

## INTRODUCTION

This Manual is designed to acquaint you with Mindak Commercial Construction and provide you with information about working conditions, benefits, and policies affecting your employment.

The information contained in this Manual applies to all employees of Mindak Commercial Construction. Following the policies described in this Manual is considered a condition of continued employment. However, nothing in this Manual alters an employee's status. The contents of this Manual shall not constitute nor be construed as a promise of employment or as a contract between the Company and any of its employees. The Manual is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this Manual. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

## EMPLOYMENT APPLICATIONS

We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## EMPLOYMENT RELATIONSHIP

You enter into employment voluntarily, and you are free to resign at any time for any reason or no reason. Similarly, Mindak Commercial Construction is free to conclude its relationship with any employee at any time for any reason or no reason. Following the probationary period, employees are required to follow the Employment Termination Policy.

## “EMPLOYEES” DEFINED

An “employee” of Mindak Commercial Construction is a person who regularly works for Mindak Commercial Construction on a wage or salary basis.

“Employees” may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with the Company who are subject to the control and direction of Mindak Commercial Construction in the performance of their duties.

### EXEMPT

Employees whose positions meet specific criteria established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay requirements.

### NON-EXEMPT

Employees whose positions do not meet FLSA criteria and who are paid one and one-half their regular rate of pay for hours worked in excess of 40 hours per week.

### REGULAR FULL-TIME

Employees who have completed the [90-day] probationary period and who are regularly scheduled to work [35] or more hours per week. Generally, they are eligible for the Company’s benefit package, subject to the terms, conditions, and limitations of each benefit program.

### REGULAR PART-TIME

Employees who have completed the [90-day] probationary period and who are regularly scheduled to work less than [35] hours per week.

### TEMPORARY (FULL-TIME or PART-TIME)

Those whose performance is being evaluated to determine whether further employment in a specific position or with the Company is appropriate or

individuals who are hired as interim replacements to assist in the completion of a specific project or for vacation relief. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. They are not eligible for any of the Company's benefit programs.

#### PROBATIONARY PERIOD FOR NEW EMPLOYEES

A new employee whose performance is being evaluated to determine whether further employment in a specific position or with Mindak Commercial Construction is appropriate. When an employee completes the probationary period, the employee will be notified of his/her new status with Mindak Commercial Construction.

#### NEW EMPLOYEE ORIENTATION

Orientation is a formal welcoming process that is designed to make the new employee feel comfortable, informed about the company, and prepared for their position. New employee orientation is conducted by a Human Resources representative, and includes an overview of the company history, an explanation of the company core values, vision, and mission; and company goals and objectives. In addition, the new employee will be given a overview of benefits, tax, and legal issues, and complete any necessary paperwork.

Employees are presented with all codes, keys, and procedures needed to navigate within the workplace. The new employee's supervisor then introduces the new hire to staff throughout the company, reviews their job description and scope of position, explains the company's evaluation procedures, and helps the new employee get started on specific functions.

#### PROBATIONARY PERIOD FOR NEW EMPLOYEES

The probationary period for regular full-time and regular part-time employees lasts up to [90 days] from date of hire. During this time, employees have the opportunity to evaluate our Company as a place to work and management has its first opportunity to evaluate the employee. During this introductory period, both

the employee and the Company have the right to terminate employment without advance notice.

Upon satisfactory completion of the probationary period, a [90-day] review will be given and benefits will begin as appropriate. All employees, regardless of classification or length of service, are expected to meet and maintain Company standards for job performance and behavior (See Section 4, Standards of Conduct).

### OFFICE HOURS

Mindak Commercial Construction office is open for business from 7:00AM - 4:30PM M-T 7:00AM - 11:30AM F, except for Holidays (See Section Holidays). The standard workweek is [40] hours of work (see Section Overtime). In the computation of various employee benefits, the employee workweek is considered to begin on Friday (starting at 12:01 a.m.) through Thursday (ending at 12:00 a.m.), unless a supervisor makes prior other arrangement with the employee.

### LUNCH PERIODS

Employees are allowed a 30 Min lunch break. Lunch breaks generally are taken between the hours of 11 a.m. and 2:00 p.m.

### PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify their supervisor of any changes in personnel data such as:

- Mailing address
- Telephone numbers
- Name and number of dependents
- Individuals to be contacted in the event of an emergency

An employee's personnel data should be accurate and current at all times.

## EMPLOYEE PERFORMANCE REVIEW AND PLANNING SESSIONS

Supervisors will conduct performance reviews and planning sessions with all regular full-time and regular part-time employees after each projects completion. Supervisors may conduct informal performance reviews and planning sessions more often if they choose.

Performance reviews and planning sessions are designed for the supervisor and the employee to discuss his/her current job tasks, encourage and recognize attributes, and discuss positive, purposeful approaches for meeting work-related goals. Together, employee and supervisor discuss ways in which the employee can accomplish goals or learn new skills. The planning sessions are designed for the employee and his/her supervisor to make and agree on new goals, skills, and areas for improvement.

Mindak Commercial Construction directly links wage and salary increases with performance. Your performance review and planning sessions will have a direct effect on any changes in your compensation. For this reason among others, it is important to prepare for these reviews carefully, and participate in them fully. New employees will be reviewed at the end of their probationary periods (see Section 3.3, Probationary Period for New Employees). After the initial review, the employee will be reviewed according to the regular schedule.

## CORRECTIVE ACTION

Mindak Commercial Construction holds each of its employees to certain work rules and standards of conduct. When an employee deviates from these rules and standards, Mindak Commercial Construction expects the employee's supervisor to take corrective action.

Corrective action at Mindak Commercial Construction is progressive. That is, the action taken in response to a rule infraction or violation of standards typically

follows a pattern increasing in seriousness until the infraction or violation is corrected.

The usual sequence of corrective actions includes an oral warning, a written warning, probation, and finally termination of employment. In deciding which initial corrective action would be appropriate, a supervisor will consider the seriousness of the infraction, the circumstances surrounding the matter, and the employee's previous record.

Though committed to a progressive approach to corrective action, Mindak Commercial Construction considers certain rule infractions and violations of standards as grounds for immediate termination of employment. These include but are not limited to: theft in any form, insubordinate behavior, vandalism or destruction of company property, being on company property during non-business hours, the use of company equipment, untruthfulness about personal work history, skills, or training, divulging Company business practices, and misrepresentations of Mindak Commercial Construction to a customer, a prospective customer, the general public, or an employee.

## EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are a few examples of some of the most common circumstances under which employment is terminated:

- Resignation – voluntary employment termination initiated by an employee.
- Termination – involuntary employment termination initiated by Mindak Commercial Construction.
- Layoff – involuntary employment termination initiated by Mindak Commercial Construction for non-disciplinary reasons.

When a non-exempt employee intends to terminate his/her employment with Mindak Commercial Construction, he/she shall give Mindak Commercial

Construction at least two (2) weeks written notice. Exempt employees shall give at least four (4) weeks written notice.

Since employment with Mindak Commercial Construction is based on mutual consent, both the employee and Mindak Commercial Construction have the right to terminate employment at will, with or without cause during the Introductory/ Probationary Period for New Employees (See Section Introductory/Probationary Period for New Employees).

Any employee who terminates employment with Mindak Commercial Construction shall return all files, records, keys, and any other materials that are property of Mindak Commercial Construction. No final settlement of an employee's pay will be made until all items are returned in appropriate condition. The cost of replacing non-returned items will be deducted from the employee's final paycheck. Furthermore, any outstanding financial obligations owed to Mindak Commercial Construction will also be deducted from the employee's final check.

#### SUPPLIES; EXPENDITURES; OBLIGATING THE COMPANY

Only authorized persons may purchase supplies in the name of Mindak Commercial Construction. No employee whose regular duties do not include purchasing shall incur any expense on behalf of Mindak Commercial Construction or bind Mindak Commercial Construction by any promise or representation without written approval.

#### EXPENSE REIMBURSEMENT

Expenses incurred by an employee must have prior approval by a supervisor. Reimbursements under \$100.00 will be included in the employee's next regular paycheck. An example of such an expense would include mileage. If the amount is more than \$100.00, the reimbursement request shall be pre approved.

## STANDARDS OF CONDUCT

The work rules and standards of conduct for Mindak Commercial Construction are important, and the Company regards them seriously. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their own jobs and conducting the Company's business. Please note that any employee who deviates from these rules and standards will be subject to corrective action, up to and including termination of employment (see Section Corrective Action).

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule infractions or misconduct that may result in disciplinary action, including termination of employment.

- Theft or inappropriate removal or possession of property;
- Falsification of timekeeping records (See Section Timekeeping);
- Working under the influence of alcohol or illegal drugs (See Section Substance Abuse); Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace (See Section Substance Abuse);
- Fighting or threatening violence in the workplace;
- Boisterous or disruptive activity in the workplace;
- Negligence or improper conduct leading to damage of company-owned or customer-owned property;
- Insubordination or other disrespectful conduct;
- Violation of safety or health rules;
- Smoking in the workplace;
- Sexual or other unlawful or unwelcome harassment (See Section Harassment, Including Sexual Harassment);
- Excessive absenteeism or any absence without notice (See also, Section Attendance/Punctuality and Absence without Notice);
- Unauthorized use of telephones, or other company-owned equipment;
- Using company equipment for purposes other than business (i.e. playing games on computers or personal Internet usage);
- Unauthorized disclosure of business "secrets" or confidential information;

- Violation of personnel policies; and
- Unsatisfactory performance or conduct.

### ATTENDANCE/PUNCTUALITY

The Company expects that every employee will be regular and punctual in attendance. This means being in the office, ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on the Company.

If you are unable to report for work for any reason, notify your supervisor before regular starting time. You are responsible for speaking directly with your supervisor about your absence. It is not acceptable to leave a message on a supervisor's voice mail, except in extreme emergencies. In the case of leaving a voice-mail message, a follow-up call must be made later that day.

Should undue tardiness become apparent, disciplinary action may be required. If there comes a time when you see that you will need to work some hours other than those that make up your usual work week, notify your supervisor at least seven working days in advance. Each request for special work hours will be considered separately, in light of the employee's needs and the needs of the Company. Such requests may or may not be granted.

### ABSENCE WITHOUT NOTICE

When you are unable to work owing to illness or an accident, please notify your supervisor. This will allow the Company to arrange for temporary coverage of your duties, and helps other employees to continue work in your absence. If you do not report for work and the Company is not notified of your status, it will be assumed after two consecutive days of absence that you have resigned, and you will be removed from the payroll.

### HARASSMENT, INCLUDING SEXUAL HARASSMENT

Mindak Commercial Construction is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or

comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

If you believe you have been the victim of harassment, or know of another employee who has, report it immediately. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor who becomes aware of possible harassment should promptly advise their supervisor [or the Human Resources Representative] who will handle the matter in a timely and confidential manner.

If you become ill while at work or must leave the office for some other reason before the end of the workday, be sure to inform your supervisor of the situation [and check out with the receptionist].

## SUBSTANCE ABUSE

The Company is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and drugs of abuse have been established for all staff members, regardless of rank or position, including both regular and temporary employees. The rules apply during working hours to all employees of the Company while they are on Company premises or elsewhere on Company business.

The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse on Company property is prohibited.

Being under the influence of illegal drugs, alcohol, or substances of abuse on Company property is prohibited.

Working while under the influence of prescription drugs that impair performance is prohibited.

So that there is no question about what these rules signify, please note the following definitions:

Company property: All Company owned or leased property used by employees.

Controlled substance of abuse: Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act, as amended.

Drug: Any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

Drug paraphernalia: Equipment, a product, or material that is used or intended for use in concealing an illegal drug, or otherwise introducing into the human body an illegal drug or controlled substance.

Illegal drug:

- a. Any drug or derivative thereof whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation.
- b. Any drug, including – but not limited to – a prescription drug, used for any reason other than that prescribed by a physician.
- c. Inhalants used illegally.

Under the influence: A state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, drug, or substance of abuse.

Consistent with the rules listed above, any of the following actions constitutes a violation of the Company's policy on drugs and may subject an employee to disciplinary action, up to and including immediate termination.

Using, selling, purchasing, transferring, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting to or assisting another to do so, while in the course of employment.

Working or reporting to work, conducting Company business or being on Company property while under the influence of an illegal drug or alcohol, or in an impaired condition

## WAGE OR SALARY INCREASES

Each employee's hourly wage or annual salary will be reviewed at least once each year. The employee's review date will usually be conducted on or about the anniversary date of employment or the date of the previous compensation review. Such reviews may be conducted more frequently for a newly created position, or based on a recent promotion.

Increases will be determined on the basis of performance, adherence to company policies and procedures, and ability to meet or exceed duties per job description and achieve performance goals (See Section Performance Review/ Planning Sessions).

Although the Company's salary ranges and hourly wage schedules will be adjusted on an ongoing basis, Mindak Commercial Construction does not grant "cost of living" increases. Performance is the key to wage increases in the Company.

## 5.2 TIMEKEEPING

Accurately recording time worked is the responsibility of every non-exempt employee. Time worked is the time actually spent on a job(s) performing assigned duties. Each client job is assigned a job name and posted by the time clock. Employees are responsible for accurately documenting their time spent on individual jobs.

Mindak Commercial Construction does not pay for extended breaks or time spent on personal matters.

The time clock is a legal instrument. Altering, falsifying, tampering with time records, or recording time on another team member's time record will result in disciplinary action, including termination of employment.

Authorized personnel will review time records each week. Any changes to an employee's time record must be approved by his/her supervisor. Questions regarding the timekeeping system or time cards should be directed to the supervisor.

Time Cards – Non-exempt employees will be issued a time card on their first day of employment. The employee will be given thorough instructions on usage and instructions on what to do should a problem occur.

## OVERTIME

Mindak Commercial Construction is open for business 40 hours per week. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all hours worked over 40 per week at a rate of one and one-half times the non-exempt employee's regular hourly rate. Time off on personal time, holidays, or any leave of absence will not be considered hours worked when calculating overtime. In addition, vacation time does not constitute hours worked.

All overtime work performed by an hourly employee must receive the [supervisor's] prior authorization. Overtime worked without prior authorization from the [supervisor] may result in disciplinary action. [The supervisor's] signature on a timesheet authorizes pay for overtime hours worked.

## PAYDAYS

All employees are paid weekly. In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay prior to holiday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his/her return from vacation.

If the employee is not at work when paychecks are distributed and does not receive the paycheck, the paycheck will be kept at the reception desk through the rest of the payday. If an employee is unable to pick up his or her check on payday, he or she will need to see the company Bookkeeper or Human Resources Representative.

Paychecks will not, under any circumstances, be given to any person other than the employee without written authorization. Paychecks may also be mailed to

the employee's address or deposited directly into an employee's bank account upon request.

## HOLIDAYS

Mindak Commercial Construction observes the following non-paid holidays per year for all non-exempt employees:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Day after Thanksgiving Day

Christmas Day

## JURY DUTY/MILITARY LEAVE

Employees will be granted time off to serve on a jury or military leave without pay. However, all regular employees both full-time or part-time will be kept on the active payroll until their civic duties have been completed. A copy of the jury duty summons and all other associated paperwork are required for the personnel file.

## TRAINING AND PROFESSIONAL DEVELOPMENT

Mindak Commercial Construction recognizes the value of professional development and personal growth for employees. Therefore, Mindak Commercial Construction encourages its employees who are interested in continuing education and job specific training to research these further and get approval before signing up for the seminars or courses.]

I have read and agree to abide by this Employee Manual.

Employee Signature

Date

Witnessed by:  
Business Representative

Date