



Kirby Nagelhout Construction Company

Texas

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Core Policies

1.0 Welcome

1.1 A Welcome Policy

Welcome! You have just joined a dedicated organization. We hope that your employment with Kirby Nagelhout Construction Company will be rewarding and challenging. We take pride in our employees as well as in the products and services we provide.

The Company complies with all federal and state employment laws, and this handbook generally reflects those laws. The Company also complies with any applicable local laws, although there may not be an express written policy regarding those laws contained in the handbook.

The employment policies and/or benefits summaries in this handbook are written for all employees. When questions arise concerning the interpretation of these policies as they relate to employees who are covered by a collective-bargaining agreement, the answers will be determined by reference to the actual union contract, rather than the summaries contained in this handbook.

Please take the time now to read this handbook carefully. Sign the acknowledgment at the end to show that you have read, understood, and agree to the contents of this handbook, which sets out the basic rules and guidelines concerning your employment. This handbook supersedes any previously issued handbooks or policy statements dealing with the subjects discussed herein. The Company reserves the right to interpret, modify, or supplement the provisions of this handbook at any time. Neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. Please understand that no employee handbook can address every situation in the workplace.

If you have questions about your employment or any provisions in this handbook, contact Human Resources.

We wish you success in your employment here at Kirby Nagelhout Construction Company!

All the best,

Jeff Deswert, President
Kirby Nagelhout Construction Company

1.2 At-Will Employment

Your employment with Kirby Nagelhout Construction Company is on an "at-will" basis. This means your employment may be terminated at any time, with or without notice and with or without cause. Likewise, we respect your right to leave the Company at any time, with or without notice and with or without cause.

Nothing in this handbook or any other Company document should be understood as creating a contract, guaranteed or continued employment, a right to termination only "for cause," or any other guarantee of continued benefits or employment. Only the President has the authority to make promises or negotiate with regard to guaranteed or continued employment, and any such promises are only effective if placed in writing and signed by the President.

If a written contract between you and the Company is inconsistent with this handbook, the written contract is controlling.

Nothing in this handbook will be interpreted, applied, or enforced to interfere with, restrain, or coerce employees in the exercise of their rights under Section 7 of the National Labor Relations Act.

This policy may not be appropriate in its entirety for employees working in Montana.

2.0 Introductory Language and Policies

2.1 About the Company

KNCC was founded in 1986 with the goal of creating a respected, ethical, honest construction firm that builds its reputation on customer service and satisfaction. Since our inception, we have grown to one of the largest construction companies in Oregon. With our home office in Bend and branch offices in Pendleton and Portland, our statewide geographical reach has never been larger.

We have a reputation of having professional employees that understand and adopt the work ethic and expectations of our company management that is built on lasting relationships with clients and continued commitment to our communities.

2.2 Mission Statement

Building a strong, vibrant future for every community we serve.

2.3 Core Values

INNOVATIVE & CREATIVE

-We rise to the challenge and strive to raise the bar, always thinking of new ways to accomplish goals

INTEGRITY & HONESTY

-We focus on client and project goals with respect and remain mindful about the impact to people and property

SAFETY & QUALITY

-We are committed to making the right choice in the best interest of the project while providing an uncompromised dedication to safety

ACCOUNTABLE & RESPONSIBLE

-We do the right thing, executing the project & exceeding client's expectations

CAPABLE & CARING

-We bring our "A" game every day promoting a collaborative and respectful team environment

2.4 Revisions to Handbook

This handbook is our attempt to keep you informed of the terms and conditions of your employment, including Kirby Nagelhout Construction Company policies and procedures. The handbook is not a contract. The Company reserves the right to revise, add, or delete from this handbook as we determine to be in our best interest, except the policy concerning at-will employment. When changes are made to the policies and guidelines contained herein, we will endeavor to communicate them in a timely fashion, typically in a written supplement to the handbook or in a posting on company bulletin boards.

3.0 Hiring and Orientation Policies

3.1 Conflicts of Interest

Kirby Nagelhout Construction Company is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between you and a competitor, supplier, distributor, or contractor to the Company, you must disclose it to your Manager/Supervisor. If an actual or potential conflict of interest is determined to exist, the Company will take such steps as it deems necessary to reduce or eliminate this conflict.

3.2 Employment Authorization Verification

New hires will be required to complete Section 1 of federal Form I-9 on the first day of paid employment and must present acceptable documents authorized by the U.S. Citizenship and Immigration Services proving identity and employment authorization no later than the third business day following the start of employment with Kirby Nagelhout Construction Company. If you are currently employed and have not complied with this requirement or if your status has changed, inform your Manager/Supervisor.

If you are authorized to work in this country for a limited period of time, you will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the Company.

3.3 Employment of Relatives and Friends

We will not employ friends or relatives in circumstances where actual or potential conflicts may arise that could compromise supervision, safety, confidentiality, security, and morale at Kirby Nagelhout Construction Company. It is your obligation to inform the Company of any such potential conflict so the Company can determine how best to respond to the particular situation.

3.4 Job Descriptions

Kirby Nagelhout Construction Company attempts to maintain a job description for each position. If you do not have a current copy of your job description, you should request one from your Manager/Supervisor or Human Resources.

Job descriptions prepared by the Company serve as an outline only. Due to business needs, you may be required to perform job duties that are not within your written job description. Furthermore, the Company may have to revise, add to, or delete from your job duties per business needs. On occasion, the Company may need to revise job descriptions with or without advance notice to employees.

If you have any questions regarding your job description or the scope of your duties, please speak with your Manager/Supervisor or Human Resources.

3.5 New Hires and Introductory Periods

The first 90 days of your employment is considered an introductory period. During this period, you will become familiar with Kirby Nagelhout Construction Company and your job responsibilities, and we will have the opportunity to monitor the quality and value of your performance and make any necessary adjustments in your job description or responsibilities. Completion of this introductory period does not imply guaranteed or continued employment. Nothing that occurs during or after this period should be construed to change the nature of the at-will employment relationship.

3.6 Posting of Openings

Kirby Nagelhout Construction Company desires to promote qualified employees from within where it believes that is possible, consistent with the need to assure that all positions are staffed by highly competent individuals. New job openings generally will be posted on our company website, as well as announced internally as needed. You may be eligible for a referral bonus when you refer new employees.

3.7 Training Program

In most cases, and for most departments, training employees is done on an individual basis by the immediate supervisor. Even if you have had previous experience in the specified functions of your job duties, it is necessary for you to learn our specific procedures, as well as the responsibilities of the specific position. Other training may also be provided to or by the company on a monthly, quarterly or annual basis as needed. If you ever feel you require additional training, consult your Manager/Supervisor or Human Resources.

4.0 Wage and Hour Policies

4.1 Attendance

If you know ahead of time that you will be absent or late, provide reasonable advance notice to your Manager/Supervisor. You may be required to provide documentation of any medical or other excuse for being absent or late where permitted by applicable law.

Kirby Nagelhout Construction Company reserves the right to apply accrued vacation, sick time, or other paid time off to unauthorized absences where permitted by applicable law. Absences resulting from approved leave, vacation, or legal requirements are exceptions to the policy.

4.2 Direct Deposit

Kirby Nagelhout Construction Company encourages all employees to enroll in direct deposit. If you would like to take advantage of direct deposit, ask Payroll or Human Resources for an application form.

If you have selected the direct deposit payroll service, a written explanation of your deductions will be provided to you on the paydays described in the preceding sections in lieu of a live check.

4.3 Employment Classifications

The Company designates all employees as either exempt or nonexempt in compliance with applicable federal, state, and local law:

- **Exempt Employees.** Exempt employees are generally paid a fixed salary and are not entitled to overtime pay.
- **Nonexempt Employees.** Nonexempt employees are entitled to minimum wage and overtime pay.

The Company also assigns each employee to one of the following categories:

- **Regular Full-Time Employees.** Regular full-time employees are normally scheduled to work at least 30 hours per workweek, except for approved time off. Full-time employees are eligible for most Company benefits.
- **Regular Part-Time Employees.** Regular part-time employees are normally scheduled to work 24 hours or less per workweek. Part-time employees are not eligible for most Company benefits.
- **Temporary/Seasonal Employees.** Temporary employees are generally hired on a temporary or project-specific basis, with either full- or part-time hours. Seasonal employees are hired on a temporary basis during a time of year when extra work is available. Temporary/seasonal employees are not eligible for most Company benefits.

You will be informed of your classification, status, and responsibilities at the time of hire and at any time your classification, status, or responsibilities change. If you have a question regarding this information, contact Human Resources. These classifications do not alter your employment at-will status.

4.4 Introduction to Wage and Hour Policies

At Kirby Nagelhout Construction Company, pay depends on a wide range of factors, including pay scale surveys, individual effort, profits, and market forces. If you have any questions about your compensation, including matters such as paid time off, commissions, overtime, benefits, or paycheck deductions, speak with Payroll or Human Resources.

4.5 Job Abandonment

If you fail to show up for work or fail to call in with an acceptable reason for the absence for a period of three consecutive days, you will be considered to have abandoned your job and voluntarily resigned from Kirby Nagelhout Construction Company.

4.6 Paycheck Deductions

Kirby Nagelhout Construction Company is required by law to make certain deductions from your pay each pay period, including deductions for federal income tax, Social Security and Medicare (FICA) taxes, state income taxes, state disability insurance taxes, etc., and any other deductions required under law or by court order for wage garnishments. The amount of your tax deductions will depend on your earnings and the information you list on your federal Form W-4 and applicable state withholding form. Permissible deductions for exempt employees may also include, but are not limited to, deductions for full-day absences for reasons other than sickness or disability and certain disciplinary suspensions. You may also authorize certain voluntary deductions from your paycheck where permissible under state law. Your deductions will be reflected in your wage statement. If you have any questions about deductions from your pay, contact your Payroll or Human Resources.

The Company will not make deductions to your pay that are prohibited by federal, state, or local law. Review your paycheck for errors each pay period and immediately report any discrepancies to Payroll or Human Resources.

You will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law. If an error is found, you will receive an immediate adjustment, which will be paid no later than your next regular payday.

The Company will not retaliate against employees who report erroneous deductions in accordance with this policy.

4.7 Recording Time

Employees must complete appropriate documentation for all time worked. All employees will be trained on our timekeeping / timecard process upon hire and are expected to certify that all hours worked during the week are accounted for and coded correctly.

Timecards (digital or paper) are to be turned in every week by Friday, close of day and should be delivered to your immediate supervisor. For any weekend work, please turn in by the end of the day worked. Final deadline for timecards is 10:00 am on Monday morning for the prior weeks hours.

Submit to: timecards@kirbynagelhout.com

Falsifying time documents or completing the time document of another employee will result in corrective action up to and including immediate termination. Working (regular or overtime hours) without recording your time (working "off the clock") is strictly prohibited and will result in corrective action, not reward.

For any timecard questions, please contact Payroll or Human Resources.

4.8 Travel Expenses

Mileage Reimbursement

Employees that engage in prior authorized, business-related travel are eligible for the standard mileage reimbursement. All travel must be properly documented noting date and business purpose. The standard mileage reimbursement, set by the IRS, includes the costs of operating an automobile such as depreciation, maintenance, repairs, tires, gasoline, oil, insurance, taxes and vehicle registration fees. Normal personal commuting costs are not eligible for reimbursement.

Please refer to the current **Expense Reimbursement Policy** for details.

Travel - Meals / Lodging Reimbursement

Employees that engage in prior authorized, business-related travel may be eligible for a reimbursement. All travel must be properly documented noting both date and business purpose.

A per diem reimbursement that follows state and federal guideline will apply as follows:

- Meals & Incidentals (M/I)
- Lodging (L) - overnight stay required

Please refer to the current Expense Reimbursement Policy for details and current rates.

4.9 Use of Employer Credit Cards

The Company may issue credit or fuel cards to certain employees for business use as necessary in connection with the employee's job duties. Use of company-issued credit or fuel cards is a privilege, which the Company may withdraw at any time.

Any credit or fuel card issued to an employee by the Company must be used for business purposes only. Personal purchases of any type are not allowed. Expenses for lodging and meals while on company-approved business trips are considered business purchases, as long as such expenses are consistent with the Company's Expense Reimbursement Policy.

Employees are expected to exercise discretion and good judgment when incurring business expenses and to report expenses on a timely basis with appropriate documentation. If there is any question as to whether a particular purchase qualifies as a business expense, the employee should consult his or her manager before incurring the expense. Employees are responsible for any unauthorized purchases deemed by the Company to be for personal use and must reimburse any such purchase to the Company within 5 days.

Immediately report lost or stolen Company cards to Accounts Payable. Failure to follow this policy may result in disciplinary action up to and including discharge.

4.10 Workday/Workweek

Kirby Nagelhout Construction Company's workweek runs from Sunday to Saturday. Employees may be required to come in early, work late, or work overtime from time to time, depending on various factors, such as workloads, staffing needs, and special projects.

5.0 Performance, Discipline, Layoff, and Termination

5.1 Standards of Conduct

Kirby Nagelhout Construction Company wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all our employees, clients, customers, and other stakeholders. We all share in the responsibility of improving the quality of our work environment. By deciding to work here, you agree to follow our rules.

While it is impossible to list everything that could be considered misconduct in the workplace, what is outlined here is a list of common-sense infractions that could result in discipline, up to and including immediate termination of employment. This policy is not intended to limit our right to discipline or discharge employees for any reason permitted by law.

Examples of inappropriate conduct include:

- Violation of the policies and procedures set forth in this handbook.
- Possessing, using, distributing, selling, or negotiating the sale of illegal drugs or other controlled substances.
- Being under the influence of alcohol during working hours on Company property (including in Company vehicles), or on Company business.
- Inaccurate reporting of the hours worked by you or any other employees.
- Providing knowingly inaccurate, incomplete, or misleading information when speaking on behalf of the Company or in the preparation of any employment-related documents including, but not limited to, job applications, personnel files, employment review documents, intra-company communications, or expense records.
- Taking or destroying Company property.
- Possession of potentially hazardous or dangerous property (where not permitted) such as firearms, weapons, chemicals, etc., without prior authorization.
- Fighting with, or harassment of (as defined in our EEO policy), any fellow employee, vendor, or customer.
- Disclosure of Company trade secrets and proprietary and confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development information, customer lists, patents, trademarks, etc.) of the Company or its customers, contractors, suppliers, or vendors.
- Refusal or failure to follow directions or to perform a requested or required job task.
- Refusal or failure to follow safety rules and procedures.
- Excessive tardiness or absences.
- Smoking in nondesignated areas.
- Working unauthorized overtime.
- Solicitation of fellow employees on Company premises during working hours.
- Failure to dress according to Company policy.
- Use of obscene or harassing (as defined by our EEO policy) language in the workplace.
- Engaging in outside employment that interferes with your ability to perform your job at this Company.
- Gambling on Company premises.
- Lending keys or keycards to Company property to unauthorized persons.

Nothing in this policy is intended to limit your rights under the National Labor Relations Act, or to modify the at-will employment status where at-will is not prohibited by state law.

5.2 Criminal Activity/Arrests

Kirby Nagelhout Construction Company will report all criminal activity in accordance with applicable law. Involvement in criminal activity while employed by the Company, whether on or off Company property, may result in disciplinary action including suspension or termination of employment.

You are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled may lead to disciplinary action, up to and including termination of employment, for violation of an attendance policy or job abandonment.

5.3 Open Door/Conflict Resolution Process

Kirby Nagelhout Construction Company strives to provide a comfortable, productive, legal, and ethical work environment. To this end, we want you to bring any problems, concerns, or grievances you have about the workplace to the attention of your Manager/Supervisor and, if necessary, to Human Resources or a member of the Senior Leadership team. To help manage conflict resolution we have instituted the following problem solving procedure:

If you believe there is inappropriate conduct or activity on the part of the Company, management, its employees, vendors, customers, or any other persons or entities related to the Company, bring your concerns to the attention of your Manager/Supervisor at a time and place that will allow the person to properly listen to your concern. Most problems can be resolved informally through dialogue between you and your immediate Manager/Supervisor. If you have already brought this matter to the attention of your Manager/Supervisor before and do not believe you have received a sufficient response, or if you believe that person is the source of the problem, present your concerns to Human Resources or upper level management. Describe the problem, those persons involved in the problem, efforts you have made to resolve the problem,

and any suggested solution you may have.

5.4 Outside Employment

Outside employment that creates a conflict of interest that affects the quality or value of your work performance or availability at Kirby Nagelhout Construction Company is prohibited. The Company recognizes that you may seek additional employment during off hours, but in all cases expects that any outside employment will not affect your attendance, job performance, productivity, work hours, scheduling, or would otherwise adversely affect your ability to effectively perform your duties or in any way create a conflict of interest. Any outside employment that will conflict with your duties and obligations to the Company should be reported to your Manager/Supervisor. Failure to adhere to this policy may result in discipline up to and including termination.

5.5 Pay Raises

Depending on financial health and other Company factors, efforts will be made to give pay raises consistent with Kirby Nagelhout Construction Company profitability and job performance. The Company may also make individual pay raises based on merit or due to a change of job position.

5.6 Promotions

To match you with the job for which you are best suited and to meet the business needs of Kirby Nagelhout Construction Company, you may be transferred from your current job. It is our policy to promote from within only when the most qualified candidate is available. Promotions are made on an equal opportunity basis according to employees possessing the needed skills, education, experience, and other qualifications that are required for the job.

All employees promoted into new job positions will undergo an introductory period as described in the New Hires and Introductory Periods policy. Unlike new hires, however, such employees will continue to receive Company benefits for which they are eligible.

5.7 Performance Evaluations

The performance evaluation process is designed to provide a dialogue between the manager and employee on how job requirements and goals are being met.

Performance evaluations are conducted:

A: Annually;

B: Other Occasions, as performance warrants. These additional evaluations, which may be formal or informal, may be requested by the employee or

required by the manager.

An unsatisfactory review indicates employment may not continue unless performance improves. An unsatisfactory review typically will result in a re-evaluation in 30 days. However, depending upon the circumstances, an unsatisfactory review may result in discharge.

Managers are responsible for evaluating each employee they supervise. Evaluations should be completed using a KNCC performance evaluation form. Participation by the employee being reviewed is essential and employees will be requested to complete a self-evaluation form as well. KNCC may use peer review as an added measure of performance. The evaluation should be discussed with and signed by the individual being evaluated. The employee's signature acknowledges having discussed and received the evaluation, not agreement with it. The written performance evaluation becomes a part of the employee's personnel file.

5.8 Coaching / Disciplinary Plan

Kirby Nagelhout Construction Company (KNCC) may take the corrective action deemed appropriate when an employee does not adhere to the Company's standards, values or objectives, or where it is concluded the employee's performance is otherwise unsatisfactory.

Corrective action may include oral warning; written warning; suspension with or without pay; demotion or re-assignment; or discharge, with or without advance notice.

Suspension may be used either as a corrective measure, to permit an investigation, to allow a determination of what corrective action will be applied, or to remove an employee from the premises for a period of time.

All documentation should outline the problem and any improvement required, refer to any previous warning actions taken, and explain the consequences of repeated infractions or failure to correct performance. The employee should sign the warning and receive a copy. (The employee's signature acknowledges receipt of the warning, not agreement with it. A refusal to sign documentation should be noted on the warning.) Documentation should then be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

5.9 Workforce Reductions (Layoffs)

If necessary based upon business needs, Kirby Nagelhout Construction Company management may decide to implement a reduction in force (RIF). We acknowledge that RIFs can be a trying experience for all involved, and the Company will make its best effort to make sound business decisions while acknowledging the needs of its workforce.

5.10 Resignation / Separation Policy

Kirby Nagelhout Construction Company hopes that your employment with the Company will be a mutually rewarding experience; however, the Company acknowledges that varying circumstances can cause you to resign employment. The Company intends to handle any resignation / separation in a professional manner with minimal disruption to the workplace. Separation from employment may occur due to resignation, discharge, reduction in force, retirement, disability or death.

Notice

The Company requests that you provide a minimum of (2) two weeks' notice of your resignation. If you are a Manager/Supervisor, you are requested to provide a minimum of (4) four weeks' notice. Provide a written resignation letter to your Manager/Supervisor and/or to Human Resources. Employees who resign with proper notice will be eligible to receive payment for PTO according to policy. If you provide less notice than requested, the Company may deem you to be ineligible for rehire, depending upon the circumstances of the notice given.

If you do not report for work as scheduled without notifying your manager of your reason for absence or if you fail to return to work after we tell you your absence is not authorized, you will be treated as having voluntarily resigned without having given advance notice. Employees who resign without proper notice forfeit any accrued PTO time.

We may allow you to work for some or all of the notice period as long as performance and attitude are satisfactory, or we may make your resignation effective immediately. The Company reserves the right to provide you with pay in lieu of notice in situations where job or business needs warrant. PTO may not be used in conjunction with a notice period.

Final Pay

The Company will pay separated employees in accordance with applicable laws and other sections of this handbook. Employees who are terminated For Cause forfeit any accrued PTO time.

Remember to notify the Company if your address changes during the calendar year in which a separation occurs to ensure

tax information is sent to the correct address.

Return of Property

Return all Company property at the time of separation, including uniforms, cellphones, keys, tools, laptops, credit cards, and building entry cards/fobs. Failure to return some items may result in deductions from your final paycheck where state law allows. In some circumstances, the Company may pursue criminal charges for failure to return Company property.

5.11 Exit Interview

You may be asked to participate in an exit interview when you leave Kirby Nagelhout Construction Company. The purpose of the exit interview is to provide management with greater insight into your decision to leave employment; identify any trends requiring attention or opportunities for improvement; and to assist the Company in developing effective recruitment and retention strategies. Your cooperation in the exit interview process is appreciated.

5.12 Post-Employment References

Kirby Nagelhout Construction Company policy is to confirm dates of employment and job title only. With written authorization, the Company will confirm compensation. Forward any requests for employment verification to VOE@kirbynagelhout.com.

6.0 General Policies

6.1 Authorization for Use of Personal Vehicle

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license, acceptable driving record, and appropriate insurance coverage. Kirby Nagelhout Construction Company will run a motor vehicle department check upon hire and annually to determine your driving record. It is your responsibility to provide a copy of your current driver's license for your personnel file. Any changes in your driving record, including, but not limited to, driving infractions or changes to your insurance policy, must be reported to the Human Resources.

If you use your personal vehicle in the course and scope of employment, you may not operate such vehicle while:

1. Under the influence of drugs, alcohol, or any other substance that might impair your judgment or ability to drive; or
2. Texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

6.2 Bulletin Boards

Kirby Nagelhout Construction Company maintains an official bulletin board located in Bend, Portland and Pendleton offices and various job sites for providing employees with official Company notices, including wage and hour laws, changes in policies, and other employment-related notices. You are responsible for being informed about this material by periodically reviewing the bulletin board. Only authorized personnel may add and remove notices from the bulletin board.

6.3 Computer Security and Copying of Software

Software programs purchased and provided by Kirby Nagelhout Construction Company are to be used only for creating, researching, and processing materials for Company use. By using Company hardware, software, and networking systems you assume personal responsibility for their use and agree to comply with this policy and other applicable Company policies, as well as city, state, and federal laws and regulations.

All software acquired for or on behalf of the Company, or developed by Company employees, or contract personnel on behalf of the Company, is and will be deemed Company property. It is the policy of the Company to respect all computer

software rights and to adhere to the terms of all software licenses to which the Company is a party. The IT Manager is responsible for enforcing these guidelines.

You may not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject you and/or the Company to both civil and criminal penalties under the United States Copyright Act. To purchase software, obtain your manager's approval. All software acquired by the Company must be purchased through the IT Department.

You may not duplicate, copy, or give software to any outsiders including clients, contractors, customers, and others. You may use software on local area networks or on multiple machines only in accordance with applicable license agreements entered into by the Company.

6.4 Driving Record

All employees required to operate a motor vehicle as part of their employment duties at Kirby Nagelhout Construction Company must maintain a valid driver's license and acceptable, insurable driving record. The Company will run a motor vehicle department check to determine your driving record. It is your responsibility to provide a copy of your current driver's license for your personnel file. Any changes in your driving record, including but not limited to driving infractions, must be reported to the Human Resources.

State law requires all motorists to carry auto liability insurance. It is against the law to drive without insurance. If you use your own vehicle as a part of your employment duties, you may be asked to provide a current proof of insurance statement or card. New proof of insurance is required every time your policy expires and renews.

6.5 Employer Sponsored Social Events

Kirby Nagelhout Construction Company holds periodic social events for employees. Be advised that your attendance at these events is voluntary and does not constitute part of your work-related duties. Any exceptions to this policy must be in writing and signed by a Manager/Supervisor prior to the event.

Alcoholic beverages may be available at these events. If you choose to drink alcoholic beverages, you must do so in a responsible manner. Do not drink and drive. Instead, please call a taxi or appoint a designated driver.

6.6 Employer-Provided Cell Phones/Mobile Devices

Kirby Nagelhout Construction Company may issue certain employees a Company cell phone/mobile device for work-related communications and/or operations. If you drive a vehicle during your employment, you may not use any cell phone/mobile device or other communication device while driving unless the device is equipped or configured with a "hands-free" listening/speaking option, and you in fact utilize the hands-free device.

We understand that you may use the cell phone/mobile device for personal use; however, such personal use should not exceed the plan allowance. When the cell phone/mobile device is used for personal reasons and the activity results in additional cost to the Company, you are responsible for the cost of that usage, including all applicable taxes unless prohibited by law.

The Company owns and remains entitled to all cell phone/mobile devices issued to employees, including all passwords controlling access to them.

You may not change those passwords except with permission. At the time of employment termination, all such equipment and passwords must be returned to the Company in operable condition.

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

6.7 Nonsolicitation/Nondistribution Policy

To avoid disruption of business operations or disturbance of employees, visitors, and others, Kirby Nagelhout Construction Company has implemented a Nonsolicitation/Nondistribution Policy. For purposes of this policy, "solicitation" includes, but is not limited to, selling items or services, requesting contributions, and soliciting or seeking to obtain membership in or support for any organization. Solicitation performed through verbal, written, or electronic means is covered by the Nonsolicitation/Nondistribution Policy.

You are prohibited from soliciting other employees during your assigned working time. For this purpose, working time means time during which either you or the employees who are the object of the solicitation are expected to be actively engaged with assigned work. You may conduct solicitations during your lunch period, coffee breaks, or other authorized nonworking time, so long as you do so when the other employees are also on nonworking time.

To avoid inappropriate litter, clutter, and safety risks, you may not distribute literature or other items that are not work related in working areas at any time. Working areas do not include break/rest areas, lunch rooms, or parking lots. Electronic distribution of materials is prohibited during work time. Literature that violates the company's equal employment opportunity (EEO) and nonharassment policies (including threats of violence), or is knowingly and recklessly false, is never permitted. Non-employees are not permitted to distribute materials on company premises at any time.

This policy is not intended to restrict the statutory rights of employees, including the right to discuss terms and conditions of employment.

Violations of this policy should be reported to your Manager/Supervisor.

6.8 Personal Appearance

Your personal appearance reflects on the reputation, integrity, and public image of Kirby Nagelhout Construction Company. All employees are required to report to work neatly groomed and dressed. You are expected to maintain personal hygiene habits that are generally accepted in the community, including clean clothing, good grooming and personal hygiene, and appropriate attire for the workplace and the work being performed. This may include wearing uniforms or protective safety clothing and equipment, depending upon the job. Use common sense and good judgment in determining what to wear to work.

Fragrant products, including but not limited to perfumes, colognes, and scented body lotions or hair products, should be used in moderation out of concern for others with sensitivities or allergies.

The Company, in accordance with applicable law, will reasonably accommodate employees with disabilities or religious beliefs that make it difficult for them to comply fully with the personal appearance policy unless doing so would impose an undue hardship on the Company. Contact your Manager/Supervisor to request a reasonable accommodation.

Failure to comply with the personal appearance standards may result in being sent home to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

6.9 Personal Data Changes

It is your obligation to provide Kirby Nagelhout Construction Company with your current contact information, including current mailing address and telephone number. You should also inform the Company of any changes to your tax withholding status. Failure to do so may result in loss of benefits or delayed receipt of W-2 and other mailings. To make changes to this information, contact Human Resources.

6.10 Social Media

At Kirby Nagelhout Construction Company, we recognize the Internet provides unique opportunities to participate in interactive discussions and share information using a wide variety of social media. However, use of social media also presents certain risks and carries with it certain responsibilities. To minimize risks to the Company, you are expected to

follow our guidelines for appropriate use of social media.

This policy applies to all employees who work for the Company.

Guidelines

For purposes of this policy, **social media** includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether associated or affiliated with the Company, as well as any other form of electronic communication.

Company principles, guidelines, and policies apply to online activities just as they apply to other areas of work. Ultimately, you are solely responsible for what you communicate in social media. You may be personally responsible for any litigation that may arise should you make unlawful defamatory, slanderous, or libelous statements against any customer, manager, owner, or employees of the Company.

Know and Follow the Rules

Ensure your postings are consistent with these guidelines. Postings that include unlawful discriminatory remarks, harassment, and threats of violence or other unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be Respectful

The Company cannot force or mandate respectful and courteous activity by employees on social media during nonworking time. If you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful, slanderous, threatening, or that might constitute unlawful harassment. Examples of such conduct might include defamatory or slanderous posts meant to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, age, national origin, religion, veteran status, or any other status or class protected by law or Company policy. Your personal posts and social media activity should not reflect upon or refer to the Company.

Maintain Accuracy and Confidentiality

When posting information:

- Maintain the confidentiality of trade secrets, intellectual property, and confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the Company.
- Do not create a link from your personal blog, website, or other social networking site to a Company website that identifies you as speaking on behalf of the Company.
- Never represent yourself as a spokesperson for the Company. If the Company is a subject of the content you are creating, do not represent yourself as speaking on behalf of the Company. Make it clear in your social media activity that you are speaking on your own behalf.
- Respect copyright, trademark, third-party rights, and similar laws and use such protected information in compliance with applicable legal standards.

Using Social Media at Work

Do not use social media while on your work time, unless it is work related as authorized by your manager or consistent with policies that cover equipment owned by the Company.

Media Contacts

If you are not authorized to speak on behalf of the Company, do not speak to the media on behalf of the Company. Direct all media inquiries for official Company responses to the President or Vice President.

Retaliation and Your Rights

Retaliation or any other negative action is prohibited against anyone who, based on a reasonable belief, reports a possible deviation from this policy or cooperates in an investigation. Those who retaliate against others for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Nothing in this policy is designed to interfere with, restrain, or prevent employees from communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. All employees have the right to engage in or refrain from such activities.

6.11 Telecommuting / Working Remotely

All telecommuting/remote work arrangements are made on a case-by-case basis and approved in advance, based on the needs of the Company. Requests to work remotely must be submitted in writing and approved by your manager in writing prior to performing any work. Consideration will be given to operational requirements, the job duties of the employee, the employee's work performance and attendance, and other logistical information.

Individuals requesting telecommuting/remote work arrangements must be employed with the Company for a minimum of 6 months and have acceptable work performance to be eligible. Any telecommuting/remote work arrangement made will be on a trial basis for the first 3 months and may be discontinued at any time at the request of either the telecommuter or the Company.

Employees are expected to follow all procedures and work rules as if they were in the office, including but not limited to clocking in and out, working their normal schedule during regular business hours, and maintaining productivity as expected.

Working remotely during an illness or other isolated event that would prohibit an employee from coming into the office to work is highly discouraged and will not be permitted. Hours worked and/or time submitted without proper manager authorization will be investigated and may lead to disciplinary measures.

6.12 Third Party Disclosures

From time to time, Kirby Nagelhout Construction Company may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the Company and should refer any call requesting the position of the Company to the President or Vice President. If you have any questions about this policy or are not certain what to do when such a contact is made, contact Human Resources.

6.13 Use of Company Technology

This policy is intended to provide Kirby Nagelhout Construction Company employees with the guidelines associated with the use of the Company information technology (IT) resources and communications systems.

This policy governs the use of all IT resources and communications systems owned by or available at the Company, and all use of such resources and systems when accessed using your own devices, including but not limited to:

List items, such as:

- Email systems and accounts.
- Internet and intranet access.
- Telephones and voicemail systems, including smartphones.
- Printers, photocopiers, and scanners.

- Fax machines, e-fax systems, and modems.
- All other associated computer, network, and communications systems, hardware, peripherals, and software, including network key fobs and other devices.
- Closed-circuit television (CCTV) and all other physical security systems and devices, including access key cards and fobs.

General Provisions

Company IT resources and communications systems are to be used for business purposes only unless otherwise permitted under applicable law.

All content maintained in Company IT resources and communications systems are the property of the Company. Therefore, employees should have no expectation of privacy in any message, file, data, document, facsimile, telephone conversation, social media post, conversation, or any other kind or form of information or communication transmitted to, received, or printed from, or stored or recorded on Company electronic information and communications systems.

The Company reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over Company IT resources and communications systems in accordance with applicable law. Any individual who is given access to the system is hereby given notice that the Company will exercise this right periodically, without prior notice and without prior consent.

The interests of the Company in monitoring and intercepting data include, but are not limited to: protection of Company trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.); managing the use of the computer system; and/or assisting employees in the management of electronic data during periods of absence.

You should not interpret the use of password protection as creating a right or expectation of privacy, nor should you have a right or expectation of privacy regarding the receipt, transmission, or storage of data on Company IT resources and communications systems.

Do not use Company IT resources and communications systems for any matter that you would like to be kept private or confidential.

Violations

If you violate this policy, you will be subject to corrective action, up to and including termination of employment. If necessary, the Company will also advise law enforcement officials of any illegal conduct.

6.14 Use of Employer Vehicles

Company vehicles are to be used for Kirby Nagelhout Construction Company business only. Unless the use of the vehicle has been approved for personal use, personal or outside business use is strictly prohibited.

If you drive a Company vehicle, all infractions or violations while driving the vehicle and all restrictions, suspensions, or revocations against your driver's license must be immediately reported to your Manager/Supervisor and Human Resources.

When a Company vehicle cannot be operated, is unsafe for use, or has been damaged, notify your Manager/Supervisor immediately.

As the driver of a Company vehicle, you are responsible for the vehicle while in your charge and must not permit unauthorized persons to drive it. You are also responsible for the daily housekeeping of the vehicle; it is to remain clean and uncluttered.

You may not operate a motor vehicle while under the influence of alcohol or a chemical substance or other substance that can impair judgment. You may not operate a motor vehicle while texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

Multiple driving moving violations or a charges for speeding over a designated limit that appear on a motor vehicle check will result in suspension of rights to drive a Company vehicle or drive a personal vehicle on Company business. Suspension of rights will continue until one year has passed with no infractions. If there are persistent and ongoing problems with driving infractions, and driving a vehicle is a part of successful execution of job responsibilities, you may be terminated.

Please refer to the Company Vehicle Policy for more details.

6.15 Workplace Privacy and Right to Inspect

Kirby Nagelhout Construction Company property, including but not limited to lockers, phones, computers, tablets, desks, work place areas, vehicles, or machinery, remains under the control of the Company and is subject to inspection at any time, without notice to any employees, and without their presence.

You should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, your property maintained on Company premises including that kept in lockers and desks.

7.0 Benefits

7.1 Continuing Education and Tuition Assistance

We believe in the continuing education of our employees. If Kirby Nagelhout Construction Company sends you to a class or training program during normal working hours related to your employment and you are nonexempt, you will be paid training pay for that time. If you are interested in attending an outside class and having the Company pay for your attendance, you are required to provide advance written notice describing the class, including the subject matter, length, and cost. Depending on the type of training, the Company may reimburse some or all of the fees, including materials expenses, meals, and transportation. If your Manager/Supervisor approves of your attendance at a class that is not sponsored by the Company, you will be reimbursed once you have attended and paid for the class.

7.2 Paid Time Off (PTO)

Kirby Nagelhout Construction Company provides employees with paid time off (PTO). PTO may be used for vacation, sick time, or other personal matters.

Eligibility

All full-time Class II/Field employees are eligible to accrue PTO immediately upon hire.

Non-Exempt (Hourly) FT benefit eligible employees:

0-59 months .0384 per hour (approx. max 80 hrs)

60-119 months .0576 per hour (approx. max 120 hrs)

120+ months .0769 per hour (approx. max 160 hrs)

*Hourly employees will begin to accrue PTO calculated/based on hours worked up to 40 hours per week (for the purposes of PTO accrual, worked hours include regular, overtime, vacation and sick hours).

Exempt (Salary) FT benefit eligible employees:

0-59 months .0576 per hour (approx. max 120 hrs)

60-119 months .0769 per hour (approx. max 160 hrs)

120+ months .0961 per hour (approx. max 200 hrs)

Once you reach the maximum accrual amount, you will not accrue any additional PTO until you use some of the accrued (but unused) PTO and the amount falls below the maximum accrual amount. You will not receive retroactive credit for any period of time in which you did not accrue PTO because you accrued the maximum amount.

Leave Usage and Requests for Leave

Company encourages the use of paid time off designated as either vacation or sick time, as a resource for self-care and all FT staff are expected to take such paid time off on a regular basis.

You must request PTO from your Manager/Supervisor as far in advance as possible, but at least 2 weeks in advance. The Company will generally grant requests for PTO when possible, taking business needs into consideration. When multiple employees request the same time off, their length of employment/seniority may determine priority in scheduling PTO times.

You must take PTO in increments of at least 1 hour per day.

During a Leave of Absence

Company may require you to use any unused PTO during disability or family medical leave, or any other leave of absence, where permissible under local, state, and federal law.

You will not accrue PTO during unpaid leaves of absence, or other periods of inactive service, unless PTO accrual is required by applicable federal, state, or local law.

Carryover

Unused PTO can be carried over to the following year.

Separation of Employment

Upon separation of employment for any reason, you will be paid for earned but unused PTO time.

7.3 Holidays

Kirby Nagelhout Construction Company offers the following paid holidays each year to all Class I / Administrative employees:

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

When a holiday falls on a Saturday, it will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

If a holiday falls on your regular day off, ask your Manager/Supervisor how it affects you.

You will be compensated for holidays in accordance with federal and state law.

7.4 Health Insurance

Kirby Nagelhout Construction Company offers group health insurance benefits to all eligible full-time employees who have completed a specific employment period in addition to their eligible dependents. Health plan benefits are described in detail in the Summary Plan Description (SPD), which may be obtained from Human Resources or online.

Your group health benefits are paid in part by the Company. The remainder of the costs are paid by you through deductions from your paycheck.

Benefits may be canceled or changed at the discretion of the Company, unless otherwise prohibited by law.

If you or a dependent become ineligible for benefits due to a change in work hours or through a life event, or you leave employment with us, you may have the right to continue your health benefits under federal or state law. In such event, the Company will provide you with information about your rights to continue your benefits coverage.

7.5 Dental Insurance

All regular full-time employees who have completed a specific employment period at Kirby Nagelhout Construction Company are eligible for the Company dental plan. Dental plan benefits are described in detail in the Summary Plan Description (SPD).

7.6 Health Reimbursement Arrangement (HRA)

Kirby Nagelhout Construction Company provides a Health Reimbursement Arrangement (HRA) for eligible employees. Anyone enrolled in the group medical plan, will automatically be enrolled in the HRA plan.

A Health Reimbursement Arrangement is a tax-free employer-funded account managed by a Benefits Administrator. By utilizing the Health Reimbursement Arrangement, you could recover a portion of the expenses covered under your employer-sponsored medical insurance. Once the employee responsibilities have been met, the employer contribution may be requested.

Contact Human Resources for a copy of the plan summary and for questions about this benefit.

7.7 Flexible Spending Account (FSA)

Kirby Nagelhout Construction Company provides Flexible Spending Account (FSA) benefits for eligible employees. FSAs provide tax-free reimbursement to employees for health care and/or dependent care expenses that are not reimbursed by any other insurance or reimbursement program.

A Health Care FSA provides eligible employees the opportunity to pay for medical expenses, on a pretax basis, that are not reimbursed by an insurance plan. Both the amount you contribute and the amount you are reimbursed from your Health Care FSA are income tax free.

A Dependent Care FSA provides eligible employees the opportunity to pay for dependent care expenses for a child, disabled spouse, or dependent parent, on a pretax basis. Both the amount you contribute and the amount you are reimbursed from your Dependent Care FSA are income tax free.

All regular full-time employees are eligible for the above FSA benefits.

If eligible, you may elect an annual amount to contribute, which will be divided and deducted from your pay each pay period, and may be used to pay for eligible expenses. Annual elections are limited by established plan maximums and are subject to applicable IRS forfeiture and rollover provisions.

Contact Human Resources for a copy of the plan summary and for questions about this benefit.

7.8 Employee Assistance Program (EAP)

Kirby Nagelhout Construction Company provides confidential assistance through its employee assistance program (EAP) to all eligible full-time employees and their family members/dependents. The EAP provides confidential access to professional counseling services for help with personal concerns that may impact job performance. These concerns may include, but are not limited to, health, marital, family, financial, legal, emotional, alcohol abuse, and drug use. The EAP can help assess the problem, offer guidance, and provide a referral to quality care.

Voluntary participation in the EAP will not jeopardize your opportunities for promotion or employment. You can contact the EAP directly. Any information about your contact, participation, or any recommended treatment is confidential and will not be disclosed to the Company.

In certain circumstances, you may be referred to the EAP by your Manager/Supervisor due to job performance issues.

If you test positive on an alcohol and/or drug test, you may be referred to the EAP for assessment and rehabilitation recommendations. Your decision to participate in the recommended treatment, successful completion of the program, and additional treatment recommendations will be communicated to the Company.

EAP services are available to eligible participants without charge; however, the cost of referrals to treatment or rehabilitation is your responsibility if it is not completely covered by insurance.

EAP services can be initiated by contacting the EAP service provider; see Human Resources for more information.

7.9 Life Insurance

Kirby Nagelhout Construction Company provides life insurance and AD&D coverage to all regular full-time employees. You will be required to notify the benefits administrator of your intended beneficiary. Refer to the Summary Plan Description (SPD) for details about the benefit.

7.10 Employer-Sponsored Disability Benefits

Kirby Nagelhout Construction Company offers the following employer-sponsored disability insurance benefits to employees when they miss work due to non-work-related disabilities.

Eligibility

All full-time employees are eligible for employer-sponsored Life, AD&D, Short Term Disability and Long Term Disability benefits.

Short Term Disability

Short-Term Disability insurance generally pays a weekly benefit if you cannot work because of a covered illness or injury. The benefit replaces a portion of your weekly income, providing funds directly to you to help pay your bills and living expenses. Check your plan documents for details about benefit payments and duration.

Long Term Disability

Long-Term Disability insurance generally pays a monthly benefit to you if you cannot work because of a covered illness or injury. The benefit replaces a portion of your income, thus helping to meet your financial commitment in a time of need. Check your plan documents for details about benefit payments and duration.

The terms and conditions for the disability insurance programs are outlined in the Summary of Plan Benefits. Contact Human Resources for a copy of the plan provisions, required forms, and additional information about these benefits.

7.11 401(k) Plan

Eligible employees may participate in the Kirby Nagelhout Construction Company 401(k) plan after satisfying a 6 month employment period. Employees may elect pre-tax contributions and/or after tax Roth contributions. The Company will match 100% of the first 3% and 50% of the next 2% up to a max of 4%. Refer to your Summary Plan Description (SPD) for specific details.

Contact Human Resources to find out if you are eligible to participate in the Company 401(k) plan.

This benefit, as well as other benefits, may be canceled or changed at the discretion of the Company, unless otherwise required by law.

7.12 Bereavement Leave

Kirby Nagelhout Construction Company recognizes the importance of taking leave when there is a death in the family. Where bereavement leave is not required by law, the Company will provide bereavement leave as follows:

All employees are eligible for 2 day(s)] of paid bereavement leave for the death of an immediate family member.

You may use accrued but unused paid time off if additional time is needed. Additional unpaid time off may be granted at the discretion of the Company on a case-by-case basis.

For purposes of this policy, **immediate family member** includes the following and applies both to the family of the employee and the employee's spouse: child (including foster child and stepchild), spouse, sister, brother, parents (including foster parents and stepparents), grandparents.

You must provide notice of your need for bereavement leave as far in advance as possible. The Company may require documentation supporting your need for bereavement leave.

7.13 Military Leave (USERRA)

Kirby Nagelhout Construction Company complies with applicable federal and state law regarding military leave and re-employment rights. Unpaid military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA; with amendments) and all applicable state law. You must submit documentation of the need for leave to Human Resources. When returning from military leave of absence, you will be reinstated to your previous position or a similar position, in accordance with state and federal law. You must notify your Manager/Supervisor of your intent to return to employment based on requirements of the law. For more information regarding status, compensation, benefits, and reinstatement upon return from military leave, contact Human Resources.

7.14 Workers' Compensation Insurance

Workers' compensation is a no-fault system designed to provide benefits to all employees for work-related injuries. Workers' compensation insurance coverage is paid for by employers and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, and rehabilitation services, as well as payment for lost wages due to work related injuries. If you are injured on the job while working at Kirby Nagelhout Construction Company, no matter how slightly, you are to report the incident immediately to your Manager/Supervisor. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim for benefits.

To receive workers' compensation benefits, notify your Manager/Supervisor immediately of your claim. If your injury is the result of an on-the-job accident, you must fill out an accident report. You will be required to submit a medical release before you can return to work.

8.0 Safety and Loss Prevention

8.1 Drug and Alcohol Policy

Kirby Nagelhout Construction Company is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the Company to maintain a drug and alcohol-free workplace. Being under the influence of alcohol, illegal drugs (as classified under federal, state, or local laws), or other impairing substances while on the job may pose a serious health and safety risk to others, and will not be tolerated.

Prohibited Conduct

The Company expressly prohibits employees from engaging in the following activities when they are on duty or conducting Company business or on Company premises (whether or not they are working):

- The use, abuse, or being under the influence of alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed to the individual, or drug-related paraphernalia.
- The illegal use or abuse of prescription drugs.

While the use of marijuana has been legalized under some state laws for medicinal and/or recreational uses, it remains an illegal drug under federal law. The Company does not discriminate against employees solely on the basis of their lawful off-duty use of marijuana. You may not consume or be under the influence of marijuana while on duty or at work. If you have a valid prescription for medical marijuana, refer to the Company Disability Accommodation policy for additional information.

Nothing in this policy is meant to prohibit your appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, if it does not impair your job performance or safety or the safety of others. If you take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability, inform your Manager/Supervisor if you believe the medication may impair your job performance, safety, or the safety of others or if you believe you need a reasonable accommodation before reporting to work while under the influence of that medication.

Employer-Sponsored Events

From time to time, the Company may sponsor social or business-related events where alcohol may be served. This policy does not prohibit the use or consumption of alcohol at these events. However, if you choose to consume alcohol at such events, you must do so responsibly and maintain your obligation to conduct yourself properly and professionally at all times.

Treatment and/or Rehabilitation

The Company may assist you in seeking treatment or rehabilitation for drug or alcohol dependency. In such cases, the Company may consider your continued employment as long as concerns regarding safety, health, production, communication, or other work-related matters are adequately addressed. The Company may also require you to obtain a medical clearance and agree to random testing and a "one-strike" rule as a condition of continued employment.

Violations

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

8.2 General Safety

It is the responsibility of all Kirby Nagelhout Construction Company employees to maintain a healthy and safe work environment, report any health or safety hazards, and follow the Company health and safety rules. Failure to do so may result in disciplinary action, up to and including termination of employment. The Company also requires that all occupational illnesses or injuries be reported to your Manager/Supervisor as soon as reasonably possible and that an occupational illness or injury form be completed on each reported incident.

8.3 Workplace Violence

As the safety and security of our employees, vendors, contractors, and the general public is in the best interests of Kirby Nagelhout Construction Company, we are committed to working with our employees to provide a work environment free from violence, intimidation, and other disruptive behavior.

Zero Tolerance Policy

The Company has a zero tolerance policy regarding workplace violence and will not tolerate acts or threats of violence, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other areas. This applies to management, co-workers, employees, and non-employees such as contractors, customers, and visitors.

Workplace violence can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, damage to property, or any intentional behavior that may cause a person to feel threatened.

Prohibited Conduct

Prohibited conduct includes, but is not limited to:

- Physically injuring another person.
- Threatening to injure a person or damage property by any means, including verbal, written, direct, indirect, or electronic means.
- Taking any action to place a person in reasonable fear of imminent harm or offensive contact.
- Possessing, brandishing, or using a firearm on Company property or while performing Company business except as permitted by state law.
- Violating a restraining order, order of protection, injunction against harassment, or other court order.

Reporting Incidents of Violence

Report to your Manager/Supervisor or Human Resources, in accordance with this policy, any behavior that compromises our ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. You are expected to cooperate in any investigation of workplace violence.

Violations

Violating this policy may subject you to criminal charges as well as discipline up to and including immediate termination of employment.

Retaliation

Victims and witnesses of workplace violence will not be retaliated against in any manner. In addition, you will not be subject to discipline for, based on a reasonable belief, reporting a threat or for cooperating in an investigation.

If you initiate, participate, are involved in retaliation, or obstruct an investigation into conduct prohibited by this policy, you will be subject to discipline up to and including termination.

If you believe you have been wrongfully retaliated against, immediately report the matter to Human Resources.

9.0 Trade Secrets and Inventions

9.1 Confidentiality and Nondisclosure of Trade Secrets

As a condition of employment, Kirby Nagelhout Construction Company employees are required to protect the confidentiality of Company trade secrets, proprietary information, and confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the Company. Access to this information should be limited to a "need to know" basis and should not be used for personal benefit, disclosed, or released without prior authorization from management.

If you have information that leads you to suspect that employees are sharing such information in violation of this policy and/or competitors are obtaining such information, you are required to inform your Manager/Supervisor or Human Resources.

Violation of this policy may result in disciplinary action up to and including termination, and may subject the violator to civil liability.

10.0 Customer Relations

10.1 Customer, Client, and Visitor Relations

Kirby Nagelhout Construction Company strives to provide the best products and services possible to our customers and clients. Our customers and clients support this business and generate your wages. You are expected to treat every customer, client, or visitor with the utmost respect and courtesy during your working time. You should never argue or act in a disrespectful manner towards a visitor or customer during your working time. If you are having problems with a customer, client, or visitor, notify your Manager/Supervisor immediately. If a customer, client, or visitor voices a suggestion, complaint, or concern regarding our products or services, inform your Manager/Supervisor or a member of management. Lastly, make every effort to be prompt in following up on customer, client, or visitor orders or questions. Positive customer, client, and visitor relations will go a long way to establishing our Company as a leader in its field.

10.2 Products and Services Knowledge

As a representative of Kirby Nagelhout Construction Company, you are expected to be familiar with the services we offer. Take every opportunity to learn the interrelationship between your department or division and the others of the Company. We consider our employees to be the best reflection of our business brand and company success.

Texas Policies

Hiring and Orientation Policies

Disability Accommodation

Kirby Nagelhout Construction Company complies with the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act, and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the Company will provide reasonable accommodation to otherwise qualified individuals where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If you require an accommodation because of your disability, it is your responsibility to notify your Manager/Supervisor. You may be asked to include relevant information such as:

- A description of the proposed accommodation.
- The reason you need an accommodation.
- How the accommodation will help you perform the essential functions of your job.

After receiving your request, the Company will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. Where appropriate, we may need your permission to obtain additional information from your medical provider. All medical information received by the Company in connection with a request for accommodation will be treated as confidential.

The Company encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the Company is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Company.

If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

The Company will not discriminate or retaliate against employees for requesting an accommodation.

EEO Statement and Nonharassment Policy

Equal Opportunity Statement

Kirby Nagelhout Construction Company is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation because of age (40 and older), race, religion, color, national origin, gender, sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information, marital status, AIDS/HIV status, military service, veteran status, or any other status protected by federal, state, or local laws. The Company is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

The Company will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. The Company will take appropriate corrective action, if and where warranted. The Company prohibits retaliation against employees who provide information

about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

We are all responsible for upholding this policy. You may discuss questions regarding equal employment opportunity with your Manager/Supervisor or any other designated member of management.

Policy Against Workplace Harassment

Kirby Nagelhout Construction Company has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's age (40 and older), race, religion, color, national origin, gender, sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information, marital status, AIDS/HIV status, military service, veteran status, or any other status protected by federal, state, or local laws. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

While it is not possible to identify every act that constitutes or may constitute sexual harassment, the following are some examples of sexual harassment:

- Unwelcome requests for sexual favors;
- Lewd or derogatory comments or jokes;
- Comments regarding sexual behavior or the body of another;
- Sexual innuendo and other vocal activity such as catcalls or whistles;
- Obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of a sexual nature;
- Repeated requests for dates after being informed that interest is unwelcome;
- Retaliating against another for refusing a sexual advance or reporting an incident of possible sexual harassment to the Company or any government agency;
- Offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; and
- Any unwanted physical touching or assaults, or blocking or impeding movements.

Other Harassment

Other workplace harassment is verbal or physical conduct that insults or shows hostility or aversion towards an individual because of the individual's age (40 and older), race, religion, color, national origin, gender, sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information, marital status, AIDS/HIV status, military service, veteran status, or any other status protected by federal, state, or local laws.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above protected categories;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or

elsewhere on our premises, or circulated in the workplace; and

- A display of symbols, slogans, or items that are associated with hate or intolerance towards any select group.

Reporting Discrimination and Harassment

If you feel that you have witnessed or have been subjected to any form of discrimination or harassment, immediately notify [[name, title, phone number, email]] or any member of management.

The Company prohibits retaliation against employees who, based on a reasonable belief, provide information about, complain, or assist in the investigation of any complaint of harassment or discrimination.

We will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. To the extent possible, we will retain the confidentiality of those who report suspected or alleged violations of the harassment policy.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the Company determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the Company may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the Company will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation.

Religious Accommodation

Kirby Nagelhout Construction Company is dedicated to treating its employees equally and with respect and recognizes the diversity of their religious beliefs. All employees may request an accommodation when their religious beliefs cause a deviation from the Company dress code or the individual's schedule, basic job duties, or other aspects of employment. The Company will consider the request, but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that will be considered are cost, the effect that an accommodation will have on current established policies, and the burden on operations — including other employees — when determining a reasonable accommodation. At no time will the Company question the validity of a person's belief.

If you require a religious accommodation, speak with your Manager/Supervisor [[or appropriate department]].

Wage and Hour Policies

Accommodations for Nursing Mothers

Kirby Nagelhout Construction Company will provide nursing mothers reasonable break time to express milk for their infant child for up to one year following the child's birth.

If you are nursing, you will be provided with a space, other than a restroom, that is shielded from view and free from intrusion from coworkers and the public.

[[INFORM EMPLOYEES WHERE THEY MAY STORE EXPRESSED MILK: Expressed milk can be stored [in company refrigerators, refrigerators provided in the lactation room or other location]. Sufficiently mark or label your milk to avoid confusion for other employees who may share the refrigerator. You may also bring a personal cooler for storage.]]

Break time should, if possible, be taken concurrently with any other break time already provided. If you are nonexempt, [[clock in and out/record the start and end time for]] any time taken that does not run concurrently with normally scheduled rest periods. Break time may be unpaid where permissible by applicable law.

You must make reasonable efforts to not disrupt Company operations.

You are encouraged to discuss the length and frequency of these breaks with your Manager/Supervisor.

The Company will not discriminate or retaliate against employees who express breast milk in the workplace in accordance with this policy.

The Company is not required to provide the above benefits if doing so would impose an undue hardship on the Company.

Meal and Rest Periods

Kirby Nagelhout Construction Company strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding meal and rest periods. Check with your Manager/Supervisor regarding procedures and schedules for rest and meal breaks. The Company requests that employees accurately observe and record meal and rest periods. If you know in advance that you may not be able to take your scheduled break or meal period, let your Manager/Supervisor know; in addition, notify your Manager/Supervisor as soon as possible if you were unable to or prohibited from taking a meal or rest period.

Overtime

If you are nonexempt, you may qualify for overtime pay. All overtime must be approved in advance, in writing, by your Manager/Supervisor.

At certain times Kirby Nagelhout Construction Company may require you to work overtime. We will attempt to give as much notice as possible in this instance. However, advance notice may not always be possible. Failure to work overtime when requested or working unauthorized overtime may result in discipline, up to and including discharge.

Unless otherwise required or exempted by law, overtime pay of one and one-half times your regular rate of pay is paid for any hours worked in excess of 40 hours in a workweek. Holidays, vacation days, and sick leave days do not count as time worked for computing overtime.

Pay Period

At Kirby Nagelhout Construction Company, the standard pay period is Sunday through Saturday for all employees. Pay dates are weekly, every Friday. If a pay date falls on a holiday, you will be paid on the nearest business day though special provisions may be required. If a pay date falls on a Saturday, payday will fall back to Friday. If a pay date falls on a Sunday, it will advance to Monday.

Remember to review your paycheck for accuracy. If you find an issue, report it to your Payroll immediately.

Performance, Discipline, Layoff, and Termination

Disciplinary Process

Violation of Kirby Nagelhout Construction Company policies or procedures may result in disciplinary action including demotion, transfer, leave without pay, or termination of employment. The Company encourages a system of progressive discipline depending on the type of prohibited conduct. However, the Company is not required to engage in progressive discipline and may discipline or terminate employees who violate the rules of conduct, or where the quality or value of their work fails to meet expectations at any time. Again, any attempt at progressive discipline does not imply that your employment is anything other than on an "at-will" basis.

In appropriate circumstances, management will first provide you with a verbal warning, then with one or more written warnings, and if the conduct is not sufficiently altered, eventual demotion, transfer, forced leave, or termination of employment. Your Manager/Supervisor will make every effort possible to allow you to respond to any disciplinary action taken. Understand that while the Company is concerned with consistent enforcement of our policies, we are not obligated to

follow any disciplinary or grievance procedure and that depending on the circumstances, you may be disciplined or terminated without any prior warning or procedure.

General Policies

Access to Personnel and Medical Records Files

Kirby Nagelhout Construction Company maintains separate medical records files and personnel files for all employees. Files containing medical records are stored separate and apart from any business-related records in a safe, locked, inaccessible location. The medical file is the repository for sensitive and confidential information related to an individual's health, health benefits, health-related leave and/or accommodations, and benefits selections and coverage. Medical records are kept confidential in compliance with applicable laws and access is on a "need-to-know" basis only.

Supervisors and others in management may have access to your personnel file for possible employment-related decisions. If you wish to review your personnel or medical records file, you must give the Company reasonable notice. Inspection must occur in the presence of a Company representative.

All requests by an outside party for information contained in your personnel file will be directed to the [[appropriate department]], which is the only department authorized to give out such information.

Benefits

Jury Duty Leave

Kirby Nagelhout Construction Company encourages employees to fulfill their civic duties related to jury duty. If you are summoned for jury duty, notify your Manager/Supervisor as soon as possible to make scheduling arrangements.

If you are classified as exempt, you will not incur any deduction in pay for a partial week's absence due to jury duty. If you are classified as nonexempt, you will not be compensated for time spent on jury duty. You may opt to use [[PTO/vacation]] in place of unpaid leave.

The Company reserves the right to require employees to provide proof of jury duty service to the extent authorized by law.

The Company will not retaliate against employees who request or take leave in accordance with this policy.

Voting Leave

If your work schedule prevents you from voting on Election Day, Kirby Nagelhout Construction Company will allow you a reasonable time off to vote. The time when you can go to vote will be at the discretion of your Manager/Supervisor, consistent with applicable legal requirements.

Witness Leave

Kirby Nagelhout Construction Company realizes that, on occasion, employees may be subpoenaed to appear in a civil, criminal, legislative, or administrative proceeding. In such cases, you will be provided unpaid leave to attend. Notify your Manager/Supervisor as soon as possible to make scheduling arrangements. You may opt to use [[PTO/vacation]] in place of unpaid leave.

The Company reserves the right to require employees to provide proof of the need for leave to the extent authorized by law.

The Company will not retaliate against employees who request or take leave in accordance with this policy.

Safety and Loss Prevention

Workplace Smoking

Kirby Nagelhout Construction Company is concerned about the effect that smoking and secondhand smoke inhalation can have on its employees and clients. Smoking in the office, client areas, and restrooms is prohibited.

Custom Policies

Custom Policies

Sick Leave - Part Time / Per Diem employees

Kirby Nagelhout Construction Company provides paid sick leave to eligible Part Time or Per Diem employees in accordance with Oregon's sick leave law.

Eligibility

All Part Time or Per Diem employees who work in Oregon are eligible for sick leave.

Reasons for Leave

Sick leave may be taken for the following reasons:

- To care for your own or a family member's mental or physical illness, injury, or health condition; need for medical diagnosis, care, or treatment; or need for preventive medical care.
- To care for an infant or newly adopted child under 18 years of age, a newly placed foster child under 18, or an adopted or foster child older than 18 if the child is incapable of self-care because of a mental or physical disability (leave must be used within 12 months after birth or placement of the child).
- To recover from or seek treatment for a health condition that renders you unable to perform at least one of the essential functions of your regular position.
- To deal with the death of a family member within 60 days of receiving notice of the family member's death by:
 - Attending the funeral or alternative to a funeral of the family member;
 - Making arrangements necessitated by the death of the family member; or
 - Grieving the death of the family member.
- For absences related to domestic violence, harassment, sexual assault, or stalking:
 - To seek legal or law enforcement assistance or remedies to ensure your own or your minor child or dependent's health and safety, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking;
 - To seek medical treatment for or to recover from injuries you or your minor child or dependent suffered from domestic violence, sexual assault, harassment, or stalking;
 - To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
 - To obtain services from a victim services provider for yourself or your minor child or dependent; or
 - To relocate or take steps to secure an existing home to ensure your own, or your minor child or dependent's, health and safety.
- If during a public health emergency any of the following occur:
 - Your place of business, or the school or place of care of your child, is closed by order of a public official due to a public health emergency;
 - A determination is made by a lawful public health authority or a health care provider that your presence or your family member's presence in the community would jeopardize the health of others; or
 - You are excluded from the workplace under any law or rule that requires the Company to exclude you from the workplace for health reasons.
- The following public health emergencies, unless you are employed as a first responder:
 - An emergency evacuation order of level 2 (SET) or level 3 (GO) issued by an authorized public official, if the affected area subject to the order includes either the location of the Company's place of business or your home address; or
 - A determination by an authorized public official that the air quality index or heat index are at a level where continued exposure to such levels would jeopardize your health.

Family member means:

- Your spouse or same-gender domestic partner;
- Your custodial, noncustodial, adoptive, foster, biological, or step parent; parent-in-law; parent of same-gender domestic partner; grandparent; or a person with whom you are or were in a relationship of in loco parentis.
- Your biological, adopted, foster, or step child; the child of a same-gender domestic partner; a grandchild; or a child with whom you are in a relationship of in loco parentis.

Accrual and Usage

Eligible Part Time or Per Diem employees accrue one hour of sick leave for every 30 hours worked or one and one-third hours for every 40 hours worked, up to a maximum of 40 hours per leave year. New employees begin accruing sick leave on their first day of employment. For purposes of this policy, the leave year is a year from an employee hire date.

You may use accrued sick leave on your 91st day of employment. The smallest amount of sick leave you may take is one hour. You may carry over up to 40 hours of unused sick leave to the following leave year. You may accrue a maximum of 80 hours of sick leave per year; however, the maximum you may use per year is 40 hours.

Notice

If the need for leave is foreseeable, including but not limited to medical appointments, provide notice at least 10 days prior to beginning leave or as soon as practical. If unforeseeable, provide notice before the start of the scheduled work shift, or as soon as practical. If known, notice should include the expected length of the absence.

You must make reasonable efforts to schedule planned sick leave in a manner that does not unduly disrupt business operations and should attempt not to schedule sick leave during peak work hours, when work is time-sensitive, or when mandatory meetings are scheduled.

Documentation

The Company may require you to submit documentation to support your use of sick leave under the following circumstances:

- Your leave exceeds three consecutive days on which you are scheduled to work;
- Your need for leave is foreseeable and is projected to last more than three consecutively scheduled workdays;
- You began leave without providing notice required by this sick leave policy; or
- The Company has sufficient evidence to suspect that you are abusing sick leave, including engaging in a pattern of absenteeism, regardless of whether you have used sick leave for more than three consecutive days.

Payment upon Termination

You will not be paid for any unused sick leave when your employment ends.

Interaction with Other Leave

Sick leave will run concurrently with other types of leave where permitted under applicable law.

Retaliation

The Company will not retaliate against employees who request or take leave in accordance with this policy.

Sick Leave - Part Time / Per Diem employees

Kirby Nagelhout Construction Company provides paid sick leave to eligible Part Time or Per Diem employees in accordance

with Washington's Paid Sick Leave Law.

Eligibility

All Part Time or Per Diem employees are eligible for sick leave.

Reasons for Leave

Sick leave may be taken for the following reasons:

- To care for your own or a family member's mental or physical illness, injury, or health condition, including the need for medical diagnosis, care, or treatment, and preventive medical care.
- If and when the Company closes for a health-related reason or when your child's school closes for a health-related reason.
- For absences that qualify for leave under the state's Domestic Violence Leave Act (DVLA).

Family member means:

- A child, including a biological, adopted, or foster child, stepchild, or a child to whom you stand in loco parentis, are a legal guardian, or are a de facto parent, regardless of age or dependency status;
- A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of you or your spouse or registered domestic partner, or a person who stood in loco parentis when you were a minor child;
- A spouse;
- A registered domestic partner;
- A grandparent;
- A grandchild; or
- A sibling.

Accrual and Usage

Eligible employees accrue one hour of sick leave for every 40 hours worked. New employees begin accruing sick leave on their first day of employment. For purposes of this policy, the leave year is a year from an employee hire date. You will not accrue sick leave during vacation, paid time off (PTO), or while using sick leave.

You may begin using sick leave on your 90th day of employment, and you may carry over up to 40 hours of accrued, unused sick leave to the following leave year.

Notice

If the need for leave is foreseeable, you must provide notice at least 10 days, or as early as practical, before the first day sick leave is used. If unforeseeable, provide notice as soon as practical before the required start of your shift. If known, notice should include the expected length of the absence.

Documentation

For absences exceeding three days, you may be required to provide verification that your use of sick leave is for an authorized purpose. Verification must be provided within 10 days after the first day of absence. Verification may not be required if it results in an unreasonable burden or expense to you and may not exceed privacy or verification requirements otherwise established by law.

Interaction with Other Leave

You may be required to use available sick leave during family and medical leave, disability leave, or other statutorily-authorized leave that would otherwise be unpaid.

Payment Upon Termination

You will not be paid for any unused sick leave when your employment ends.

Reinstatement of Sick Leave Upon Rehire

The Company will reinstate previously accrued, unused sick leave if you separate and are rehired within 12 months.

Retaliation

The Company will not retaliate against employees who request or take leave in accordance with this policy.

Closing Statement

Thank you for reading our handbook. We hope it has provided you with an understanding of our mission, history, and structure as well as our current policies and guidelines. We look forward to working with you to create a successful Company and a safe, productive, and pleasant workplace.

Jeff Deswert, President

Kirby Nagelhout Construction Company

Acknowledgment of Receipt and Review

By signing below, I acknowledge receipt of the Kirby Nagelhout Construction Company Employee Handbook (handbook). I agree to read the handbook and to follow the guidelines and policies set forth in the handbook and any amendments to the handbook along with the other policies and procedures of KNCC. I understand that the Company has the maximum discretion permitted by law to interpret, administer, change, modify, or delete the rules, regulations, procedures, and benefits contained in the handbook at any time with or without notice. No statement or representation by a supervisor, manager, or any other employee, whether oral or written, can supplement or modify this handbook. Changes can only be made if approved in writing by the President or Vice President of the Company. I also understand that any delay or failure by the Company to enforce any rule, regulation, or procedure contained in the handbook does not constitute a waiver on behalf of the Company or affect the right of the Company to enforce such rule, regulation, or procedure in the future.

I understand that neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. I further understand that, unless I have a written employment agreement signed by an authorized Company representative, I am employed "at-will" (to the extent permitted by law) and this handbook does not modify my "at-will" employment status.

If I am covered by a written employment agreement (signed by an authorized Company representative) or a collective bargaining agreement that conflicts with the terms of this handbook, I understand that the terms of the employment agreement or collective bargaining agreement will control.

This handbook is not intended to preclude or dissuade employees from engaging in legally protected activities under the National Labor Relations Act (NLRA). This handbook is not intended to violate any local, state, or federal law. No provision or policy applies or will be enforced if it conflicts with or is superseded by any requirement or prohibition contained in federal, state, or local law, or regulation. Furthermore, nothing in this handbook prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to, or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission (EEOC), National Labor Relations Board (NLRB), Securities and Exchange Commission (SEC), or any other federal, state, or local agency charged with the enforcement of any laws.

This handbook supersedes any previous handbook or policy statements, whether written or oral, issued by Kirby Nagelhout Construction Company.

If I have any questions about the content or interpretation of this handbook, I will contact Human Resources.

Signature

Date

Print Name