

# DYNAMIC R.I.C. ELECTRIC, LLC



## EMPLOYEE HANDBOOK





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## 1 Introduction

### INTRODUCTION

This manual is the official statement of Dynamic R.I.C. Electric, LLC policies. It is designed to provide managerial and supervisory staff with uniform knowledge in order to assure equitable and consistent application of these policies. It is the responsibility of each manager and supervisor to administer these policies consistently and impartially.

The policies in this manual are applicable to all persons employed by Dynamic R.I.C. Electric, LLC, unless noted otherwise.

This Handbook is not an express or implied employment contract, nor does it create any legally enforceable obligations on the part of Dynamic R.I.C. Electric, LLC or its employees. Although Dynamic R.I.C. Electric, LLC is committed to treating its employees fairly and with respect, all employment with Dynamic R.I.C. Electric, LLC is “at-will,” which means that either an employee or the Company may terminate the employment relationship at any time and for any reason. Dynamic R.I.C. Electric, LLC reserves the right to amend, revise, or rescind any policy, and to add new policies, at any time.

While Dynamic R.I.C. Electric, LLC will endeavor to communicate any changes to you, any changes to these policies will be effective even if you are not specifically aware of them. You should be alert to, and inquire about, the most current policies from your supervisor, the Human Resources Department or by consulting the current version of the Employee Handbook.





## 2 Anti-Harassment Policy

### ANTI-HARASSMENT & NON-DISCRIMINATION POLICY

Dynamic R.I.C. Electric, LLC is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore all relationships among persons in the employment of Dynamic R.I.C. Electric, LLC will be business-like and free of bias, prejudice and harassment.

#### Equal Employment Opportunity

It is the policy of Dynamic R.I.C. Electric, LLC to ensure equal employment without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship or any other characteristic protected by law. Dynamic R.I.C. Electric, LLC prohibits any such discrimination or harassment.

#### Retaliation Is Also Prohibited

Dynamic R.I.C. Electric, LLC encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Dynamic R.I.C. Electric, LLC to investigate such reports. Dynamic R.I.C. Electric, LLC prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

#### Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.

Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

Unwanted sexual advances or requests for sexual favors,

Sexual jokes and innuendo,





- Verbal abuse of a sexual nature,
- Commenting about an individual's body,
- Sexual prowess or sexual deficiencies,
- Leering, whistling or touching,
- Insulting or obscene comments or gestures,
- Display in the workplace of sexually suggestive objects or pictures,
- Other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance;
- or,
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

- Epithets, slurs or negative stereotyping,
- Threatening, intimidating or hostile acts,
- Denigrating jokes,
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

### **Individuals and Conduct Covered**

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Dynamic R.I.C. Electric, LLC (e.g., an outside vendor, consultant or customer).





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

### **Reporting an Incident of Harassment, Discrimination or Retaliation**

Dynamic R.I.C. Electric, LLC encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with the Human Resources Director at of Dynamic R.I.C. Electric, LLC. See the Complaint Procedure described below.

In addition, Dynamic R.I.C. Electric, LLC encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his/her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Dynamic R.I.C. Electric, LLC recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

### **Complaint Procedure**

#### Informal Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should contact the Human Resources Director , if the individual so requests, talk to the alleged offender on the individual's behalf. In addition, there may be instances in which an individual seeks only to discuss matters with one of the Dynamic R.I.C. Electric, LLC designated representatives, and such discussion is encouraged. An individual reporting harassment, discrimination or retaliation should be aware, however, that Dynamic R.I.C. Electric, LLC may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.

#### Formal Procedure

As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with the Human Resources Director.

Dynamic R.I.C. Electric, LLC encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.





Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

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

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

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as Dynamic R.I.C. Electric, LLC believes appropriate under the circumstances.

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

### **Conclusion**

Dynamic R.I.C. Electric, LLC has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. Dynamic R.I.C. Electric, LLC will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has any questions or concerns about these policies should talk with the Human Resources Director.





### **3 Workplace Violence Policy**

#### **POLICY STATEMENT ON INTIMIDATION, THREATS AND VIOLENT ACTS**

Dynamic R.I.C. Electric, LLC can best perform its mission by ensuring our workforce exists in an environment, which utilizes constructive methods of conflict resolution. Dynamic R.I.C. Electric, LLC is committed to creating and maintaining an environment that is free from intimidation, threats and violent acts.

Threats, intimidation and acts of violence will not be ignored, condoned or tolerated. Dynamic R.I.C. Electric, LLC defines these behaviors as follows;

Intimidation - an act towards another person, the purpose of which is to coerce, and the result of which could reasonably cause the other person to fear for his or her safety or the safety of others.

Threat of violence - a communicated intent to inflict physical or other harm on any person or on property.

Act of violence - exercise of physical force against another person or against property.

Any and all acts of intimidation, threats or acts of violence will be considered serious misconduct and will be the basis of disciplinary action, up to and including dismissal. These acts will be referred, when appropriate, to legal authorities.

Assurance of a safe working environment is important to everyone. It is the responsibility of all employees to report any occurrence of intimidation, threat or violence to the Safety Director. For further information consult the Workplace Violence Policy located in the Dynamic R.I.C. Electric, LLC Safety Manual.





#### **4 EEO & Affirmative Action Plan**

##### **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

It is the policy and practice of Dynamic R.I.C. Electric, LLC to recruit and hire qualified applicants for employment regardless of their race, color, creed, religion, sex, age, national origin or physical disability.

To further this objective, the Company has established procedures to ensure that all personnel actions such as compensation, benefits, transfers, promotions, layoffs, returns from layoffs, social and recreational programs, and all Company facilities are administered without regard to race, color, creed, religion, sex, gender, age, national origin, physical disability or veteran status.

It is further the policy of Dynamic R.I.C. Electric, LLC to comply and cooperate to the fullest extent with all applicable regulations of the Civil Rights Act of 1964, Executive Order No. 11246, Section 503 of the Rehabilitation Act of 1973, Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, 38 U.S.C.4121 or any other law requiring equal opportunity for disabled persons or other protected veterans.





## 5 Substance Abuse Policy

### SUBSTANCE ABUSE POLICY STATEMENT

Dynamic R.I.C. Electric, LLC is dedicated to help ensure a safe, healthy, efficient and productive working environment. Dynamic R.I.C. Electric, LLC (hereinafter referred to as "Company") has adopted a Policy to prohibit the use, possession, sale, distribution, concealment and transportation of any prohibited items and substances on Company property as defined in the Substance Abuse section of the Project Safety, Hazard Communication and Substance Abuse Manual. The Policy enforcement program involves reasonable searches of all persons, their personal effects, including vehicles, while working or present on Company property. These searches may include the use of scent-trained dogs and taking of urine and/or blood samples for drug testing and analysis.

A Copy of said Policy can be found in Section 5 of the Dynamic R.I.C. Electric, LLC Employee Handbook and sets forth "Company Premises" and "Company Property", items and substances which are prohibited and are covered by said Policy, penalties for violation of said policy, involvement of law enforcement authorities, and the responsibilities of employees while on Company property.

Should any employee be found in violation of this Policy, they will be subject to immediate removal from Company property or jobsite.

### SUBSTANCE ABUSE POLICY

#### SCOPE

Dynamic R.I.C. Electric, LLC has a strong commitment to provide a safe work place for its employees and for the clients and their premises. This policy has been adopted to assist in maintaining a safer working environment concerning substance abuse.

#### POLICY STATEMENT

(a) Dynamic R.I.C. Electric, LLC is committed to safeguarding the health of our employees, providing a safe place to work, and supplying our customers with the highest quality of service possible. The objective of this program is to provide a safe and productive workplace environment free from drug and alcohol abuse. This policy provides guidance to all employees and supervisors concerning Dynamic R.I.C. Electric, LLC position on the use of controlled substances and their effect on the workplace. Additionally, this policy provides standards for those Dynamic R.I.C. Electric, LLC employees who have a Commercial Driver License (CDL) as a requirement of their job. This class of employee is subject to drug and alcohol testing rules established by the Federal Highway Administration in 49 CFR 382,

Controlled Substances and Alcohol Use and Testing and 49 CFR 40, Procedure for Transportation Workplace Drug and Alcohol Testing Programs.

(b) DEFINITIONS





- (1.) "Accident" means an auto accident or a jobsite related injury. For auto accidents, the employee must have been operating a company owned, rented or leased vehicle or who was operating any vehicle on company property including jobsites.
- (2.) "Chain of Custody" refers to the methodology of tracking specified materials or substances for the purposes of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
- (3.) "Company Premises / Company Property" refers to all projects, sites or equipment owned or operated on which Dynamic R.I.C. Electric, LLC has a presence.
- (4.) "Confirmation test", "confirmed test", or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, and quantitative accuracy.
- (5.) "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; notwithstanding the definitions in this section, the only hallucinogen to be tested for is phencyclidine (PCP) and the only synthetic narcotics to be tested for are methadone and propoxyphene, and there will not be testing for the presence of designer drugs until standard testing procedures are developed for such drugs.
- (6.) "Drug rehabilitation program" means a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.
- (7.) "Drug test" or "test" means any chemical, biological. Or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Florida Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.
- (8.) "Employee" means any person who works for salary, wages, or other remuneration for Dynamic R.I.C. Electric, LLC, Inc.
- (9.) "Employee assistance program" means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow- up services for employees who participate in the program or require monitoring after returning to work.
- (10.) "Employer" For purposes of this policy, Dynamic R.I.C. Electric, LLC, Inc. (11.) "Initial drug test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.





(12.) “Job applicant” means a person who has applied for a position with Dynamic R.I.C. Electric, LLC and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

(13.) “Medical review officer” or “MRO” means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.

(14.) “Prescription or nonprescription medication” means a drug or medication obtained from a licensed medical physician, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

(15.) “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the

employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon;

- (i.) Observable phenomena, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- (ii.) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (iii.) A report of drug use, provided by a reliable and credible source.
- (iv.) Evidence that an individual has tampered with a drug test during his or her employment with Dynamic R.I.C. Electric, LLC.
- (v.) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- (vi.) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs.

(16.) “Safety -sensitive position” means a position in which a momentary lapse in attention could result in injury or death to another person.

(17.) “Specimen” means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

(c) EFFECTIVE DATE – NOTICE TO EMPLOYEES

(1.) The policies set forth in this policy are effective immediately. Each current employee will be furnished a copy of this policy and will sign a receipt for same. Newly hired employees will be furnished





a copy at time of hire. These policies have been implemented in a manner that complies with all applicable federal and state laws. The company will continue to monitor developing laws impacting this area to be certain administration of this program complies with applicable laws.

(2.) The company shall include notice of drug testing on vacancy announcements for those positions for which drug testing is required. A notice of the drug testing policy will also be posted in an appropriate and conspicuous location on the company's premises, and copies of the policy will be made available for inspection during regular business hours in the safety office or other suitable locations.

(3.) Cut-off levels used by the testing laboratory when analyzing specimens to determine whether they are positive or negative for drugs and metabolites may change from time to time. The company will follow recommendations established for these agencies and will modify the company's policy to comply with any new standard.

(d) TYPES OF TESTING

(1.) Job Applicant, Pre-employment- Dynamic R.I.C. Electric, LLC will require job applicants to submit to a drug test and will use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.

(2.) Random Testing- To meet regulatory requirements for CDL holders, two Random Testing pools are established. Random Testing will be administered to the average number of CDL holders at the annual rate of 25% for alcohol and 50% for controlled substances. The second Random Testing pool is for all other Dynamic R.I.C. Electric, LLC employees and will be administered to the average number of employees at the annual rate of 10%. Only tests for controlled substances will be administered to this group, unless there is reasonable suspicion of alcohol use evident to the test administrator.

The employee selection pools shall be generated randomly by employee number via computer program maintained by the Director of Human Resources and the Director of Safety. To ensure confidentiality, no other personnel shall have access to this program unless authorized access is necessary for program maintenance.

These tests will be performed on an unannounced basis throughout the year. An employee may randomly be tested for controlled substances and alcohol at the same time or at different times during the year. Random testing pools for CDL holders and all other Dynamic R.I.C. Electric, LLC employees are exclusive of one another. An employee cannot be in both pools.

Once an individual has been selected, an order form shall be generated specifying the testing facility and restating the requirements of the procedure. This letter shall be sent by the Safety Director or the Director of Human Resources (via email) to the Project Manager or Branch Manager that supervises the chosen individual. Once this letter is received, the manager shall then contact the individual and have him/her report to their location in order to receive the order form and a Custody and Control Form (CCF). Upon notifying the individual, time shall be marked on the order form indicating how long the individual has to complete the test (3 hours). A copy of this form shall then be sent to the Safety Department for review and retention.

Once the chosen individual has been notified that they should report for a random test, the employee must proceed immediately to the testing facility. Employees who do not report for the random test and





provide a sample within three (3) hours will be considered to have refused to cooperate and subject to disciplinary action up to and including termination of employment

(3.) Reasonable Suspicion- Employees are required to submit to alcohol and /or controlled substance testing when a supervisor believes there is a reasonable suspicion that the employee has violated the prohibitions of this policy.

Reasonable suspicion is a judgment made by the supervisor, or Manager, after reviewing an employee's physical, behavioral, speech, and performance indicators associated with the probable misuse of alcohol or drugs. This testing must be authorized by the Director of Human Resources or the Director of Safety or appropriate designee. The supervisor shall maintain a written record of the observations, which led to the testing. This record shall be signed by the supervisor who made the observations.

A supervisor may receive notice from a customer, citizen or other employee that there is a reasonable suspicion that an employee is misusing alcohol and/or drugs. The supervisor shall immediately investigate the matter to determine if the employee is displaying any suspicious behaviors that would warrant testing. If testing is warranted, the supervisor shall immediately begin the testing process. If testing is not warranted, supporting documentation will be maintained.

Employees who have reasonable suspicion that their supervisor has violated the prohibitions of this policy should report this information to the next highest level of supervision. Employees may also report concerns to the Director of Human Resources or the Director of Safety.

Reasonable Suspicion Tests shall be administered within 2 hours of the observance of indicators of alcohol or drug use. If this 2-hour time is not met, the following actions are required based on the elapsed time:

#### Drug Testing

2-32 Hours- The supervisor shall prepare and maintain on file a record stating why the test was not promptly administered. Attempts to test the employee shall continue.

32+ Hours- The supervisor will cease attempts to test the employee and will prepare and maintain a record explaining this further delay.

#### Alcohol Testing

2-8 Hours- The supervisor shall prepare and maintain on file a record stating why the test was not promptly administered. Attempts to test the employee shall continue.

8+ Hours- The supervisor will cease attempts to test the employee and will prepare and maintain a record explaining this further delay.

All incidents where tests are not promptly administered must be reported to the Manager, Director of Human Resources and the Director of Safety.

For Reasonable Suspicion Testing, the employee will be placed on Administrative Leave With Pay from the time tests are administered until the test results have been provided to Dynamic R.I.C. Electric, LLC.





(4.) Routine Fitness for Duty- Dynamic R.I.C. Electric, LLC will require an employee to submit to a drug test if the drug test is conducted as part of a routinely scheduled employee fitness- for-duty medical examination that is part of Dynamic R.I.C. Electric, LLC's established policy or that is scheduled routinely for all members of an employment classification or group. (Example Department of Transportation)

(5.) Follow-up- If the employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, Dynamic R.I.C. Electric, LLC will require the employee to submit to a drug test as a follow-up to such program, and on a quarterly basis for up to two years thereafter.

(6.) Customer Requirements- If a customer of Dynamic R.I.C. Electric, LLC requests that personnel working on a jobsite have a current drug test, all Dynamic R.I.C. Electric, LLC employees will comply with the requirements of the customer.

(7.) Post Vehicular and Equipment/Machine Accident Testing- Within two (2) hours following an accident involving a vehicle used for Company business, the driver must be tested for alcohol and controlled substances when the accident meets the following guidelines.

#### Vehicular Accidents

1. When there is a Company vehicle accident involving personal injury or property damage, and employee is operating the vehicle and the employee is determined to be at fault of a moving violation.
2. When there is a Company vehicle accident involving personal injury or property damage, and employee is operating the vehicle and the Police Officer or supervisor at the scene suspects drug or alcohol may have contributed to the cause of the accident.

#### Equipment/Machine Accidents

1. When the Company employee failed to use the appropriate safety equipment or procedures in operating the equipment/machinery
2. When there is injury to persons or property caused by the employee's failure to use appropriate safety equipment or procedures.
3. When a supervisor at the scene suspects drug or alcohol may have contributed to the cause of the accident.

It is the supervisor's responsibility to assure compliance with this requirement. This includes motorized equipment as well as cars and trucks. If this 2-hour time is not met, the following actions are required based on the elapsed time:

#### Drug Testing

2-32 Hours- The supervisor shall prepare and maintain on file a record stating why the test was not promptly administered. Attempts to test the employee shall continue.





32+ Hours- The supervisor will cease attempts to test the employee and will prepare and maintain a record explaining this further delay.

#### Alcohol Testing

2-8 Hours- The supervisor shall prepare and maintain on file a record stating why the test was not promptly administered. Attempts to test the employee shall continue.

8+ Hours- The supervisor will cease attempts to test the employee and will prepare and maintain a record explaining this further delay.

All incidents where tests are not promptly administered must be reported to the Project Manager, Director of Human Resources and the Director of Safety.

(8.) Post Worker's Compensation Accident Testing- Employees are required to submit to alcohol and/or controlled substance testing within two (2) hours following an accident that has met the determination that a Worker's Compensation accident has occurred.

#### Drug Testing

2-32 Hours- The supervisor shall prepare and maintain on file a record stating why the test was not promptly administered. Attempts to test the employee shall continue.

32+ Hours- The supervisor will cease attempts to test the employee and will prepare and maintain a record explaining this further delay.

#### Alcohol Testing

2-8 Hours- The supervisor shall prepare and maintain on file a record stating why the test was not promptly administered. Attempts to test the employee shall continue.

8+ Hours- The supervisor will cease attempts to test the employee and will prepare and maintain a record explaining this further delay.

All incidents where tests are not promptly administered must be reported to the Project Manager, Director of Human Resources and the Director of Safety.

Employees subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident, or until the alcohol test is administered, whichever comes first. In addition, until testing is arranged, employees must remain readily available, or Dynamic R.I.C. Electric, LLC will consider the employee to have refused to submit to testing.

#### (e) TESTING GUIDELINES

(1) For all types of tests, employees will be notified of the pending test by their supervisor or designee.





(2) All persons presenting themselves for testing must provide a pictured identification issued by state government, a driver's license, or military identification as proof of identity. Lack of proper identification presented prior to the end of the reporting period will be considered refusal to submit to testing.

(3) Employees must report immediately to the test location within:

- Three hours for Random Testing,
- Two hours for Reasonable Suspicion Testing, and
- Two hours for Post Accident Testing.

(4) Employees must proceed with the prescribed test as directed by the person conducting the test.

(5) Evidence of adulteration or dilution of urine samples, per Department of Transportation guidelines, will result in witnessed collection.

(6) Breath Alcohol Test results are available immediately. Appropriate action shall be initiated based on those results.

(7) Forensic Urine Drug Test results are not immediately available. Appropriate action shall be initiated pending receipt of those results. Employees who are tested because of reasonable suspicion will be placed on Administrative Leave With Pay pending the receipt of test results. All other employees will remain on active duty status pending the receipt of test results. When the test results are received, appropriate action shall be initiated based on those results.

(f) PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS

(1.) No prescription drug shall be brought upon the company premises or jobsite by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity as prescribed. Employees must keep all prescribed medicine in its' original container, which identifies the drug, date of prescription, and the prescribing doctor. Employees must also report to the Safety Director, the use of any prescribed drug which may alter the employee's behavior or physical or mental ability prior to commencing work. The company may change the employee's job assignment during the period of treatment.

(2.) Employees and job applicants have the right to consult with the Medical Review Officer for technical information regarding prescription or non-prescription medication for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or non-prescription medication taken by the employee or job applicant.

(g) PROHIBITIONS

(1.) Use, possession, manufacture, distribution, dispensation or sale of illegal drugs or drug paraphernalia on company premises or company business, in company supplied vehicles, or during working hours;





- (2.) Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of a controlled substance on company premises or company business, in company supplied vehicles, or during working hours;
- (3.) Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of alcohol on company premises or company business, in company supplied vehicles, or during working hours;
- (4.) Storing in a locker, desk, automobile, or other repository on company premises or company business any illegal drug, drug paraphernalia, any controlled substance whose use is unauthorized, or any alcohol;
- (5.) Being under the influence of an unauthorized controlled substance, illegal drug or alcohol on company premises or company business, in company supplied vehicles, or during working hours; being “under the influence” of alcohol is defined as a blood alcohol content of .05 or higher; “being under the influence” of an unauthorized controlled substance or illegal drug is defined as testing positive at a specified ng/ml level;
- (6.) Use of alcohol off company premises or company business that adversely affects the employee’s work performance, his own or others’ safety at work, or the company’s regard or reputation in the community;
- (7.) Possession, use, manufacture, distribution, dispensation or sale of illegal drugs off company premises or company business that adversely affects the employee’s work performance, his own or others’ safety at work, or the company’s regard or reputation in the community;
- (8.) Switching or adulterating any urine sample submitted for testing;
- (9.) Refusing consent to testing or to submit a breath, saliva, urine or blood sample for testing when requested by management under the requirements of this policy.
- (10.) Refusing to submit to an inspection when requested by management under the requirements of this policy.
- (11.) Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled;
- (12.) Conviction under any criminal drug statute;
- (13.) Arrest under any criminal drug statute under circumstances which adversely affects the company’s regard or reputation in the community;
- (14.) Failure to notify the company of any arrest or conviction under any criminal drug statute within 5 days of the arrest or conviction;
- (15.) Failure to report to the Supervisor, Safety Director, or Director of Human Resources, the use of a prescribed drug which may alter the employee’s behavior or physical or mental ability;
- (16.) Failure to keep prescribed medicine in its original container;
- (17.) Refusing to sign a statement agreeing to abide by the company’s Substance Abuse Policy;
- (18.) Refusal to complete a Consent Form prior to testing;





(19.) Refusal to complete the Chain of Custody Form after submission of a urine or blood specimen.

(h) TESTING PROCEDURES

(1.) Drugs for Which a Test Will be Conducted

- (i.) ALCOHOL (booze, hootch, drink, beer, liquor, wine, moon shine). All liquid medications containing ethyl alcohol (ethanol). Please note the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
- (ii.) AMPHETAMINES (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex.
- (iii.) CANNABINOIDS (Marijuana, Hashish, mary-jane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, TEC)
- (iv.) COCAINE (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne)
- (v.) PHENCYCLIDINE (PCP, angel dust)
- (vi.) METHAQUALONE (ludes, Quaalude, optimil, parest, somnafac, sopor)
- (vii.) OPIATES (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate) Percodan, Vicodin, etc.
- (viii.) BARBITURATES (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.
- (ix.) BENZODIAZEPINES Ativan, Azene, Clonipin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Hacion, Paxipam, Restoril, Centrax.
- (x.) METHADONE Dolophine, Methadose.
- (xi.) PROPXYPHENE Darvocet, Darvon N, Dolene, etc.

(2.) Individuals to be tested – All employees and job applicants are subject to testing under this policy.

(3.) Voluntary notification of drug use and/or abuse – An employee who has not previously tested positive for drug or alcohol use, entered an employee assistance program for abuse-related problems, or entered a drug or alcohol rehabilitation program, and who come forward voluntarily seeking treatment shall not be subject to discipline solely for coming forward. All such employees are urged to seek help immediately. Once a test has been scheduled, all employees are required to cooperate with





the designated Medical Review Officer to provide information regarding prescriptive and over-the-counter medications which could cause a positive result.

(4.) Refusal to test – If an employee refuses to submit to a test for drugs or alcohol, he/she forfeits his/her eligibility for all workers compensation medical and indemnity benefits and will be terminated from employment.

(5.) Initial test – The initial screen for all drugs shall use an immunoassay procedure or equivalent, or a more accurate scientifically accepted method approved by the U.S. FDA or the Agency for Health Care Administration. The initial test for alcohol shall be an enzyme oxidation methodology. The following cutoff levels shall be used when first screening specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceeding the following shall be reported as positive:

- (i.) Alcohol .04 g/dl%
- (ii.) Amphetamines 1,000 ng/ml
- (iii.) Cannabinoids 50 ng/ml
- (iv.) Cocaine 300 ng/ml
- (v.) Phencyclidine 25 ng/ml
- (vi.) Methaqualone 300 ng/ml
- (vii.) Opiates 2000 ng/ml
- (viii.) Barbiturates 300 ng/ml
- (ix.) Benzodiazepines 300 ng/ml
- (A.) Synthetic Narcotics:
  - (I.) Methadone 300 ng/ml
  - (II.) Propoxyphene 300 ng/ml

(6.) No employee shall be terminated solely on the basis of a positive initial test.

(i.) Confirmation test – All specimens identified as positive on the initial tests shall be confirmed using a second test, a gas chromatography/mass spectrometry (GC/MS) test or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the U.S. FDA as such technology becomes available in a cost-effective form. The following confirmation cutoff levels shall be used when analyzing specimens to determine whether they are positive or negative for these drug or metabolites. All levels equal to or exceeding in the following shall be reported as positive:

- (A.) Alcohol .04 g/dl%
- (B.) Amphetamines 500 ng/ml
- (C.) Cannabinoids 15 ng/ml
- (D.) Cocaine 150 ng/ml
- (E.) Phencyclidine 25 ng/ml
- (F.) Methaqualone 150 ng/ml
- (G.) Opiates 2000 ng/ml
- (H.) Barbiturates 150 ng/ml
- (I.) Benzodiazepines 150 ng/ml





- I. Synthetic Narcotics:
  - (J.) Methadone 150 ng/ml
  - (K.) Propoxyphene 150 ng/ml
- (7.) Collection Site Procedures – Chain of Custody
  - (i.) As part of the Company’s Drug Free Workplace Policy, the Company will only utilize a laboratory licensed and certified by the Agency for Health Care Administration.
  - (ii.) The laboratory will be required to follow all applicable state laws and the rules established by the Agency for Health Care Administration.
- (i) REPORTING OF RESULTS
- (1.) Medical Review Officer (MRO)
  - (i.) The laboratory shall report test results to the MRO within seven working days after receipt of the specimen by the laboratory.
  - (ii.) The laboratory shall report as negative to the MRO all specimens which are negative on the initial test or negative on the confirmation test. Only specimens which are confirmed as positive on the confirmation test shall be reported as positive to an MRO for a specific drug.
  - (iii.) The laboratory shall transmit results to the MRO in a manner designed to ensure confidentiality of the information. The laboratory and the MRO must ensure the security of the data transmission and restrict access to any data transmission, storage and retrieval system.
  - (iv.) The MRO may request from the laboratory, and the laboratory shall provide, quantification of test results. The MRO shall evaluate the drug test result(s), which is reported out by the laboratory, to verify by checking the chain of custody form that the specimen was collected, transported, and analyzed under the proper procedures, and to determine if any alternative medical explanations caused a positive test result. The MRO shall review all medical records made available by the tested individual.
  - (v.) Upon verifying a negative test result, the MRO is required to retain the chain of custody forms confidentially for five years.
  - (vi.) Within three days of the receipt of a positive test result from the laboratory, the MRO is required to notify the employee or





applicant and to inquire as to whether prescriptive or over-the-counter medications could have caused the positive result. The individual has five days after notification to submit documentation of any prescriptions relevant to the positive test result and to discuss the test result with the MRO.

(A.) (i). If the MRO is unable to contact a positively tested donor within three days of the receipt of the test results from the laboratory, the MRO must contact the employer and request the employer to direct the donor to contact the MRO as soon as possible. If the donor does not

contact the MRO within two days following the request, the MRO will verify the test result as positive.

(B.) (ii). The MRO may change the verification upon a showing of good cause by the donor as to why contact could not be made within two days only if the donor also presents information concerning a legitimate explanation for the positive test results.

- (vii.) Upon verifying a positive test result, the MRO must notify the employer in writing and retain the chain of custody forms confidentially for five years.
- (viii.) If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO must report a negative test result to the employer. However, in circumstances where the MRO believes that the legal use of a drug(s) would endanger the individual or others, or if the individual is in a safety sensitive or special risk position, the MRO must report the result as negative due to a validated prescription and must request that the individual be placed in a position which would not threaten the safety of the individual or others.
- (ix.) The MRO may order a re-analysis of the original sample at any licensed laboratory licensed under state specific requirements (i.e.: Chapter 10E-18, Florida Administrative Code.)
- (x.) Unless otherwise instructed by the employer in writing, all records pertaining to a given specimen shall be retained by the drug testing laboratory for a minimum of two years.

(j) Dynamic R.I.C. Electric, LLC Actions

(1.) First Offense: If the substance analyses confirm (positive) the presence of drugs or alcohol in the specimen of an employee, that individual will be terminated and not eligible for rehire until after a period of 30 days.





(i) Exception- Dynamic R.I.C. Electric, LLC Employees, the rehire eligibility period is 6 months from the time of termination.

(2.) Second Offense (Except as noted in (4)(iii)): If within one year, the substance analyses confirm (positive) the presence of drugs or alcohol in the specimen of an employee, that individual will be terminated and not eligible for rehire until after a period of 6 months.

(3.) Third Offense: If the substance analyses confirm (positive) the presence of drugs or alcohol in the specimen of an employee, that individual will be terminated and not eligible for rehire.

(4.) Employees wishing to return to work after a positive test result shall report to a drug testing facility chosen by Dynamic R.I.C. Electric, LLC and proceed with a new prescribed test of controlled substances.

(i) The cost of this analysis will be borne by the employer

(ii) This test shall be equivalent to the type of test that was given

originally (i.e. 10- Panel, 5- Panel, or Instant/Dip). Personnel displaying results from non-equivalent test shall be rejected until equivalent test result is returned.

(iii) Personnel failing two subsequent tests shall not be eligible for re-hire for a period not less than 1 year.

(5.) If the substance analyses are negative, the employee shall resume the duties of their employment and no further action is necessary.

(k) Employee Challenges

(1.) Within five (5) working days after receipt of a positive confirmed test result from the medical review officer, the company shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.

(2.) The company shall provide to the employee or job applicant, upon request, a copy of the test result.

(3.) Within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the medical review officer explaining or contesting the

test results, and why the results do not constitute a violation of company policy.

(4.) If an employee's or job applicant's explanation or challenge of the positive test results is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer. The employee or job applicant may submit information to the employer explaining or contesting the test results and why the results do not constitute a violation of company policy. If the employee's or job applicant's explanation or challenge of the positive test result is





unsatisfactory to the employer, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the company to the employee or job applicant within 15 days of the receipt of the explanation or challenge. All such documentation shall be kept confidential by the company and shall be retained by the company for at least one (1) year. A person may contest the drug test result pursuant to rules adopted by the Dept. of Labor and Employment Security.

(5.) In the event of a workplace injury and the company's decision to deny workers compensation benefits due to a positive drug test, an employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the results of a test, it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

(6.) Within seven (7) days after testing based on reasonable suspicion, the company shall detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidentially by the company and retained for at least one (1) year.

(7.) During the 180 day period after written notification of a positive test result, the employee who has provided the specimen shall be permitted by the company to have a portion of the specimen retested, at the employee's expense. Such retesting shall be done at another laboratory, licensed or approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the company is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

(8.) Employees and applicants have the right to consult the Medical Review Officer regarding prescription or non-prescription medication.

(9.) The company shall pay the cost of all drug tests, initial and confirmation, which it requires of employees. An employee or job applicant shall pay the costs of any additional drug test not required by the company.

(10.) All employees and job applicants are responsible for notifying the laboratory of any administrative or civil action brought pursuant to the drug-free workplace regulations.

#### (I) CONFIDENTIALITY STATEMENT

(1.) Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the employer through a drug testing program are confidential communications and will not be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, accept in accordance with this rule or in determining compensability under Workers Compensation Statutes

(2.) Dynamic R.I.C. Electric, LLC, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information regarding drug test





results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to any appeal taken under this section or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain at a minimum:

- (i.) The name of the person who is authorized to obtain the information.
  - (ii.) The purpose of the disclosure.
  - (iii.) The precise information to be disclosed.
  - (iv.) The duration of the consent.
  - (v.) The signature of the person authorizing release of the information.
- (3.) Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information release contrary to this section shall be inadmissible as evidence in any such criminal proceeding.
- (4.) Nothing herein shall be construed to prohibit Dynamic R.I.C. Electric, LLC, agent of Dynamic R.I.C. Electric, LLC, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to its defense in a civil or administrative manner.

(5.) EMPLOYEE ASSISTANCE PROGRAM

- (i.) Any employee, who feels that he or she has developed an addiction to, dependence upon or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Assistance may be sought by writing in confidence to, or asking for a personal appointment with, the company Director of Human Resources.
- (ii.) Employees may only enter the Employee Assistance Program of their own accord. *Upon notification of a prescribed test of controlled substance, the employee shall no longer be eligible for such assistance.*
- (iii.) Each request for assistance will be treated as confidential by the company Director of Human Resources and only those persons “needing to know” will be made aware of such request.
- (iv.) Rehabilitation itself is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug abuse will be entitled to benefits only if and to the extent specified either under the company’s group medical insurance plan or collective bargaining. For employees enrolled in a formal in-patient treatment program, the company will grant a





rehabilitation leave.

- (v.) To be eligible for continuation of employment during an in-patient rehabilitation, the employee must maintain at least weekly contact with the Supervisor/Manager to whom the employee reports; and must provide certification that he or she is continuously enrolled in a treatment program and actively participating in that program.
- (vi.) Upon successful completion of treatment, the employee will be returned to active status without reduction of pay or seniority, absent a reduction in force or other business occurrence which would have resulted in the employee's layoff or termination in any event. The employee will be required to attend the mandatory after-care program at the direction of the out-patient (after-care) counselor.
- (vii.) If the employee in the course of employment enters an Employee Assistant Program for drug-related problems, or an alcohol and drug rehabilitation program, the company will require the employee to submit to a drug test as a follow-up to such program, unless the employee entered the program voluntarily. In those cases, the employer has the option not to require follow up testing. If follow up testing is required, it must be conducted at least once a year for a 2-year period after completion of the program. Advance notice of a follow up testing date must not be given to the employee to be tested. Employees treated for drug/alcohol abuse must sign a rehabilitation agreement as a condition of continued employment.
- (viii.) Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible for protection under this section more than one time for drug or alcohol treatment. The recurrence of an alcohol or drug problem will be cause for termination.

(m) SEVERABILITY

(1.) If any section, provision, or part of this policy shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the policy as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

(n) RESERVATION OF RIGHTS

(1.) The company retains the sole right to interpret, change or discontinue this policy as may be necessary from time-to-time.





(2.) Nothing in this policy should be construed as creating a contract of employment. Your employment at will relationship cannot be changed except in writing by the President of the Company.

### **5-1 Substance Abuse Policy Attachment**

#### **SUBSTANCE ABUSE POLICY ATTACHMENT**

##### **M.16-1**

Personnel selected for screening of controlled substances should be aware of policy and procedures which could affect their employment. Some important items are included in this brief attachment for your reference. For further information please refer to the entire policy or contact the safety department for clarification.

1. Employees reporting to the testing facility must verify their identity by providing a picture identification issued by a state or federal government entity. Examples are: Driver's License, Military Identification, Concealed Weapons Permit, etc. Failure to provide identification shall be considered the same as refusal to take the test and the employee shall be terminated immediately.
2. Employees have time limitations depending upon which type of test is prescribed. For example:
  1. Two hours for Reasonable Suspicion
  2. Two hours for Post-Accident/Injury (either Workers' Compensation or Equipment/Vehicle damage)
  3. Three hours for Random Testing
  4. There is no time stipulation for pre-employment testingFailure to provide a specimen within the allotted time-frame will result in immediate termination.
3. After signing in at the testing facility, if an employee leaves before providing a specimen, it will be considered the same as refusing to take the test and the employee shall be terminated immediately.
4. If an employee is unable to provide a sufficient specimen to the testing facility (unless due to medical condition), it will be considered the same as refusing to take the test and the employee shall be terminated immediately.
5. If the temperature of the specimen is outside the normal range (90° - 100° Fahrenheit), it will be considered the same as if the test was adulterated or the specimen was substituted and the employee shall be terminated immediately.





## **6 ADA Policy**

### Americans with Disabilities Act Policy

Dynamic R.I.C. Electric, LLC is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”). It is our policy not to discriminate against any qualified employee or applicant for employment with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, Dynamic R.I.C. Electric, LLC will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made us aware of his or her disability. An individual who can be reasonably accommodated for a job, without undue hardship on Dynamic R.I.C. Electric, LLC, will be given the same consideration for that position as any other applicant or employee.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact Human Resources. We encourage individuals with disabilities to come forward and request reasonable accommodation.

## **7 Military Leave Policy**

### **MILITARY LEAVE**

Employees are entitled to military leave in order to serve in the uniformed services of the United States or the State’s Air or Army National Guard (whether voluntary or involuntary). Returning service members will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) or other applicable military leave law. Service members must meet the obligations established under law for reinstatement.





## 8 Jury Duty Policy

### JURY DUTY / WITNESS LEAVE

Dynamic R.I.C. Electric, LLC supports employees who are called to serve their civic duty by serving on a jury. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury or to act as a court witness, the employee must notify his/her immediate supervisor and must present a copy of the appropriate jury summons or subpoena.

The Company does not offer paid time off for jury duty or witness service for nonexempt employees, unless the employee is acting as a voluntary witness at the Company's request. Exempt employees will be paid their regular salary in any week in which they work, however their salary will be reduced by the amount they receive as jury duty pay.

Employees dismissed from jury duty before the end of their normal work schedule are expected to report for work after being dismissed from jury duty. This policy will be altered if required by state or local law.

## 9 Family Medical Leave Act- FMLA

### FAMILY MEDICAL LEAVE ACT - FMLA

#### (1) Eligibility

Employees who have a cumulative (not necessarily continuous) 12 months of prior service, who have worked at least 1,250 hours during the 12 months immediately preceding the date on which the FMLA leave would commence, and who work at a location where at least 50 employees are employed or work within a 75 mile radius of one or more locations where a total of 50 employees are employed are eligible for unpaid Family and Medical Leave Act (FMLA) Leave.

#### (2) Events that May Entitle an Employee to FMLA Leave

FMLA leave up to 12 weeks in a consecutive 12 month period may be taken for any one, or for a combination of, the following reasons:

FMLA Parental Leave - Leave needed by the employee to care for or bond with the employee's child within 12 months of the birth or placement for adoption or foster care of the child.

FMLA Serious Family Illness Leave - Leave needed by the employee in order to care for a spouse, child or parent or dependent grandparent who has a serious health condition. A child, for the purposes of this policy, includes an individual who is either (1) under the age of 18 or (2) older but incapable of self-care because of a mental or physical disability. The child must also be related to the employee as a biological, adopted, foster, step-child, legal ward or a child of a person standing "in loco parentis."

Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.





FMLA Serious Personal Illness Leave - Leave needed by the employee because of a serious health condition (including job-related injuries).

A “serious health condition,” for purposes of this policy, is an illness, injury, impairment or physical or mental condition which involves:

- inpatient care in a hospital or any subsequent treatment in connection with such inpatient care;
- continuing treatment by a health care provider for any period requiring an absence from work for more than three calendar days;
- a chronic serious health condition which requires periodic visits to a health care provider over an extended period of time which may cause episodes of incapacity (i.e., asthma, diabetes, epilepsy);
- a period of incapacity for a long-term or permanent condition for which treatment may not be effective (i.e., Alzheimer’s Disease, severe strokes or the terminal stages of a disease);
- any absence for multiple treatments by a health care provider for restorative surgery or any condition which would likely result in a period of incapacity of more than three calendar days if untreated (i.e., cancer (chemotherapy), severe arthritis (physical therapy), kidney disease (dialysis));
- any period of incapacity due to pregnancy or for prenatal care, or for a condition otherwise defined by law.

Family and Medical Leave does not include routine physical, eye or dental examinations. In addition, the taking of over-the-counter medication such as aspirin, antihistamines or salves or bed rest, drinking fluids, exercise, and other similar activity which may be initiated without a visit to a health care provider is not by itself sufficient to constitute a regimen of continuing treatment to allow the employee to take leave under this policy. Therefore, unless complications arise, the following are not considered “serious health conditions” for purposes of this policy: the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, and routine dental or orthodontia problems.

An employee’s on-the-job injury often may also qualify as a serious health condition under FMLA. In this instance, the company may designate the leave of absence due to an on-the-job injury as a FMLA leave of absence.

The FMLA leave of absence will begin to run from the beginning of the absence caused by the on-the-job injury and will run simultaneously with any workers compensation absence that also may be provided the employee.

Qualifying Exigency Leave for Families of Members of the Armed Forces – Employees may take FMLA leave because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The qualifying exigency may include short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, attending post-deployment reintegration briefings, and other events that arise out of active duty, provided the employer and employee agree, including agreement on timing and duration of the leave





### (3) Military Caregiver Leave

Eligible employees may take up to 26 weeks of FMLA leave in order to care for a spouse, son, daughter, parent or next of kin who is a covered service member of the Armed Forces during in a 12 month period to care for the service member. During any 12 month period, an eligible employee may take a combined total of FMLA leave. Next of kin is defined as the closest blood relative of the injured or recovering service member. Eligibility will be determined by current law.

### (4) Duration and Limitations

In General - Eligible employees are entitled to a total of 12 weeks of FMLA leave (or up to 26 weeks of military caregiver leave) during any "rolling" 12-month period (measured backward from the date the FMLA leave sought by the employee would begin). For example, an employee taking six (6) weeks FMLA leave on January 5, 2014, and an additional six

(6) weeks FMLA leave on March 1, 2014, is not entitled to additional FMLA leave until January 5, 2015, at which time the employee is eligible to request an additional six (6) weeks of leave.

Married Employee Couples - In cases where both husband and wife work for the company, they will be eligible for a combined total of 12 weeks of FMLA leave for Parental Leave and/or FMLA Serious Family Illness Leave needed by either spouse to care for a spouse's parent (not parent-in-law) who has a serious health condition, or combined 26 weeks in the case of Military Caregiver Leave.

Parental Leave Limitations - An employee's entitlement to leave for the birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth, placement, or adoption.

Any Parental Leave must be concluded within this 12-month period.

Intermittent Leave or Reduced Work Schedule Leave - When medically necessary, Serious Family Illness Leave, Serious Personal Illness Leave or Military Caregiver Leave may be taken intermittently, in separate blocks of time (no less than one hour), or on the basis of a "reduced leave schedule" under which an employee's usual working hours each day or each week are reduced. Requests to take Parental Leave on an intermittent or reduced work schedule will be granted at the discretion of the company.

### (5) Request and Approval

FMLA Leave requests should be submitted to the Safety Director. Requests for leave should be accompanied by appropriate documentation such as a Certification of Health Care Provider form whenever the need for such leave is foreseeable. In cases where the need for leave is not foreseeable, a Certification of Health Care Provider must be provided within fifteen (15) calendar days of the request or as soon as reasonably possible under the circumstances. Failure to provide this required medical certification may result in denial of leave, denial of continuation of leave until the certification is provided, and/or automatic re-designation of the leave as other than FMLA leave, or treatment of the absence as unexcused.

Sometimes the company will know the reason for the leave, but will not be able to confirm that the leave qualifies as FMLA Parental, Serious Family Illness, or Serious Personal Illness Leave, or the





company will have requested a Certification of Health Care Provider that has not yet been received, or the parties are in the process of obtaining a second or third medical opinion. In these cases, the company may preliminarily designate the leave as FMLA leave. Upon receipt of the requisite information from the employee, or of a Certification of Health Care Provider confirming the leave qualifies under one of the FMLA leave provisions, the preliminary designation will become final. If the employee fails to provide information necessary to confirm that an absence is eligible for FMLA leave, fails to provide the completed Certification of Health Care Provider in a timely manner, or if the documentation does not confirm the absences are eligible for FMLA leave, the designation of the absence(s) as preliminarily eligible under FMLA is automatically withdrawn, considered unexcused and treated accordingly. The company will attempt to notify the employee of this withdrawal, but employees should understand that it is their responsibility to provide the appropriate information and/or medical certification within fifteen (15) calendar days, or to provide an explanation and certification as to why this time frame is impractical.

Employees must provide the company with at least thirty (30) days notice of the need for FMLA leave whenever the need for the leave is foreseeable (such as when the leave is for an expected birth or placement for adoption or for planned medical treatment). When planning medical treatment, employees should consult with the Safety Director and attempt to schedule the treatment so as to minimize the impact of the employee's absence on the operations of the company and their fellow employees. In cases where the need for leave cannot be anticipated thirty (30) days in advance, the employee must give notice of the need for leave as soon as possible (no later than one or two business days) after the employee learns of the need for the leave. Failure to give proper advance notice of the need for FMLA leave when the need for such leave is foreseeable may result in denial of the leave until thirty (30) days after such notice is provided.

In the case of Serious Personal Illness Leave or Serious Family Illness Leave, the company may request medical recertification every thirty (30) days, or whenever the employee requests an extension of leave, circumstances described in the original medical certification have changed significantly (such as the duration or nature of the illness or complications), or the company receives information which casts doubt on the continuing validity of the medical certification.

If the company has reason to question the validity of a medical certification provided by the employee's health care provider, the company may require the employee to obtain a second opinion, at the company's expense, from a health care provider designated by the company. In the event the second opinion differs from the first, the company may require the employee to obtain a third and final opinion, again at the company's expense, from a health care provider jointly approved by the company and the employee.

Timely requests for FMLA leave from eligible employees will be granted as required by state and federal law.

An employee on approved FMLA Leave may continue group health insurance coverage during the leave by paying the employee's normal share of the cost of such coverage during the leave on or before the date when payroll deductions for such costs would normally be made (failure to pay the employee's share of the premium when due will result in elimination of coverage after thirty (30) days).

An employee who fails to return from FMLA Leave may be required to reimburse the company for the company's cost of maintaining group health insurance coverage for the employee and/or the





employee's dependents while on FMLA Leave, unless the employee's failure to return to work is due to reasons beyond the employee's control, such as the continuation, recurrence or onset of a serious health condition of the employee or the employee's spouse, parent or child.

(6) Request for Reinstatement

An employee returning from FMLA Leave for his or her own serious health condition should notify his/her supervisor of availability immediately upon being released to return to work by the employee's health care provider. Failure to do so within 2 business days of release to work may subject an employee to disciplinary action. The employee should also provide the company with a certification from the health care provider confirming the employee's fitness to return to his or her normal duties (or any limitations if the employee's activities are limited) if requested by the company or if the duration of the leave exceeded three (3) working days. Failure to provide a requested fitness-for-duty certification may result in denial of reinstatement until this certification is provided. An employee desiring to return from FMLA Leave, other than Serious Personal Illness Leave, or return from Military Caregiver Leave prior to the date the leave was due to expire, should give written notice to his or her supervisor of the desire to return to work preferably at least fourteen (14) days, but no later than two

(2) Working days, prior to the desired return date.

(7) Reinstatement

An employee returning from FMLA Leave will normally be reinstated to the position held by the employee at the time the leave commenced or to an equivalent position. However, an employee returning from FMLA

Leave will have no greater right to employment or employment in a specific position than s/he would have had in the absence of the leave.





## 10 Domestic Violence Leave Policy

### DOMESTIC VIOLENCE LEAVE

Under Florida law, employees may be granted up to 3 days of unpaid leave in any 12 month period if the employee or a family or household member of an employee is the victim of domestic violence. This leave may be used to:

- 1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- 
- 2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
- 
- 3. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
- 
- 4. Make your home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
- 
- 5. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.
- 

"Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Except in cases of imminent danger to the health or safety of you or your family or household member, you must provide appropriate advance notice 10 days in advance of the need for leave along with sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc.





## 11 Computer Network & Internet Access Policy

### Computer Network & Internet Access Policy

#### Disclaimer

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an email address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and Dynamic R.I.C. Electric, LLC is not responsible for material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at Dynamic R.I.C. Electric, LLC is governed by the following policy:

#### Permitted Use of Internet and Company Computer Network

The computer network is the property of Dynamic R.I.C. Electric, LLC and may only be used for legitimate business purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain employees (“Users”) may also be provided with access to the Internet through the computer network. All users have a responsibility to use Dynamic R.I.C. Electric, LLC computer resources and the Internet in a professional, lawful and ethical manner. Abuse of the computer network or the Internet, may result in disciplinary action, including possible termination, and civil and/or criminal liability.

#### Computer Network Use Limitations

**Prohibited Uses.** Without prior written permission from Dynamic R.I.C. Electric, LLC, the company’s computer network may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, self-replicating programs, etc.), political material, pornographic text or images, or any other unauthorized materials. Employees may not use the company’s Internet connection to download games or other entertainment software (including screen savers), or to play games over the Internet. Additionally, you may not use the computer network to display, store or send (by e-mail or any other any other form of electronic communication such as bulletin boards, chatrooms, etc.) material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise inappropriate or unlawful. Furthermore, anyone receiving such materials should notify their supervisor immediately.

**Illegal Copying.** Users may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the IT department.

**Communication of Trade Secrets.** Unless expressly authorized to do so, the user is prohibited from sending, transmitting, or otherwise distributing proprietary information, data, trade secrets or other confidential information belonging to Dynamic R.I.C. Electric, LLC. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.





## **Duty not to Waste or Damage Computer Resources**

**Accessing the Internet.** To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to Dynamic R.I.C. Electric, LLC's network must do so through an approved Internet firewall or other security device. Bypassing Dynamic R.I.C. Electric, LLC's computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to the company's network.

**Frivolous Use.** Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the user must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

**Virus detection.** Files obtained from sources outside the company, including portable electronic storage devices (zip drives) brought from home, files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail, and files provided by customers or vendors, may contain dangerous computer viruses that may damage the company's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use zip drives from non-company sources, without first scanning the material with company-approved virus checking software. If you suspect that a virus has been introduced into the company's network, notify the IT department immediately.

### **No Expectation of Privacy**

Employees are given computers and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the company's computer equipment. The computer network is the property of Dynamic R.I.C. Electric, LLC and may be used only for company purposes.

**Waiver of privacy rights.** The user expressly waives any right of privacy in anything they create, store, send or receive using the company's computer equipment or Internet access. The user consents to allow company personnel access to and review of all materials created, stored, sent or received by the user through any company network or Internet connection.

**Monitoring of computer and Internet usage.** Dynamic R.I.C. Electric, LLC has the right to monitor and log any and all aspects of its computer system including, but not limited to, monitoring Internet sites visited by users, monitoring chat and newsgroups, monitoring file downloads, and all communications sent and received by users.

**Blocking sites with inappropriate content.** Dynamic R.I.C. Electric, LLC has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.





## 12 Safety Discipline Policies

### SAFETY DISCIPLINE PROGRAM

#### OBJECTIVE

To establish enforcement procedure by which violations of Company safety rules and regulations are addressed. This policy will apply to all Dynamic R.I.C. Electric, LLC employees and subcontractors. The intent of this policy is empower those Dynamic R.I.C. Electric, LLC employees in supervisory positions (as defined below) to enforce the safety discipline policy described herein.

#### DEFINITIONS

Company - Dynamic R.I.C. Electric, LLC

Safety Violation - Any violation of Company safety policy as stated in the Project Safety, Hazard Communication & Substance Abuse Manual. This shall include all site-specific and customer safety rules.

Life-Threatening Safety Violation - Any violation of Company safety policy that has been determined by project supervision as a violation that can directly result in a serious or fatal injury.

Supervisory Personnel or Project Supervision - Any employee, who is foreman class or higher, including Safety personnel, Project managers and Company officers. Except on those projects or work situations where there are no foremen assigned, then the journeyman designated as in-charge shall be classified as supervisory personnel for the purposes of this policy.

Safety Personnel - Any employee who is working in a designated safety capacity.

Written Warning - Written documentation of a safety violation using the four-part Employee Warning Form.

#### PROCEDURES

Any employee observed by supervisory personnel who are committing a safety violation shall be subject to the issuance of a Written Warning. The distribution of the Written Warning shall be as follows:

White copy - Employer (personnel file)

Canary copy - Employee

Pink copy - Local Union

Goldenrod - Safety Director

#### Safety Violations - Penalties





Any employee, who has received two Written Warnings within a twelve (12) month period, shall be subject to a suspension without pay for a period not greater than seven (7) days.

Any employee who has received three (3) Written Warnings within a 12 months period, shall be subject to immediate termination and shall not be eligible for re-hire.

Any employee observed by supervision that is committing a Life-Threatening Safety Violation shall be subject to immediate termination and shall not be eligible for re-hire.

### **13 Worker's Compensation**

#### **WORKERS' COMPENSATION INSURANCE**

Dynamic R.I.C. Electric, LLC provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness arising out of and in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses shall inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If medical attention is required, the Dynamic R.I.C. Electric, LLC home office will authorize a health care facility. If a medical emergency arises, the employee may seek care at the nearest medical facility.

Employees are required to submit to alcohol and/or controlled substance testing within two (2) hours following an accident that has met the determination that a Workers' Compensation accident has occurred. Refer to the Substance Abuse policy in this handbook for more information.

### **14 Work and Job Rules**

#### **Access to Personnel Files**

Dynamic R.I.C. Electric, LLC maintains a personnel file on each employee. This file includes information such as the employee's job application, resume, professional licenses or certifications, records of training, performance reviews and disciplinary actions, as well as other employment records. This file is the property of Dynamic R.I.C. Electric, LLC. Access to the information they contain is restricted and given only at the sole discretion of management. Employees who wish to review their file should contact Human Resources.





## 15 Accesses to Personnel Files

### Access to Personnel Files

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## 16 Employee Acknowledgement Form

### EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about Dynamic R.I.C. Electric, LLC, and I understand that I should consult my immediate supervisor regarding any questions not answered in the handbook.

Since the information and policies described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the president of Dynamic R.I.C. Electric, LLC has the ability to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is neither a contract of employment nor a legal document. By signing below, I am stating that I have either read or have had read to me, the contents of this handbook. Furthermore, I understand that it is my responsibility comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_





## 17 Orientation Test

Handbook Test Questions:

1. To whom should you report an act of discrimination or harassment?
  - a. A friend
  - b. Your Project Manager
  - c. The Human Resources Director
  - d. Your coworker
  
2. When should you report an injury to your supervisor?
  - a. At the end of the day or shift
  - b. At the next break
  - c. After a couple of days to see if it gets better
  - d. Immediately
  
3. While on a Dynamic R.I.C. Electric, LLC project, eye protection must be worn
  - a. Some of the time
  - b. When someone is watching
  - c. All of the time
  - d. Only when it's necessary
  
4. What is an improper method of lifting objects
  - a. Lift with your legs
  - b. Keep your back straight
  - c. Bending and twisting is permissible if the object is less than 50 lbs.
  - d. Always get help if the object is too heavy or awkward
  
5. When using a step-ladder, you must make sure
  - a. That it has secure footing
  - b. The ladder is fully open and locked
  - c. That you do not stand on the top two steps
  - d. All of the above
  
6. Pertaining to fall protection, an anchor point must be capable of supporting
  - a. 1,000 lbs.
  - b. 500 lbs.
  - c. 2,000 lbs.
  - d. 5,000 lbs.
  
7. I cannot be tested for alcohol consumption during a random drug-screening?
  - a. True
  - b. False





8. At what minimum elevation shall fall protection be required?
  - a. 8 feet
  - b. 5 feet
  - c. 6 feet
  - d. 10 feet
  
9. While utilizing a lanyard system, should you need to move to another anchor point; which of the following is the correct method for your transition?
  - a. It is okay to remove my lanyard if the move will only take a second
  - b. I cannot move to a different anchor point, so someone else will have to do it
  - c. What is a lanyard
  - d. A second lanyard must be connected and secured before the first lanyard is removed
  
10. Who can authorize an apprentice to conduct energized work?
  - a. The General Foreman
  - b. The Project Manager
  - c. The Superintendent
  - d. Nobody

