



Burnt Mountain Services LLC.

# EMPLOYEE HANDBOOK

January 2026 VERSION

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## **WELCOME**

### **Company History**

Burnt Mountain Services, LLC (BMS) is a leading Utility Construction and services company operating in the Rocky Mountain Region.

Founded in 2020 and headquartered in Weld County, Colorado with the purpose of providing a higher level of service to the surrounding utility providers.

Burnt Mountain Services, LLC provides a full range of innovative and cost-efficient Construction services in addition to providing HAZMAT services.

### **Mission Statement**

BMS strives to provide not only construction services but also vacuum excavation, pipe fusion and HAZMAT trucking to companies located all over the United States in a timely and cost-effective manner. Our mission is to expand our capabilities into numerous industries and especially increase our presence in Colorado to become a leader in the utility construction industry. We intend to accomplish this by staying up-to-date on industry changes and requirements on the state and national level.

### **Purpose of Handbook and Open-Door Policy**

The purpose of this handbook is to correctly inform all employees of BMS about company policies so that they are aware of the expectations, procedures and consequences of decision making and any events that may take place during their employment. Our open-door policy has been established that not only are employees encouraged to come forward with any questions or concerns about their employment experience but also to express any confusion about any company policy.

### **Safety Commitment**

BMS is committed to the safety and health of all employees. We comply with all OSHA regulations governing injury, accident prevention, and employee safety. However, we cannot maintain a safe working environment without your continuous cooperation regarding prevention, safety, and injury procedures. All OSHA regulations must be adhered to all times.

## **Strategic Business Relationship**

The Company has entered into a strategic relationship with Concurrent HRO, Inc. Concurrent HRO is a human resources management firm in a business commonly referred to as a "Professional Employer Organization." With the ever-changing pattern of employee relations, The Company has enlisted the services of Concurrent HRO to help administer payroll, provide employee benefits and assist with human resources and risk management. Under this arrangement, both The Company and Concurrent HRO are your employers and have certain rights and responsibilities with respect to your employment. Administrative Employer and "Employer of Record" for purposes related to recordkeeping and complying with applicable federal, state and local law governing co-employment arrangements.

It is important that employees understand what Concurrent HRO does and what it does not do. Concurrent HRO is not a joint employer, partner, or related company of the Worksite Employer. Instead, Concurrent HRO is an unrelated, independent company that contracts to provide administrative services to the Worksite Employer such as processing payroll, issuing paychecks and year-end W-2 forms, collecting and paying employment taxes, processing new hire paperwork, assisting in the production of this handbook, administering workers' compensation and unemployment compensation claims, providing general assistance with human resource issues, and administering the health insurance and other benefits chosen by the Worksite Employer.

Concurrent HRO does not set pay rates, work schedules, job duties, performance expectations, or determine the specific terms and conditions of employment, including the type and level of benefits that employees will receive (e.g., how much vacation or sick leave employees will receive, whether health insurance will be available and upon what terms, or whether employees will be entitled to a benefit based on a specific set of circumstances that may arise during their employment). Instead, these matters will be determined by The Company and Concurrent HRO merely administers the compensation, benefits and other programs that The Company has chosen to make available to employees.

Concurrent HRO is available to answer specific questions employees may have on the administrative matters that it will be handling for the Worksite Employer.

## **Contact Information**

For questions regarding worksite issues such as hours of work, schedule, work procedures, or training, employees should contact their worksite supervisor.

For questions regarding paychecks or benefits, employees should contact the Concurrent HRO Service Center at (720) 432-5900. The staff hours of Concurrent HRO are Monday through Friday, 9:00 a.m. to 5:00 p.m. MST.

For questions regarding the contents of this handbook, employees should contact their worksite supervisor or:

**Concurrent HRO mainline at (720) 432-5900**

## **WORKPLACE COMMITMENTS AND NOTICES**

### **Equal Opportunity Employment**

BSM is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation because of age (40 or older), sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related conditions), race (including hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locks, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps), national origin, disability, creed, religion, genetic information, ancestry, military or veteran status, or any other status protected by federal, state, or local laws. The Company is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

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

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

### **At-Will Employment**

It is the goal of BMS to provide a positive work environment and a solid economic foundation upon which all employees may build a future. However, BMS is aware that personnel changes are sometimes initiated by employees and management alike. In this regard, it is expressly understood that employment at BMS shall continue only so long as it is mutually agreeable to each employee and BMS. Your employment with BMS is at-will. This means that neither you nor BMS has entered into a contract regarding the duration of your employment. Either an employee or BMS may terminate employment for any reason whatsoever, with or without cause and/or notice, at any time.

No section of this handbook is meant to be construed, nor should be construed as establishing anything other than an employment-at-will relationship, nor does it limit management's discretion to make personnel decisions. This employment-at-will relationship cannot be changed by your supervisor and can only be changed in writing by the CEO of the company and the employee in question.

### **Employment Eligibility**

It is the policy of BMS to only employ those persons who are legally eligible to work in the United States. Accordingly, before any employee begins work, the USCIS I-9 form must be

completed and the appropriate documentation provided.

### **Reference and Background Checks**

To make sure that individuals who join BMS are well qualified and have a strong potential to be productive and successful, it is the policy of BMS to check the employment references of all applicants.

BMS will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm not only dates of employment and position(s) held but also performance and history of accidents and incidents while working for BMS.

Employees of BMS must be able to pass a background/security clearance. If the background check conducted on behalf of BMS indicates the employee has been convicted of a crime, other than minor traffic violations, the employee may be found ineligible for employment with BMS.

### **Workplace Conduct**

The Company endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the Company's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing the Company property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Dishonesty.
5. Violation of safety rules and policies.
6. Violation of the Company's Drug and Alcohol-Free Workplace Policy.
7. Fighting on the job or serious breach of acceptable behavior, including but not limited to using obscene, abusive, or threatening language, gestures.
8. Disrupting the work of others.
9. Any violation of the Company's Workplace Violence Policy.
10. Theft, attempted theft, unauthorized removal or unauthorized possession of the Company's property or property of other employees or customers.
11. Insubordination or disobedience of a lawful Management directive.
12. Deliberate omission, falsification, or fraudulent alteration of any document or record.
13. Failure to report to work after the expiration of a leave of absence.
14. Use of foul or inappropriate language.
15. Loitering or loafing during work time or leaving a work area without the permission of Management.
16. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
17. Gambling on Company property.
18. Stopping work prior to the end of any shift without Management's permission.

19. Willful or careless destruction or damage to Company assets or to the equipment or possessions of another employee.
20. Excessive, unnecessary, or unauthorized use of the Company's property and supplies, particularly for personal purposes.
21. Performing work of a personal nature during working time.
22. Aiding a competitor or any act that intends to inflict injury upon the Company.
23. Violation of the Solicitation and Distribution Policy.
24. Violation of the Company's Harassment or Equal Employment Opportunity Policies.
25. Violation of the Communication and Computer Systems Policy.
26. Unsatisfactory job performance.
27. Any other violation of Company policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and the Company reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The Company will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, the Company will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

### **Ethics Code**

The Company will conduct business honestly and ethically wherever operations are maintained. We strive to improve the quality of our services, products, and operations and will maintain a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. Our managers and employees are expected to adhere to high standards of business and personal integrity as a representation of our business practices, at all times consistent with their duty of loyalty to the Company.

We expect that officers, directors, and employees will not knowingly misrepresent the Company and will not speak on behalf of the Company unless specifically authorized. The confidentiality of trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) about the Company or operations, or that of our customers or partners, is to be treated with discretion and only disseminated on a need-to-know basis (see policies relating to privacy).

Violation of the Code of Ethics can result in discipline, up to and including termination of employment. The degree of discipline imposed may be influenced by the existence of voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

### **Personal Property**

The Company will not be responsible for any personal items brought onto Company property that may be lost, damaged, stolen, or sold.

**Security**

All employees are responsible for helping to make the Company a secure work environment. Upon leaving work, lock all desks, lockers, and doors protecting valuable or sensitive material in your work area and report any lost or stolen keys, passes, or similar devices to your Supervisor immediately. Refrain from discussing specifics regarding Company security systems, alarms, passwords, etc. with those outside of the Company.

Immediately advise your Supervisor of any known or potential security risks and/or suspicious conduct of employees, customers, or guests of the Company. Safety and security is the responsibility of all employees and we rely on you to help us keep our premises secure.

**Employer Sponsored Social Events**

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

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

**Employee Records**

To keep complete and current records, it is mandatory that you provide our office with the following information and notify our office immediately whenever there is a change in your:

- Address
- Telephone number
- Marital status
- Name, through marriage or otherwise
- Number of dependents
- Insurance beneficiary
- Military status
- Emergency contact information

Confidential employee information will not be given out without the prior authorization of the employee, except as legally required.

**Record Retention**

The Company acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Company and its employees and possible disciplinary action against responsible individuals (up to and including termination of employment). Each employee has an obligation to contact the HR Manager to inform them of a potential or actual litigation, external audit, investigation or similar proceeding involving the Company that may have an impact on record retention protocols.

**Access to Files**

BMS maintains a personnel file on each employee. The personnel file includes such information

as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, payroll records and other employment records.

Personnel files are the property of BMS and access to the information they contain is strictly restricted. Employees who wish to review their own file should contact their supervisor or management. With reasonable notice, employees may review the contents of their own personnel files in BMS's offices and in the presence of the CEO.

### **Conflict of Interest**

BMS policy requires that you do not engage in any outside activities that might result in a conflict of interest. Employees are expected to observe the highest standards of ethics and good judgement in all transactions relating to your duties as representatives of BMS and to review with your immediate supervisor any situation that may conflict with SDD interests or have the appearance of impropriety. If you are unsure whether your actions may constitute a conflict of interest or lead to a conflict of interest, you must immediately discuss the matter with management.

### **Employee Records**

To keep complete and current records, it is mandatory that you provide our office with the following information and notify our office immediately whenever there is a change in your:

- Address
- Telephone number
- Marital status
- Name, through marriage or otherwise
- Number of dependents
- Insurance beneficiary
- Military status
- Emergency contact information

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immediate supervisor any situation that may conflict with SDD interests or have the appearance of impropriety. If you are unsure whether your actions may constitute a conflict of interest or lead to a conflict of interest, you must immediately discuss the matter with senior management.

### **Harassment, Including Sexual Harassment**

The Company has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's age (40 or older), sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related conditions), race (including hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locks, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps), national origin, disability, creed, religion, genetic information, ancestry, military or veteran status, or any other status protected by federal, state, or local laws. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

### **Sexual Harassment**

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

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

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

### **Other Harassment**

Other workplace harassment is verbal or physical conduct that insults or shows hostility or aversion towards an individual because of the individual's age (40 or older), sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related conditions), race (including hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locks, twists, tight coils or curls,

cornrows, Bantu knots, Afros, and headwraps), national origin, disability, creed, religion, genetic information, ancestry, military or veteran status, or any other status protected by federal, state, or local laws.

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

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above protected categories;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility toward an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on our premises, or circulated in the workplace; and
- A display of symbols, slogans, or items that are associated with hate or intolerance toward any select group.

### **Workplace Bullying Policy**

The Company is committed to providing a safe and harassment-free workplace for all employees. As part of that commitment, the company has developed the following policy to address intentional intimidation, threats or other types of abusive behavior (“bullying”). This workplace bullying policy is intended to supplement, not to supersede, other harassment or workplace violence policies already in place at Company.

The Company will not tolerate any intentional bullying as defined in this policy. This policy applies to all employees, including supervisors, managers and executives. Employees found in violation of this policy will be subject to discipline, up to and including unpaid suspension and/or termination of employment.

Bullying includes, but is not limited to, any of the following:

- Repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others with the intention to humiliate or demean, at the place of work and/or in the course of employment;
- Persistent singling out of one person or group of persons in a negative manner;
- Public reprimands intended to embarrass or humiliate the individual;
- Taking credit for another’s ideas or work product;
- Using technology (email, instant messaging, etc.) to intimidate or threaten a person or group of persons;
- Unwanted physical contact, abuse or threats of abuse; or
- Deliberately excluding an individual or isolating them from work-related meetings and/or activities.

An employee who feels like they are being bullied at work, or witnesses bullying at work, should immediately report the circumstances to a supervisor, manager or the CEO.

### **Reporting Discrimination, Bullying and Harassment**

If you feel that you have witnessed or have been subjected to any form of discrimination, bullying or harassment, immediately notify the HR Manager or any member of management.

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

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the Company determines that harassment, bullying or discrimination occurred, corrective action will be taken to effectively end the harassment.

As necessary, the Company may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the Company will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation.

### **Workplace Violence**

The Company is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Company and personal property.

We do not expect you to become an expert in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Company policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally.

### **Prohibited Conduct**

Threats, threatening language or any other acts of aggression or violence made toward or by any Company employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Company premises.

### **Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom you feel comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation,

intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Company determines, after an appropriate good faith investigation, that someone has violated this policy, the Company will take swift and appropriate corrective action.

If you are the recipient of a threat made by an outside party, immediately notify the HR Manager or any member of management. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

### **Substance Abuse and Drug Testing**

BMS not only participates in mandatory drug testing for all employees upon acceptance of employment but also random drug testing. It is a violation of our company policy for any employee to test positive for illegal drugs. In addition to this, while it is legal to use recreational and medical marijuana in Colorado, it is currently still unlawful according to the federal government. Therefore, company policy shall prohibit employment if it is discovered through a drug test that any employee has tested positive for marijuana use. Any employee that is injured while at work is also required to submit to drug testing. Except for over-the-counter drugs (such as aspirin) or drugs prescribed by a doctor, drugs and alcohol are not permitted within any job site. Alcohol and drug abuse can cause an unacceptable and unsafe working condition. If you are found to be under the influence of drugs and/or alcohol, you will be immediately removed from your work assignment by your supervisor. Further disciplinary action will be taken by our Safety Director, Jay Kremer. If you are taking prescription medication that reduces your ability to perform your job functions, you must report this to your supervisor so that an appropriate work assignment can be given to you.

Our drug testing facility is located at:  
Express Drug Testing, 11750 E 124th Ave., Henderson, CO 80640

### **Disability Accommodation**

The Company will make reasonable accommodations, as required by law, for the known physical or mental disabilities of an otherwise qualified applicant or employee, unless doing so would impose an undue hardship upon the Company's business operations. An accommodation is not reasonable if, even with the accommodation, the employee is unable to perform essential job duties in a manner that would not endanger the employee's health or safety of the employee or others.

Any applicant or employee who believes they require an accommodation to perform the essential functions of the job should contact CEO to request such an accommodation. Employees should specify what accommodation they need to perform the job and submit supporting medical documentation explaining the underlying physical or mental disability and the basis for the requested accommodation. The Company then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made. The Company will evaluate requested accommodations, and as appropriate identify other possible accommodations, if any. The employee will be notified of the Company's decision regarding the request within a reasonable period. The Company treats all medical information submitted as part of the accommodation process in a confidential manner.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention to the CEO and/or the Manager and/or the Employee's Supervisor. The Company will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention the CEO and/or the Manager; in addition, you may raise your concern to the next level of management. Alternatively, you may raise any issue with Concurrent HRO, your Professional Employer Organization (PEO) Human Resource Representative at 720-432-5900.

To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations.

### **Genetic Information Non-Discrimination (GINA) Policy**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or an individual's family member, except as specifically allowed by this law. To comply with GINA, the Company asks that employees not provide any genetic information when responding to a request for medical information for purposes of leaves of absence or otherwise.

"Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. If you have any questions about the information to be provided, please contact Concurrent HRO at (720) 432-5900) or at [hr@concurrentthro.com](mailto:hr@concurrentthro.com).

### **Pregnancy Accommodation**

In compliance with state law, The Company will not discriminate against an applicant or employee because of pregnancy, childbirth or related conditions. If an applicant or employee requests a reasonable accommodation due to health conditions related to pregnancy or the physical recovery from childbirth, The Company will endeavor to provide a reasonable accommodation to enable applicants and employees to perform the essential functions of the job, unless the accommodation would impose an undue hardship on the operation of the business. The Company will engage in a timely, good faith, and interactive process with the employee to determine effective, reasonable accommodations for the employee for conditions related to pregnancy, physical recovery from childbirth or a related condition.

Reasonable accommodations may include, but are not limited to: more frequent or longer break periods; more frequent restroom, food and water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy; job restructuring; light duty, if available; assistance with manual labor; or modified work schedules.

The Company will not require an applicant or employee affected by pregnancy, physical recovery from childbirth or a related condition to accept an accommodation that she chooses not to accept if she did not request an accommodation or if the accommodation is not necessary for the applicant or employee to perform the essential functions of the job, nor will The Company require a pregnant

employee to take leave if another reasonable accommodation is available which will permit her to continue working.

The Company reserves the right to require an applicant or employee to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

The Company will not take adverse action against a pregnant employee who requests or uses a reasonable accommodation related to pregnancy, physical recovery from childbirth or a related condition. The Company will not deny employment opportunities to an applicant or employee based on the need to make a reasonable accommodation related to the applicant's or employee's pregnancy, physical recovery from childbirth or a related condition.

If employees have any questions about this policy or would like to request a reasonable accommodation, they should contact the CEO and/or their manager or supervisor.

### **Accommodations for Nursing Mothers**

Under the Workplace Accommodations for Nursing Mothers Act, employers with one or more employees (including the state and its political subdivisions) must provide reasonable unpaid break time or permit an employee to use paid break time, mealtime, or both, each day to allow the employee to express breast milk for her nursing child for up to two years after the child's birth.

The employer must make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee can express breast milk in privacy.

Reasonable efforts mean any effort that would not impose an undue hardship on the operation of the employer's business. Undue hardship means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, the financial resources of the business, or the nature and structure of its operation, including consideration of the special circumstances of public safety.

An employer that makes reasonable efforts to accommodate an employee who chooses to express breast milk in the workplace will be deemed to be in compliance with the requirements.

## **GENERAL POLICIES**

### **Employment Categories**

Full Time Employee – an employee who is normally scheduled to work at least 30 and not more than 40 hours per week. (For health insurance only, full time employment refers to working at least 30 hours a week)

Part Time Employee – an employee who is normally scheduled to work less than a 32-hour workweek (but at least 20 hours per workweek)

Exempt Employee – an employee who is not eligible for overtime pay and whose hours, over time, will average 40 hours worked per week (when not on PTO).

Non-Exempt Employee – an employee eligible for overtime pay. Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per workweek, or 12 hours per workday.

Temporary Employee – an employee hired specifically for a period of no more than 6 months, with no eligibility for benefits.

### **Overtime**

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

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

Unless otherwise required or exempted by law, overtime pay of one and one-half times your regular rate of pay is paid for hours worked in excess of 40 hours in a workweek, 12 hours per workday, and 12 consecutive hours without regard to the starting and ending time of the workday (excluding duty free meal periods), whichever calculation results in the greater payment of wages. Holidays, vacation days, and sick leave days do not count as time worked for computing overtime.

### **Work Schedules and Hours**

Office personnel and upper management will keep regular office hours consistent with their position and need for availability. This may or may not coincide with the schedules that superintendents, foremen and laborers are required to keep. Personnel in the field may vary depending on work location and job responsibilities. Supervisors and upper management reserve the right to change schedules for personnel and if an employee has any questions regarding their work schedule, they should contact their immediate supervisor. To accommodate the needs of our business, at some point we may need to change individual work schedules on either a short-term or long-term basis.

### **Social Media Policy**

Employees of BMS are prohibited from posting content and publicly discussing sensitive company information with the outside online community. Only key identified individuals are official spokesmen of this company and are therefore allowed to speak in a public forum about the operations and projects that BMS is involved in. Taking pictures or videos of job sites and sharing them in public forums (whether on or off the clock) is strictly prohibited.

In addition, posts that defame the company and its employees are regarded as inappropriate. Employees that identify themselves with BMS are discouraged from posting public content that is dishonorable and contains negative racial, ethnic, sexual, religious, and physical disability slurs. Such content will not be tolerated.

### **Meal and Rest Periods**

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

period.

In Colorado, employees are entitled to an uninterrupted and duty-free unpaid 30-minute meal period for all shifts exceeding five consecutive hours. If practical, these meal periods will be at least one hour after the start and one hour before the end of the shift. If this is not possible or is impractical, you will be permitted to consume an "on duty" meal while performing your work duties, and this meal period will be paid.

Additionally, you are entitled to a paid 10-minute rest period for each four hours of work, or major fraction thereof, as follows:

Periods Required Number of rest breaks

Periods Required	Number of rest breaks
2 or fewer	0
Over 2, and up to 6	1
Over 6, and up to 10	2
Over 10, and up to 14	3
Over 14, and up to 18	4
Over 18, and up to 22	5
Over 22	6

Rest periods must be in the middle of each four-hour work period unless it is impractical. It is not necessary that you leave Company property for a rest period. Rest periods will be 10 minutes unless otherwise provided by applicable law.

Required rest periods are "time worked" for the purposes of calculating minimum wage and overtime obligations.

### Colorado Overtime and Minimum Pay Standards (Comps) Order #38



**COLORADO**  
Department of  
Labor and Employment

Division of Labor Standards and Statistics

Effective January 1, 2023

### Colorado Minimum Wage: \$13.65/hour, or \$10.63 for Tipped Employees, in 2023 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2023
- All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except unemancipated minors can be paid 15% under full minimum wage (\$11.61)
- Use the highest standard if other labor laws also apply, such as Denver's minimum wage (\$17.29 in 2023)

**Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive**

**(Rule 4)**

- Overtime is required each week over 40 hours, or day over 12, even if 2 or more weeks or days average fewer hours
- Employers cannot provide time off (“comp time”) instead of time-and-a-half premium pay for overtime hours
- Key variances/exemptions (all are detailed in Rules 2.3-2.4):
  - Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers
  - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law)
  - Agriculture, as of 11/1/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15

**Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)**

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

**Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)**

- Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical
- Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit
- rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees
- Key variances/exemptions:
  - In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1)
  - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

**Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)**

- All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:
  - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty,
  - waiting for assignments at work, or receiving or sharing work-related information,
  - security/safety screening, or clocking/checking in or out, or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)

- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3).

### **Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8)**

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after an audit)
- Tip credits: Employers can pay up to \$3.02 under minimum wage (\$10.63 in 2023, or \$14.27 in Denver), if:
  - (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/owners
- Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

### **Exemptions from the COMPS (Rule 2.2 lists all; key exemptions are below)**

- Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$50,000 in 2023 (or \$55,000 in 2024, then inflation-adjusted), except \$31.41/hour for highly technical computer work
- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$112,500 in 2023)
- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers.

### **Record-Keeping & Notices of Rights (Rule 7)**

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay
- This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when employees request a copy
- Employers must include a copy of this poster, or a COMPS Order, in any employment handbook or manual
- Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

### **Complaint & Anti-Retaliation Rights (Rule 8)**

- Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court
- Employers cannot retaliate against, or interfere with, employees exercising their rights
- Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)
- Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)
- Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8)

**This Policy is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact: DIVISION OF LABOR STANDARDS & STATISTICS, [ColoradoLaborLaw.gov](http://ColoradoLaborLaw.gov), [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us), 303-318-8441 / 888-390-7936**

### **Dress Code Policy**

An employee's personal appearance and hygiene reflects BMS and its reputation. Employees are expected to dress appropriately for their individual work responsibilities and position. Office personnel and upper management are required to maintain a dress code consistent business casual attire. Superintendents, foremen and laborers working out in the field have a minimum requirement to arrive to the shop or their job site wearing steel toed boots, full length jeans, and clean and professional shirt. All attire should be without holes and other damage so that their clothing won't snag on equipment and possibly cause injury. Any clothing that is torn or deemed unsafe for working conditions will be given a verbal warning and may be asked to go home and change their attire if necessary. Additionally, personal protective equipment (PPE) for employees working outside of an office environment is outlined in the safety handbook.

### **Company Phone Use Policy**

Company-issued cell phones are only to be used for business purposes during work hours or in the event of an emergency if no other phone is available. In addition to unnecessary calling and texting, all company phones are to be kept free of any applications or data usage that is not directly related to business activity. All company phones will be fitted with a monitoring program to prevent misuse. Using a company phone while driving or operating any company vehicle or equipment is strictly prohibited. If it is discovered that an employee has used a company phone for any other reason than to conduct business or aid in an emergency, he/she may face a write-up, suspension and possible termination.

### **Immigration Law Compliance**

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

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

### **Travel Time for Non-Exempt Employees**

#### *Overnight, Out-of-Town Trips*

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled workdays (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance Management authorization.

#### *Out-of-Town Trips for One Day*

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: (i) time spent traveling between the employee's home and the local railroad, bus or plane terminal; and (ii) meal periods.

#### *Local Travel*

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when an employee goes directly home from his/her final job site, unless it is much longer than his/her regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

#### *Commuting Time*

Under the Portal-to-Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near his/her home but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

### **Safe Harbor Policy for Exempt Employees**

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, employees must review their pay stubs promptly to identify and report all errors.

If employees are classified as an exempt salaried employee, they will receive a salary which is intended to compensate each employee for all hours that they may work for The Company. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work each employee performs.

Under federal and state law, employee salaries are subject to certain deductions. For example,

unless state law requires otherwise, an employee's salary can be reduced for the following reasons:

- Full-day absences for personal reasons other than sickness or disability.
- Full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to sickness or disability.
- Full-day disciplinary suspensions for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.
- Family and Medical Leave absences (either full- or partial-day absences).
- To offset amounts received as payment from the court for jury and witness fees or from the military as military pay.
- The first or last week of employment in the event you work less than a full week.
- Any full work week in which the employee does not perform any work.

An employee's salary may also be reduced for certain types of deductions such as the portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, the employee's salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- The employee is absent on a day because the employer has decided to close a facility on a scheduled workday.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work (subject to any offsets as set forth above).
- Any other deductions prohibited by state or federal law.

## **ATTENDANCE POLICIES**

### **Timekeeping**

A schedule of your regular work hours will be established by your supervisor. You are expected to familiarize yourself with your work schedule and report to work as assigned.

Exempt, salaried employees are not required to keep a daily record of when they arrive and leave each workday. However, they are required to put in the number of hours necessary to complete their jobs, which could be upwards of 40-50 hours per week.

Hourly employees are required to clock in and out of a timekeeping system to track hours spent on certain job sites. Adherence to this protocol is mandatory for the success of the company.

### **Unexcused Absences**

These types of absences are defined as moments when an employee calls in and does not show up for work and upon his/her return to work fails to produce documentation proving a valid reason for their absence.

Situations where an employee calls in and does not show up due to circumstances outside of their control are subject to management review. Examples of these situations include: a car accident, a

natural disaster or severe weather conditions exclusive to the employee's area of residence.

All non-exempt employees may have no more than three unexcused absences in one year. The time frame of one year will begin on the employee's first day of work with BMS. Upon the occurrence of a fourth unexcused absence an employee will receive a verbal warning. Once there is a fifth occurrence, an employee will receive a written reprimand and possible suspension. A sixth absence of this kind may result in possible suspension or termination.

### **Excused Absences**

These types of absences are defined as moments when an employee calls in and does not show up for work but produces valid documentation proving a legitimate reason for their absence. It is expected that documentation be provided the morning following the unexcused absence to change its status to excused. Examples of acceptable documentation include a printout from a reputable doctor with a valid phone number or a printout from a local municipal court or law enforcement organization. Once valid documentation is provided to management, the absence will be counted as excused.

All non-exempt employees can have no more than three unplanned, excused absences in one year. The time frame of one year will begin on the employee's first day of work with BMS. Upon the occurrence of a fourth unplanned, excused absence an employee will receive a verbal warning. Once there is a fifth occurrence, an employee will receive a written reprimand. A sixth absence of this kind may result in termination.

### **Planned Absences**

Laborers receive up to two weeks (ten working days) of unpaid, planned time off. Management must receive a signed request form no less than one week in advance of the first planned day off. Failure to request time at least one week in advance will result in the use of unplanned, unexcused absences.

Foremen receive up to two weeks (80 hours) of paid time off. Management must receive a signed request form no less than one week in advance of the first planned day off. Failure to do this will result in the use of unplanned, unexcused absences. Foremen may use their paid time off to cover any missed time, but the use of their PTO hours will not resolve their unexcused absence and the accumulation of such absences will not diminish with the presence of paid time off.

### **Tardiness**

BMS does not tolerate tardiness. Employees who anticipate being late for work must notify their supervisor no later than 6:30 a.m. for it to not be considered an unplanned, unexcused absence. Excessive tardiness will be dealt with on a case-by-case basis and employees who are frequently tardy will be given a verbal warning and possibly written up and therefore may be terminated.

### **No Call / No Show**

BMS expects all employees to show up for their shift. BMS has a zero tolerance for when an employee fails to contact his/her supervisor to let them know that they will either be late or absent. No call/ no show can result in disciplinary action up to and including termination.

### **Severe Weather Policy**

The Chief Executive Officer will rely on both the Local and Regional Operations Managers as well as the Project Controller to help in determining if the weather is appropriate for allowing employees to commute to and from the offices and job sites. Every effort will be made as soon as possible to let employees know if there will be a closure on a regularly scheduled workday. If conditions are not appropriate for work, the managers, controllers and superintendents will be responsible for notifying employees.

If employees show up for work and it is determined shortly thereafter that a job site will be shut down due to weather, that will be considered “show-up time” and it is unpaid unless management has given employees productive tasks to perform like helping the fleet mechanics or cleaning the shop.

If conditions are appropriate at the beginning of the workday but conditions become hazardous on some job sites as the day progresses, it is essential that foremen notify their superintendents. If it becomes necessary to end the workday early, superintendents will notify the crews once approval is received from their Operations Manager, the Project Controller or CEO.

Make-up time due to closure will be approved on a case-by-case basis and the appropriate rescheduling will be determined by senior management and when necessary.

### **EMPLOYEE SAFETY POLICIES**

The health and safety of employees and others on Company property are of critical concern to the Company. The Company intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to Management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Company’s premises, or in a product, facility, piece of equipment, process or business practice for which the Company is responsible should be brought to the attention of Management immediately.

Periodically, the Company may issue rules and guidelines governing workplace safety and health. The Company may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

### **Injury Reporting Procedure**

Employees are required to immediately report any work-related injury or illness, no matter how small, to their direct manager or another Company manager, if their direct manager is unavailable. The manager will provide the employee with any required paperwork. The employee is expected to cooperate in the reporting process. For more information, please reference the Company Safety Manual.

### **Paid Public Health Emergency Leave**

In addition to the paid sick leave provided under the Colorado Paid Sick Leave Policy, The Company will provide you with paid public health emergency leave in 2021, in accordance with the Colorado Healthy Families and Workplaces Act, for a declared public health emergency. Public health emergency means:

- An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent, for which 1) an emergency is declared by a federal, state, or local public health agency; or 2) a disaster emergency is declared by the governor; or
- A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

Public health emergency leave may be used for the following reasons:

- 1) To self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
- 2) To seek diagnosis, treatment, or care (including preventive care) of such illness;
- 3) Exclusion from work by a government health official, or by your employer, due to your exposure to,
- 4) Inability to work due to a health condition that may increase your susceptibility or risk of such illness; or
- 5) To care for a child or other family member who is in category 1, 2, or 3 above, or whose school, childcare provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

Public health emergency leave will be provided, as needed, in addition to any paid sick leave that you have already accrued. If you normally work 40 or more hours in a week, you will be provided with enough public health emergency leave to ensure that you are able to take 80 hours of leave during a public health emergency. If you work fewer than 40 hours per week, you will be provided with enough public health emergency leave to ensure that you are able to take leave equal to the amount of time that you are scheduled to work in a 14-day period or the amount of time you actually work on average in a 14-day period—whichever is greater.

You may use any public health emergency leave that is provided under this policy before using any paid sick leave that you have accrued prior to the public health emergency.

Public health emergency leave expires four weeks after the official termination or suspension of the public health emergency. During a public health emergency, you will continue to accrue paid sick leave as outlined in the Colorado Paid Sick Leave Policy.

You must provide notice of your need for public health emergency leave as soon as practical if your need for leave is foreseeable, and the company is not closed. If the need for leave is unforeseeable, provide notice as soon as possible.

You will not be required to provide any documentation for public health emergency leave.

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

## Housekeeping

You are to maintain a neat and orderly work area. Housekeeping and general cleanliness have a direct effect on safety, healthy, prevention of slips and falls, allow for speedy evacuation in the event of an emergency, prevent falling object injuries and enhance fire safety. Listed below are general housekeeping rules:

1. All walking and working surfaces must be kept in conditions that will prevent slipping, which includes the prevention of dirt and debris from accumulating.
2. All stored materials will be neatly stacked and properly stored.
3. All containers will be sealed when not in use.
4. Entrances and exits will be properly marked and not blocked. No objects should be left in the middle of walkways.

## Emergency Medical Response

**DO NOT PROVIDE ANY MEDICAL ASSISTANCE FOR WHICH YOU ARE NOT QUALIFIED BY CERTIFIED TRAINING.**

Should an injury occur that requires an emergency medical responder, the actions listed below should be taken in the order that they are given.

1. Call the posted emergency response number. If none is available, dial 911.
2. Provide any medical assistance you are trained and certified to do. Do not provide any medical assistance that you are not trained to do.
3. Designate an individual to direct the emergency responders to the injured party and provide Safety Data Sheets (SDS) if applicable.
4. Notify your supervisor who will then be responsible for notifying the office.

## Fire Prevention

To reduce the likelihood of a fire, you must adhere to the following rules:

1. Smoking is only allowed in designated smoking areas. Smoking materials will be totally extinguished and placed in appropriate receptacles. Under no circumstances will there be smoking during refueling of vehicles or within 50 feet of flammable materials.
2. All chemical products will be handled and stored in accordance with the procedures noted on their individual SDS.
3. Heat producing equipment will be properly maintained and operated per the manufacturer's instructions to prevent accidental ignition of combustible materials.
4. Precautions will be taken when working with an open flame and areas where an open flame is present will be made fire safe by removing or protecting combustibles from ignition.
5. Combustible liquids must be stored in approved containers.
6. chemical spills – particularly combustible and reactive liquids – must be cleaned up immediately. Damaged chemical containers and cleanup materials must be properly disposed.

**NOTE: Exercise care! Information on appropriate personal protective equipment; proper disposal; proper cleanup procedures; required ventilation; etc. is found on the product's SDS.**

7. Combustible liquids and trash must be segregated and kept from ignition sources.
8. Keep clear access to fire hydrants as well as portable fire extinguishers.

### **Portable Fire Extinguishers**

Know the location of fire extinguishers (they should be in easily accessible areas), what class of fire extinguisher is appropriate for what type of fire, and how to safely use a fire extinguisher. Portable fire extinguishers will be distributed as indicated below.

Class	Distribution	Type of Fire
A: "A" on GREEN Triangle	Max distance of 75 feet between fire and extinguisher	Wood, paper, trash, etc.
B: "B" on RED Square	Max distance of 50 feet between fire and extinguisher	Flammable liquid, gas, etc.
C: "C" on BLUE Circle	Based on the appropriate pattern for the existing Class A and Class B hazards	Electrical fires
D: "D" on a YELLOW Star	Max distance of 75 feet between fire and extinguisher	Combustible metals

Using the wrong fire extinguisher on some fires can spread the fire. Portable fire extinguishers suitable for ABC class fires will be available on all job sites.

### **Fire Protection**

The phone number of the local fire department as well as our job site address will be posted and readily accessible. If a fire should occur, all personnel and the local fire department will be notified. In all emergency situations, you should:

1. Remain calm
2. Speak clearly and slowly
3. Give an exact location
4. Describe the situation
5. Give the phone number from where you are calling from
6. Do not hang up until told to do so

### **First Aid and First Aid Kits**

Should a medical emergency occur, call 911 or the emergency medical response phone number posted at the job site if 911 service is not available. Explain the situation clearly and follow the emergency response team's instructions. If an emergency vehicle is being sent to the job site, establish easy access and keep on-lookers away.

Employees will not expose themselves to blood or other bodily fluids of other employees at any time unless they are trained and licensed in CPR/first aid and are designated first aid providers as an additional job identified in the company bloodborne pathogen program.

Per OSHA, first aid is limited to:

1. Using a non-prescription medication, such as aspirin, at non-prescription strength
2. Cleaning, flushing or soaking wounds on the surface of the skin
3. Using wound coverings such as bandages, Band-Aids™, gauze, pads, etc.
4. Using hot or cold therapy
5. Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back

- belts, etc.
- 6. Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back board, etc.)
- 7. Drilling of a fingernail or toenail to relieve pressure or draining fluid from a blister.
- 8. Using eye patches
- 9. Removing foreign bodies from the eye using only irrigation or a cotton swab
- 10. Removing splinters of foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means.
- 11. Using finger guards
- 12. Using massages
- 13. Drinking fluids for relief of heat stress

You must know the location and contents of first aid kits. These kits are worthless if not readily accessible. First aid kits will not be locked up. First aid supplies generally include: adhesive bandages, bandage compresses, scissors, tweezers, triangular bandages, antiseptic soap or pads, eye dressing, and other items that are appropriate for the work we do. First aid kits will be replenished as items are used. Sterile items will be wrapped, sealed, and used only once. Other items such as tape or scissors can be reused and should be kept clean. In the absence of plentiful amounts of clean water, eye flush will be available.

### **Fluids**

From a safety standpoint, you must not neglect your need for drinkable fluids. On job sites, exertion and heat dictate the need for plenty of water. Sweating while working cools your body and this fluid must be replaced. Drink plenty of water!

### **Lifting, Pushing, and Pulling**

Back injuries are often caused by putting excessive strain on the lower back by lifting an object that is too heavy or awkward, or by bending and/or twisting while lifting. It's important to practice good judgement when it becomes necessary to move heavy objects.

Proper lifting techniques are important for employee safety. Below are lifting techniques that will reduce the likelihood of injury.

1. Lift, push, and pull while keeping your back straight and primarily use your legs.
2. Take your time and go slow to ensure that you're lifting objects gradually and smoothly.
3. When changing direction while moving an object, turn your feet instead of twisting at the waist. Avoid jerky motions.
4. Avoid lifting anything above the height of your shoulders by yourself.
5. When standing while moving something, keep your back straight.
6. When walking, maintain an erect posture; wear slip-resistant, supportive shoes.
7. When carrying heavy objects, carry them close to the body and avoid carrying them in one hand or reaching far out.
8. When heavy or bulky objects need to be moved, obtain help or use a mechanical aid such as a dolly, hand truck, forklift, etc.
9. When stepping down from a height of more than eight inches make sure to adjust your line of sight so that you can see the path that you plan to take very clearly.

### **Slips, Trips, and Falls**

Slips, trips, and falls are among the most common job site accidents, and they are easily

preventable. They are sometimes caused by the following:

1. Running on the job site
2. Working on a ladder that is not firmly positioned
3. Carrying an object that blocks the line of vision
4. Improperly worn footwear
5. Working on a scaffold without safety rails
6. Using ladders that have oil and grease on the rungs
7. Allowing debris to accumulate in work areas
8. Not paying attention to your surrounding area

### **Basic and Powered Tools**

Every tool is potentially dangerous if it is not used properly. Some examples of basic tools include but are not limited to: hammers, screwdrivers, shovels, shears, utility knives, and wrenches. Powered tools would include any hand-held device that is only operable with the assistance of electricity. This includes but is also not limited to a circular saw, jigsaw, drill, sander, and a powder-actuated screwdriver.

Guidelines for basic tool use:

1. Never use a tool for a purpose other than that for which it was designed. Improper use may result in damage of the tool and injury to yourself and others.
2. Never exceed a tool's design limits. If a tool cannot accomplish the task for which you are using it, stop use and obtain a better tool.
3. Inspect tools before use. If a tool appears to be damaged, do not use it.
4. Clean tools after use to avoid the rapid onset of wear and tear.
5. Store tools properly so that they can be easily located by others when needed and kept in a proper working condition over time.

Guidelines for powered tool use:

1. Operate powered tools only when authorized.
2. Authorization should be granted AFTER it has been established that you can safely operate the powered tool through experience and/or training.
3. When operating any powered tool, make sure that it is plugged in properly and the cord does not prohibit you from working safely.
4. Whenever a power tool is not in use, it should be unplugged or placed in a safe area away from others.
5. When operating a powered tool, never bypass safety guards or plastic that has been in place by the manufacturer to prevent injury when in use.

### **General Electrical Safety**

Daily, prior to use, all electrical equipment will be inspected, and defective items will be tagged out of service and not used. Except for double insulated tools (with UL approval), all electrical tools and equipment will be grounded. No powered tools will be hoisted by their flexible electrical cords. Your hands should be dry when working with electrical equipment including plugging in extension cords.

When working around any electrical power circuit, employees will:

1. Protect themselves by de-energizing the circuit and grounding it or by establishing

- insulation between themselves and the current.
2. Ensure that conductive materials and equipment that are in contact with any part of their body are handled in a manner that excludes contact with exposed energized conductors or circuit parts.
  3. Use portable ladders that have non-conductive side rails.
  4. Remove or insulate conductive articles of jewelry and clothing that might contact exposed energized parts.

### **Ground Fault Circuit Interrupters (GFCI):**

A GFCI provides protection for all 120-volt, 15-, 20-, and 30-ampere receptacle outlets that are not a part of the permanent wiring by detecting lost current resulting from a short, overheating, and/or ground fault. It should be noted that an extension cord into which electrical devices are plugged are not part of the permanent wiring; therefore, GFCI's are required.

A GFCI will "trip" when the amount of current going to an electrical device in the hot conductor and the amount of current returning from an electrical device differ by approximately 5 milliamps. The GFCI can interrupt the current within as little as 1/40<sup>th</sup> of a second.

The current that is missing is being lost through a ground fault, whether it is in the actual grounding, a short in the equipment, or electricity going through the employee into the ground. A GFCI will not protect an employee who meets two hot wires or a hot wire and a neutral wire. A GFCI will provide protection against fires, overheating, damage to insulation, and the ground fault. GFCI's must be tested before use.

### **Extension Cords**

Extension cords (temporary wiring), temporary electrical power, and lighting installations of 600 volts nominal or less may be used only as follows:

1. During remodeling, maintenance, or repair of buildings, structures, or equipment, and similar activities.
2. For a period, not to exceed 90 days for Christmas decorative lighting and similar purposes.
3. During emergencies.

Temporary wiring shall be removed immediately upon completion of the project or purpose for which the wiring was installed. Extension cords shall not replace permanent wiring and the following safety precautions will be adhered to:

1. Extension cords will be kept off of walking/working surfaces or be covered to prevent tripping. Cords will not be placed in vehicle traffic lanes.
2. Electrical cords will not be suspended with staples, hung from nails, or suspended by wire.
3. Worn or frayed electrical cords or cables will not be used.

Prior to using an extension cord, an employee must:

1. Inspect the cord for cracks and cuts and a defective cord will be tagged and removed from service.
2. Ensure the cord has a three prong plug for grounding.
3. Use the shortest continuous length of cord possible. Cords may not be spliced

together.

4. Make certain the cord does not lay in water.
5. Ensure that the cord is properly rated for the job.

## **Ladders**

During routine job site inspections, supervisors should be constantly vigilant for violations of the ladder safety rules and take immediate corrective action to ensure the safety of our employees.

1. A stairway or ladder will be provided at all personnel points of access where there is a break in elevation of 19 inches or more.
2. Ladders will not be overloaded.
3. Ladder rungs, cleats, and steps must be parallel, level, and uniformly spaced when a ladder is in position for use.
4. Portable ladders used for gaining access to an upper level will extend the ladder at least 3 feet above the upper landing surface. If this cannot be done, the ladder will be secured at the upper landing. Ladders will only be used on stable and level surfaces unless secured to prevent displacement.
5. Ladders must be free of oil, grease, or other slipping hazards
6. Ladders must be used for the purpose for which they were designed, this includes tying or fastening them together.
7. Non-self-supporting ladders will be used at an angle that the horizontal distance from the top support to the foot of the ladder is approximately  $\frac{1}{4}$  of the working length of the ladder.
8. Ladders will only be used on slippery surfaces unless secured or provided with slip-resistant feet to prevent accidental displacement.
9. Ladders placed in any location where they can be displaced by job site activities or traffic will be secured to prevent accidental displacement, or a barricade will be used to keep activity away from the ladder.
10. The area around the top and bottom of the ladder shall be kept clear.
11. Ladders shall not be moved, shifted, or extended while occupied.
12. The top step of a stepladder shall not be used as a step.
13. Portable ladders with structural defects will be immediately marked in a manner that readily identifies them as defective and removed from service.
14. When ascending or descending a ladder, one must face the ladder when progressing up or down the ladder.
15. Employees are not to carry any object or load that could cause loss of balance and a resultant fall.

## **Signs and Tags**

You must pay attention to the various signs and tags found throughout our job site. Color coding assists in determining the level of danger.

Red = Danger

Yellow = Caution

Orange = Warning

White = Safety Instruction

Florescent Orange = Biological Hazard

### **Adequate Lighting**

You must be able to view the work that you are performing. A simple guideline for adequate lighting is this: if you are not sure if you have enough lighting for your work, then you don't.

### **Appropriate Clothes**

Wear clothing that will provide appropriate protection and comfort while you are performing your work. You may be exposed to heat, cold, rain or snow and it is appropriate to dress according to weather.

### **Personal Hygiene**

You will have access to restroom facilities as needed. Make sure that if you get chemicals from a job site on your skin or clothes that you wash the chemicals off before going home.

### **Postings**

There will be a prominently displayed bulletin board or area for postings. You must be aware of the location of the following posted items:

- 1) OSHA Form 3165, *It's the law!*
- 2) Emergency phone numbers and job site address for emergency response.
- 3) During the period from February 1 through April 30, OSHA Form 300A, Summary of Work-Related Injuries and Illnesses, must be posted for work-related injuries and illnesses which have occurred during the previous year.
- 4) If appropriate, the following will be posted:
- 5) OSHA citations
- 6) Notice of informal hearing conference
- 7) Names of locations of assigned first aid providers
- 8) Air or wipe sampling results
- 9) Emergency action plan

### **Safety Meetings**

Depending on the work at hand, safety meetings may be held during the work shift. Successful safety meetings demand interactive participation by the presenter as well as those attending. Pay attention, feel free to ask questions, and ensure that at the completion of a safety meeting, you have no unanswered safety questions.

### **Safety Enforcement**

It is expected that all employees will follow the safety rules and guidelines not only to protect themselves, but also to protect their fellow workers from harm. Should a safety violation occur, the following steps will be taken by the employee's immediate supervisor. Any willful or unwilful safety violation can result in disciplinary action up to and including termination.

1. Minor Safety Violations: Violations which would not be reasonably expected to result in serious injury.
  - a. The hazardous situation will be corrected.
  - b. The employee will be informed of the correct procedures to follow, and the supervisor will ensure that these procedures are understood.
  - c. The supervisor will make a written report of the occurrence using our Enforcement Documentation Form and notify the employee that this documentation will be

- forwarded to our Safety Director, for a retention period of one year.
2. **Major Safety Violations:** Violations which would reasonably be reasonably expected to result in serious injury or death.
    - a. The hazardous situation will be corrected.
    - b. The supervisor will inform the employee of the correct procedures to follow, the severity of the violation. A major safety violation can result in disciplinary action up to and including discharge.
    - c. The supervisor will make a written report of the occurrence using our Enforcement Documentation Form and inform the employee that this documentation will be forwarded to our Safety Director, for a retention period of one year.
  3. **Willful Major Safety Violations:** Intentional violation of a safety rule which would reasonably be expected to result in serious injury to the employee or a fellow worker.
    - a. The hazardous situation will be corrected.
    - b. The employee will be removed from the job site, the event will be documented and forwarded to our Safety Director, and the employee will be discharged.

Employees are to understand that the primary purpose of documenting safety violations is to ensure that the important business of employee safety is taken seriously and that the potential for injury is reduced to the lowest possible level.

### **Hazardous Job Site Materials**

When working in or around older structures, potential asbestos and lead hazards may exist. On many job sites, the potential for crystalline silica exposure may exist. The presence of these hazards along with the appropriate Personal Protective Equipment (PPE) and respiratory protection requirements, will be disclosed before any work begins.

Should these materials be “discovered” as work progresses, we will protect our employees from these hazards by:

1. Identification of these items by the competent person.
2. Informing the owner, project designer, or engineer of the hazards.
3. Securing the areas in question until testing proves samples to be negative.

## **COMPANY VEHICLE USE POLICY**

### **Operation**

Because vehicle accidents are the leading cause of work-related deaths and injuries, vehicle operation during employment must be safe and in compliance with city, state and federal law. You should always drive defensively by continually watching for hazardous conditions and doing your best to avoid them. Remember to keep your eyes on the road and on other vehicles; do not be distracted by personal electronic devices that are in the cab with you. If you need to talk on the phone or read/send a text message, pull off the road and out of traffic beforehand. Additionally, there is to be no smoking in any company vehicle at any time.

### **Driving While Impaired**

The consumption of alcohol and drugs (even over-the-counter medications and prescriptions) can slow reactions, blur vision, reduce ability to determine distance, and impair judgment. It is therefore a violation of our company policy for any employee to operate a company vehicle with

alcohol or illegal drugs in their system or while impaired by prescription or over-the-counter medications. In addition to this, while it is legal to use recreational and medical marijuana in Washington and Colorado, you should know that it does not make it permissible under our company policy and you will still be terminated for its use.

### **Safety and Compliance**

Any employee who operates a company vehicle on public roads as a part of their duties must hold a valid, properly classed driver's license. State Motor Vehicle Records (MVRs), lawfully available to employers, will be used as the source for verifying driver history. MVRs are obtained prior to hire and will be obtained and reviewed intermittently. The company reserves the right, at any time, to revoke the driving privileges from any previously authorized driver to operate a company vehicle based on the driver not meeting the following standards. Employees are responsible for any moving violations or parking tickets that they incur during employment. Employees who as part of their duties drive BMS vehicles must by the next business day report any parking ticket received in a company vehicle. A moving violation must be reported regardless of whether it was in a Burnt Mountain Services vehicle or a personal vehicle or whether on Burnt Mountain Services time or personal time. A current copy of your valid driver's license and medical card must be maintained at the office.

### **Proper Assignment and Permissions**

BMS vehicles are assigned to individual employees based on many factors which include but are not limited to: job assignment, experience in operation, and license classification. Under no circumstance should any employee drive a vehicle that is not assigned to them without direct orders to do so from either the superintendent or project manager on the job. With regards to semis, mixing trucks, vacuum trucks, dump trucks, and water trucks, it is essential that these are used only to support business activities and only employees of the company may ride in them unless prior written permission from management has been given. As a general standard, company vehicles may not be used for business activities of other companies, loaned to others, or driven by non-employees. When working locally, vehicles are to be brought back to the shop at the end of each workday. When working on company job sites outside of the local area, BMS trucks and semis are to be parked on those sites overnight and secured. Each non-local crew has a designated vehicle that is for commuting from their hotel to their job site and it is also appropriate to use that truck in the completion of getting food, doing laundry, going to the bank, and other essential activities that must be done when working outside of town. No other company vehicles are to be used to run personal errands. When working out of town for extended periods of time, the company vehicle that's designated for essential activities may also be used for other non-essential trips like leisure shopping, going to the movies, etc. Management needs to be consulted prior to any occasion where a crew member would like to use the truck for something that would be considered non-essential and such use is a privilege that can be revoked at any time.

Certain company pickup trucks may be driven to work and to home. Occasional or periodic in-town use is considered acceptable personal use. Without express permission, vehicles are not intended to be utilized as a primary means of non-work-related transportation or taken on vacations or pleasure driving out-of-town due to significant wear and tear and shortened life of the vehicles' use for business. Riding in the bed of a truck, driving while impaired, possessing and transporting any alcohol or illegal drugs, not wearing available personal restraints, failing to

report an accident, failing to secure the vehicle, and using a cellphone in any way while driving are all actions that directly violate company policy and are not permitted. Personal trailers, including boat and recreational vehicles, are not to be pulled with a company vehicle except by prior permission for each such use. Permission given once does not constitute universal permission of the practice. Even if permission to use a company vehicle is obtained on a per-use basis, all out-of-town fuel must be paid by the employee and not charged to the company fuel card. The privilege of personal use may be withdrawn at any time without notice.

### **Reporting**

Reporting an accident, incident, theft, moving violation, or parking ticket that involves a company vehicle must be done within a reasonable time frame which is defined by the company to be no more than one hour after an occurrence. Even if the event occurs at a late hour of the day, it is essential that communication to a supervisor is made in some form which can include leaving a voicemail on their work or mobile phone or sending a text message or email. Waiting to contact management after an hour has passed is in direct violation of company policy. It is essential that all the details related to an incident are properly communicated so that Burnt Mountain Services management can take actions to arrange for any needed repairs, contact insurance companies, and cooperate with local law enforcement. When driving a company vehicle, fines for parking or moving violations are the personal responsibility of the operator. The company will not condone nor excuse ignorance of traffic citations that result in court summons being directed to itself as owner of the vehicle.

### **Maintenance**

Maintenance of your assigned company vehicle with regards to both mechanical function and cleanliness is a requirement. Doing so not only represents a good image for you and BMS, but also helps with the identification of problems. The company mechanics are responsible for all advanced maintenance on company vehicles and please make sure that any required repairs that you identify during your daily vehicle inspection are brought to the mechanic and supervisor's attention. Skipping inspections can cause small mechanical issues to become serious ones which may compromise the safety of yourself and others. Additionally, the cab, bed, and bins on the vehicle are to be kept clean, organized and well maintained.

## **COMPANY-ISSUED CREDIT CARD POLICY**

### **Overview**

BMS issues company credit cards to upper management employees for use in their jobs. This policy sets out the acceptable and unacceptable uses of such credit cards. Use of the company-issued cards is a privilege, which may be withdrawn in the event of serious or repeated abuse.

### **Proper Use and Procedure**

Any credit card that is issued to an employee must be used for business purposes only, in conjunction with the employee's job duties. Employees with such credit cards shall not use them for any non-business, non-essential purpose, i.e., for any personal purchase or any other transaction that is not authorized or needed to carry out their duties.

**Personal Purchases**

Employees must pay for personal purchases (i.e., transactions for the benefit of anyone or anything other than the Company) with their own funds or personal credit cards.

If any employee uses a company credit card for personal purchases in violation of this policy, the cost of such purchase(s) will be considered an advance of future wages payable to that employee and will be recovered from the employee's next paycheck. Any balance remaining will be deducted from subsequent paychecks until the wage advance is fully repaid.

**Unauthorized Transactions**

If an employee uses a company credit card for any other type of unauthorized transaction in violation of this policy, i.e., incurs financial liability on BMS's part that is not within the scope of the employee's duties or the employee's authorization to make business-related purchases, the cost of such purchase(s) or transaction will be the financial responsibility of that employee, and the employee will be expected to reimburse BMS via deductions from pay until the unauthorized amount is fully repaid.

Such deductions will be in the amount of the unauthorized purchase(s), but if a deduction for such amount would take the employee below minimum wage for the workweek in question, the deductions will be in two or more equal increments that will not take the employee's pay below minimum wage for any workweek involved.

**Disciplinary Action**

In addition to financial responsibility and liability for wage deductions, any purchases an employee makes with a company credit card in violation of this policy will result in disciplinary action, up to and possibly including termination of employment, depending upon the severity and repeat nature of the offense.

All employees with the privilege of company card use will be required to sign an agreement for wage deductions associated with improper use and it will be kept in their employee file.

**PAY AND COMPENSATION INFORMATION****Pay Day**

This company participates in weekly payroll and it is distributed every Friday morning. If the pay date occurs on a holiday, paychecks will be distributed on the closest business day before the holiday. Employees are encouraged to set up direct deposit for their paychecks but it is not required and regardless if it is set up, everyone will receive a weekly printed check stub listing any deductions that have been applied to weekly pay which can include but are not limited to: garnishments, child support, and health insurance.

**Payroll Deductions and Garnishment**

When you receive your paycheck copy and earnings description, the stub will indicate the total amount of your earnings and the deductions made. The deductions fall into two categories: required and voluntary. Required deductions are mandated by state and federal law. Voluntary deductions such as health insurance will only be made with the permission of the employee.

### **Pay Corrections and Advances**

If there is ever an error relating to a deduction, withholding or reimbursement, please let the CEO know immediately so that it can be corrected. BMS does not provide pay advances on unearned wages to employees.

### **Resignation, Final and Severance Pay**

As an at-will employee you can resign at any time. However, should you decide to leave BMS, we request that you notify your supervisor as soon as you are able to. Depending on your area of employment, it may be preferred that you submit your resignation in writing at least two (2) weeks in advance of your last expected day of work.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense, if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

If BMS terminates an individual's employment, all wages and accrued vacation earned but unpaid will be paid on the termination date. An employee who resigns will receive all wages and accrued vacation on the next scheduled payday.

Colorado law does not require nor prohibit the issuance of severance pay. Severance pay is a benefit offered to employees at the discretion of BMS and can be offered if the situation of termination is appropriate. Severance pay is negotiable and will be offered to the employee in writing by the CEO of Burnt Mountain Services.

## **PERFORMANCE**

### **Evaluations and Promotions**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals. A positive performance evaluation does not guarantee an increase in salary or a promotion. Pay increases and promotions are based on many factors in addition to performance and are solely within the discretion of the company.

## **DISCIPLINARY PROCEDURE**

### **Purpose of Procedure**

Following the correct disciplinary procedures is vital to ensure disciplinary issues are properly dealt with. BMS managers, supervisors and foremen are responsible for issuing verbal and written reprimands to individuals. If an individual other than the employee's immediate supervisor becomes aware of a violation, that individual will consult with the appropriate supervisor to convey information and have a proper investigation conducted as quickly as

possible. It is essential that only a direct supervisor or the manager overseeing the supervision of an individual who oversees the write-up procedures for the event and that only the necessary parties are involved.

### **Grounds for Disciplinary Action**

Violation of company policy will be addressed by the employee's immediate supervisor in a manner consistent with the severity of the violation. Grounds for disciplinary action can include but is not limited to:

Job Performance: Failure to meet objectives, failure to meet deadlines, attendance issues

Misdemeanors: Rude behavior to others, breach of dress code, involuntary discrimination

Frequent Offenses: Unwillingness to adhere to prior corrective action

Severe Offenses: Workplace violence, fraud, bribery, harassment, substance abuse

### **Disciplinary Procedures**

Proper disciplinary procedure will commence when there is sufficient evidence to justify it. Where there is suspicion or hints of misconduct, the circumstance must be investigated in a timely manner. Every situation or complaint will be properly researched especially in cases of severe offenses. The accused employee will be given the opportunity to explain their position and will be listened to with respect.

The issuance of both verbal and formal written warnings will be documented and kept in the employee's file once it has been determined that the employee's actions were deserving of the warning. Since certain offenses can vary significantly in severity, it is up to the employee's immediate supervisor to determine the class of warning that the employee will receive. If the severity surpasses written documentation to include termination, approval by upper management may be necessary. The disciplinary procedures can result in disciplinary action up to and including termination.

### **Accident Investigations**

The purpose of accident investigation is to figure out what events took place and how that accident can be prevented in the future. An accident investigation will begin immediately after the crisis or immediate threat has subsided. Close calls (events which result in no injury or damage) will also be investigated because although the outcome was different, the cause still needs to be addressed.

### **Termination and Voluntary Quit**

If you give prior notice regarding your date of separation from BMS, we may ask you to participate in an exit interview with the CEO. During this exit interview, all pertinent business between BMS and the employee will be addressed. If you are eligible to receive COBRA, the CEO will go over that information, as well as any unused vacation time, if applicable, will be paid to the employee.

## **BENEFITS OF EMPLOYMENT**

### **Health Insurance**

Full-time employees are eligible for employee benefits following 60 days of full-time employment. However, an employee's coverage can only begin on the first of any month. (Please

refer to the CEO with any questions.) Full-time employees and their dependents have access to group sponsored health, dental and vision insurance coverages. They also have access to voluntary life, accident, hospital, cancer and short-term disability plans.

### **Benefits Continuation (COBRA Care)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Company health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or 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 pays the full cost of coverage at Company's group rates plus an administration fee. The Company provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under The Company health insurance plan. The notice contains important information about the employee's rights and obligations.

### **Worker's Compensation**

Colorado employers are required by law to provide workers' compensation insurance coverage at no cost to employees. This insurance covers injury or illness that requires medical, surgical, or hospital treatment, sustained because of, and during employment. Injured employees are eligible for applicable benefits as defined/determined under Colorado Law.

You are required to report all injuries, no matter how slight, to your supervisor immediately. You will be directed to a designated occupational medical facility for treatment. All employees who sustain a work-related injury are required to submit to a drug test within no more than three hours after an incident has taken place.

## **LEAVE POLICIES**

### **Paid Time Off** *revised June 2022*

Paid time off (PTO) is available to regular full-time employees. The PTO benefit replaces traditional separate sick and personal day plans with a consolidated benefit that provides employees more discretion and flexibility in the use of paid time for planned and unplanned absences. Eligible employees will begin accumulating PTO upon their first day of employment. Employee may begin to utilize accumulated time immediately.

Employees accumulate PTO based upon pay period throughout the defined calendar year. Paid Company holidays and PTO hours used will count as hours worked for the purpose of calculating accumulated PTO balances.

PTO will not accumulate based upon overtime hours, unpaid leaves of absences, medical leave of absence, or once employment is terminated.

PTO is paid at the employee's base pay rate at the time PTO is taken. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift

differentials. PTO will not be counted as hours worked for the purposes of determining overtime pay.

PTO Accumulation (based upon a forty (40) hour work week):

<b>Years of Service</b>	<b>Hours accrued per Pay Period</b>	<b>Total hours per year</b>	<b>Days per year</b>	<b>Max Accrual</b>
0 - 3 years	0.92 hours	48	6 days	120 hours
3 - 5 years	1.54 hours	80	10 days	120 hours
5 + years	2.31 hours	120	15 days	120 hours

Accrued PTO may be taken at any time as long as there is prior approval from the employee's direct Supervisor. PTO cannot be borrowed in advance and employees are not permitted to go to negative balances.

Employees are required to utilize any accrued PTO for hours missed unless otherwise approved. We encourage all employees to use all earned PTO each year. PTO accumulation will cease when the PTO hours have reached the corresponding max accrual presented in the table above. Further accumulation will begin again only after PTO time has been used and hours have dropped below the corresponding maximum. Employees are responsible for knowing the amount of PTO they have accrued. Employees are able to view their PTO on their paystubs or by requesting an update from their Supervisor.

Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Although we will attempt to accommodate a timely vacation request, we cannot guarantee that such a request will be granted on all occasions. In case of a conflict between two requests, we will use length of service with the Company as a baseline for determination, although certain exceptions may apply in a particular case.

In compliance with the Colorado Paid Sick Leave Act PTO time can be used not only for personal time and relaxation, but also for the following reasons:

- Treat an injury or health condition that prevents them from working.
- Receive diagnosis or treatment of an illness or injury.
- Obtain medical care.
- Abuse victim care or related legal services.
- Accommodate for a workplace (or school or place-of-care) closure due to a public emergency

The Company realizes that there may be times when you may be unable to perform your regular work due to an illness, a personal emergency (ex. a death in the family) or necessary personal business (ex. a doctor's appointment that cannot be conducted outside of your regular working

hours). If an employee is absent from work for more than four (4) days of work, a doctor's note/certification may be required.

Upon termination of employment, employees will be paid for unused accumulated PTO.

If there are any questions about time available, please see your Supervisor.

### **Sick Time - Part Time, Temporary, & Seasonal**

In compliance with The Healthy Families and Workplaces Act (HFWA) part-time, seasonal, and temporary employees are immediately eligible to begin accruing one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours. The Company realizes that there may be times when you may be unable to perform your regular work due to an illness, a personal emergency (ex. a death in the family) or necessary personal business (ex. a doctor's appointment that cannot be conducted outside of your regular working hours). If an employee is absent from work for more than four (4) days of work, a doctor's note/ certification may be required. This policy is to discourage anyone from missing work unnecessarily, but to help protect the earnings of those who must be absent.

Paid sick time accumulation will cease at the account maximum of 48 sick time hours. A maximum of 48 Sick time hours are able to be used by employees per year. As sick time hours are used and sick time hours decrease, hours will not be replaced until the following year. Accumulation will resume on the first day of the following year until an employee's paid sick time balance reaches the maximum 48 hours. Employees will be able to carry over a maximum of 48 hours from one calendar year to the next.

Employees may use paid sick leave as it is accrued. Paid sick time can be used for the following reasons:

- Treat an injury or health condition that prevents them from working.
- Receive diagnosis or treatment of an illness or injury.
- Obtain medical care.
- Abuse victim care or related legal services.
- Accommodate for a workplace (or school or place-of-care) closure due to a public emergency.

If an employer is rehired within a six-month period, all accrued, unused paid sick leave will be reinstated.

In order to receive paid time off, you are required to notify your Supervisor as soon as possible prior to your scheduled work time. The Company reserves the right to request that any absence be confirmed with a doctor's certification or hospital record. In addition, the Company may require medical authorization before an employee will be permitted to return to work. Paid sick time may be taken in full day or half day increments.

Any remaining sick days that have not been used at the end of your year may be carried over into the next calendar year; should you reach the cap of 48 hours; you will not accrue any more hours until you have gone below the cap of 48 hours. No more than 48 hours can be accrued of Sick Time within a calendar year. Unused sick days will not be paid out upon termination of employment.

## **Holidays**

Regular, non-exempt, full-time and part-time employees are eligible to be paid for the following holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- The Day After Thanksgiving
- Christmas Day

When holidays fall or are celebrated on a regular workday, eligible employees will receive one (1) day's pay at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive one (1) day's pay at their regular straight-time rate, and an additional payment of straight-time for the actual time they work that day, or the eligible employee will receive an additional day off for working on the holiday at the option of the Company.

If a holiday falls within an eligible employee's approved vacation period, the eligible employee will be paid for the holiday (at the regular straight-time rate).

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight-time rate).

Employees who call out unexcused from their shift before or after a company holiday will not be paid holiday pay.

## **Leave of Absence**

BMS requests that employees notify their immediate supervisor as soon as they are able in order to request time off to address medical or health concerns.

## **Family and Medical Leave (FMLA)**

BMS is not obligated to meet the federal government FMLA requirements. Requests for FMLA will be considered on a case-by-case basis. Please contact the CEO with requests regarding FMLA leave requests.

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees of covered employers with unpaid, job-protected leave for specified family and medical reasons. The FMLA only applies to employers that meet certain criteria.

A covered employer is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

- The Company does not meet one or all of the factors detailed above and therefore is not required to comply with the requirements of the FMLA. In an effort to support eligible employees (as defined by the FMLA) the Company has decided to voluntarily comply with the administrative and employment requirements of the FMLA.
- In accordance with the Family and Medical Leave Act of 1993 (FMLA), the Company provides up to 12 or 26 weeks of unpaid, job-protected leave in a 12-month period to covered employees in certain circumstances.

### ***Eligibility***

To qualify for FMLA leave, you must:

- 1) Have worked for the Company for at least 12 months, although it need not be consecutive;
- 2) Worked at least 1,250 hours in the last 12 months; and
- 3) Be employed at a worksite that has 50 or more employees within 75 miles.

### **Leave Entitlement**

You may take up to 12 weeks of unpaid FMLA leave in a 12-month period for any of the following reasons:

- The birth of a child and in order to care for that child (leave must be completed within one year of the child's birth);
- The placement of a child with you for adoption or foster care and in order to care for the newly placed child (leave must be completed within one year of the child's placement);
- To care for a spouse, child, or parent with a serious health condition;
- To care for your own serious health condition, which makes you unable to perform any of the essential functions of your position; or
- A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active-duty service.

As used in the policy:

- Spouse means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
- Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- Parent means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to you when you were a child.
- Next of kin for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as his or her caregiver, that individual will be the only next of kin. In appropriate circumstances, you may be required to provide documentation of next of kin status.
- Serious health condition means an illness, injury, impairment, or physical or mental

condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as the cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. If you have any questions about the types of conditions that may qualify, contact the CEO.

- Health care provider means a medical doctor or doctor of osteopathy, physician assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, clinical social worker, or Christian Science practitioner licensed by the First Church of Christ. Under limited circumstances, a chiropractor or other provider recognized by our group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- Qualifying exigencies for military exigency leave include:
  - Short-notice call-ups/deployments of seven days or less (Note: Leave for this exigency is available for up to seven days beginning the date of call-up notice);
  - Attending official ceremonies, programs, or military events;
  - Special childcare needs created by a military call-up including making alternative childcare arrangements, handling urgent and nonroutine childcare situations, arranging for school transfers, or attending school or daycare meetings;
  - Making financial and legal arrangements;
  - Attending counseling sessions for yourself, the military service member, or the military service members' son or daughter who is under 18 years of age or is 18 or older but incapable of self-care because of a mental or physical disability;
  - Rest and recuperation (Note: Fifteen days of leave is available for this exigency per event);
  - Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (Note: Leave for these events are available for 90 days following the termination of active-duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
  - Parental care when the military family member is needed to care for a parent who is incapable of self-care (such as arranging for alternative care or transfer to a care facility); and
  - Other exigencies that arise that are agreed to by both the Company and you.
- A serious injury/illness incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

### **Colorado Domestic Abuse Leave**

Colorado law defines domestic violence as “an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship.” An intimate relationship is one between spouses, former spouses, unmarried couples (including domestic partners) or persons who are both the parents of the same child regardless of whether the parents have married or have lived together.

Colorado’s Mandatory Leave for Domestic Violence Act, C.R.S. Section 24-34-402.7, et seq. addresses domestic violence in the workplace. The statute has two main features; first, it allows an

employee who is the victim of domestic abuse, stalking, sexual assault, or any other crime that the court finds to include an act of domestic violence, to take up to three working days of leave from work per calendar year, with or without pay, and second, it permits an employer to obtain a restraining order against a perpetrator of domestic violence.

The victim/employee can take up to three days off from work to protect him or herself by: (1) seeking a civil restraining order to prevent domestic violence; (2) obtaining medical or mental health treatment for him or herself or his/her children to address physical or psychological injuries which are the result of domestic abuse or sexual assault as defined by statute; (3) securing his/her house from a perpetrator or seeking new housing to escape a perpetrator; and (4) seeking legal assistance to address issues stemming from domestic abuse or sexual assault.

**Eligibility:** Applies only to employees who have been employed with the employer for 12 consecutive months or longer. The employee must exhaust any accrued PTO prior to invoking the leave provided for under this act. Time off for Domestic Violence leave is considered unpaid. Holiday pay, bereavement leave, or employer's jury duty pay are not granted on Domestic Violence leave nor will PTO be accrued.

### **Military Family Leave (USERRA)**

Eligible employees with a spouse, son, daughter or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use a 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.

Eligible employees may also take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (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. The injury or illness must make the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list, or the taking of Military Caregiver leave (26 weeks during a single 12-month period).

### **Bereavement Leave**

Recognizing that the death of a close family member is very difficult, BMS will make every effort to ensure that a bereaved employee had the freedom to attend to family matters. If a bereavement issue arises, an employee should notify their manager of the situation as soon as they are able to do so.

For the case of bereavement leave, immediate family is defined as the employee's: parent(s), spouse, domestic partner, child(ren), sibling(s), grandparent(s), grandchild(ren), spouse's parent(s), spouse's child(ren), spouse's sibling(s).

The employee may use his/her PTO as bereavement leave if he/she desires. Additional time off will be at the discretion of the CEO and is dependent on whether travel is required of the bereaved employee as well as other factors.

Additional unpaid time off may be granted to an employee to allow for the employee to make any arrangements associated with the death of his/her loved one.

### **Jury Duty and Voting**

We encourage all our employees to fulfill their civic responsibility by serving on a jury when summoned to do so. If you are called to jury selection, you must present a copy of your summons to your superintendent within forty-eight (48) hours of receiving the summons so that arrangements can be made to accommodate your absence. You must also show verification from the court that you were present for the selection. If you are selected to sit on a jury, you will be required to show documentation proving it and you will be granted compensation in the amount of fifty dollars per day for the first three days of your absence.

BMS is not bound by the law to compensate any employee who spends time in any other unrelated areas of the legal system which can include serving as a witness in a case, responding to a subpoena, or acting as a plaintiff or defendant in the courts.

All employees are encouraged to participate in all state and federal elections, however, any time that is taken during the regularly scheduled workday by an employee for submitting an election ballot will be uncompensated time off unless the individual would like to use paid time-off to do so.

### **Religious Accommodation**

BMS will make reasonable accommodations for employees' observance of religious holidays and practices. Because BMS strives for its best business performance, accommodations for an employee's religious practices will not be made if an undue hardship will result. An employee who desires a religious accommodation is required to make the request in writing to his or her supervisor as far in advance as possible. The employee is expected to cooperate with the employer in seeking and evaluating alternative