

Marbury Construction Company, LLC
Employee Handbook



Marbury Construction

“Utility Contractor”

Denmark, Tennessee



“An Equal Opportunity Employer”

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This handbook is your guide to Marbury Construction's policies, which you need to be aware of as a member of our team. Since space does not permit this to be all-inclusive, or discuss every company policy or practice in detail, summary description of the policies and practices that Marbury Construction currently has in place. If you need more detailed information, or an explanation of a specific policy or practice, you are encouraged to speak to your supervisor, who will be happy to answer any questions you have. Additionally, Marbury Construction reserves the rights to revise, supplement, or rescind any policy or portion of the handbook from time to time, as it deems appropriate, in its sole and absolute discretion.

Every individual who completes an application for employment, or who is given employment, or continues employment, the understanding that *neither* the application, or any other documents, regardless of any particular language contained therein, is to be considered in whole or in part to be a contract of employment between an individual and furthermore, the employment relationship between an employee and Marbury Construction is of indefinite duration and can be terminated by either the employee or Marbury Construction at any time and for any reason whatsoever, including economic conditions and violations of Marbury Construction's Rules and Regulations without resorting to any disciplinary procedure. Furthermore, no statement or representation whether made verbally or in writing, and regardless of whom made, can modify or rescind this understanding or be considered in any way as creating a contract of employment for a definite duration, unless reduced to writing and signed by the President of Marbury Construction.

REMEMBER, this has been prepared to help you know more about Marbury Construction. You should read, familiarize yourself with it and keep it as a reference guide, because if a question arises concerning your employment, Marbury Construction will assume that you are aware and understand the contents.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

Marbury Construction is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Marbury Construction policy is to ensure equal employment opportunity and will not tolerate any actions, words, jokes, or comments based on a person's sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic.

Marbury Construction prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either

explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating a close personal, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment at work, it is your responsibility to report it immediately to your supervisor. If your supervisor is unavailable or you believe it would be inappropriate to discuss it with your supervisor, you should immediately contact the office. There will not be punishment or reprisal if you report sexual harassment or ask questions or raise concerns about it.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and the confidentiality of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor who becomes aware of possible sexual or other unlawful harassment must immediately advise the office so it can be investigated in a timely and confidential manner.

Liability for Harassment

Any employee of Marbury Construction, whether a coworker or supervisor, who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including immediate discharge from employment. Marbury Construction does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, Marbury Construction reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personal activity within any company, and many of the reasons for termination are routine.

- Resignation – voluntary employment termination initiated by the employee.
- Discharge – involuntary employment termination initiated by the company.
- Layoff – involuntary employment termination initiated by the company for non-disciplinary reasons.

Such issues as repayment of outstanding debts to Marbury Construction, or return of company owned property are due at this time.

Since employment with Marbury Construction is based on mutual consent, both the employee and Marbury Construction have the right to terminate employment at will, with or without cause, at any time.

FAMILY AND MEDICAL LEAVE (FMLA)

A family or medical leave of absence is defined as an approved absence available to an eligible employee for up to 12 weeks of unpaid leave in a rolling 12-month period under particular circumstances that are critical to the employee or a family member. In Tennessee, an additional four weeks of unpaid Maternity Leave is available beyond the normal 12-week FMLA leave.

To be eligible for leave under this policy, an employee must have been employed at least 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding the leave.

Each employee has a different "FMLA Leave Year," which consist of a rolling 12-month period measured backward from each date the employee uses the Family and Medical Leave.

Leave may be taken:

Upon the birth of an employee's child or newly placed adopted or foster child.

When an employee is needed to care for a child, spouse, or parent who has a serious health condition.

When an employee is unable to perform at least one of the essential functions of his or her position because of the employee's own serious health condition.

Medical certification

Marbury Construction will require proper medical certification to support a claim for leave for the employee's own serious health condition or to care for a seriously ill child, spouse, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform at least one of the functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time that the employee is needed to provide care.

Intermittent or reduced leave

Leave may be taken on an intermittent or reduced-leave schedule if it is medically necessary for a serious health condition of the employee or his or her spouse, child, or parent.

Request form

The employee must fill out a Request for Family and Medical Leave of Absence Form. This form must be completed in detail, signed by the employee, submitted to their supervisor to be forwarded to the office. If possible, the form should be submitted 30 days before the effective date of the leave.

All requests for family and medical leaves of absence due to illness must include sufficient medical certification stating:

- The date on which the serious health conditions began.
- The probable duration of the condition.
- The appropriate medical facts the health care provider knows about the condition.
- In addition, for the leave to care for a child, spouse, or parent, the certificate must include an estimate of the amount of time that the employee will need to provide care.
- For leave for an employee's own illness, the certificate must state that the employee is unable to perform at least one of the functions of his or her position.
- For certification for intermittent leave or leave on a reduced-leave schedule for planned medical treatment the certificate must state the dates on which such treatment is expected and the duration of the treatment.
- An employee who is injured on the job and needs a leave of absence will follow the procedures above to request leave. In other words, workers' compensation leave is the same as a FMLA leave of absence.
- If an employee fails to report to work promptly at the expiration of the approved leave period, Marbury Construction will assume the employee has resigned.

Please refer to the FMLA posting, which by law is posted in the office and outlines the legal aspects involved with the Family and Medical Leave Act.

MILITARY LEAVES OF ABSENCE

A military leave of absence will be granted to an employee who is absent from work because of service in the U. S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Military orders will have to be presented to your supervisor. The leave will be unpaid.

An employee on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

An employee returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA.

Contact the office for more information or questions about military leave.

TIMEKEEPING/PAYROLL

Accurately recording time worked is the responsibility of every supervisor. Federal and state laws require Marbury Construction to keep an accurate record of time worked in order to calculate employee pay. Time worked is all the time actually spent on the job performing assigned duties.

Altering or falsifying time may result in disciplinary action, up to and including termination of employment.

Information such as wages, exemptions, hours worked, or other personal information will be released to anyone besides the employee, unless written permission is given or is court ordered.

PAY PROCEDURES

All employees are paid weekly every Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Paychecks will only be released to an employee.

As required by law, deductions for applicable federal, state and local income taxes, Social Security tax, and legally mandated garnishments are deducted from an employee's compensation. Eligible employees may also voluntarily authorize deductions from their checks to cover costs of participation in Marbury Construction programs.

IMMIGRATION LAW COMPLIANCE

Marbury Construction is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Marbury Construction within the past 3 years, or if their previous I-9 is no longer retained or valid.

Marbury Construction participates in E-Verify. We will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each applicant's Form I-9 to confirm work authorization.

Employees may raise questions or complaints about immigration law without fear of reprisal.

ATTENDANCE

Prompt and regular attendance is a responsibility and a condition of employment of all Marbury Construction employees. Tardiness and frequent absences place hardship on supervisors and other employees and is not acceptable.

It is the employee's responsibility to contact their supervisor when they miss work. An employee who does not report to work for three consecutive days without notifying their supervisor will be considered as absent without leave and will be terminated as having voluntarily quit.

SAFETY

Many economic benefits occur to Marbury Construction by conducting our operations in a safe and orderly manner. Our competitive position can be enhanced considerably by reduced cost of insurance, labor and lost productivity. Since there are few other work activities with greater capacity for building goodwill, our safety program can serve as an effective public relations tool as well.

Obviously, the value of safety cannot be measured entirely in dollars and cents. No one who has witnessed the injury or death of a worker can avoid the feeling of shock and indignation.

It will therefore, be the policy of Marbury Construction to conduct our operations with safety as our first priority. Shortcuts utilized to save time at the expense of safety will not be tolerated. All supervisors will be held accountable for the safety of workers under their supervision.

Although it is highly unlikely that accidents will ever be completely eliminated, certainly the frequency and severity of those accidents can be reduced. The very fact that our work is hazardous should prompt us to give added attention to our safety program. The mere presence of a dangerous situation cannot be used to justify the omission of a single preventive step that can reduce the waste and suffering caused by accidents.

SAFETY COMMITTEE

In an effort to reduce accidents, Marbury Construction is making the following commitment in establishing a company-wide safety program.

1. Safety committee: The safety committee will consist of at least 2 members. The committee shall meet at least once a month and conduct the following:
 - a. Review all accident reports for the previous month.
 - b. Discuss compliance with recommendations submitted as a result of job site inspections.
 - c. Review any input from employees regarding safe working conditions.
2. Inspections: All job site locations will be inspected at least monthly.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, fail to remedy such situations may be subject to disciplinary action, up to and including termination of employment.

In case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should notify their supervisor. Such reports are necessary to comply with laws.

SAFETY COMMITTEE MEMBERS

Marbury Construction has formed a safety committee in an effort to further control accidents. The following people will serve on this committee: Thomas Marbury and Tracy Benard. If you or anyone on the job site has any suggestions, please submit them to one of these members.

Should a TOSHA (OSHA) compliance officer inspect your job site and ask about your safety committee, tell them that you have received your safety packet and the program is on file at the office.

WORKPLACE VIOLENCE PREVENTION

Marbury Construction is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Marbury Construction has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay", or other conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your supervisor. This includes threats by employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should be reported as soon as possible to your supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near you, do not try to intercede or see what is happening.

Marbury Construction will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as practical. In order to maintain workplace safety and the integrity of its investigation, Marbury Construction may suspend employees, without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Marbury Construction encourages employees to bring their disputes or differences with other employees to the attention of their supervisor before the situation escalates into potential violence. Marbury Construction is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

WORKERS' COMPENSATION

If an employee is injured on the job, they should notify their supervisor immediately. Failure to do so could result in the loss of benefits or the denial of a claim.

Under the Tennessee Workers' Compensation Law, Marbury Construction must provide employees with a listing of at least three physicians or other medical providers from whom they may choose should they have a work-related illness or injury. This information is posted in the office and included in the employee pay envelope at least once

each year. In case of an emergency, the employee will be sent to the nearest emergency facility equipped to handle the emergency. When the employee is released from the emergency facility, and requires further treatment the employee must choose from a list of doctors provided by Marbury Construction or if necessary, a list of specialists provided by our Workers Compensation insurance carrier.

Neither Marbury Construction nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity.

A substance abuse test will be required.

RETURN TO WORK POLICY

The Return-To-Work policy covers employees who are on leave due to an occupational injury or illness. Because employees are our most valuable resource, we attempt to help employees return to work as soon as possible after their physician certifies their fitness to do so. An employee on leave due to work-related disability can return to work only when we receive the attending physician's written medical release authorized such return. Arrangements to facilitate early return to work will be organized by the attending physician, the insurance carrier, and us. We will explore modified duty to prior position or an alternative position for temporary time period. However this might not always be available.

EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations, each employee is expected to know what personal conduct is allowed. In most instances, the employee's own good judgment will ensure he/she will do the right thing. However, the specific rules below must be followed since violation of these rules could include termination of employment.

1. Report immediately any unsafe work conditions or acts to your foreman.
2. Report all injuries, regardless of how slight, to your foreman immediately. You have 24 hours in which you must notify your foreman of an accident. If it is not reported within the 24 hour period, Marbury Construction, reserves the right to reject a claim.
3. Absolutely no horseplay during working hours.
4. Employees working around moving equipment are required to wear safe clothing and footwear. You are also cautioned about the danger of loose clothing, lightweight canvas shoes, rings bracelets or other jewelry around moving equipment or tools.
5. Only trained personnel will operate heavy machinery.
6. When getting off the machine for any reason, the hand brake must be set and the engine turned off.
7. Never walk under or behind the machine while it is moving or lifting anything.
8. No riders other than the driver at any time.
9. No one is allowed to ride on the pipe, manholes or anything in this category while it is being moved or lifted.
10. Keep hands, arms and feet out from under any materials being raised or transported by heavy machinery.
11. Drive machinery at a safe slow speed.
12. Common sense, health and sanitation rules must be observed for the welfare and consideration of other employees.
13. All Federal and State OSHA rules and regulations must be observed.
14. Employees are not permitted the use of possession of any alcohol or drugs on company property.
15. There will be no weapons of any kind allowed on company property. Any violation can result in immediate dismissal and/or reported to the police.
16. Employees working on other job sites are to comply with the office's safety procedures.
17. Any employee that through carelessness or negligence destroys any property of Marbury Construction's jobs they are associated with may be held financially liable for that property.

SUBSTANCE ABUSE POLICY STATEMENT

Marbury Construction is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Marbury Construction employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. This policy is not designed to invade the privacy of any employee. Marbury Construction has established the following policy, pursuant to T.C.A. Section 50-9-101 et seq.

1. It is a violation of company policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of company policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount. A positive drug test will be considered valid evidence of illegal drug use. Any attempt to tamper with the specimen tested will be considered a refusal to test and treated in the same manner as a positive drug test.
3. It is a violation of company policy for any employee to report to work under the influence of or impaired by alcohol.
4. It is a violation of the company policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the company's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at Marbury Construction.

As a condition of employment, employees must abide by the terms of this policy and must notify Marbury Construction in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

The company offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file; which is located in the office. In addition, we will distribute this information to employees for their confidential use.

General Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative – depending on the determination of the observed impairment – and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive. If a taxi is called the impaired employee will be responsible for payment and not Marbury Construction.

Opportunity to Contest or Explain Test Results

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the company; a person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

Job Applicant Drug Testing

All job applicants at Marbury Construction will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by Marbury Construction, and by signing the consent agreement will release Marbury Construction from liability.

If the physician, official or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for employment.

Marbury Construction will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that Marbury Construction will not tolerate.

Employee Drug Testing

Marbury Construction has adopted testing practices to identify employees who use illegally, use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol 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, but not limited to, the following:
 - (A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
 - (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - (C) A report of substance abuse provided by a reliable and credible source;
 - (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;

- (E) Information that an employee has caused or contributed to an accident while at work; or
 - (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or job site, or while operating the employer's vehicle, machinery, or equipment.
2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. Marbury Construction will send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to company property occurs. Employees involved in on-the-job accidents must take a drug or alcohol test within four hours or as directed in the case of an on the road accident in a Marbury Construction or personal vehicle. If the test result is positive, the employee will be held responsible for all costs and not Marbury Construction.
 3. As part of a follow-up program to treatment for drug abuse.
 4. Routine fitness-for-duty drugs or alcohol testing. Marbury Construction will require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, or part of Marbury Construction's established policy, or one that is scheduled routinely for all members of an employment classification group. (An example would be truck drivers meeting DOT regulations.)

Alcohol Testing

The consumption or possession of alcoholic beverages on Marbury Construction's premises is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .04% by weight while on duty or company business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

Refusal to Submit

Failure to submit to a required substance abuse test, as directed by Marbury Construction, also is misconduct and also shall be subject to discipline up to and including termination.

Important Information for Job Applicants and Employees

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The job applicant or employee for their personal use should keep the information form. If the job applicant or employee has a positive confirmed test result a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA Section 50-9-100 et. Seq., Drug-Free Workplace Programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court.

Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs:

Drug Class

	Initial Screens	Second Confirmation Screen
Amphetamines	1,000 ng/ml	500 ng/ml
Marijuana (cannabinoids)	50 ng/ml	15 ng/ml
Cocaine (benzoyllecgonine)	300 ng/ml	50 ng/ml
Opiates (codeine, morphine, heroin)	2,000 ng/ml	2,000 ng/ml
PCP (phencyclidine)	25 ng/ml	25 ng/ml

- Alcohol: (Not required for job applicant testing)
Any “Alcoholic Beverage”: (all liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example: Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
- Amphetamines: “speed”, “uppers”, etc.
- Cannabinoids: THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.
- Cocaine: “coke”, “crack”, etc.
- Phencyclidine: PCP, “angel dust”
- Opiates: Narcotics, Heroin, Codeine, Morphine, “smack”, “dope”, etc.

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Marbury Construction is committed to creating and maintaining a workplace free of substance abuse without jeopardizing valued employees’ job security.

To address this problem, Marbury Construction has developed a policy regarding the illegal use of drugs and the abuse of alcohol that we believe serves the interests of all employees. Our policy formally and clearly states that the illegal use of drugs or the abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining our policy, we have implemented pre-employment and active employee substance abuse testing.

This policy was designed with two basic objectives in mind:

1. Employees deserve a work environment that is free from the negative effects of drugs and alcohol and the problems associated with their abuse, and
2. Marbury Construction has a responsibility to maintain a healthy and safe workplace.

An employee whose conduct violates Marbury Construction’s Substance Abuse Policy will be disciplined up to and including termination.

We believe it is important that we all work together to make Marbury Construction a drug-free workplace as part of our continual efforts to provide a safer and more rewarding place to work.

Any employee that has an on-the-job accident will be required to submit to a substance abuse test. If the test is positive, the employee, NOT Marbury Construction will be held responsible for the required payment. This also applies to any employee that is required to submit to a substance abuse test because of suspicion or any other reasonable matter.

CELL PHONES

Effective January 3, 2012 all CDL drivers are prohibited from holding, dialing, or reaching for a hand-held cell phone – this includes all “push-to-talk” functions. The final rule does not restrict or prohibit the use of hands-free devices. The new rule permits truck drivers to use handheld cells after they have moved their vehicles to the side of or off of a highway or have stopped where the vehicle can safely remain stationary.

Cell phone use is strictly prohibited during working hours. You may use your phone during your lunch break. If your supervisor sees you texting or talking, and it is not work related or an emergency, you will be suspended, without pay, for an amount to be determined by your supervisor. Our work conditions are very dangerous therefore, no warning will be given.

FLEET SAFETY PROGRAM

Accidents, whether they occur on the streets, highways, job sites or at our own facility, profit no one. They may result in damage to the equipment. They contribute toward service delays to or for our customers. And, when personal injuries occur to our employees, they can cause unnecessary misery as well as the possible loss of income.

It is well recognized that most accidents can be prevented, thus avoiding their many undesirable consequences. It is equally well recognized that accident free operations are not achieved by chance. Rather, they result from the thoughtful application of sound safety principles to the work at hand. To achieve the highest degree of safety, it is our policy that sound safety principles shall be followed in all of our activities and applied in all phases of our work.

To implement our policy, a fleet safety program has been developed and adopted. It applies to all activities of our company and the operation of our vehicles. It will be conducted through the regular channels of supervision. It requires the fullest attention and cooperation of all employees.

In short, our policy is to provide service with safety.

The program has been instituted to promote safe driving by our drivers, reduce the frequency and severity of losses associated with vehicle operations, and promotes positive customer and public relations.

It is Marbury Construction’s policy to provide safe and reliable transportation for its authorized drivers and the resources for proper maintenance. However, it is the drivers’ responsibility to assure proper vehicle maintenance and to exercise defensive driving practices at all times.

Driver Objectives

For those employees’ permitted to drive company vehicles, driving is an integral part of their job. Marbury Construction expects its drivers to perform in accordance with the following objectives:

- Avoid vehicle accidents and traffic violations by driving defensively.
- Avoid vehicle abuse by proper vehicle use, care and maintenance.

- Avoid discourtesy to other drivers.
- Never pick up hitchhikers.
- Never drive under the influence of alcohol or drugs. Check with your doctor on possible adverse effects of prescription drugs.
- Always use seat belts and ensure passengers do as well.
- Always lock an unattended vehicle.

Driver Evaluation Program

Employees permitted to drive company vehicles are expected to maintain acceptable driving records. To attempt to diminish Marbury Construction's potential losses resulting from employees with poor driving records, a driver evaluation program has been implemented.

A. Controls

1. Applicants whose job(s) require operation of a company vehicle must list any moving violations or vehicle accidents (within previous three years) on their application. If the application indicates an unacceptable driving record, the applicant should not be considered for a position requiring operating a vehicle.
2. New hires (who will be issued company vehicles) may be hired contingent on obtaining an acceptable motor vehicle record (MVR). If the driving record is unacceptable (refer to "Definition of Unacceptable Driving Record"), the new hire may be terminated immediately.
3. Driving records of current employees (issued company vehicles) will be audited periodically and after any vehicle accident resulting in a claim filed. Drivers who have unacceptable driving records (refer to "Definition of Unacceptable Driving Record") will be subject to disciplinary procedures.
4. Drivers are required to report any accidents or moving violations to the supervisor at the time of occurrence (including personal vehicle). Drivers are also responsible for notification to the supervisor or final disposition of violations.
5. Supervisors are responsible for regular review of physical condition and maintenance of employees' company vehicles as outlined in the Fleet Manual. In addition, supervisors will notify the office of any moving violations or accidents.

B. Disciplinary Procedures

1. New employees required to operate a company vehicle (hired after 01/01/09) will be hired contingent upon a satisfactory MVR being provided.
2. Any current driver with a major violation [i.e., driving while intoxicated, hit and run (within the previous three years)] is an unacceptable risk and may not be issued or continue to be issued a company vehicle.
3. Current employees (assigned company vehicles) who develop an unacceptable driving record will be counseled relative to their driving record. If the driving record continues to be unacceptable, one of the following actions will be taken:
 - a. Reassignment to a position with no company vehicle use.
 - b. Termination of employment.

C. Unacceptable Driving Record – Definition

Any applicant or current employee with any of the following occurring in the last three years:

1. One major violation (defined below).
 - a. Homicide resulting from the operation of any vehicle involving conduct of unreasonable risk or a high degree of negligence.
 - b. Driving under the influence of intoxicating liquor or illegal drug.
 - c. Failure to stop, report or comply with state statutes when involved in an accident.
 - d. Any felony in which a car is used.
2. More than two moving violations and/or chargeable accidents.
3. Exceptions – Any request for deviation from policies outlined above must be submitted to the Safety Committee member. The Safety Committee member is responsible for the administration of the driver evaluation program and understands that the rules cannot be

substitute for judgment when circumstances are unique. The Safety Committee member is committed to improving and maintaining a superior level of collective driving performance.

Driving Training

All drivers are required to familiarize themselves with the following:

1. State traffic regulations (available from state Motor Vehicle Departments).
2. Marbury Construction's Fleet Manual outlining company policies and procedures.
3. Vehicle manufacturer's owner's manual covering vehicle operation, maintenance and warranty instructions.

Vehicle Inspection and Maintenance

Maintenance and repair procedures are covered in the manual. Adherence to these procedures is essential to ensure control of our fleet operating costs and vehicle downtime.

It is the driver's responsibility to follow recommended preventive maintenance practices to assure good vehicle condition and avoid costly repairs, breakdowns and vehicle accidents.

Drivers should make a daily check of their vehicle's operating condition. This procedure can provide early detection of problems with respect to steering, brakes, lights, tires, horn, turn signals, unusual engine noises or general handling of the vehicle. When problems are detected, timely maintenance and/or repairs should be sought in accordance with maintenance procedures.

Accident Procedures

Each vehicle has a Claim Kit in the glove compartment of the vehicle. Additional kits are available in the office. This kit provides instructions on what to do in case of an accident. It also contains accident reporting forms that need to be completed.

Drivers should familiarize themselves with all procedures and forms to assure appropriate action should an accident occur.

Traffic Citations

Marbury Construction will not pay nor reimburse employees for the cost of any traffic citations.

Marbury Construction Company, LLC

"An Equal Opportunity Employer"

Contractor's EEO/AA Policy Statement

It is the policy of Marbury Construction not to discriminate against any applicant for employment, or present employee, because of race, color, religion, national origin, age, sex, disability or veteran status.

Marbury Construction will take affirmative action to ensure that the EEO/AA Policy is implemented with particular regard to: advertising, application procedures, compensation demotion, employment, fringe benefits, job assignment, job classification, layoff, leave, promotion, recruitment, rehire, social activities, termination, transfer, upgrade, working conditions and selection fro training to include apprenticeship, pre-apprenticeship and on-the-job training.

Marbury Construction will continue to make it understood to the employment sources/agencies with which it deals, and in employment opportunity announcements/ads, the above-mentioned EEO/AA Policy and that all of the company's employment decisions are based on individual merit only.

All current employees of Marbury Construction are requested to encourage qualified disabled persons, minorities, females, special disabled veterans, and Vietnam Era veterans to apply for employment, on-the-job training or for union apprenticeship. It is the policy of Marbury Construction to satisfy reasonable special accommodations for qualified disabled individuals.

It is the policy of Marbury Construction that all company activities; facilities and job sites are non-segregated. Separate or single-user toilet and changing facilities are provided for privacy between genders. Disabled parking spaces may be assigned to accommodate accessibility needs.

It is the policy of Marbury Construction to ensure and maintain a working environment free of coercion, harassment and intimidation at all job sites, and in all facilities at which employees are assigned to work. Any violation of the policy should be immediately reported to your supervisor or the Company EEO Officer.

Marbury Construction Company, LLC

Name of Company

Thomas L. Marbury, President

Printed Name and Title of Official Company Representative



Signature of Official Company Representative

Marbury Construction Company, LLC

"An Equal Opportunity Employer"

Certificate of Non-Segregated Facilities

Certification of Non-Segregated Facilities:

This certification is provided to fulfill our contractual obligations.

This company does not maintain or provide for its employees any segregated facilities at any of our offices, shops, work areas or job sites. This company does not allow its employees to work at any location where segregated facilities are maintained.

This company agrees that any breach of this certification is a violation of the Equal Employment Opportunity/Affirmative Action provisions of federal assisted highway construction contracts.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms (except single user toilets/changing facilities to ensure privacy between genders), restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religious creed, national origin, age, or disability because of habit, local custom or otherwise. The only exception will be for the disabled when the demand for accessibility overrides (e.g. disabled parking).

Any breach of these clauses may be grounds for debarment as provided in 29 CFR 5.6(b).

Marbury Construction Company, LLC

Name of Company

Thomas L. Marbury, President

Printed Name and Title of Official Company Representative



Signature of Official Company Representative