



# **BENNETT CONTRACTING II, LLC**

## **EMPLOYEE HANDBOOK**

**Effective November 1, 2021**

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## **THE PURPOSE OF THE EMPLOYEE HANDBOOK**

We have prepared this Employee Handbook to help you to understand some of the policies and procedures of Bennett Contracting II, LLC. (Bennett). Employees should familiarize themselves with the Handbook, as it will provide answers to some questions you may have about your employment. Nothing in this Handbook or in any other written or unwritten policies and practices of Bennett creates an express or implied contract, promise or representation between Bennett and any employee. This manual is not intended to, and indeed does not bestow any additional rights to employment or employment benefits to employees. Your employment is considered “employment at will”. “Employment at will” means that both employees and Bennett have the right to terminate employment at any time, with or without advance notice, and with or without cause.

Since every employment situation cannot be anticipated, this Handbook provides a general overview only. Bennett will make every effort to follow the provisions of this manual. However, Bennett reserves the right to deviate from the Handbook in certain situations. From time to time, changes in the Handbook may become necessary so Bennett reserves the right to amend, supplement or rescind any provisions.

The Handbook applies to all staff, whether full-time, part-time, exempt or nonexempt, except where otherwise stated. This Handbook supersedes all previous employment policies, whether written or oral, expressed or implied. If any provisions of this Handbook are found to be invalid or unenforceable, the remaining provisions will remain in full force and effect. If you have any questions or comments about this Handbook, or if you need more information, please ask your supervisor or a member of the Management Team (Greg Jackson, Paul Gutman, Andrew Gutman, Kevin Gutman, and Michael Britton).

This Handbook is available at the office and can be reviewed in the office during regular business hours. This Handbook is available online at <https://bit.ly/3lrrtfj> and can be reviewed at any time.

## **BENNETT HISTORY**

Dan Bennett started his business in 1915 as "Bennett the Plumber". At this time in-door plumbing was a new concept. Dan's grandson, Greg Jackson joined D.A. Bennett along with his cousin Tom in 1977. Together they became D.A. Bennett Insulation, a division of D.A. Bennett, Inc., and they focused on the sale of energy saving home improvements. Paul Gutman, a longtime friend, made an investment and became the third partner in the new undertaking. In 1984, D.A. Bennett Insulation moved from Delmar to S. Pearl St. in Albany and expanded its market to include all types of remodeling and construction. In 1988, D.A. Bennett Insulation underwent a major restructuring to reflect the overall business plans. Paul and Greg (the Owners) became equal partners and changed Bennett name to Bennett Contracting, Inc. In 2015, Paul's sons Kevin and Andrew Gutman joined Greg and Paul as members of the Management Team. Kevin and Andrew established Bennett Contracting II, LLC and on January 1, 2019, they acquired the assets, employees and operations of Bennett Contracting, Inc. from Greg and Paul.

## **BENNETT OBJECTIVES & MISSION STATEMENT**

Bennett is a team of skilled individuals, who bring together over 40 years of estimating, craftsmanship, and management experience providing quality and value in each customer and each construction project.

Our mission is to deliver the highest quality remodeling experience, through the exceptional customer service and quality craftsmanship of a professional team, so that every customer will look forward to working with us again. To cultivate a supportive company culture, grounded in a tradition of honesty and integrity

### **Management & Leadership Styles**

Greg Jackson and Paul Gutman have worked together for over 35 years. Bennett's success has been built on teamwork, cooperation and trust. Mutual trust is a big part of our Company culture. Greg and Paul have instilled and passed these same values onto Andrew and Kevin.

Our approach to business is, "To improve the economic well-being and quality of life of all stakeholders". Stakeholders represent employees, management, subcontractors, vendors, and most importantly our customers.

Bennett requires that all employees, supervisors and officers participate in establishing and maintaining a safe, productive, drug-free workplace and to comply with State laws, Federal laws and regulatory guidelines.

## **CODE OF ETHICS**

### **Conflict of Interest & Outside Employment**

Employees are expected to avoid conflicts of interest, defined as any situation where an employee may attain personal gain or which may serve as a detriment to Bennett, either monetarily or to its public image, because of the use of information or personal contact which is not generally available except through employment with Bennett.

Employees shall not engage in any business or transaction and shall not have a financial or other personal interest which is incompatible with their employment duties or which would impair their judgment or actions in the performance of their duties for Bennett. Employees who have questions about whether an activity violates this policy should discuss the matter with the Owners.

### **Confidential Nature of Work**

Employees may have access to confidential information about Bennett, including but not limited to information about customers, friends or other staff members. Such information must remain confidential and may not be released, removed from Bennett's premises, copied, transmitted or in any other way used for any purpose by employees outside the scope of their employment.

### **Gifts**

Employees may, on occasion be offered business gifts to or from entities doing business with or seeking to do business with Bennett. Accepting these gifts may cause potential conflicts of interests for Bennett and/or the employee. These gifts should be accepted infrequently and their value should be modest, generally less than \$100.00.

Employees who receive gifts in any form (money, trips, discounts, materials, etc.) in excess of \$100.00 in value from suppliers, subcontractors, customers or business associates must do so only with the approval of a member of the Management Team.

Employees soliciting or accepting personal gifts or benefits from entities engaged in business with Bennett, taking property belonging to or in trust to Bennett, using Bennett materials, vehicles, equipment for personal use and not reporting and paying for it and/or using same for aide jobs, or committing criminal offenses are in violation of Bennett's Code of Conduct, and as such, are subject to termination and criminal prosecution.

# COMPLIANCE POLICIES

## Workplace Harassment and Discrimination Prevention Policy

Bennett strives to maintain a workplace environment free of harassment and discrimination and to communicate steps available for employees to utilize when they believe they have been subjected to inappropriate treatment under Bennett's policy.

All employees are covered under this policy. Every person in Bennett must be treated with fairness, respect and dignity. The unfair treatment of employees, customers, vendors and third parties with whom Bennett has business dealings, will not be tolerated.

Harassment and discrimination may take many forms. Subjecting anyone to unwanted advances, intimidation, persistent inappropriate language or other inappropriate actions of any nature is harassment. Treating an employee who is a member of a protected category identified above in Bennett's Equal Opportunity Statement in a disparate or unequal manner is discrimination. The consequences of harassment and discrimination are severe. In following a policy of fair treatment for all, Bennett takes specific action against any person harassing, discriminating or otherwise acting inappropriately during, or in relation to, employment.

An employee who believes that they have been subjected to workplace harassment or discrimination by anyone is encouraged - but not required - to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting the conduct.

Prevention of workplace harassment, which includes sexual and other forms of harassment, is supported by our complaint/non-retaliation policy. Education about workplace harassment is delivered through Bennett's learning management system.

For more detailed specifics on sexual harassment, see the Sexual Harassment Policy.

Specifically prohibited behavior includes:

- making unwelcome advances or requests for favors which are sexual or gender-specific
- making verbal, physical or visual contact of a sexual or gender-specific nature
- making submission to this conduct or rejection of this conduct a basis for employment-related actions or decisions
- creating a hostile or intimidating work environment

Examples of prohibited gender-based contact include:

- offering or implying an employment-related reward (such as a promotion or raise) in exchange for sexual favors or submission to sexual conduct.
- threatening or taking a negative employment action (such as termination, demotion, denial of a leave of absence) when sexual or gender-specific conduct is rejected.
- unwelcome sexual or gender-specific advances or repeated flirtations.



- unwelcome intentional touching of another person or other unwanted intentional physical contact (including, but not limited to, patting, pinching, brushing against another person's body, or blocking a person's movement).
- unwelcome whistling, staring or leering at another person.
- asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.
- unwelcome sexually suggestive or flirtatious gifts.
- unwelcome sexually suggestive or flirtatious letters, notes, emails, or voice mail.
- conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including, but not limited to, jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping or threats.)
- displaying or circulating pictures, objects, or written materials (including, but not limited to, graffiti, cartoons, photographs, pinups, calendars, magazines, figurines, novelty items, emails, postings on personal websites, social networks and similar forms of electronic expression) that are sexually suggestive or that demean or show hostility to a person because of the person's gender.

Other prohibited harassment includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, national origin, age, religion, disability, genetic predisposition or carrier status, sexual orientation, military, marital or domestic violence victim status or any other status protected by applicable law.

Examples of other prohibited harassment include:

- threats, epithets, derogatory comments or slurs;
- derogatory posters, photographs, cartoons, drawings, gestures, email content, file transfers, and postings on personal websites, social networks, weblogs and similar forms of electronic expression;
- assault, unwanted touching or blocking normal movement
- harassing or discriminatory treatment of employees because of their association with members of a protected category.

Although Bennett respects the right of employees to access and use personal websites, social networking sites and similar forms of electronic expression during non-working hours and off Bennett premises, any use of such forms of electronic expression to harass or discriminate is unlawful and prohibited by this policy.

## **Workplace Violence Prevention Policy**

The safety and security of employees is of the utmost importance to Bennett.

Acts or threats of physical violence including intimidation, coercion, and/or harassment, which involve or affect employees, visitors, guests or other individuals will not be tolerated. Violations of this policy may lead to disciplinary action including dismissal, arrest, and prosecution.

Bennett will continually strive to prevent and minimize the potential of violence in the workplace. The prohibition against threats and acts of violence applies to all persons involved in Bennett's operation, including but not limited to regular personnel, contract and temporary workers, and anyone else on the property, attending Company-sponsored events, and conducting Company business.

Employees are prohibited from possessing firearms or weapons of any kind while on the premises; in Company or personal vehicles while conducting business for Bennett; or at any other location during working hours or while representing Bennett.

Company-owned or controlled property is defined as the space in any building, including the parking and outside areas of buildings, where Bennett is an owner or tenant and maintains a business presence.

Company-sponsored event is defined as one which is promoted and communicated by Bennett through both formal and informal means.

Conducting Company business includes but is not limited to visits to customer and vendor sites, attendance at conferences and trade shows, and other business activity that may be conducted at hotels, restaurants or other meeting places.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Company property shall be removed from the premises as quickly as safety permits, and shall remain off company premises pending the outcome of an investigation. Possible outcomes may include, but is not limited to, disciplinary action including warnings, dismissal, and/or termination of any business relationship, arrest and/or criminal prosecution of the person or persons involved.

All employees are responsible for notifying their supervisor or the Human Resources Department of any threats that they have witnessed, received or have been told that another employee has witnessed or received, whether on or off the premises. Even without an actual threat, employees should also report to a supervisor or the Human Resources Department any behavior they have witnessed which they regard as threatening or violent, when that behavior might be carried out on a Company-controlled site, or at a Company-sponsored event, or when that behavior might occur between employees off the premises. Employees are responsible for making a report, without fear of retaliation, regardless of the relationship between the individual who initiated the threat or threatening behavior and the person and persons who were threatened or were the focus of the threatening behavior.

All individuals who apply for or obtain a protective or restraining order which lists company locations as being protected areas must provide to the Human Resources Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

## **Complaint Procedure/Non-Retaliation Statement**

The complaint procedure provides several resources to which an employee may report harassment, workplace violence or discrimination. Employees who believe they have experienced or witnessed

a job-related treatment they believe is harassing, violent or discriminating should contact a supervisor and/or the Human Resources Department immediately.

All employees must inform a supervisor and/or the Human Resources Department immediately if approached by an employee alleging harassment, violence or discrimination.

We conduct an immediate and confidential (to the extent possible) investigation upon receipt of a report of harassment, violence or discrimination. We will take appropriate steps to protect the identity of the complainant, witnesses and the alleged harasser from unnecessary disclosure.

The procedures of fair treatment when we investigate:

- Report the incident first to a supervisor and/or the Human Resources Department
- A comprehensive and confidential-as-possible investigation will begin.
- The investigator will interview the employee, the accused harasser and witnesses, if appropriate.
- An employee, who is found after an appropriate investigation to have engaged in harassing, workplace violence or discriminatory treatment of another employee, will be subject to appropriate disciplinary action.

No employee will be subjected to discipline, or any other adverse treatment, because they have made a complaint of harassment, workplace violence or discrimination.

The individual making the complaint receives an appropriate response when the investigation has ended. Any employee who is not satisfied with Bennett's response to their original complaint is required to report their dissatisfaction to the Owners within five business days of being notified of the final decision.

We follow all procedures of fair treatment when we investigate a complaint. All complaints will be promptly and discreetly investigated by a member of Management who is not involved in the alleged incident and/or by the Human Resources Department. The result of the complaint investigation is designed to stop the inappropriate conduct and prevent any future occurrences.

Persons who are found to have engaged in harassment, violence, discrimination or inappropriate conduct will be subject to corrective disciplinary action up to and including employment termination. Bennett reserves the right to take disciplinary action in cases of inappropriate behavior even when that behavior does not amount to a violation of the law or our policy.

Employees can raise concerns or make reports without fear of retaliation. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because he or she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable worker from making or supporting a charge of harassment or discrimination. Bennett is committed to ensuring that no employee who makes a complaint and no witness who participates in an investigation will be subject to adverse treatment in our workplace. Bennett prohibits retaliation of any kind and will not tolerate it. All parties involved in an investigation will be reminded of this during the investigation. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

We trust that all employees will act in a professional and responsible way toward other employees to maintain a pleasant working environment free of discrimination or harassment. Bennett wants individuals who make complaints and serve as witnesses, to inform Management and/or the Human Resources Department if they have received treatment they believe is retaliatory. Allegations of retaliation will be promptly investigated by Bennett. Individuals, who have committed acts of retaliation, will be subject to discipline, up to and including termination.

## **Accommodation of Individuals with Disabilities or Pregnancy-Related Conditions**

Bennett is committed to providing equal employment opportunities to qualified individuals with disabilities, which may include providing reasonable accommodation during the application/hiring process or to perform the essential functions of the individual's position, except where doing so would pose an undue hardship. Bennett will comply with the relevant and applicable federal, state, and local laws related to persons with disabilities and those with pregnancy related conditions. We will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability or pregnancy related condition.

If an employee thinks he or she will need a reasonable accommodation in order to perform essential job functions, the individual must inform their supervisor, the Management Team, or Human Resources. Employers are required to provide reasonable accommodations only for the physical or mental limitations of a qualified individual with a disability or for pregnancy related conditions of which they are aware. Bennett reserves the right to require an employee to participate in a health examination to determine the employee's fitness to perform their essential job functions. Bennett will work with employees who have disabilities or pregnancy related conditions to develop reasonable accommodations that allow an individual the opportunity to perform the essential functions of her or his job in a safe and efficient manner. Bennett retains the right to select which accommodations, if any, will be granted.

Employees must report any perceived disability concerns to the Management Team. All information concerning disabilities will be considered confidential and will be released only in accordance with applicable laws.

## **Sexual Harassment Prevention Policy**

Bennett is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Bennett's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Bennett. Employees can

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

**Policy:**

1. Bennett’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Bennett. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Bennett will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Bennett who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Human Resources Department. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Bennett to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Bennett will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Bennett will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Bennett will provide all employees a complaint form for employees to report harassment and file complaints.

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<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Human Resources Department.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility.** Bennett cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Human Resources Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Department.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**



All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Human Resources Department.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Bennett will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Human Resources Department will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;

- A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
  - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
  - Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by Bennett but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Bennett, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Bennett does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to

award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

# GENERAL POLICIES

## Hiring Procedures

Selection Process – Bennett selects and hires individuals on the basis of many factors including, but not limited to, their ability, education, professional experience, skills, and cooperative spirit. The selection process includes a written application, personal interviews, and reference checking.

Employment Application – All applicants must complete an employment application and provide Bennett with complete and accurate information regarding their qualifications. Misrepresentations or omissions on an application form may remove applicants from consideration for employment. If misrepresentations or omissions are discovered after hiring, Bennett may exercise disciplinary action, up to and including termination.

Criminal Convictions - Applicants must inform Bennett of criminal convictions as a pre-condition of employment. Unfair discriminatory practices against applicants or employees previously convicted of one or more criminal offenses are prohibited. Bennett cannot deny employment or act adversely in relation to employment regarding such individuals, unless: a.) There is a direct relationship between a criminal offense and the position to be held by the applicant or currently held by the employee; or b.) Granting employment or other employment-related opportunity would involve unreasonable risk to Company property or the safety or well-being of employees or the general public.

Employment Reference Checking - An applicant's employment references are verified after making an offer of employment. Pursuant to this policy, Bennett may request consumer reports including records checks and investigative reports based on interviews, or investigative consumer reports, in connection with your application for employment, or at any time thereafter. Applicants must sign an authorization form for Bennett to request employment related information from former employers.

Eligibility to work in the United States - An employee must complete a Department of Homeland Security's *I-9 Form* on the first day of work. If an individual cannot verify his/her right to work within three days of hire, Bennett must terminate his/her employment.

Rate of Pay Acknowledgement - All new hires will receive in writing their rate of pay and regular pay day. For non-exempt, overtime-eligible employees, the notice will include the regular hourly rate as well as the overtime rate. New hires must sign an acknowledgment of the required notice.

Employment of Minors - All minors (anyone less than 18 years of age) must provide an official working permit. The minimum age for an employee is age 16 when and if Bennett hires minors.

## Smoking Policy

In compliance with the New York State Smoking Law, and in recognition that smoking and the breathing of secondhand smoke is a significant health hazard, Bennett has adopted the following policy on the smoking of any product in this workplace.

Smoking is permitted only in designated areas. Smoking is prohibited in the following areas:

- In all buildings under the control of Bennett
- In all "open" work areas, to include but not limited to: dock areas, pole barns, freight cars and box trailers
- In all Company vehicles
- In any other area not listed, where "NO SMOKING" signs or the International "NO SMOKING" symbol is posted
- In any customer's building or on their property

Smoking is allowed only during meal periods and approved break periods. Employees who fail to comply with Bennett's smoking requirements will be subject to appropriate disciplinary.

## **Conduct & Appearance**

The success of Bennett and each of its employees rests on your attitude on the job. A positive attitude towards the customer will be our best reference. What you say and do on the job reconfirms that the customer has made the right decision hiring Bennett. Please remember the following guidelines:

- Speak respectfully to each customer as if they were your family members. Take a little time to explain what you are doing and why.
- Treat each job site like it was your own home. Leave it clean and safe every day.
- Keep a positive attitude; not every job is easy or quick. Difficult jobs strengthen your skills.
- Avoid discussing Bennett politics or pay rates, etc. with the customer or with others at the job site. Your concerns should be discussed with management or off the job.
- All employees are expected to dress neat and cleanly with clothing appropriate to the job. Field Employees should refer to Safety Handbook.

## **Drug & Alcohol Abuse**

It is Bennett's desire to provide a drug and alcohol-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Bennett does prohibit the use, sale, possession, distribution, dispensation, formulation, manufacture, or transfer of controlled substances and reporting the use of prescription drugs. This policy applies to all employees.

**Disciplinary Action** - Any employee, who possesses, uses, sells, stores, distributes, or who is found to have alcohol or controlled drugs present in his or her system when reporting to work, at work, or during working hours will be subject to disciplinary action, up to and including termination of employment.

**Notification Requirements** - Employees must inform their supervisors of any therapeutic drugs that have been prescribed by a licensed physician which could in any way affect work performance,

driving ability (if driving is a part of the employee's job), operating machinery/equipment and/or endanger other individuals in the workplace. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job in an effective and safe manner, and if it does not endanger the employee or other individuals in the workplace. Employees may be required to obtain a medical release or note detailing any limitations or restrictions.

Employees must report any problems that are a result of alcohol or drugs to their supervisor immediately. This includes an employee's own problems or those that are the result of others. Employees who have questions regarding this policy or issues related to drug or alcohol use in the workplace should contact their supervisor and/or Human Resources Department.

As a condition of employment, all employees must agree to the terms of this Handbook statement and notify Bennett of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

**Sanctions of Convicted Employees** - Within 30 days of notification of any criminal drug statute conviction for a violation in the workplace, Bennett will either terminate the employee or require that the employee participate in a drug rehabilitation program. A second conviction will result in termination.

**Drug Free Awareness Program-** Bennett will make part of its on-going safety training a drug-free awareness program to inform employees of the: a) dangers of drug abuse in the workplace, b) Bennett's policy of maintaining a drug-free workplace, c) any available drug counseling or rehabilitation, d) the penalties that may be imposed upon employees for drug abuse violations

**Drug-Free Workplace Act** - Bennett complies with the Drug-Free Workplace Act. Employees must notify their supervisors of any criminal drug conviction occurring in the workplace within five days of the conviction.

**Reasonable-Suspicion Testing** – Bennett requires all employees to submit to a controlled substances and/or alcohol test if the employer has reasonable suspicion to believe that the employee has violated the drug and alcohol prohibitions.

The employer's determination shall be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations shall be made by a member of management or supervisor who has been trained to identify actions, appearance, and conduct.

Reasonable-suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with this section.

**After Reasonable-Suspicion Testing** - An employee brought for a reasonable-suspicion controlled substances test or a reasonable-suspicion alcohol test with a test result of positive, 0.02AC or greater, will be required to accept employer-arranged transportation, or arrange for independent transportation home, whichever is acceptable to employer. *Refusal to accept independent transportation may result in disciplinary actions, up to and including, immediate termination.*

**Cooperation** - An employee is required to fully cooperate with reasonable-suspicion testing including, but not limited to, meeting any required education and/or treatment, whether in-patient or out-patient. *Failure to cooperate fully may result in disciplinary action up to and including termination.*

# **WORKING AT BENNETT**

## **Initial Employment Period**

Commencing with the first day of employment, there will be a minimum initial period of 60 days (Initial Employment Period). Unless injured, all employees are expected to work their full schedule during this initial period. Employees do not accrue benefits during this initial period.

## **Employee Categories & Classification**

The purpose of this section is to standardize terminology and ensure common understanding in references to employees.

- Employees are all persons who receive wages or salaries from our firm.
- Regular, full-time employees are those employees who work at least 30 hours per week
- Regular part-time employees work less than 30 hours per week on a schedule approved by their supervisor.
- Temporary or seasonal employees may work full-time or part-time and are employed for a finite period of time. Temporary status may be waived by VP for re-hires.
- Field employees are those employees who work predominantly on job sites as carpenters, plumbers, electricians, and laborers.
- Office employees are those employees who work predominantly in our office location as officers, Project Managers and office administrative/facility staff.
- Office Management include the Owners/Officers, members of the Management Team and the Controller.

## **Fair Labor Standard Act Classifications**

These classifications are based on current employment law standards:

“Salaried” and “Hourly” Employees. The majority of full time employees are paid on an hourly basis. Hourly employees will be paid for the actual hours worked on Bennett’s regular pay cycles.

“Non-Exempt” and “Exempt” Employees. At the time you are hired, all employees are classified as either “exempt” or “non-exempt”. Federal and State law mandates that employees with certain duties are entitled to overtime pay for hours worked in excess of forty (40) hours per work week. These employees are referred to as “non-exempt” and receive overtime pay at a rate of 1.5 times the regular rate of pay.

Administrative personnel who are in non-managerial or non-supervisory roles are generally recognized as “non-exempt”. They are governed by prevailing overtime regulations in accordance with the Fair Labor Standards Acts and state laws.



“Exempt” employees are generally recognized as professionals and/or supervisors, managers, officers, directors, owners, salespeople and specific computer programmers, who are exempt from overtime regulations as stipulated in the Fair Labor Standards Act. If you are an “exempt” employee, you will be advised that you are in this classification at the time you are hired, transferred, or promoted.

Any questions regarding your employment status may be directed to Office Management. Questions regarding classification should be made without fear of retaliation.

## **Salary Reviews**

Outstanding performance by each employee makes for an outstanding company. Outstanding companies earn more money, so they can afford better wages, benefits, working conditions and fund the growth which allows promotions and bonuses. It is the goal of Bennett to attract, hire, retain and promote outstanding people.

Annual Salary Review: Employees will have a written review of their performance including areas for improvement. A change in compensation may accompany the review. Reviews will be based on an individual’s performance against certain criteria. Each job title will have specific review items, but they will all focus around the following four areas:

- 1) Company Satisfaction
- 2) Customer Satisfaction
- 3) Productivity
- 4) Safety

During slowdowns in work, an employee may be offered a lower paid position for a regular or temporary basis.

## **Promotions**

Employees may advance at Bennett as the individual demonstrates competency and satisfies requirements for the next level of professional responsibility and when Bennett has available promotional opportunities.

# COMPENSATION

## Payroll

Payroll is processed weekly. Time keeping records must be completed in advance of the payroll processing and approved by the Project Manager or Supervisor. Time keeping records submitted late will be processed in the following pay period. There are no advances against payroll. Overtime is paid at the rate of 1.5 times the normal hourly rate for non-exempt employees. Any individual altering or falsifying their time records or another employee's time record will be subject to disciplinary measures, up to and including dismissal.

## Payroll Terms

Non-Exempt Hourly Wage: Bennett compensates direct labor and office workers for the specific time they are working. Each employee will receive an hourly wage rate, and these will vary within ranges for each job classification.

Overtime Wage: Bennett pays one and one-half times the regular rate of pay for time worked, more than forty hours per seven day work week. Some public works projects may mandate overtime be paid on an hours-worked-per-day basis. Note that Benefit and Benefit Paid in Cash are not subject to overtime rates.

Prevailing Wage Rates: Bennett may be required to pay prevailing wages on certain public works projects. Employees working on these job sites will be paid the prevailing wage rate plus benefit paid in cash equal to or greater than their regular hourly wage.

Incentive Bonus Plan: Officers and other employees as identified by management participate in Bennett's Incentive Bonus Plan. Each year Bennett will establish new specific goals and calculations for the Plan. The Plan will define the amount of bonus which will be paid by March 15th.

## Reimbursement of Certain Vehicle Expenses

Employees who provide a vehicle may be reimbursed for fuel costs. If you provide a vehicle full-time and qualify for reimbursement at the discretion of the Management Team, you will be issued a charge card to purchase job related fuel. You are expected to supplement fuel purchases to cover your personal use of the vehicle, including commuting, weekends, etc. You will need to provide accurate odometer readings at each fill-up, print and turn in a receipt. Bennett reserves the right to periodically verify the odometer reading of your vehicle. If you provide use of a vehicle on an occasional basis, you may be able to submit receipts for fuel by attaching them to a weekly expense report. Depending on the circumstances, you will be reimbursed in whole or in part as determined by the Project Manager. You need to have their approval before you use your vehicle.

# PERSONNEL POLICIES

## Work Hours

A start time will be assigned to each employee. Employees should arrive before the actual start so that you are ready to start working at the start time.

Break times are 15 minutes between start time and lunch time and 15 minutes between lunch time and finish time. This is paid time not worked.

Lunch time is a 30 minute break in work, at around noon. You are required to take this time off and you are not paid during this break. Lunch time is not included in time worked for purposes of overtime calculations.

A finish time will either be assigned or will be when the job is completed, whichever comes first.

If you are injured on the job and go to receive medical attention, you are on paid time until the end of the work day (if you can return to work) or until the time you are instructed not to return to work.

## Time Records

### Field Employee:

All field employees will be required to complete time records for all time actually worked using the WorkMax mobile time tracking application on their personal mobile smartphones. For days that field employees are absent from work, the field employee must contact their respective Project Manager or supervisor to inform them if they would like to receive pay for the time off using their available Paid Time Off.

- The WorkMax app will be used to check-in, check-out and change jobs.
- The WorkMax app will be used to record all time worked for non-exempt field employees. Holidays, Paid Time Off and unpaid time off will be tracked and recorded outside of the WorkMax app by Project Managers and the Payroll Department.
- Work week is seven days long and begins at 12:01 AM every Monday.
- All field employee are required to synchronize the WorkMax app each work day and before 8:00 AM each Monday (Tuesday when Monday is a Holiday).
- Any time in the WorkMax app not synchronized by 12:00 PM each Monday (Tuesday when Monday is a Holiday) will be paid the following pay period.
- There will be no pay advance to offset late time cards.

### Office Employees:

All office employees will be required to complete a time record for the hours on each day worked using WorkMax mobile time tracking application on their personal mobile smartphones.

- WorkMax Time clock should be completed and synced daily via the mobile app.
- WorkMax Time sheets are used to record all time worked for non-exempt office employees.

- Work week is seven days long and begins at 12:01 AM every Monday.
- All time records must be synced via the mobile app by 14:00 each Monday (Tuesday when Monday is a Holiday).
- Late time cards will be paid the following pay period.
- There will be no pay advance to offset late time cards.

Any individual altering or falsifying their time sheet or another employee's time sheet will be subject to disciplinary measures, up to and including dismissal.

## **Employee Personnel Files**

Employees are responsible for completing any employment-related forms that are required by government regulations and/or necessary for efficient Company operations. Bennett maintains confidential personnel files containing each employee's employment records. Bennett strives to adhere to all federal and state laws regarding the confidentiality and safeguarding of Social Security numbers and other personal identifiable information.

Review of Personnel Files - A current employee may review the contents of the employee's personnel file by making a request to the Office Management. The Office Management or an authorized member of management must be present when the personnel file is reviewed. A supervisor may only review an employee's personnel file if there is a business reason to review the record.

It is very important that employees keep up-to-date all the information provided to Bennett at the time of hire. This information is essential for many purposes, including benefit administration, mailing information to the employee's home, and contacting friends or family in case of emergency. Any changes to the below information should be updated in Employee Navigator (<https://www.employeenavigator.com/>) and reported to the Human Resources Department promptly:

- Address and telephone number;
- Marital status (including legal separation);
- Legal change in employee's name;
- Dependents;
- Changes in beneficiaries;
- Person to notify in case of emergency;
- Any relevant changes in licensing or education;
- Any convictions or pending legal action including driving violation
- Any changes in auto insurance coverage

# ATTENDANCE AND TIME AWAY FROM WORK

## Attendance, Punctuality, & Dependability

Attendance, punctuality and dependability are required of all employees and are a consideration for promotion and compensation. Occasionally projects may require working nights and weekends.

You are expected to arrive before your appointed start time and be ready to start work at your start time. If you are going to be late or absent you must call and notify your supervisor before the scheduled start time.

Absence or Tardiness Without Notification: Absence without notification is considered voluntary resignation. Recurring tardiness is grounds for termination.

## Paid Time Off

Bennett understands the importance of time off and encourages everyone to use their Paid Time Off (PTO). All Regular, Full-Time employees receive PTO based on their Years of Service with Bennett. A Year of Service is as any calendar year which the employee earns at least \$5,000. Eligibility to take PTO begins the first day following the Initial Employment Period (60 days).

The schedule of PTO for Hourly, Non-Exempt employees is as follows:

Length of service	Date Eligible	Number of Days
First calendar year	61 days after hire	5 days (prorated based on hire date)
1-4 years	Each January 1st	5 days
5-14 years	Each January 1st	10 days
15 years or more	Each January 1st	15 days

For Non-Exempt employees, PTO not used by the last week of the year will be paid as additional wages in January of the following year. PTO will not be carried over into the following calendar year.

The schedule of PTO for Salaried, Exempt employees is as follows:

Length of service	Date Eligible	Number of Days
First calendar year	61 days after hire	5 days (prorated based on hire date)
1-9 years	Each January 1st	10 days
10-19 years	Each January 1st	15 days
20-24 years	Each January 1st	20 days
25 years or more	Each January 1st	25 days

For Exempt employees, PTO not used by the last week of the year is forfeited. PTO is not cumulative and cannot be carried over into the next calendar year. An employee is not eligible to

receive payment in lieu of taking PTO. Approved PTO taken must be included on the weekly time sheet submitted to Office Management.

For all employees, PTO not used at the time of a termination of employment is forfeited. Persons who leave employment and are subsequently rehired (excludes temporary layoffs) are treated the same as a new hire.

The Management Team may, at their discretion, grant additional PTO to individuals on a case by case basis, and based on extenuating circumstances.

Time-Off Scheduling Procedure:

Field Employees:

Time-off, paid or not paid, must be approved by their supervisor.

Employees must fill out a "Time Off Request" form and submit it for approval from your Project Manager or supervisor. If approved, the supervisor will forward it to Payroll and it will be placed on the Outlook PTO Calendar. You must give one week's advance notice for each day off requested. Example: 5 days off = 5 weeks' notice. This allows us to schedule our work and complete projects scheduled.

Exceptions may be made in the case of illness, injury or emergency and are based on the specific request and the scheduling impact.

Office, Manager Employees:

Time-off, paid or not paid, must be approved by management.

Employees must fill out a "Time Off Request" form and send it first to your immediate supervisor. They will review schedules around the office before approving or denying the request. If approved, the supervisor will forward it to Payroll and it will be placed on the Outlook PTO Calendar.

Office employees should give as much notice as possible and discuss your plans with your supervisor and co-workers to arrange coverage in the office.

## **Paid Sick Time**

In April 2020, NYS passed legislation requiring all employers to provide paid sick leave to all employees. Bennett understands the importance of taking care of one's self and immediate families both physical and mental well-being. Effective January 1, 2021, all employees will be provided 5 days of paid sick time annually on the 1<sup>st</sup> of the year or upon hire, which can be used in 4hr increments.

For Non-Exempt employees, any sick time that is not used will be carried into the following calendar year at which time Bennett will pay half of the carried sick time as additional wages in January of the following year. Sick time payout is only applicable after 1 year of service. Unused sick time at year-end cannot be used next year.

Sick time not used at the time of termination of employment is forfeited. Persons who leave employment and are subsequently rehired (excludes temporary layoffs) are treated the same as a new hire.

The Management Team may, at their discretion, grant additional sick time to individuals on a case by case basis, and based on extenuating circumstances.

Employees may use sick leave following a verbal or written request to their manager for the following reasons impacting the employee or a member of their family for whom they are providing care or assistance with care as described below. Proper documentation is required in order to completed your request.

Sick Leave:

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need the medical diagnosis or preventative care.

Safe Leave:

- For an absence from work when the employee or employee’s family member has been victim of domestic violence as defined by the State Human Rights law, a family offense, sexual offense, stalking, or human trafficking:
  - o To obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - o To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;
  - o To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceedings;
  - o To file complaint or domestic incident report with law enforcement;
  - o To meet with a district attorney’s office;
  - o To enroll children in a new school; or
  - o To take any other actions necessary to ensure the health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

**Holidays**

All full-time employees are eligible to receive paid holidays after their Initial Employment Period (60 days). The amount of pay for a paid holiday is equal to your regular compensation for a regular work day (8 hours). Company Holidays include:

New Year’s Day	Labor Day
Memorial Day	Thanksgiving
July Fourth	Christmas

If the holiday falls on a Saturday Bennett will close on Friday and if the holiday falls on a Sunday Bennett will close on Monday.

In general, all Field Employees must be on pay status (working or using PTO) the day before the holiday and the first scheduled work day after the holiday to be eligible to receive pay for the holiday. A Field Employee with prior approved unpaid time off on the day before or the first

scheduled work day after the holiday is considered to be on pay status and is eligible for the holiday pay.

## **Jury Duty**

Employees “summoned to serve” are on Jury Duty leave. Employees must give as much notice of jury service as possible by providing a copy of the summons to Office Management. Employees selected to serve as jurors who are excused from jury service during the day, must call the Office Management daily for reporting-to-work instructions.

All non-exempt employees are entitled to the \$40 per day fee as directed by the court for the first three days of jury duty. Employees must present documentation of their attendance at court. Documentation should be given to Payroll in order to receive the reimbursement. Employees may supplement pay with available Paid Time Off.

Any time you are excused from jury duty during regular working hours you must report to work.

## **Witness and Victims Leave**

Bennett recognizes employees’ rights to unpaid time off for the following reasons, with prior notice to the employee’s supervisor:

- to exercise his/her rights as a victim as provided by the Criminal Procedure Law and the Executive Law (including to obtain an order of protection);
- to consult with the District Attorney as provided in the Criminal Procedure Law;
- to exercise rights as provided by law to appear as a witness.

Under the law, “victims” include the aggrieved party or the next of kin of a deceased aggrieved party; the representative or guardian of a victim; a Good Samaritan (citizen who assists in an arrest or prevents a crime); or a pursuing application for or enforcement of an order of protection under the Criminal Procedure Law or the Family Court Act.

The employee must provide verification of the employee’s need for leave. Employees may use available paid leave time if they wish to be paid for this leave.

## **Military and Reserves Leave**

Statement of Compliance – Bennett recognizes the importance of military service and complies with all federal and state regulations relating to military leaves and reserve leaves of absence. Bennett shall grant an employee time off for active duty in the armed forces of the United States or to attend training duty in the National Guard or military reserves.

Notification - An employee must give the employee's supervisor a minimum of 30 days advance notice of military reserve leave. Advance notice of military leave is also required and, where



possible, a 30-day advance notice is requested. Employees are encouraged to provide a copy of the notice sent by the military unit.

Benefits during Military Leave - During a military leave of absence, an employee shall retain and accrue any Company-sponsored benefits that are tied to seniority. The employee is also allowed to participate in the health insurance plan and other Company-sponsored benefits that are not determined by seniority to the same extent as an employee who is granted a discretionary leave of absence. The employee must meet the eligibility requirements of each benefit plan in order to participate in the benefit.

Return from Military Leave - In accordance with federal and state regulations, an employee may retain certain rights relating to reinstatement, seniority, status, length of service promotions, and compensation upon return from military duty. If an employee is separated from uniformed service with a dishonorable or bad conduct discharge, his or her rights to reemployment and other protections under federal regulation end. An employee returning from a leave of absence of greater than 30 days may be required to document re-employment eligibility.

Compensation for Exempt Employees - In accordance with federal regulations, an exempt employee who is on a military leave or reserve leave for any partial workweeks is paid the employee's regular salary for those workweeks. Any military pay received is deducted from the employee's salary. An exempt employee is not paid for any workweeks in which no work is performed for Bennett. An employee may request to use accumulated vacation leave during the absence.

Compensation for Non-Exempt Employees - Military leave and reserve leave is without pay for a non-exempt employee. An employee may request to use accumulated Paid Time Off during the absence.

## **Leave for Spouse of Member of Armed Forces**

An employee who is the spouse of a member of the armed forces of the United States, National Guard, or reserves, must be allowed up to 10 days of unpaid leave when the employee's spouse who has been deployed during a period of military conflict to a combat theater or combat zone of operations is on leave from such combat service.

## **Nursing Mothers**

Nursing Mothers shall have the right to express breast milk during working hours and Bennett will make a reasonable effort to provide a location for women to express milk in privacy. Employees will be given adequate break time to express milk at times when they need to do so and Bennett will provide a private and sanitary room with appropriate seating and suitable milk storage.

Bennett will not discriminate against any employee who requests and takes time away from their work for the purpose of expressing breast milk. Please advise your Supervisor or the Office Management if you anticipate expressing breast milk at work and the appropriate accommodations will be made.

## **Medical Leave (non-FMLA)**

Bennett recognizes that there may be instances when employees may require time off from their jobs for medical leave. A medical certification will be required for all medical leaves and non-work related medical leaves must be approved by Management.

Medical Leave is unpaid. For employees not eligible for Family Medical Leave, any available Paid Time Off (PTO) must be applied to offset the difference between any insurance payments and your regular weekly wages.

For employee not eligible for Family Medical Leave, Bennett will continue to pay our share of insurance premiums for employee coverage for a maximum of 30 days while you are on an approved medical leave of absence. Arrangements to pay back the employee portion of insurance premiums, during unpaid medical leave, will be made upon return of leave. Failure to do so may result in loss of coverage and possible refusal by the insurance carrier to allow your coverage to be reinstated.

To file a non-work-related disability claim, it is the responsibility of the employee to request a NYS Form DB-450 from the Office Management. For job-related claims, proper paperwork will be filed with the insurance carrier by Bennett. Information and details about medical leaves can be acquired by contacting the Office Management. The forms have sections to be completed by Bennett, employee and physician. The employee or their physician, must mail the form in to the insurance carrier. In the absence of the correct form, NYS or Workers Compensation benefits will not be paid.

During any period of disability, you or your physician need to regularly communicate with management, (at least every two weeks) to keep Bennett informed of any changes in your condition and your expected date of return. If an employee does not return on the expected date, Bennett will assume the employee has voluntarily quit. Employees returning from a medical disability or Worker's Compensation leave are required to provide medical documentation on their return-to-work date and of their ability to perform their job and may be required to take a job-related physical exam.

Unless eligible for Family Medical Leave, due to business demands, Bennett may find it necessary to fill the employee's position while on leave. In this instance, employment with Bennett will end. When able to return to work, former employees are welcome to reapply subject to Bennett's usual hiring policies. See the section below on Family Medical Leave for more information.

For the safety and well-being of employees, employees who develop an illness or physical condition which requires medical treatment or restrictions and precautions as to their health will be required to submit a physician's statement. This statement must give assurance that continued full-time employment in their present position will not jeopardize their health or the safety of others, in the event they continue to work. A similar statement is required upon return from a disability leave.

## **Family and Medical Leave-of-Absence**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks (60 days) of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy and discharged or released under conditions other than dishonorable; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Once FMLA leave is exhausted and the employee requires additional medical leave, Bennett will continue to pay its share of health coverage premiums for a maximum of three additional months.

### **Insurance Premiums**

If the employee participates in the medical, dental, vision, life and/or disability plans, the employee is responsible for all insurance premiums during the entire leave of absence. Employees should contact the Payroll Department to arrange payment of their insurance premiums during the leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Intermittent Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Bennett requires the use of available PTO while taking FMLA leave. In order to use available PTO for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously

taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## **Election Day –Voting**

Bennett believes that every employee should have the opportunity to vote in any state or federal election, general primary or special primary. Any employee whose work schedule does not provide him or her sufficient time outside their working hours to vote while polls are open will be granted up to two paid hours off in order to vote. We reserve the right to select the hours an employee is excused to vote. Since polls are generally open for long periods beyond most employees' standard work schedule, we ask that you vote before or after your regular working hours.

Notify your supervisor of the need for voting leave between at least two days before the election. When an employee returns from voting leave, the employee must present a voter's receipt to their supervisor or Office Management as soon as possible.

## **Blood Donation**

Employees who work an average of at least 20 hours per week are eligible for up to 3 hours of leave during any 12-month period for time off to donate blood. An employee must provide advance notice to the supervisor of their intention to take this leave. Bennett will not retaliate against any employee who requests or takes a leave of absence to donate blood. Employees may use paid time off for this purpose.

## **Bone Marrow Donation**

Employees who work an average of at least 20 hours per week are eligible for up to 24 work hours of leave during any 12-month period for time off to donate bone marrow. An employee must provide advance notice to the supervisor of their intention to take this leave. Bennett will not retaliate against any employee who requests or takes a leave of absence to donate bone marrow. Employees may use paid time off for this purpose.

## **EMPLOYEE BENEFITS**

Bennett offers benefits for eligible employees and contributes a considerable number of dollars each year toward our employee benefit plans. The following benefits are in addition to paid time off and other forms of leave policies described in the previous section.

While it is not possible to provide the complete terms of each plan and benefit, below is a general description of some of these plans. You should know that the terms and conditions of Bennett's benefit plans are controlled by the benefit plan documents, and each of the benefit plans discussed below have particular eligibility requirements, service requirements, conditions of coverage and other important terms which vary according to the benefit plan. Eligibility and coverage depend upon your particular situation and circumstances, and you may or may not be eligible to participate in the benefits described below. In addition, Bennett may alter, amend or terminate any aspect of the plans discussed below, at its sole discretion. For these reasons, you should consult the summary plan descriptions for the most reliable and up-to-date information.

Generally, part-time employees working less than thirty (30) hours per week, temporary employees, and independent contractors are not eligible for any of the benefits, other than statutory benefits. Full-time employees shall be eligible to participate in Bennett group benefit plans. Employees who do not enroll for participation in Bennett benefit plans will be expected to sign a waiver form for each of the insurances not selected. You will have the option to enroll each year thereafter on the carrier's open enrollment date or during a qualifying event. Unused employer benefits contribution dollars will not be paid to you as extra wages per state and federal tax laws.

This handbook only highlights the terms of the benefit programs provided by Bennett. The actual terms of the various benefit programs are stated in and governed by official plan documents. Any inconsistency between the provisions of this manual and the provisions of the applicable plan document(s) will be governed by the provisions of the applicable plan document(s). Bennett reserves the right to interpret this manual and the terms of all documents and to resolve any questions or disputes regarding benefit programs.

No participant or beneficiary of, any Company-provided benefit program shall have any rights to benefits under the program that in any way interferes with Bennett's right to amend or terminate any benefit program at any time. Bennett makes no promise to continue any benefit program in the future.

### **Health Insurance**

All regular Full-time and Part-time Employees working 30 hours or more each week may elect health care coverage the first of the month following the initial employment period (see Initial Employment Period). Bennett makes a defined contribution towards the individual employee's insurance premium. Each employee may purchase coverage for additional family members at their expense. Medical premiums paid through payroll deduction are done on a pre-tax basis.

There is no requirement to purchase health insurance and employees are free to find coverage outside Bennett. An employee may make changes or cancel coverage only at open enrollment time or when a qualifying event occurs such as loss of other coverage, births, death, marriage or divorce.

## **COBRA**

Individuals who participate in Bennett sponsored health plan benefits (health, dental, vision, flexible spending accounts, employee assistance program, and telemedicine) may be subject to the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA gives employees and their qualified beneficiaries the opportunity to continue health plan coverage under LaSalle's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA the employee or beneficiary normally pays the full cost of coverage at Bennett's group rates plus any administration fee. Bennett provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Bennett's health plan. The notice contains important information about the employee's rights and obligations. Bennett will comply with all federal, state, and local laws pertaining to health plan coverage continuation. For example, if New York State or the federal government provides for a COBRA subsidy or extension of benefits for any period of time, this information will be provided to all qualified individuals.

## **Voluntary Benefits**

Bennett also offers its employees various voluntary benefits paid by the employees through payroll deductions on both a pre-tax and after-tax basis depending on the type of benefit. All regular Full-Time and Part-Time Employees working 30 hours or more each week may elect coverage under these voluntary benefits the month following initial employment period (see Initial Employment Period). Voluntary benefits offered by Bennett may include, but are not limited to"

Dental Insurance	Short-Term Disability Insurance
Vision Insurance	Long-Term Disability Insurance
Life Insurance	Critical Illness Insurance
Health Savings Account	Flexible Spending Account
Telemedicine	

There is no requirement to purchase these voluntary benefits and employees are free to find coverage outside Bennett. An employee may make changes or cancel coverage only at open enrollment time or when a qualifying event occurs such as births, death, marriage or divorce.

## **Simple IRA Retirement Plans**

Bennett has established a qualified retirement plan commonly referred to as a Savings Incentive Match Plan for Employees of Small Employers (SIMPLE). The plan allows eligible employees to make pre-tax contributions and for Bennett to make matching contributions to this retirement plan on the employee's behalf. Generally, you are not taxed on these contributions until you withdraw the amounts from the plan. For eligibility requirements and the plan details, please refer to the Summary Plan Description (SPD). At the end of each year eligible employees will receive

information in their pay envelope about the plan, meetings, timelines or forms needed to participate.

## **New York State Disability Benefits**

Bennett will provide all employees with State mandated disability insurance coverage. This provides coverage for lost time from work as a result of an accident or illness that is not job related.

If you are disabled for more than seven days because of a non-work related illness or injury, you may be eligible to receive partial replacement of lost wages through the New York State disability insurance program. The disability must be verified by a physician and the paperwork filed in a timely basis.

While on disability leave, it is your responsibility to make arrangements with Bennett to continue paying your health insurance premium. Should you still be unable to work at the end of that time, you will be given the opportunity to continue your health insurance under the continuation coverage regulations. See also the discussion of Family and Medical Leave section.

## **New York Paid Family Leave (PFL) Policy**

### **General Provisions**

Bennett will provide eligible employees with paid family leave in accordance with the terms of this policy.

### **Eligibility**

To qualify for paid family leave under this policy, employees must have worked for the employer:

- full-time (regularly working 20 or more hours per week) for 26 weeks in a row; or
- part-time (regularly working less than 20 hours per week) for at least 175 days.

### **Covered Leave**

Eligible employees may take PFL for one of the following reasons:

- 1) To care for a family member with a serious health condition;
- 2) To bond with a child in the first year following a child's birth, adoption, or foster placement;
- 3) To attend to a qualifying exigency based on a family member's call to active military service.

Serious Health Conditions: A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves:



- inpatient care in a hospital, hospice, or residential health care facility;
- or continuing treatment or continuing supervision by a health care provider.

“Providing care” includes necessary physical care, assistance with essential daily living matters, assistance in treatment, and personal attendant services. It also includes emotional support, visitation, transportation, and/or arranging for changes in care.

PFL may not be taken for care involving the family member’s routine examinations, cosmetic treatments, or minor illnesses.

PFL may not be taken for an employee’s own serious medical condition. For purposes of this section, “family member” means a child, parent, parent-in-law, grandparent, grandchild, spouse, or domestic partner.

Birth, Adoption, or Foster Placement: In the case of the birth of a child, PFL may be taken within 52 weeks of the date of the child’s birth.

In the case of leave for adoption or foster care placement, an employee can take PFL even prior to the adoption/placement to complete tasks in connection to the adoption/placement (e.g., court appearances or distant travel necessary to complete an adoption). However, an employee is not entitled to benefits under the PFL in connection with their own prenatal conditions.

Military Service: A “qualifying exigency” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

### **Employee Status and Benefits During PFL**

PFL will be implemented in four phases:

<b>Date</b>	<b>Weeks of Leave</b>	<b>Percent of Pay Recovered (of employee's average weekly wage or the State average weekly wage (whichever is less))</b>
Jan. 1, 2018	8	50%
Jan. 1, 2019	10	55%
Jan. 1, 2020	10	60%
Jan. 1, 2021	12	67%

Employees returning from leave are entitled to return to their same or comparable position without loss of benefits they would have accrued otherwise.

During PFL, the employer will continue its share of employee's health insurance premiums as if the employee were not on leave. However, if an employee on PFL is more than 30 days late in paying his/her share of health insurance premiums, the organization may terminate coverage.

### **Intermittent Leave**

An employee does not need to use this leave in one block. Leave may be taken intermittently in full-day increments.

### **Employee Responsibilities**

**Notice to Employer:** Employees must provide the employer with at least 30 days' advance notice of the need to take PFL, unless the need is unforeseeable. When the need is unforeseeable and 30 days' notice is not possible, the employee must provide notice as soon as practicable. The employee's notice must make the employer aware of the qualifying event and the anticipated time and length of the leave. The employee must also identify the type of PFL requested in the notice.

**Notice to Insurer:** Employees must submit a claim to the employer's disability insurance plan, along with any required documentation. The insurer will notify the employee and the employer of its decision regarding PFL benefits within 18 days of an application.

**Documentation Requirements:** Employees must provide sufficient information for the employer to determine if the leave may qualify for PFL protection and the anticipated timing and duration of the leave. Employees also must inform the employer if the requested leave is for a reason for which leave was previously taken or certified. Employees may be required to provide a certification and periodic recertification supporting the need for leave.

**Waiver:** An employee may choose to waive family leave benefits and therefore not be subject to the paycheck deduction when:

- 1) the employee regularly works 20 hours or more per week but the employee will not work 26 consecutive weeks; or
- 2) the employee regularly works less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period.

### **Discrimination and Retaliation**

The employer will not discriminate or retaliate against an employee who takes or requests PFL.

### **FMLA Leave**

Please note that FMLA leave may also apply. If so, it will run concurrently with any PFL.

## **Worker's Compensation Benefits**

Bennett insures all employees with State mandated worker's compensation insurance coverage. This coverage is for medical expenses and lost wages as the result of an accident or illness that are job related.

## **Purchase of Tools**

Bennett offers its employees a Tool Purchase program. Employees may purchase tools from Bennett and reimbursement is arranged with the Human Resources Department for repayment within a specific period of time. Employees must sign a Tool Purchase Agreement in order to participate.

## **Tuition reimbursement**

Bennett may reimburse employees the cost of tuition for certain continuing education courses. If you wish to take additional training classes on your own time and want to be reimbursed tuition cost, you must get prior approval from the Management Team on the course subject matter. Then you will be required to pay the tuition, complete the course with a passing grade and submit documentation to the Management Team. Bennett will reimburse you the tuition amount.

Seminars: Employees may be requested or required to attend Bennett paid seminars. If you are required to attend a seminar, your time will be paid. If attendance is optional, your time is not paid.

## **Per Diem allowances**

Per diem allowances are for food and other expenses when working on a project that requires staying overnight. Bennett's Per Diem rate is \$30/day for each overnight stay.

## **Mobile phone reimbursement**

Bennett realizes the importance of clear communication and therefore we will reimburse \$35.00/month. Reimbursement is contingent on submitting the proper documentation and reimbursement request form. All reimbursements must be submitted and approved for reimbursement by January 31<sup>st</sup> of the following year. For example, 2019 phone reimbursements must be submitted and approved by January 31<sup>st</sup> of 2020.

# **SAFETY MATTERS**

## **Safety & Health Policy**

Employees are Bennett’s greatest asset and we are concerned about their health and safety. Therefore, it is Bennett’s policy and practice to do everything we can to protect our employees from injury and illness. Accident prevention shall always be considered of primary importance in all phases of operation and administration. Therefore, all operations must be planned to prevent accidents. To carry out this policy refer to Bennett’s Safety Program manual. Bennett’s Safety Program is available for review at our office and online at <https://bit.ly/3lrrtfj>.

### **NY HERO Act:**

The purpose of this plan is to protect Bennett employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is declared by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

Employees should report any questions or concerns with the implementation of this plan to the designated contact.

This plan applies to all “employees” as defined by New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care, and personal care workers, day laborers, farmworkers, and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors, or subcontractors on behalf of the employer at any individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

### **Responsibilities:**

This plan applies to all employees of Bennett, and all of the following work sites: 693 South Pearl Street, Albany, NY 12202 and All off-site locations included.

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employees are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contracts unless otherwise noted in this plan:

Andrew Gutman – President – 518-462-6731  
Kevin Gutman – Vice-President – 518-462-6731  
Michael Britton – Controller – 518-462-6731

#### **A. Minimum Controls During A Designated Outbreak**

- a. **General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
  - i. Maintain physical distancing
  - ii. Exercise coughing/sneezing etiquette
  - iii. Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate
  - iv. Individuals limit what they touch
  - v. Stop social etiquette behaviors such as hugging and hand shaking, and
  - vi. Wash hands properly and often
- b. **Stay At Home Policy:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and fellow New York State Department of Health (NYSDOH) and Center for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
- c. **Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.
- d. **Face Coverings:** To protect your coworkers, employees will wear face coverings throughout the workday to the greatest extent possible. Face coverings and physical distancing should be used together whenever possible. The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features that could get caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.
- e. **Physical Distancing:** Physical distancing will be followed as much as feasible. Avoid unnecessary gatherings and maintain a distance of at least six feet (or as recommended by NYSDOH/CDC for infectious agent) from each other. Use a face covering when physical distance cannot be maintained.
  - i. In situations where prolonged close contact with other individuals is likely, use the following control methods:
    1. Restricting or limiting customer or visitor entry
    2. Limiting occupancy
    3. Allowing only one person at a time inside small enclosed spaces with poor ventilation
    4. Reconfiguring workspaces
    5. Physical barriers
    6. Signage
    7. Floor markings
    8. Telecommuting
    9. Remote meetings
    10. Preventing gatherings
    11. Restricting travel
    12. Creating new work shifts and/or staggering work hours
    13. Adjusting break times and lunch periods

**14. Delivering services remotely or through curb-side pickup**

- f. Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
  - i.** Touching your eyes, nose, or mouth
  - ii.** Touching your mask
  - iii.** Entering and leaving a public place; and
  - iv.** Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier register/screens.
- g.** Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.
- h. Cleaning and Disinfection:** See Section V of this plan.
- i. Respiratory Etiquette:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette when sneezing, coughing or yawning.

**B. Advanced Controls During An Outbreak**

- a.** For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following necessary:
  - i. Elimination:** Employers should consider the temporary suspension of elimination of risky activities where adequate controls could not provide sufficient protection for employees.
  - ii. Engineering Controls:** Employers should consider appropriate controls to contain and/or remote the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include: a) Opening outside windows and doors, b) Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors, c) Automatic disinfection systems such as ultraviolet light disinfection systems, d) Install additional timeclocks to avoid overcrowding, e) Air purifiers, f) Install hand washing or sanitizing stations throughout the worksite, g) Changing HVAC filters on a monthly basis; and h) Utilize doors, walls, or plastic sheeting as physical barriers to separate workers.

**C. Administrative Controls:** are policies and work rules used to prevent exposure.

Examples include:

- a.** Increasing space between workers
- b.** Prohibit eating and drinking in the work area
- c.** Cancelling any recreational activity on site
- d.** Disinfecting procedures for specific operations
- e.** Employee training
- f.** Post signs reminding employees of respiratory etiquette, masks, hand hygiene
- g.** Rearrange traffic flow to allow for one way walking paths
- h.** Provide additional short breaks for handwashing and cleaning
- i.** Clean equipment and tools prior to handoff
- j.** Limit attendance to in-person meetings (including toolbox talks, pre-shift meeting, safety meetings). Host meetings outdoors.
- k.** Ensure portable toilets are kept clean

- D. Personal Protective Equipment (PPE):** Devices like eye protection that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace. The following PPE that are anticipated to be used are the following:
- a. Face coverings
  - b. Safety glasses
  - c. Gloves
  - d. Hand sanitizer
- E. Exposure Control Readiness, Maintenance and Storage:** The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.
- F. Housekeeping During A Designated Outbreak:**
- a. Disinfection Methods and Schedules
    - i. Objects that touched repeatedly by multiple individuals, such as door handles, light switches, control buttons, dials, levers, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant.
  - b. Adjustments to Normal Housekeeping Procedures
    - i. Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time.
  - c. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee's work area.
- G. Infection Response During A Designated Outbreak**
- a. If an actual or suspected infectious disease case occurs at work, take the following actions:
    - i. Instruct the sick individual to wear a face covering and leave the worksite and following NYSDOH/CDC guidance.
    - ii. Follow local and state authority guidance to inform impacted individuals
- H. Training and Information During a Designated Outbreak**
- a. Kevin Gutman will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act.
  - b. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:
    - i. The infectious agent and disease(s) it can cause
    - ii. The signs and symptoms of the disease
    - iii. How the disease can be spread
    - iv. An explanation of this exposure prevent plan
    - v. The activities and locations at our worksite that may involve exposure to the infectious agent
    - vi. The use and limitations of exposure controls
    - vii. A review of the standard, including employee rights provide under Labor Law, Section 218-B
  - c. The training will be:

- i. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off).
- ii. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
- iii. Verbally provided in person or through telephonic, electronic, or other means.

**I. Retaliation Protections and Reporting of Any Violations**

- a. No employer, or his or her agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, including reporting
- b.
- c. conduct the employee reasonable believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other works, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions. Notification of violation by an employee may be verbally or in writing and without limitation to the format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commission of Health, or two years after the conclusion of the Governor's emergency declaration of a high risk disease. Employers should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular hours when employees may be working.

To carry out this policy refer to Bennett's NY HERO Plan, available for review at our office and online at <https://bit.ly/3zLxis0>.



## **COMPANY PROPERTY, PREMISES AND WORK AREAS**

### **Security, Visitors & Workplace Access**

We want to ensure that everyone and everything is safe and secure at a minimum inconvenience to you. The main entry door to our office is open from 8:00 a.m. until 4:30 p.m. Monday through Friday. Manager and office employees have a key to the door. The first person in the morning must unlock the door and the last person out in the evening must lock the door.

Employees should enter Bennett property or remain on the premises only when on duty or scheduled to work. Because of safety and security reasons, there are restricted areas where authorization is required to enter.

Visitors are admitted to the office only on official business. Other visitors must remain in a designated area. Official visitors are required to register and be escorted by a Company employee. Unauthorized cameras and recording devices are not permitted on Company premises.

### **Internal Investigations & Searches**

Bennett has on its premises storage facilities such as desks, file cabinets, closets and storage areas for the use of employees. Bennett can make no assurances that these storage facilities will always be secure. Therefore, Bennett reserves the right to open and inspect any desk, file cabinet, and storage closet or storage area at any time without prior notice or consent. Employees may not use personal locks on Bennett owned desks, cabinets, closets or storage areas.

Bennett may conduct random, routine, or reasonable suspicion searches of its premises for alcohol, drugs, weapons, missing property or for other legitimate business reasons. This includes searching any company computer, vehicle, building, office, warehouse, parking lot, desk, locker, file cabinet, stairwell, lunch room, closet or other areas which are owned, leased, or controlled by Bennett. An employee's vehicle, tool box, bag, backpack, briefcase, purse, lunchbox or similar item is subject to being searched randomly, routinely or for reasonable suspicion if brought onto Company premises.

At any time, an employee may be asked to empty and turn out their pockets. A police officer acting at the request of Bennett may also conduct a personal search of an employee.

### **Vehicle Fleet Safety Policy**

The purpose of this policy is to ensure the safety of those individuals who drive company vehicles. Vehicle accidents are costly to our company, but more importantly, they may result in injury to you or others. It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, Bennett endorses all applicable state motor vehicle regulations relating to driver responsibility. Bennett expects each driver to drive in a safe and courteous manner pursuant to the following safety rules. The attitude you take when behind the wheel is the single most important factor in driving safely.

### Driver Eligibility:

- Company vehicles are to be driven by authorized employees only, except in emergencies, or in case of repair testing by a mechanic. Spouses and other family members are not authorized to drive Bennett vehicle.
- Managers may use their Company vehicle for personal use on a limited common-sense basis. The driver must keep a detailed mileage log and personal miles will be reported as income on a 1099 at years end.
- Company vehicles are also considered worksites. In accordance with NY State law, smoking is not allowed in the worksite unless all riders in the vehicle allow smoking.
- Company vehicles may be used only for company business purposes unless appropriate approvals have been received from management.
- Some employees will be directed to drive their truck home in the evening to provide a safe place to park.
- Absolutely no parking at bars or taverns regardless of your intentions.
- All drivers are subject to rules and procedures outlined in Safety Handbook.

Personal Use of Vehicles: Employees may borrow Bennett vehicles for their own personal needs by scheduling in advance in accordance with the Personal Use of Vehicles Policy. Mileage must be recorded, and the employee will be charged a \$20 flat fee for the first 100 miles and an additional charge of \$0.50 per mile for any miles in excess of 100 miles. Under no circumstances does this privilege apply to doing side jobs for non-employees.

Restrictions: When you are hired and then again annually each employee's driving record will be reviewed for violations. You must notify Office Management within 10 days of any citations, convictions, infractions or accident you are involved in, whether they are at work related or not. Your driving record will affect your access to Bennett vehicles and may in some cases effect your ability to perform your job. For positions that require a valid driver's license, failure to maintain a valid driver's license could result in disciplinary action, up to and including termination of employment. Failure to report any driving restrictions or driving record changes will result in disciplinary action, up to and including termination of employment. If any company employee has a suspended license, they are not permitted to drive company vehicles and they cannot drive any vehicle to and from work. Drivers will be classified and restricted as follows:

Full Driver Privileges: This employee can use Bennett vehicles as required by their job description.

Restricted Driver: This employee is limited to using Bennett vehicles for work only when a full driver is not available, to move vehicles in the parking lot or emergencies.

Non-Drivers: This employee is not allowed to use Bennett vehicle unless there is an extreme emergency, i.e. driving someone to the hospital.

Any employee who has a driver's license revoked or suspended shall immediately notify and discontinue operation of Bennett vehicle. Failure to do so may result in disciplinary action, including dismissal.

- All accidents, regardless of severity, must be reported to the office which will notify the police. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including dismissal.
- Drivers must immediately report all summonses received for moving violations during the operation of a company vehicle to the office.

- All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion on medical drug, and alcohol evaluations.
- Motor Vehicle Records will be reordered periodically to access employees' driving records. An unfavorable record will result in a loss of the privilege of driving a Company vehicle. The following system will be used to determine eligibility to operate a Company vehicle:
  - ALL TYPE "A" VIOLATIONS (as defined) WILL RESULT IN TERMINATION OF DRIVING PRIVILEGES FOR EMPLOYEES AND WILL DISQUALIFY ANY POTENTIAL EMPLOYEES.
  - ANY DRIVERS (EMPLOYEES OR APPLICANTS) SHOWING ONE OF THE FOLLOWING WILL BE RESTRICTED FROM DRIVING COMPANY VEHICLES:
    - One (1) or more type "A" Violations in the last 3 years
    - Three (3) or more accidents (regardless of fault) in 3 years
    - Four (4) or more type "B" violations in the last 3 years
    - Any combination of accidents and type "B" violations which equal Four (4) or more in the last 3 years

Type "A" Violations:

- Driving While Intoxicated
- Driving While Under the Influence of Drugs
- Negligent Homicide Involving a Motor Vehicle (gross negligence)
- Operating During a period of Suspension or Revocation
- Using a Motor Vehicle for the commission of a Felony
- Aggravated Assault with a Motor Vehicle
- Operating Motor Vehicle Without the Owners Authority (grand theft)
- Permitting an Unlicensed Person to Drive
- Reckless Driving
- Speed Contest (racing)
- Hit and Run (Bodily Injury or Property Damage)

Type "B" Violations:

- All Moving Violations not listed as type "A" Violations

Driver Safety Rules:

1. The use of a company vehicle while under the influence of intoxicants and other drugs are forbidden and are sufficient cause for discipline, including dismissal.
2. No driver shall operate a company vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.
3. All drivers and passengers operating or riding in company vehicles must wear seatbelts, even if air bags are available.
4. No unauthorized personnel (e.g. hitch-hikers) are allowed to ride in company vehicles.
5. Drivers are responsible for the security of company vehicles assigned to them.
6. Headlights shall be used ½ hour after sunset and ½ hour before sunrise, or during inclement weather or at any time when a distance of 500 feet ahead of the vehicle cannot be seen clearly.
7. All other state laws, local laws, or D.O.T. Motor Carrier Safety Regulations, must be obeyed.

8. Personal cellular telephone use and / or texting is prohibited while operating company vehicles

Defensive Driving Rules:

1. Drivers are required to maintain a safe following distance at all times. To estimate your following distance, pick a stationary object ahead of you. As the vehicle in front of you passes the object, begin counting 1001, 1002, 1003, etc. until you reach the same object. This counts the number of seconds between you and the vehicle ahead of you.
  - Drivers of passenger vehicles should keep a two-second interval between their vehicle and the vehicle immediately ahead. During slippery road conditions, the following distance should be increased to at least four seconds.
  - Drivers of heavy trucks should keep a minimum of a three-second interval when not carrying cargo, and at least four-seconds when fully loaded. Following distance should also be increased when adverse conditions exist.
2. Drivers must yield the right of way at all traffic control signals and signs requiring them to do so. Drivers should also be prepared to yield for safety's sake at any time. Pedestrians and bicycles in the roadways always have the right of way.
3. Avoid driving in other driver's blind spots; attempt to maintain eye contact with the other driver, either directly or through mirrors.
4. Drivers must honor posted speed limits. In adverse driving conditions, reduce the speed to a safe operating speed that is consistent with the conditions of the road, weather, lighting, and volume of traffic. Tires can hydroplane on wet pavement at speeds as low as 40 mph.
5. Turn signals must be used to show where you are heading; while going into traffic and before every turn or lane change
6. When passing or changing lanes, view the entire vehicle in your rear-view mirror before pulling back into that lane
7. Be alert of other vehicles, pedestrians, and bicyclists when approaching intersections. Never speed through an intersection on a caution light. Approach a stale green light with your foot poised over the brake to reduce your reaction time should it be necessary to stop. When the traffic light turns green, look both ways for oncoming traffic before proceeding.
8. When waiting to make left turns, keep your wheels facing straight ahead. If rear-ended, you will not be pushed into the lane of oncoming traffic.
9. When stopping behind another vehicle, leave enough space so you can see the rear wheels of the car in front. This allows room to go around the vehicle if necessary and may prevent you from being pushed into the car in front of you if you are rear-ended.
10. Avoid backing where possible, but when necessary, keep the distance traveled to a minimum and be particularly careful.
  - Check behind your vehicle. Operators of heavy trucks should walk around their vehicle before backing and/or have someone guide one.
  - Back to the driver's side. Do not back around a corner or into an area of no visibility.
  - Whenever possible have a second person direct you when backing up a vehicle.

Pre-Trip Inspection: Before driving any vehicle check the following; no truck may be driven unless the driver is satisfied that the following parts and accessories are in good working order:

- |                                   |                       |
|-----------------------------------|-----------------------|
| ▪ Check Brakes                    | ▪ Tires               |
| ▪ Parking (hand) brake            | ▪ Horn                |
| ▪ Steering mechanism              | ▪ Windshield wipers   |
| ▪ Lighting devices and reflectors | ▪ Rear vision mirrors |

- Coupling Devices
- Wheels and Rims
- Check oil, water, windshield spray levels
- Emergency Equipment
- All equipment should be in good working order
- All equipment, materials and cargo are properly secured.
- Inspection sticker and registration are visible and good shape
- Vehicle cleanliness inside and out acceptable

Important things to remember about your pre-trip inspection:

- A thorough pre-trip inspection can prevent problems later on. Many of the violations discovered during roadside inspections can be prevented by properly inspecting your vehicle each day. Violations for defects ranging from tire condition to lights not working to cracked and missing suspension parts should be discovered during the pre-trip inspection process.
- A two-dollar light bulb can cost you hundreds of dollars if you are put out-of-service and required to pay for a tow and possible fine.
- The most important result of your pre-trip inspection is the prevention of vehicle crashes caused by a defective part.
- Get into a routine in which you perform your inspection the same way every day. Start your inspection at the same point on the vehicle each time, and walk around the vehicle, ending up where you started off.
- Notify Equipment Manager or management of any necessary repairs or service needed.

Cleanliness & Security: The inside and outside of vehicles must be kept clean and neat. Bennett will reimburse car wash fees. Lock the truck every night and leave the keys at the office.

Cargo Securement: Make sure we comply with proper securement of cargo in terms of:

Width-Always keep cargo within box or racks, never going beyond mirrors, maximum allowable width is 8'6"

Length-Anything over 4' beyond vehicle requires red flag (front and back)

Weight-Never overload vehicle (know the weight limitations or consult with supervisor)

Height-Keep loads under 10 feet high. Know your vehicle/cargo height. Always observe bridge signs and overhead wires.

Other-All cargo must be secured in several locations with qualified rope or straps. Double check your cargo securement methods.

Accidents & Emergencies: Safety and Accident prevention is a responsibility of both Bennett and its employees. Bennett is responsible for teaching safety to employees. Every employee has a personal responsibility to prevent accidents, and your cooperation in detecting hazards and reporting dangerous conditions is a condition of employment. To do this, we must constantly be aware of conditions in all work areas that can lead to injuries.

No employee is required to work at a job known to be unsafe or dangerous to their health. Inform your supervisor immediately if any situations beyond your ability or authority to correct. Employees will not be disciplined or suffer retaliation for reporting a safety violation in good faith.

You will be expected to observe safe practice rules and instructions relating to the efficient handling of your work. Observe the following procedures at all times:

- Incorporate safety into each job; no job is done efficiently unless it has been done safely.
- Know and observe all safety rules.
- Report all injuries and accidents immediately to the Office Management and the Responsible Safety Officer (RSO). The RSO is currently Paul Gutman (Refer to the Safety Manual for further instructions). Accidents and mishaps will be recorded and tracked by management, regardless of medical attention being required.
- Caution other workers when they perform unsafe acts.
- Ask questions when there is any doubt concerning safety.
- Report all unsafe conditions or equipment to your supervisor immediately.
- Report all accidents before leaving the worksite, unless life -threatening.
- Disciplinary action, up to and including termination may result from an employee's failure to adhere to Bennett's safety procedures and guidelines.

What to Do in Case of an Accident: In an attempt to minimize the results of an accident, the driver must prevent further damages or injuries and obtain all pertinent information and report is accurately.

- Call for medical aid if necessary
- Secure accident scene – pull onto shoulder or side of road, redirect traffic, set up road flares/reflectors, etc.
- Notify the office immediately
- Record names and addresses of driver, witnesses, and occupants of the other vehicles and any medical personnel who may arrive at the scene
- Complete the accident form located in the vehicle registration package. Pertinent information to obtain includes:
  - License number of other drivers
  - Insurance company names and policy numbers of other vehicles
  - Make, year, model of other vehicles
  - Date and time of accident
  - Overall road and weather conditions
  - Draw a diagram of the accident scene and note the street names and locations of traffic signs, signals, etc.
  - Take pictures if possible
  - As soon as possible fill out a Bennett Contracting Incident Report, ask for help if needed.

Do not discuss the accident with anyone at the scene except the police. Do NOT accept any responsibility for the accident. DON'T argue with anyone.

- Provide the other party with your name, address, phone number, drivers license number and insurance information
- Cooperate fully with any follow-up from Claims personnel

Persons Driving Their Own Vehicles for Company Purposes: Some employees may be required to provide a vehicle for use on the job. It is the employee's responsibility to keep the vehicle in good running order and comply with all applicable regulations. The same restrictions and reporting requirements listed above for Bennett vehicles apply to driving personal vehicles. Bennett's

practice of reimbursing fuel costs does not extend to commuting or incidental use; all employees are responsible for transportation to and from the job site at their own expense.

Persons driving their own vehicles for company use must be willing to provide proof of adequate insurance relating to the vehicle that will be used. A copy of the policy declaration page identifying the dates of coverage and the limits of liability may be required by the office on an annual basis. Adequate insurance limits for potential bodily injury must be secured and maintained on each vehicle planned to be used by the vehicle custodian. The employee must notify Bennett immediately if there is any change in coverage or cancellation.

## **Company Tools & Equipment**

### **Employee Owned Power Tools**

All field employees are required to provide power tools per your job description and as described upon employment with Bennett. Each field employee will furnish a list of power tools that will be used on Bennett jobs. Field employees must submit the list annually to the Equipment Manager on a specified date. New employees are required to submit a list of power tools used on Bennett jobs prior to starting employment.

This record will insure that:

1. All power tools are in good working order and meet OSHA standards.
2. This inventory list will provide Bennett with a good source for:
  - a. replacement values and repairs
  - b. insurance claim verification
  - c. indication of commitment to the trades
  - d. what tools need to be purchased
3. The power tool list will also help the employee track his own tools if misplaced.

Properly equipped field employees will minimize borrowing power tools from others or borrowing from Bennett for an extended period of time.

### **New Power Tools**

We recommend using and purchasing power tools that are compatible with our existing stock of accessories such as blades, bits, tips, and parts that we furnish. If you purchase a new tool, you must submit the same information to the Equipment Manager and bring the power tool to shop for a physical inspection. Modifications or alterations to new tools are not allowed. Changes made to tools will void the warranty and possibly violate safety regulations.

### **Company Owned Power Tools**

Bennett owned tools, equipment or property are for use on Bennett jobs. Bennett may agree to lend an employee a tool. This is arranged by getting approval from the Project Manager who is directly responsible for the piece of equipment. The employee is responsible for any damage or loss of any

item in their possession and full replacement cost. Tools that are lost are the responsibility of the employee who signed them out. The employee assessed a fine for lost tools and may lose the right to borrow tools. Tools lost will be noted in your employee file for consideration at your annual review.

**Sign-Out:** All Bennett tools will be controlled by tool log system. The Equipment Manager is responsible for this system. If the Equipment Manager is not available, see another supervisor. Each tool has a tool check out sheet. The person checking out a tool must record the date, their name, and the job name on the tool check sheet. This person is responsible for the tool. If the tool changes possession at the job site, the office must be notified and change the record on the checkout sheet. Upon returning a tool or equipment, make sure that it is checked back in, dated, and approved by a supervisor. The tool should be placed in its assigned location. Each tool should be clean and in good working order, in the way you would like to find it. Notify the Equipment Manager if the tool needs additional cleaning or service. A tool repair sheet is used to report services needed, repairs or safety concerns with a tool. This will allow everyone to use safe efficient tools, as per Bennett's Safety Handbook.

## **Repairs and Maintenance**

**Repairs:** Subject to management approval, Bennett will pay for repairs on these personal power tools that are used on a regular basis at work and were broken on the job. Broken or unsafe power tools must be tagged "Unsafe-Do Not Operate" immediately. Inform the Equipment Manager immediately, so that we can make arrangements for repairs. Lead cords and GFI devices that are damaged or defective must be removed from service and follow the same tag procedure. Dull blades and worn parts can be dangerous if not maintained.

**Maintenance:** Daily maintenance is required of all employees using any type of equipment. Check with your supervisor to be sure you know what exact maintenance is needed. Employees will be held liable for neglected equipment.

## **Stolen Personal Tools**

Bennett cannot be responsible for stolen or lost personal items. Employees should report any lost items to their supervisor so that the item can be returned if it is found. If an employee finds an item, it should be immediately turned in to the Equipment Manager.

Bennett's insurance contains limited coverage for stolen employee owned tools. The conditions under which Bennett Contracting will provide coverage are:

1. Tools must be locked in Bennett property office, warehouse, truck, trailer, lock box
2. A police report must be filed in the event of theft or vandalism.
3. Each tool has a dated purchase receipt. Tool values are depreciated, a \$500 deductible applies with a \$2,500 limit.



Bennett will provide other tools that are used on a job by job basis (ex. demolition hammer) as well items that will be assigned to you on a continuing basis (cell phone).

# **ELECTRONIC COMMUNICATIONS POLICY**

## **Telephones, Cells, PDAs and Camera-Enabled Devices**

The use of personal cell phones, pagers and PDAs while at work is for business use only. Any exception would require supervisory approval. If approved, personal calls should be brief and limited to break time and emergencies. For example, these may include medically warranted conditions (documentation may be required), EMT, Fire Department team members, etc.

Access to telephones throughout Bennett is generally available for all employees' use within these policy guidelines. Whenever possible it is suggested that friends and family members utilize our voice mail system to contact you.

The use of Company owned cell phones for personal business is limited to emergency use only. Company owned phones may be used after work hours for business purposes only. The use of camera-enabled devices is limited to business use only.

All employees must comply with all NY State Traffic laws including those that govern the use of cell phones while operating a motor vehicle (see Distracted Driving Policy below).

Management reserves the right to review and monitor the use of Company owned equipment at any time. The misuse of equipment and/or violation of these policy guidelines may result in disciplinary action up to and including termination.

## **Distracted Driving Policy**

Bennett is committed to ending the epidemic of distracted driving, and has created the following rules, which apply to any employee operating a company vehicle or using a company-issued cell phone while operating a personal vehicle:

- Company employees may not use a hand-held cell phone while operating a vehicle – whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages.
- If Company employees need to use their phones, they must pull over safely to the side of the road or another safe location.
- Additionally, Company employees are required to:
  - Turn cell phones off or put them on silent or vibrate before starting the car.
  - Consider modifying voice mail greetings to indicate that you are unavailable to answer calls or return messages while driving.
  - Inform clients, associates and business partners of this policy as an explanation of why calls may not be returned immediately.
- Failing to comply with this policy may result in disciplinary action up to and including termination.

## **Texting**

Texting from Company owned devices that contains any information about customers, business activities, management and company employees, transmitted by, received from, or stored in that system may be retrieved by Bennett.

## **E-mail & Internet Policy**

The computers, voice mail, e-mail and Internet systems and any other electronic communications systems as supplied by Bennett are for business use only. Communications transmitted through these systems must have a business purpose. They are not to be used for personal or other purposes deemed inappropriate as determined by Bennett.

Bennett reserves the right to have access to any and all communications that are transmitted by, through or on equipment supplied by Bennett. In the ordinary course of business, without notice to users of the system Bennett may obtain access to computers, voice mail, e-mail, texts, Internet connections for reasons including, but not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and insuring that Bennett's operations continue appropriately during an employee's absence.

Bennett's policy prohibiting harassment, in its entirety, applies to the use of our electronic communications systems. No one may use electronic communications in a manner that may be construed by others as harassment or offensive based on color, religion, sex, age, national origin, disability, sexual orientation, marital or domestic violence victim status, genetic predisposition or carrier status, veteran status or any other protected characteristic as established by federal and state law.

Since our electronic communications systems are for business use only, these systems may not be used to solicit for religious or political causes, outside organizations or other personal matters unrelated to Bennett's business.

No one may access, or attempt to obtain access, to another individual's electronic communications without appropriate authorization.

Further, unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. File sharing services that distribute copyrighted material are likewise prohibited.

Violators of the Electronic Communications Policy may be disciplined, up to and including termination where appropriate.

## **Social Networking Policy**

Bennett takes no position on an employee's decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of Bennett to protect itself from

unauthorized disclosure of information. Bennett's social networking policy includes rules and guidelines for company-authorized social networking and personal social networking and applies to all management and staff.

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook, LinkedIn and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Bennett.

Unless specifically instructed and approved by management, employees are not authorized and therefore restricted to speak on behalf of Bennett. Employees must obtain written authorization before commenting about Bennett's services or products on blogs or social networking sites. If authorization is given, the employee must clearly and conspicuously disclose their employment relationship with Bennett when posting a comment regarding our services or products. Any employee engaging in social networking or blogging for legitimate business purposes must get express approval of all content from a member of the Management Team before posting. Employees engaged in blogging or networking for legitimate business purposes are responsible for complying with all Company policies.

Employees are expected to protect the privacy of Bennett and its employees and customers and are prohibited from disclosing personal employee and non-employee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to customer information, trade secrets, financial information and strategic business plans.

Any employee who mentions Bennett on a personal blog or social networking account must include a disclaimer that specifically states that the opinions and attitudes expressed are those of the employee alone and may not be aligned with those of Bennett. The employee must make it clear that they are speaking for themselves and not on behalf of Bennett.

Employees are cautioned that they should have no expectation of privacy while using the Internet. An employee's postings can be reviewed by anyone, including by Bennett. Bennett reserves the right to monitor comments or discussions about Bennett, its employees, customers and the industry, including products and competitors, posted on the Internet by anyone, including employees and non-employees. Bennett may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forums, and social networking sites.

All other Company rules and policies regarding discrimination and harassment apply in full force to blogs and social networking sites. Bennett is firmly committed to its equal employment opportunity policies and does not condone or tolerate discrimination. Bennett also prohibits all forms of unlawful harassment. Employees are prohibited from engaging in any conduct, activities, communication or postings which violate Company policies regarding discrimination and harassment. No messages with derogatory or inflammatory remarks about any legally protected characteristic shall be transmitted or retrieved. No abusive, profane or offensive language is to be transmitted. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through blogs, social networks, text messages or other electronic means.

Bennett requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, the Management Team or the Human Resources Department. Violations include discussions of Bennett and its employees and customers, any discussion of proprietary information and any unlawful activity related to blogging or social networking.

This policy is not intended to restrict an employee's right to discuss wages and working conditions with co-workers or in any way limit employees' rights under the National Labor Relations Act.

## **SPAM Policy**

SPAM - Unsolicited e-mail, often of a commercial nature, sent indiscriminately to multiple mailing lists, individuals, or newsgroups; junk e-mail.

Employees are provided with access to certain services of Bennett including but not limited to Internet access, E-mail, FTP, local area network, stand-alone computer terminals and laptop computers as a tool for job related functions. Internet and E-mail are employee privileges not rights. You should not give out your E-mail address to individuals or websites that have no business purpose. This increases the amount of SPAM mail significantly.

All employees granted these services have been done so to carry out bona fide business for Bennett. Bennett respects the privacy rights of its employees. At the same time, Bennett e-mail usage is given only for company use. The E-mail accounts and all information transmitted through these accounts are the property of Bennett and not of the employees and shall be considered to be Company records. The contents of Bennett E-mail account will be available at all times to access by Company management. Bennett routinely backs up this information so the E-mail will normally be accessible to Bennett from backup files even after it is deleted by the employee. You should not assume that any E-mails you send or receive are confidential – they are not. Employees are prohibited from using the E-mail addresses of other employees or any other E-mail addresses for business purposes other than the one assigned to them by Bennett.

The E-mail account that you are assigned is to be used only for Company business and to assist you in the performance of your employment related activities. You should only give out your E-mail address for business related purposes. You should not transmit any messages over Bennett E-mail that you would not want to have disclosed to a third party. Company E-mail should not contain personal information about yourself or other parties whether they are employees of this Company or not.

You are not permitted to transmit any E-mail over Bennett systems that contain any illegal, defamatory, insulting, vulgar, rude, disruptive, offensive, derogatory, harmful or immoral content. Prohibited transmissions include but are not limited to sexually-explicit or sexually oriented materials, anything that could be deemed to be sexually harassing, any sexual innuendos or references, propositions of love, whether wanted or unwanted, ethnic or racially oriented references or slurs, or any other materials that could be considered by the recipient to constitute sexual harassment or harassing or disparaging content based upon sex, sexual orientation, race, ethnicity, national origin, or religious or political beliefs or practices.

## **Computer System Security**

Employees authorized to use the computer system are issued user IDs. They are expected to use ONLY their ID. It is never permissible to use another employee's ID under any circumstances.

Bennett must maintain user ID security. It is important that you remember the following points:

- Employees are not allowed to "share" his or her ID with anyone else.
- Do not sign on a terminal and leave it for others to use.
- Report any attempt to learn your ID from another to Information Systems. This includes, but is not limited to, someone trying multiple numbers to gain access.
- User ID's should be changed immediately by Information Systems upon discovery of security breach.
- Personal password programs are for Bennett.
- Report access difficulties to your Supervisor or Information Systems.
- It is not permissible for any employee or family member to cash out their own company-related purchases or create their own customer orders under any circumstances.
- Additionally, no one is to alter, disconnect, or otherwise change the operation of any computer equipment without Information Systems' instructions, supervision, and/or permission. All computer equipment is used only to conduct Company business.

## **Software**

The software that is installed on Bennett computers is purchased through authorized sources. These products are protected by US Copyright law and may only be installed under the conditions specified in the license agreement for that product. It is not permissible to install software on additional machines, unless additional licenses are purchased. No employee is to install any software on a company computer without approval of the Information Systems Department.

It is not permissible to exchange software with persons outside Bennett under any circumstances unless you have received specific approval from the Information Systems Department.

## **LEAVING BENNETT**

### **Temporary Layoffs**

The construction business is subject to seasonal changes in work load. Bennett expects all employees to be prepared to work longer hours during the busy season and shorter hours during the slow season. It may become necessary to lay off employees.

Layoffs are based on several considerations: seniority, ability, skills, past performance, and attitude. Management reserves the right to allocate the workforce skills, abilities, and will designate work accordingly.

Notification of Alternate Employment: Please notify Bennett if you are no longer available to be called back to work or have found other employment.

Unemployment Insurance: Bennett pays all mandated unemployment premiums. You may qualify for benefits. Apply directly to the unemployment department of N.Y. State.

Call Back to Work: Bennett may call you back to work full time or temporarily. If you do not report to work, you will be considered as having given your resignation. Call backs are based on several considerations: seniority, ability, skills, past performance and attitude. Management reserves the right to allocate the workforce skills, abilities, and will assign employees to jobs or roles accordingly. Employees may not get their prior job back or be reassigned to different jobs or roles.

Abandoned Tools/Equipment: Personal tools and equipment must be removed within 24 hours after notice of being laid off. If tools or equipment are not retrieved after 24 hours, Bennett will consider the tools are abandoned and become the property of Bennett.

### **Permanent Layoffs**

Bennett may layoff an employee during a slow time and then chose not to call that employee back to work. This will occur where the employee has had low performance ratings, poor attitude or their job position has been eliminated.

### **Resignations**

It is expected that employees voluntarily resigning will give notice in writing to their immediate supervisor.

### **Terminations**

**Immediate Termination for Misconduct:** The following activities, which does not include every possible activity, may result in immediate termination:

- Stealing from anyone.
- Use of drugs or alcohol on the job site.
- Deliberate destruction of Bennett property.
- Failing to come to work and not calling in.
- Fire arms or weapons on the worksite.
- Willful safety violation in which an employee knew that a hazardous condition existed, but made no reasonable effort to eliminate it and in which it violated a standard, regulation, or OSHA Act.

Warnings: Lesser offenses will be handled by giving the employee a warning. Termination may result after repeated warnings. For safety violations see Safety Handbook.

Termination Procedures: You will be told you are being terminated. You must make arrangements to return all Bennett property or make arrangements to pay for it.

All Company paid benefits will terminate at the same time as your employment termination. Under the Federal COBRA law, you will be sent information that allows you to continue to medical coverage through Bennett's health insurance plan.



# **Employee Handbook & Safety Program**

## **Receipt & Acknowledgement**

### ***Employee Handbook***

I acknowledge that I have received a copy of the Bennett Contracting Employee Handbook. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Department or one of the Owners. I understand that the Company is an "at will" employer and as such employment with the Company is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the company has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

In addition, I understand that this Handbook states the Company's policies and practices in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the Company for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

I consent to viewing the Employee Handbook on the Company's intranet site, or to receive a copy via email from the Human Resources Department. I understand I can access this information at any time from a computer with an internet connection. I can withdraw this consent at any time by notifying the Human Resources Department writing or via email. I have a right to request and obtain a paper version of the Employee Handbook from the Human Resources Department at any time.

### ***Safety Program***

I acknowledge that I have received a copy of the Bennett Contracting Safety Program. I understand that while employed by this Company I will be expected to abide by the rules contained in this manual, any other regulations pertaining to the Company and to my particular job.

I understand that the Company strives to maintain safe working conditions for all employees, provides safety instructions and training and makes available special equipment required to protect employees against particular hazards. I am expected to observe all applicable safety requirements, to make use of the safety equipment provided, to attend all safety trainings, to practice safety at all times, and to report immediately any unsafe or hazardous conditions to the supervisor or management. It is a job requirement to help the Company to detect and eliminate unsafe conditions or acts at all times.

By my signature below, I acknowledge that I have read and understand the rules and information contained in the Bennett Contracting Safety Program. I understand that violations of these rules or failure to perform my work assignment in a safe and orderly manner can be cause for dismissal.

\_\_\_\_\_  
EMPLOYEE NAME (PLEASE PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

Date \_\_\_\_\_

By my signature below, I acknowledge that I have delivered the Bennett Contracting Employee and Safety Program to the individual whose signature appears above and that this person has received orientation on this content.

\_\_\_\_\_  
EMPLOYER SIGNATURE

Date \_\_\_\_\_