs in his or her possession while at work, the Company may conduct unannounced searches for illegal and unauthorized drugs, legal drugs, and alcohol at the Company's premises, at sites in which the Company is providing services and in the Company's vehicles or equipment wherever located. Employees are expected to cooperate.

Such searches shall, however, include only property owned and issued by the Company and shall not include the employee's person, lunch box, purse, personal tool box, personal vehicle or other personal property in the employee's possession. The Company shall notify the appropriate union before conducting a search pursuant to this policy, and the employee shall have the right to have a union representative present when the search occurs. Any employee who fails to cooperate in a search will be subject to disciplinary action, up to and including immediate discharge.

It should be noted that some customer facilities will perform unannounced searches on an employee, lunch box, tool box, personal vehicle parked in their parking lot or other items to deter theft and other illegal activities. An employee's consent to a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, including discharge, even for a first refusal.

Illegal drugs and drug paraphernalia found on the Company's property or on sites where the Company is providing services will be turned over to the appropriate law enforcement agency and full cooperation will be given in any subsequent investigation. An employee who is the subject of a drug related investigation by the Company or by a law enforcement agency may be suspended pending completion of the investigation. If, after investigation, the employee is exonerated, the employee shall be immediately reinstated, and any reference to the investigation and suspension will be expunged from the employee's file.

## Confidentiality:

All information relating to drug or alcohol testing or the identification of persons as users of drugs and alcohol will be protected by the Company as confidential, unless otherwise required by law or authorized in writing by the persons in question. The Company, with the approval of the appropriate union, shall select at least one and no more than two designated representatives to handle all confidential matters regarding this policy. Only the designated representatives will be informed of the test results. The names of the

Company's designated representatives will be communicated to the Employee Assistance Program in writing. Employees may obtain the names of the designated representative from the Company or the applicable union.

An employee or prospective employee who is subject to the drug or alcohol tests conducted under this policy for whom a confirmed positive test result, or inconclusive test result, is reported shall, upon written request, have access to any records relating to the employee's drug or alcohol test, including records of the laboratory where the testing was conducted and any records relating to the results of any relevant certification or review by a MRO. However, a prospective employee shall be entitled to records under this section only if the prospective employee requests the records, in writing, within fifteen calendar days from the date the Company provided the prospective employee written notice of the results of a drug or alcohol test.

The Company may use and disclose information concerning the results of a drug or alcohol test under any of the following circumstances:

- ✚ In an arbitration proceeding in accordance with any collective bargaining agreement, or administrative agency proceeding under workers' compensation laws or employment compensation laws or under common statutory laws where action taken by the Company based on the tests is relevant or challenged.
- ✚ To any federal agency or any other unit of the federal governments required under law, regulation or order, or in accordance with compliance requirements of a federal government contract.
- ✚ To any agency of this state authorized to license individuals if the employee tested is licensed by that agency and the rules of that agency require such disclosure.
- ✚ To a union representing the employee.
- ✚ To a substance abuse evaluation or treatment facility or professional for the purpose of evaluation or treatment of the employee.

Positive test results or inconclusive test results from a drug or alcohol testing program shall not be used as evidence in any criminal action against the employee or prospective employee.

## Compliance with Applicable Law:

It is the intent of the Company to operate this policy in accordance with existing State and Federal laws. If any provision of this policy, or the application of such provision to any such person or circumstances, be held invalid by a court of competent jurisdiction, the remainder of this policy or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.