

Kinyon Construction

Employee Handbook:

A Guide for Our Employees



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Welcome

It is our privilege to welcome you to the Kinyon Construction family. We pour heart, body, and soul into our work.

This Handbook was developed to describe to you what can be expected from us as an employer, and what we expect from our employees.

We hope that your experiences here will be challenging, rewarding, and fill you with a sense of pride, as it does with us.

Once again, welcome!

Kevin Kinyon
President

Introduction

This Employee Handbook (“Handbook”) is a compilation of personnel policies, practices and procedures currently in effect at Kinyon Construction (“Company”); Amongst them is the Company’s Health, Safety and Environment Manual (“HS&E”). The HS&E goes further into detail on specific Company policies and may be referenced in this Handbook and can be found on any jobsite or at the office, speak to a supervisor or Safety Officer if you need access to one. This Handbook applies to California employees.

The Handbook is designed to introduce you to Kinyon Construction, familiarize you with Company policies, provide general guidelines on work rules, benefits and other issues related to your employment, and help answer many of the questions that may arise in connection with your employment.

This Employee Handbook is not a contract. This Handbook does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Your employment is strictly “at will”. The purpose of the Handbook is simply to provide you with a convenient explanation of present policies and practices at the Company. This Handbook is an overview or a guideline. It cannot cover every matter that might arise in the workplace. For this reason, specific questions regarding the applicability of a particular policy or practice should be addressed to the Human Resources Department.

The Company reserves the right to modify any of our policies and procedures, including those covered in this Handbook, at any time. We will seek to notify you of such changes by email and other appropriate means. However, such a notice is not required for changes to be effective.

General Employment Policies and Practices

Equal Employment Opportunity

Kinyon Construction is an equal opportunity employer. We will extend equal opportunity to all individuals without regard to race, religion, color, sex (including pregnancy, sexual orientation and gender identity), national origin, disability, age, genetic information, or any other status protected under applicable federal, state, or local laws. Our policy reflects and affirms the Company's commitment to the principles of fair employment and the elimination of all discriminatory practices. Details of our equal employment opportunity policies are further explained in Anti-Discrimination & Harassment below. Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall and termination.

Employment Policy – At Will Employment

Kinyon Construction's employment policy is "at-will." Under the "at-will" policy, neither you nor the Company is committed to continuing the employment relationship for any specific term. Rather, the employment relationship will continue at will. Either side may terminate the relationship at any time, with or without cause and with or without notice. Also the Company retains the right to demote, transfer, change job duties, and change compensation at any time with or without notice and with or without cause in its sole discretion. In deciding to work for the Company, or continuing to work for the Company, you must understand and accept these terms of employment.

This Employee Handbook is not a contract. It does not create any agreement, express or implied, guaranteeing you any specific terms or conditions of employment. Nothing contained in this Handbook should be construed as creating a contract guaranteeing employment for any specific duration, nor does the Handbook obligate you to continue your employment for a specific period of time. Unless you have entered into a written employment agreement that supersedes this document, either you or the Company may terminate the employment relationship at any time. The Handbook does not guarantee any prescribed process for discipline and discharge.

No manager or other representative of the Company, other than the President, has the authority to enter into any agreement guaranteeing employment for any specific period. No such agreement shall be enforceable unless it is in writing and signed by the President and the employee.

Recruitment and Hiring

Kinyon Construction's primary goal when recruiting new employees is to fill vacancies with persons who have the best available skills, abilities or experience needed to perform the work. Decisions regarding the recruitment, selection and placement of employees are made on the basis of job-related criteria.

When positions become available, qualified current employees are encouraged and are welcome to apply for the position. As openings occur, notices relating general information about the position are announced. The manager of the department with the opening will arrange interviews with employees who apply.

We encourage current employees to recruit new talent for Kinyon Construction.

Employment Classifications

The following terms will be used to describe employment classifications and status:

Probationary Employees

Employees are hired by the company on a trial basis for a period of 60 calendar days for the purpose of assessing their ability to perform assigned tasks. Such employment may be terminated at any time, with or without cause, at any time during or after the 60-day period if such action is deemed appropriate by the employee or the Company. The 60-day period may be extended by the Company, in its sole discretion, if it determines that such an extension is desirable or appropriate for any reason.

Full-Time Employee

Full-time employees are those who are regularly scheduled to work at least 30 hours per week that are not hired on a temporary basis.

Part-Time Employee

Part-time employees are those who are regularly scheduled to work fewer than 30 hours per week that are not hired on a temporary basis. Part-time employees are not eligible for Company paid benefits, with the exception of the 401(k) plan, except as required by law. Any employee who works 1,000 hours per year or more may participate in the 401(k) plan.

Temporary Employee

Employees hired for an interim period of time, usually to fill in for vacations, leaves of absence, or projects of a limited duration. Temporary employees are not eligible for Company paid benefits, except as required by law.

Seasonal Employee

Seasonal employees are those hired into a position for which the customary annual employment is 6 months or less. Seasonal employees are generally not eligible for benefits.

If your status changes from temporary or seasonal to part-time or full-time, you are considered

hired on the date you become a full-time or part-time employee for purposes of calculating eligibility for benefits that require a minimum term of employment.

Exempt Employees

Exempt employees include all regular employees who are classified by the company as exempt from the overtime provisions of the Federal Fair Labor Standards Act and any applicable state laws. Such employees include employees who qualify as exempt executive, administrative or professional employees or as outside salespersons.

Non-Exempt Employees

Non-exempt employees include all regular employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act or any applicable state laws. Employees in this category are entitled to premium pay for work in excess of 40 hours in a workweek or eight hours in a workday. Such employees include, but are not limited to, hourly, clerical, and secretarial workers.

Immigration Law Applicable to All Employees

Kinyon Construction complies with the Immigration Reform and Control Act of 1986 by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9). If you cannot verify your right to work in the United States within three (3) days of hire, the Company is required by law to terminate your employment.

Hours of Work

Our standard workweek begins at 12:01 a.m. Monday and ends at 12 midnight the following Sunday. Work schedules for our employees are established within this framework. A normal working schedule for regular full-time employees consists of 40 hours each workweek. Each employee's supervisor will advise the employee regarding his specific working hours and any change in working hours will be announced as far in advance as possible by the supervisor. Punctual and consistent attendance is a condition of employment. Employees must take all meal periods and breaks. Employees must record all work time via timesheet and in/out forms and never work off the clock.

As part of our responsibility to our clients, the public, and to other employees, we expect our employees to be at work as scheduled, to arrange their personal schedules to accommodate our established working hours, and to notify us as early as possible if they expect to be absent or tardy. Employees are expected to be at work, ready to begin work, at the beginning of their assigned shift.

Overtime Hours

Employees shall be paid for their hours worked in accordance with all legal requirements. Employees who qualify as administrative, executive, or professional employees within the meaning of the state and federal wage and hour laws are exempt from overtime pay and are not subject to this policy.

Because of the nature of our business, your job may periodically require overtime work. If the Company requires that you work overtime, we will give you as much advance notice as possible. Overtime hours by a non-exempt employee must be approved in advance by an employee's supervisor. Because unauthorized overtime is against company policy, employees who work unauthorized overtime are subject to discipline, possibly including termination. Sick time and holiday hours paid but not worked are not included in calculating overtime. Overtime is based only on actual hours worked as required by law.

Overtime pay is calculated at one and one-half times the employee's regular rate for all hours over eight hours in one workday or 40 hours in one workweek. Overtime is computed on the basis of a non-exempt employee's total hours worked in a workday and a workweek. Hours paid for that are not worked (e.g. sick days) do not count as hours worked for overtime purposes.

Overtime hours in excess of twelve in one workday are paid at double-time for non-exempt employees.

Hours worked on the seventh consecutive day of work in a week are calculated at one and one-half times the non-exempt employee's regular rate. Hours worked performed over eight hours on the seventh consecutive day of work also are paid at the non-exempt employee's double time rate.

California Meal and Rest Period Policy

Kinyon Construction complies with federal and state legal requirements concerning meal and rest periods.

The Company recognizes that employees perform at their best when they have the rest and nourishment they need. This policy explains when the Company expects employees to take meal and rest periods.

Any employee, supervisor, or manager who fails to observe meal and rest period policies will be subject to discipline, up to and including termination of employment. Violations of this policy should be reported to any supervisor or the Human Resources Department. Every report will be fully investigated and corrective action will be taken where appropriate.

In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company's investigation of such reports. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

Meal Periods

Kinyon Construction provides at least a 30-minute meal period to employees who work more than five hours, unless they work six or fewer hours total and elect in writing to waive the first meal period. The Company provides a second 30-minute meal period to employees who work more than 10 hours in a workday, unless they work twelve or fewer hours total, did not waive the first meal period, and elect in writing to waive the second meal period. Employees should take their first meal period before the end of the fifth hour of work and should take their second meal period before the end of the tenth hour of work. Meal periods cannot be taken at the beginning or end of shifts. Employees will be relieved of all of their duties during meal periods and are allowed to leave the office or location of their work in the field.

The Company provides meal periods according to the following schedule:

Duration of Shift In Hours	# Meal Periods	Comments
0 – < 5.0	0	Employees who work less than five hours in a workday are not provided with a meal period.
> 5.0 – < 10.0	1	Employees who work more than five hours in a workday, but who work less than ten hours in a workday are provided with a 30-minute meal period available before end of 5th hour of work, unless the employees are working six or fewer hours and elect in writing to waive the first meal period.
> 10.0	2	Employees who work ten or more hours in a workday are provided with a second 30-minute meal period available before end of 10th hour of work, unless the employees are working twelve or fewer hours, and did not waive the first meal period, and elect in writing to waive the second meal period.

The Company does not pay non-exempt employees for meal periods, and consequently, non-exempt employees must record the start and stop times of their meal periods on their time sheets.

Any non-exempt employee who is required to work through some or all of a 30-minute meal period or who is required to take their meal period later than the fifth hour of a workday, should complete a meal period premium form and submit it to his/her manager to ensure s/he is properly compensated. ***Otherwise, the Company will assume that any non-exempt employee who fails to record a timely meal period, or who records a less-than-30-minute meal period, did so voluntarily.***

Rest Periods

Non-exempt employees are authorized and permitted to take a 10 minute paid rest period for every four (4) hours worked, or major fraction thereof. The Company authorizes and permits rest periods according to the following schedule:

Duration of Shift In Hours	# of 10 Minute Rest Periods	Comments
0 – < 3.5	0	Non-exempt employees who work less than 3.5 hours in a workday are not authorized and permitted to take a rest period.
> 3.5 – ≤ 6	1	Non-exempt employees who work 3.5 hours or more in a workday, but who do not work more than 6 hours in a workday are authorized and permitted to take one 10 minute rest period.
> 6.0 – ≤ 10.0	2	Non-exempt employees who work more than 6 hours in a workday, but who do not work more than 10 hours in a workday are authorized and permitted to take two 10 minute rest periods.
> 10.0 – ≤ 14.0	3	Non-exempt employees who work more than 10 hours in a workday, but who do not work more than 14 hours in a workday are authorized and permitted to take three 10 minute rest periods. ¹

Because rest periods are paid, non-exempt employees should not clock out for them.

Any non-exempt employee who is not authorized and permitted to take a rest period pursuant to the terms of this policy should complete a rest period premium form and submit it to their manager to ensure they are properly compensated.

If non-exempt employees do not submit a rest period premium form, the Company will assume they either took their rest period or voluntarily decided to waive it.

¹ Non-exempt employees who work more than 14 hours in a workday may be entitled to additional rest breaks.

Attendance and Punctuality

It is important for you to report to work on time and to avoid unnecessary absences. The Company recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your co-workers and can have a negative impact on the success of the Company.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor or the designated manager. If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with a manager. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

Please note that some, but not all, absences are compensated under the Company's leave and benefits policies.

You are expected to be at your workstation/jobsite at the beginning of each business day. If you are delayed, you must call your immediate supervisor to state the reason for the delay. As with absences, you must make every effort to speak directly with a manager. Regular delays in reporting to work will result in disciplinary action, up to and including discharge.

Inclement Weather

Kinyon Construction is open for business unless there is a government-declared state of emergency or unless you are advised otherwise by your supervisor. There may be times when we will delay opening, and on rare occasions, we may have to close. Use common sense and your best judgment when traveling to work in inclement weather.

In the event that the Company's facilities are closed by the Company or the government, employees will be paid for the day. If the Company's facilities are open and you are delayed getting to work or cannot get to work at all because of inclement weather, the absence will be charged to (1) personal days or (2) unpaid time off, in that order. You should always use your judgment about your own safety in getting to work.

When severe weather develops or is anticipated to develop during the day and a decision is made by the Company to close before 5:00 pm, you will be compensated as if you had worked to the end of your regularly scheduled hours for that day. If you elect to leave prior to the time the Company closes, you will be required to use personal days in an amount equal to the number of hours between the time you left and the time the office closed.

Dress Code and Public Image

The current Company dress code is Business Casual in the office and Appropriate Safety Attire for the field, including Personal Protective Equipment (PPE). As always, please use common sense in your choice of business attire. Attention should be paid to safety, company image, and customer interaction. Your supervisor will explain the proper dress requirements for your position if there are any questions about your attire.

A positive and respectful attitude is essential to our commitment to extraordinary customer service and exceptional quality.

Company Vehicles

Company vehicles are only to be used for Company business and commuting to and from work. Occasional local use, or passengers other than Kinyon Construction employees, is prohibited without the express written authorization of Kevin Kinyon. Any other personal use of a Company vehicle, including travel outside the Company working area, is strictly prohibited and subject to disciplinary action, up to and including discharge.

Employees are to keep Company vehicles clean and up to date with service; making inspections before each shift. For any inquiries, refer to our Fleet Department concerning servicing or repairs.

Violation of traffic or parking regulations while using Company vehicles must be reported to the Company immediately and failure to do so is subject to discipline. Failure to properly report any type of accident involving a Company vehicle is subject to disciplinary action, up to and including discharge.

Work Space/Job Site

Employees are responsible for maintaining the workspace/job site assigned to them. A clean, orderly workspace provides an environment conducive to working efficiently. Employees should keep in mind that their workspace is part of a professional environment that portrays the Company's overall dedication to providing quality service to its clients. Therefore, your workspace should be clean, organized and free of items not required to perform your job.

Office/Work Equipment

Certain equipment is assigned to staff depending on the needs of the job, such as a calculator, personal computer, printer and access to our central computers and servers. This equipment is the property of the Company and cannot be removed from the office without prior approval from your supervisor. It is expected that you will treat this equipment with care and report any malfunctions immediately to staff members equipped to diagnose the problem and take corrective action. This equipment is strictly prohibited from personal usage of any kind. Violation of this policy is subject to disciplinary action, up to and including discharge.

Personnel Records

It is important that the Company maintain accurate personnel records at all times. You are responsible for notifying your immediate supervisor or the Human Resources Department of any change in name, home address, telephone number, marital status, number of dependents, immigration status, or any other pertinent information. By promptly notifying the Company of such changes, you will avoid compromise of your benefit eligibility, the return of W-2 forms, or similar inconvenience.

Performance Reviews, Salary Reviews

Performance reviews will be completed by your supervisor or manager and reviewed during a conference with you. Factors considered in your review include the quality of your job performance, your attendance, meeting the requirements of your job description, dependability, attitude, cooperation, compliance with Company employment policies, any disciplinary actions, and year-to-year improvement in overall performance. Compensation increases are given by the Company at its discretion in consideration of various factors, including your performance review.

Internet Access

Access to the Internet is given principally for work-related activities or approved educational/training activities. Incidental and occasional personal use and study use is permitted. This privilege should not be abused and must not affect the employee's performance of employment-related activities.

Social Media Policy

Kinyon Construction recognizes that many employees engage in "social media activity" while off duty. This Social Media Policy (the "Policy") provides guidance on responsible social media activity by employees. This Policy does not and cannot cover every possible social media activity. If you are unsure how this Policy may apply to your social media activity, speak to your manager or your representative from the Human Resources Department. For purposes of this Policy, social media activity includes all types of postings on the Internet, including but not limited to, postings on social networking sites such as Facebook, LinkedIn, Snapchat, and Instagram; blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter; and postings of video or audio on media-sharing sites, such as YouTube, Flickr, or Snapchat.

This Social Media Policy applies to all employees. This Policy applies to social media activity that relates in any way to the Company's business, employees, customers, vendors, or competitors or that identifies an employee's affiliation with the Company (other than as an incidental mention of place of employment in personal social media activity unrelated to the Company).

This Policy applies to social media activity when on or off duty, while using the Company's or personal electronic resources, and whether or not the employee posts anonymously or using a pseudonym. Unless specifically authorized, employees are prohibited from using the Company's

electronic resources to engage in social media activity or from otherwise engaging in social media activity during working time. Employees may use personal devices, such as a non-Company smart phone or tablet, during rest breaks and meal periods to engage in social media activity as long as the employee's personal device is not connected to the Company's network.

The Company values its established brand reputation and good will relationships. These are important corporate assets. Consider this when you engage in social media activity that identifies you as a Company employee, or in any way relating to the Company.

You should not represent or suggest in any social media content that you are authorized to speak on the Company's behalf, or that the Company has reviewed or approved your content.

You shall not post content about the Company, management, co-workers or customers that is vulgar, obscene, threatening, intimidating, defamatory, harassing, or a violation of the Company's policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic.

You shall not make knowingly false statements about the Company's products or services, or the products or services of its customers, vendors or competitors.

You may not use the Company's logo, trademark or proprietary graphics for any purpose, including for commercial or non-commercial use.

Any conduct that adversely affects an employee's job performance or the performance of fellow employees, or otherwise adversely affects the Company's legitimate business interests, may result in disciplinary action, up to and including termination. Similarly, inappropriate postings, including but not limited to discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may result in disciplinary action, up to and including termination. However, this restriction will not apply to any postings made in the exercise of any rights granted to an employee by federal law.

Right to Monitor

Kinyon Construction's email and Internet system is at all times the property of the Company. By accessing the Internet, Intranet (Company servers) and electronic mail services through facilities provided by the Company, you acknowledge that the Company (by itself or through its Internet Service Provider) may from time to time monitor, log and gather statistics on employee Internet activity and may examine all individual connections and communications. Please note that the Company uses email filters to block spam and computer viruses. These filters may from time to time block legitimate email messages. Employees should not expect that information on any Company computer will be confidential or that they will have any proprietary, privacy or protected confidentiality right with respect to such information. In order to monitor compliance with this policy and protect its business interests, including the need to prevent any improper use of computers, the Company reserves the right to gain access to any information stored in, accessed, used, or retrieved by any of its computers

Responsibilities and Obligations

Employees may not access, download or distribute material that is illegal, or which others may find offensive or objectionable, such as material that is pornographic, discriminatory, harassing, or an incitement to violence.

You must respect and comply with copyright laws and intellectual property rights of both the Company and other parties at all times. When using web-based sources, you must provide appropriate attribution and citation of information to the websites. Software must not be downloaded from the Internet without the prior approval of qualified persons within the Company.

Violation of this Policy

In all circumstances, use of Internet access and email systems must be consistent with the law and Company policies. Violation of this policy is a serious offense and, subject to the requirements of the law, may result in a range of sanctions, from restriction of access to electronic communication facilities to disciplinary action, up to and including termination.

Email

The email system is the property of Kinyon Construction. All emails are archived on the server in accordance with our records retention policy, and all emails are subject to review by the Company. You may make limited use of our email system for personal business matters, so long as such use is kept to a minimum and does not interfere with your work.

The Company email system is Company property, and as such, is subject to monitoring. System monitoring is done for your protection and the protection of the rights or property of the provider of these services. Please consider this when conducting personal business using Company hardware and software.

Electronic mail is like any other form of Company communication, and may not be used for harassment or other unlawful purposes. Your email account is a Company-provided privilege, and is Company property. Remember that when you send email from the Company domain, you represent the Company whether your message is business-related or personal.

Confidentiality of Electronic Mail

As noted above, electronic mail is subject at all times to monitoring, and the release of specific information is subject to applicable laws and Company rules, policies and procedures on confidentiality. Existing rules, policies and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

Cellphones and Telephones

Access to the Company telephone system is given principally for work-related activities or approved educational/training activities. Incidental and occasional personal use is permitted. Such calls must be kept to a minimum. This privilege should not be abused and must not affect the employee's performance of employment-related activities. Telephone usage should be based upon

cost-effective practices that support the Company's mission and should comply with applicable rules and regulations.

You should use common sense and your best judgment when making or receiving personal cellular phone calls at work. Site specific policies and procedures always take precedent, always check with your supervisor on those pertaining to your job site. To the extent possible, employees should make personal cell phone calls during their breaks or lunch times. The use of cameras on cell phones during work hours is prohibited, without approval of an appropriate supervisor, to protect the privacy of the Company as well as of fellow employees.

The Company telephone system is at all times the property of the Company. By accessing the telephone system through facilities provided by the Company, you acknowledge that the Company has the right to monitor its telephone system from time to time to ensure that employees are using the system for its intended purposes.

The Company prohibits the use of hand-held cellular devices while driving. Employees are strongly encouraged to use a hands-free cellular device while driving, should the use become a necessity in the course of employment. Sending and/or receiving text messages is expressly prohibited while operating any vehicle. Please note that any citations an employee receives for improper use of a cell phone while operating a motor vehicle will be the employees own personal responsibility.

Smoking

In order to provide a safe and comfortable working environment for all employees, smoking is strictly prohibited at all times inside any Kinyon Construction building and/or at any job site, unless in a designated smoking area.

Drug-Free Workplace

Kinyon Construction takes seriously the problem of drug and alcohol abuse, and is committed to providing a substance abuse-free workplace for its employees. Substance abuse of any kind, such as the unlawful use of narcotics, is inconsistent with the behavior expected of our employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines our ability to operate effectively and efficiently. The Company has adopted a formal policy related to substance abuse. A copy of the complete policy is contained in this Handbook.

Drug and Alcohol Abuse Policy

Kinyon Construction is committed to providing its employees a safe, efficient, and productive work environment. In keeping with this commitment, the Company has adopted a variety of policies to ensure that employees perform their duties safely, efficiently, and in a manner that protects their interests as well as those of their co-workers and our customers.

The goals of this policy would be severely compromised by drug or alcohol abuse in the work place. The Company has therefore adopted a strict policy regarding the inappropriate use or

possession of drugs or alcohol. There are two components to this policy. The first involves a general prohibition against conduct that is detrimental to the objectives of the policy and the interests of the Company and its employees. The second involves methods of detecting inappropriate drug or alcohol use, including the testing of job applicants and employees for substance abuse.

1. General Rules

Employee involvement with alcohol or drugs can be extremely disruptive and harmful to the work place. It can adversely affect the quality of work and the performance of employees, pose serious safety and health risks to the user and others, and have a negative impact on work efficiency and productivity. Accordingly, the Company requires all employees to report for work fit to perform their duties and prohibits the use or possession of alcohol or illegal drugs. All employees must adhere to the rules stated in this policy.

The use, possession, distribution, transfer or sale of illegal drugs or alcohol, or being under the influence of drugs or alcohol, is strictly prohibited while on duty, while on the Company's premises or while operating a vehicle or potentially dangerous equipment owned or leased by the Company. Any violation of this policy may result in disciplinary action, up to and possibly including immediate discharge.

Any employee who is under the influence of any prescribed medication must advise his supervisor of that fact, and the precise type of medication involved, before reporting to work.

2. Pre-employment Testing

All job applicants applying for employment with the Company must submit to and pass a drug screening test. All offers of employment are conditioned upon the successful completion of the testing procedure.

3. Reasonable Suspicion Testing

In cases when an employee's supervisor or other Company superior has reasonable suspicion to believe that the employee possesses or is under the influence of drugs and/or alcohol and such use or influence may adversely affect the employee's job performance, or the safety of the employee or co-workers, alcohol and/or drug screening may be ordered. This suspicion must be based on any objective symptoms, such as factors related to the employee's appearance, behavior, speech and/or other facts. If an employee is on medically-prescribed medication, it is the employee's responsibility to advise his supervisor of this fact before he reports to work.

Testing may also be required if an employee is found to be in possession of physical evidence, i.e., drugs, alcohol or paraphernalia, possibly connected with the use of an illicit drug. Testing may also be required if illicit drugs and/or alcohol are found in the employee's immediate work area. However, it should be emphasized that possession of drugs or alcohol is prohibited whether or not it is determined that the employee also used such substances.

4. Post Mishap Testing

Alcohol and/or drug screening may be required following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from such accident or violation.

5. Testing

Violation of this policy or failure to cooperate fully with any request to test may result in disciplinary action up to and including termination. The Company will pay the full cost of any testing that it has requested of an applicant or employee, including the reasonable cost of any transportation to and from the designated testing facility.

Safety and Accident Rules

Safety is a joint venture at Kinyon Construction. We provide a clean, hazard-free, healthy, safe environment in which to work and make every effort to comply with all relevant federal, state and local occupational health and safety laws, including the federal Occupational Safety and Health Act (OSHA) along with the Mine Safety and Health Administration (MSHA). The Company's Health, Safety and Environmental Manual (HS&E) Section 2.1 Illness and Injury Prevention Plan (IIPP) Subsection II (B) states: *"All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and healthful work environment."*

As an employee, you have a duty to comply with the safety rules of the Company, and you are expected to take an active part in maintaining this hazard-free environment. You should observe all posted safety rules, adhere to all safety instructions provided by your supervisor and use safety equipment where required. Your workspace should be kept neat, clean and orderly. You are required to report any accidents or injuries regardless of how serious – including any breaches of safety – and to promptly report any unsafe equipment, working condition, process or procedure to a supervisor and the Company's Safety Officer. Concerning Accident Investigation, Section 2.1 Illness and Injury Prevention Plan Subsection (IIPP) Subsection V (A) of the HS&E states: *"All incidents, injuries and/or exposures are to be investigated immediately."* Immediately involving a Company Safety Officer is key for these investigations to be effective; also included in this portion of the HS&E is a thorough breakdown of the Accident Investigation procedure, as well as Section 9 of the HS&E. In addition, if you become ill or get hurt while at work, you must notify your manager immediately. Failure to do so may result in a loss of benefits under the state workers' compensation law.

Failure to abide by the Company's safety and accident rules and HS&E may result in disciplinary action, up to and including termination.

Workplace Violence Prevention Policy

As stated above, Kinyon Construction is committed to the safety and security of our employees. Workplace violence or threats of violence present a serious occupational safety hazard to our organization, staff, and clients.

Workplace violence includes any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm (harm relevant to the case) to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence or threats of violence by or against any of our employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

Promotions and Transfers

In an effort to match you with the job for which you are most suited and/or to meet the business and operational needs of the Company, you may be transferred from your current job. This may be either at your request or as a result of a decision by the Company.

Reasons for transfer may include, but are not necessarily limited to, fluctuations in department workloads or production flow; a desire for more efficient utilization of personnel; increased career opportunities; personality conflicts; health; other personal situations; or other business reasons. Temporary transfers may be made at the discretion of the Company management.

Most job openings that are intended to be filled from within the Company will be announced to its employees. The management of the Company does reserve the right, however, to transfer or promote an employee without posting the availability of that position.

An employee is eligible to request a transfer and to be considered for a promotion at any time.

Anti-Discrimination & Harassment

Discrimination Is Prohibited

The employer is committed to providing a work environment that is free of discrimination. Kinyon Construction is an equal opportunity employer and makes all employment decisions without regard to race, religion, color, sex (including pregnancy, sexual orientation and gender identity), national origin, disability, age, genetic information, or any other status protected under applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, compensation and training. We seek to comply with all applicable federal, state and local

laws related to discrimination and will not tolerate the interference with the ability of any of the Company's employees to perform their job duties.

The Company makes decisions concerning employment based strictly on an individual's qualifications and ability to perform the job under consideration, the comparative qualifications and abilities of other applicants or employees, and the individual's past performance within the organization.

This policy against discrimination applies to all employer agents and employees, including supervisors and non-supervisory employees, and to nonemployees who engage in unlawful harassment in the workplace. Furthermore, it prohibits unlawful harassment in any form, including verbal, physical and visual harassment, and prohibits retaliation of any kind against individuals who file complaints in good faith or who assist in an employer investigation.

If you believe that an employment decision has been made that does not conform with management's commitment to equal opportunity, you should promptly bring the matter to the attention of your immediate supervisor, designated manager, or the Human Resources Department. Your complaint will be promptly, thoroughly and impartially investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

Americans with Disabilities Act

The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. As a matter of Company policy, the Company prohibits discrimination of any kind against people with disabilities.

Reasonable Accommodation

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Qualified applicants or employees who are disabled should request reasonable accommodation from the Company in order to allow them to perform a particular job. If you are disabled and you desire such reasonable accommodation, contact your immediate supervisor, designated manager, or the Human Resources Department. On receipt of your request we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help us determine viable options for reasonable accommodation. We will then make a good faith effort to work with you to determine whether your disability can be reasonably accommodated, and if it can be accommodated, we will explore alternatives, if any, with you and endeavor to implement a mutually agreeable accommodation.

Reasonable accommodation may take many forms and it will vary from one employee to another. Please note that according to the ADA, the Company does not have to provide the exact

accommodation you want, and if more than one accommodation works, we may choose which one to provide. Furthermore, the Company does not have to provide an accommodation if doing so would cause undue hardship to the Company.

Workplace Harassment

Kinyon Construction is committed to providing a work environment that provides employees equality, respect and dignity. In keeping with this commitment, the Company has adopted a policy of “zero tolerance” with regard to employee harassment. Unlawful harassment may take many forms, including:

- Verbal conduct, such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations or comments.
- Visual conduct, such as derogatory posters, cartoons, drawings or gestures.
- Physical conduct, such as assault, blocking normal movement, or interference with work directed at an employee because of the employee's sex or other protected characteristic.
- Threats and demands to submit to sexual requests in order to keep one's job or avoid some other loss, and offers of job benefits in return for sexual favors.
- Retaliation for having reported unlawful harassment.

This policy applies to all terms and conditions of employment. Harassment of any other person, including, without limitation, fellow employees, contractors, visitors, clients or customers, whether at work or outside of work, is grounds for immediate termination. The Company will make every reasonable effort to ensure that its entire community is familiar with this policy and that all employees are aware that every complaint received will be promptly, thoroughly and impartially investigated and resolved appropriately. The Company will not tolerate retaliation against anyone who complains of harassment or who participates in an investigation.

Any employee or other person who believes he or she has been harassed by a co-worker, supervisor, agent of the company or nonemployee should promptly report the facts of the incident or incidents and the names of the individuals involved to his or her supervisor or, in the alternative, to the Human Resources Department. It is the responsibility of each employee immediately to report any violation or suspected violation of this policy to one or more of the individuals identified above.

Supervisors should immediately report any incidents of harassment to the Human Resources Department. The Human Resources Department will investigate all such claims and take appropriate corrective action, including disciplinary action, when it is warranted. Employees should feel free to report valid claims without fear of retaliation of any kind. Employees will not be subject to retaliation for registering any complaint of unlawful harassment in good faith.

Sexual Harassment

Sexual harassment is prohibited by federal, state and local laws, and applies equally to men and women. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when the conduct: (1)

explicitly or implicitly affects a term or condition of an employee's employment; (2) is used as the basis for employment decisions affecting the employee; or (3) unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

Such conduct may include, but is not limited to: subtle or overt pressure for sexual favors; inappropriate touching; lewd, sexually oriented comments or jokes; foul or obscene language; posting of suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons; and repeated requests for dates. Company policy further prohibits harassment and discrimination based on sex stereotyping (Sex stereotyping occurs when one person perceives a man to be unduly effeminate or a woman to be unduly masculine and harasses or discriminates against that person because he or she does not fit the stereotype of being male or female.). The Company encourages reporting of all perceived incidents of sexual harassment, regardless of who the offender may be. Every employee is encouraged to raise any questions or concerns with his or her immediate supervisor, designated manager, or the Human Resources Department. Individuals who violate this policy are subject to discipline up to and including the possibility of immediate termination.

Supervisors' Responsibilities

All managers are expected to ensure a work environment free from sexual and other harassment. They are responsible for the application and communication of this policy within their work area. Managers should:

- Encourage employees to report any violations of this policy before the harassment becomes severe or pervasive.
- Make sure the Human Resources Department is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment is not permitted.

Procedures for Reporting and Investigating Harassment

Employees should report incidents of inappropriate behavior or sexual harassment as soon as possible after the occurrence. Employees who believe they have been harassed, regardless of whether the offensive act was committed by a manager, co-worker, vendor, visitor, or client, should promptly notify their immediate supervisor, designated manager, or the Human Resources Department. If the employee's immediate supervisor is involved in the incident, the employee should report the incident to the President. Every claim of harassment will be treated seriously, no matter how trivial it may appear. All complaints of harassment, sexual harassment, or other inappropriate sexual conduct will be promptly, thoroughly and impartially investigated by the Company.

There will be no retaliation for filing or pursuing a harassment claim. To the extent possible, all complaints and related information will remain confidential except to those individuals who need the information to investigate, educate, or take action in response to the complaint.

Penalties for Violation of Anti-Harassment Policy

If it is determined that inappropriate conduct has occurred, Kinyon Construction will act promptly to eliminate the offending conduct, and take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action, as the Company deems appropriate under the circumstances and in accordance with applicable law.

Compensation

Payroll Practices

Employees are paid weekly. If the regularly scheduled payroll date falls on a Saturday, the Company will attempt to deliver paychecks on Friday. If the regular payday falls on a Sunday, employees will be paid on Monday. When a payroll date falls on a holiday, employees will, when possible, be paid on the last business day before the holiday. Otherwise, employees will be paid on the first business day following the scheduled payroll date.

Salary Deductions and Withholding

The Company will withhold the following from your paycheck:

Taxes

Federal, state and local taxes, as required by law, as well as the required FICA (Social Security and Medicare) payments.

Insurance/Supplemental Insurance

Your contribution to State Disability Insurance, health insurance or other insurance premiums for yourself and any eligible family members or to other contributory benefit programs.

Other Deductions

State and Federal Income Tax Liens, other deductions which you authorize, including 401(k) contributions.

Direct Deposit

You may have your paycheck deposited directly into your bank account. You will be given the authorization form for deposit by your immediate supervisor, designated manager, or the Human Resources Department.

Benefits

General

This section describes the fringe benefits provided by Kinyon Construction and information on your eligibility for benefits. Employees meeting the eligibility criteria for particular benefits may participate in the various insurance programs offered by the Company.

Employee Navigator

Employee Navigator is an online enrollment platform for you, as the employee, to elect, change, or decline coverage for Major Medical, Dental, Vision, and Life insurance. In addition, you will be able to find Summary of Benefits and Coverages (SBC's) for each available plan and options. Feel free to reach out to Human Resources for more information or for instructions to enroll.

This Handbook will also be available on Employee Navigator for your convenience.

Medical Insurance

Kinyon Construction offers medical insurance to all eligible employees. Details of the classification(s)/plan(s) may be found in the Employee Navigator; also, the Human Resources department may assist you. The Company offers medical coverage for eligible employees and their eligible dependents.

Employee Contributions

Kinyon Construction's benefit package is contributory; that is, you are responsible for a portion of the premium for your benefits. A portion of the premium, up to a maximum per month, is contributed by the Company. Your contributory cost is deducted from your paycheck.

Late Applicants

At the time you are hired, you are given an opportunity to elect certain benefits. If you waive participation in any of these programs for either yourself or your eligible dependents, you will generally be allowed to apply for entry into the various plans only during Open Enrollment.

Open Enrollment

The Open Enrollment period allows employees to add or change their benefits coverage. Applications for Medical Plan, Dental Plan, Life Insurance Plan, Vision Plan, and any other employer-sponsored benefit may be submitted during this period. Changes, additions and other elections made during Open Enrollment will take effect on the effective date following the Open Enrollment period. Once you have made a change, you generally cannot change that selection until the next Open Enrollment period (except in the case of certain life events; see Special Enrollment).

Special Enrollment

Special enrollment allows individuals who previously declined coverage to enroll in the plan upon loss of eligibility for other coverage and upon certain life events, such as marriage and the birth, adoption, or placement for adoption of a child. Employees must generally request enrollment within 30 days of the loss of coverage or life event triggering the special enrollment. For specific details regarding special enrollment, please refer to your Summary Plan Description.

Continuation of Health Coverage

Federal law generally requires employers with 20 or more employees to give employees, spouses (including same-sex spouses) and dependent children the right to continue group health benefits for limited periods of time under certain circumstances, such as voluntary or some types of involuntary job loss, reduction in hours worked, death, divorce and other life events. Employees ordinarily may continue their health coverage for up to 18 months when their employment is terminated.

Dental Insurance

Kinyon Construction offers a dental plan for eligible employees. Please refer to the dental Summary Plan Description for an explanation of the plan benefits and limitations.

Vision Insurance

Kinyon Construction offers a vision plan for eligible employees. Please refer to the vision Summary Plan Description for an explanation of the plan benefits and limitations.

Life Insurance

Eligible employees are automatically enrolled in a group term life insurance program. Enrollees may designate or change the beneficiary for this policy at any time. The Company pays the premium for this program. The face value of this benefit is equal to one times the employee's annual salary. For details please refer to the Summary Plan Description.

Supplemental Life Insurance

Eligible employees may purchase supplemental life insurance for themselves at group rates. Supplemental life insurance is a voluntary benefit and is employee-specific. Enrollees should refer to the plan SPD for eligibility requirements, plan limitations, and additional information.

Supplemental/Voluntary Insurance

Eligible employees may purchase voluntary (Aflac) insurance for themselves/family at a group rate. Available plans include but are not limited to:

- Off the Job Accident
- Short-term Disability
- Cancer
- Hospital

If interested, please make contact with the Human Resources department for more information.

Workers' Compensation Insurance

To provide for payment of your medical expenses and for partial salary continuation in the event of a work-related accident or illness, you are covered by workers' compensation insurance, provided by the Company and based on state regulations. The amount of benefits payable, as well as the duration of payments, depends upon the nature of your injury or illness. However, all medical expenses incurred in connection with an on-the-job injury or illness and partial salary payments are paid in accordance with applicable state law. If you are injured or become ill on the job, you must immediately report the injury or illness to the Human Resources Department. This ensures that the Company can help you obtain appropriate medical treatment. Your failure to follow this procedure may delay your benefits or may even jeopardize your receipt of s. Questions regarding workers' compensation insurance should be directed to the Human Resources Department.

Travel, Lodging, and Entertainment

The following reasonable expenses will be reimbursed only if they are properly approved by the appropriate supervisor and documented via letter or electronic communication.

Business Travel-Related Expenditures

Please request receipts for all transportation expenditures and record on the receipt the starting and ending point for the trip and a brief description of the purpose of the trip, along with the KC # or other applicable purchase order number (PO and RK #, for example).

Personal Automobile Usage

The use of a personal automobile is discouraged, except for regional travel. Employees who are required to use their automobile for Company business will be reimbursed for fuel costs and reasonable parking expenses that exceed their normal personal commuting costs, subject to the approval of their supervisor. The reimbursement is intended to be a reasonable reimbursement of business-related costs.

Parking Reimbursement

Employees may be reimbursed for business-related parking expenses up to the established maximum rate of \$25.

Public Transit Reimbursement

Employees may find it convenient and cost-effective to use light rail train or bus transportation for business-related purposes instead of driving. This includes reimbursements for expenses incurred in the direct performance of an employee's duties other than commuting to and from work.

Rental Cars

Automobile rentals should be limited to situations where other means of transportation are not practical, economical, or available. Travelers are encouraged to choose compact or mid-sized cars whenever possible. If you need more information regarding rental cars, contact your immediate supervisor, designated manager, or the Human Resources Department. Note: Travelers should refill gas tanks before returning the vehicles. Rental companies levy a charge for refueling, far more than the price of gas. Avoid drop charges by returning the vehicle to the renting location. Compare the cost of air travel versus driving and drop charges.

Air Travel

Air travel expense is reimbursed on the basis of the actual cost incurred by the traveler using normally traveled routes. Be sure to make reservations in advance, as most discounted fares are available when purchased several days prior to departure. Be flexible in selection of airlines and flight time.

Accommodations

Travelers are strongly encouraged to use standard accommodations at reasonably priced mid-market hotels or motels. Before booking anything, please check with office staff so the appropriate personnel may be aware and assist if needed.

Meal Expenses

Employees will be reimbursed for reasonable and actual expenses for meals incurred during business related travel. The Company will generally reimburse travelers for three meals a day. All original receipts must be included with the employee's travel and expense report. Any employee expense report received without the receipts will be returned to the employee. Employee expense reports submitted with receipts missing will be forwarded to the next level manager for approval. Reasonable expenses are outlined below:

- Breakfast \$10
- Lunch \$15
- Dinner \$25

This policy pertains specifically to travel. Per Diem may vary with each job, please check with the appropriate supervisor for those rates.

Expense Reports

All expenses for which an employee seeks reimbursement must be itemized on an expense report. Expense reports must be submitted within one week of incurring the expense, or upon returning to the office following trip completion (if reimbursement for travel expenses is requested).

The following information must be included in each expense report submitted:

- Employee's name
- Itemized list of all expenses for which reimbursement is requested, including the amount and the business-related purpose for each
- For travel-related expenses, the date, location, and purpose of the trip and a description of the business expenses incurred (transportation, lodging, meals)
- Purchase order number, such as the KC or RK #

Receipts are required for all expenses and must be attached to the expense report.

Non-Reimbursable Expenses

Non-Reimbursable expenses include, but are not limited to:

- Personal entertainment expenses such as movies, games, and health clubs
- Costs incurred by failure to cancel transportation or hotel reservations
- Traffic and/or parking violation fines
- Spouse or other family member expenses
- Laundry service (unless the trip is longer than 5 days)

Company-Issued Credit Cards

Kinyon Construction may issue company credit cards to certain employees for business use as necessary in connection with the employee's job duties. Use of company-issued credit cards is a privilege, which the Company may withdraw at any time.

Any credit card issued to an employee by the Company must be used for business purposes only. Personal purchases of any type are not allowed and will not be reimbursed. Expenses for lodging and meals while on company-approved business trips are considered business purchases, as long as such expenses are consistent with the Company's travel and expense reimbursement policy.

Employees are expected to exercise discretion and good judgment when incurring business expenses (job related expenses, such as materials or supplies) and to report expenses on a timely basis with appropriate documentation. If there is any question as to whether a particular purchase qualifies as a business expense, the employee should consult his or her manager before incurring

the expense. Employees are responsible for any unauthorized purchases deemed by the Company to be for personal use.

Employees must have Company credit card balances paid when due. Expenses will not be reimbursed unless the employee submits a written expense report in a timely manner including, but not limited to, the KC or RK # associated with the job the purchase is for; all receipts must include a purchase order number, such as a KC or RK #.

Furthermore, all tool purchases must have the express consent, in writing, from the Company President, Kevin Kinyon. This consent will also need to have documentation with electronic backup and must be approved prior to the purchase of any tools.

Leave

Religious Observance

Federal and state equal opportunity laws generally require employers to accommodate the religious beliefs of employees, but do not require them to provide paid leave. The Company respects your religious beliefs; therefore, employees who require time off may use personal days. This leave must be requested through the department manager two weeks prior to the event, and may be declined, only if causing the Company undue hardship.

Procedure

Requests for time off should be submitted to your supervisor as soon as you know when you wish to schedule your time off, but in no event less than two weeks prior to the time requested. Time off requests are approved by your immediate supervisor. This is coordinated so that sufficient staff is available to provide adequate coverage at all times, and there may be Company-wide or department-specific “blackout dates,” as necessary. Time off requests are granted on a first-come, first-served basis. In the event of a conflict in requests, your supervisor will consider the Company’s staffing needs during the relevant period, as well as the length of service with the Company of the employees involved.

Personal/Sick Leave

A. Eligibility

An employee qualifies to accrue paid sick leave under this policy upon the start of the employee’s employment or July 1, 2015, whichever is later.

B. Leave Benefit

Employees accrue one hour of paid sick leave for every 30 hours of work performed. Unless a local ordinance requires otherwise, employees may not accrue more than 24 hours or three regularly-scheduled workdays of paid sick leave, whichever is greater, at any given time.

Employees who reach the applicable cap will cease to accrue further paid sick leave hours until paid sick leave is used, at which point the employee will continue to accrue additional paid sick leave up to the cap. Paid sick leave not used in a year otherwise carries over from year to year.

C. Leave Usage

Employees may take the greater of 24 hours or three regularly-scheduled workdays' worth of paid sick leave per leave year for any of the qualifying reasons discussed below, as well as any reasons allowed for under an applicable local paid sick leave ordinance. For the purposes of this policy, the leave year is the employee's anniversary year.

Paid sick leave may be used for the diagnosis, care (including preventive care), or treatment of an existing health condition of an employee and certain family members of the employee.

A family member includes a child, parent, spouse, domestic partner, grandparent, grandchild, or sibling. For purposes of this policy, a "child" means a biological or adopted child, a foster child, a step-child, a legal ward, or a child to whom the employee stands in loco parentis (in the place of a parent). Similarly, a "parent" under this policy means a biological or adoptive parent, a foster parent, a step-parent, an employee's legal guardian, a legal guardian of an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee was a minor child.

Employees who are victims of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, assistance, and other purposes authorized by law.

Employees using paid sick leave must do so in minimum increments of two hours. Employees will be paid for sick leave not later than the payday for the next regular payroll period after the sick leave was taken. Finally, an employee will not be required to search for or find a replacement if the employee is taking paid sick leave under this policy.

D. Compensation for Sick Leave

Paid sick days ordinarily are paid at the employee's normal rate of pay earned during regular work hours. Accrued, unused paid sick leave is not paid out upon termination or resignation. However, employees separating from employment who are rehired within one year from the date of separation will have their previously accrued and unused paid sick days reinstated. The employee also will begin accruing paid sick leave upon re-hire (assuming the employee's bank is below the applicable cap). In addition, if the employee is re-hired within one year from the date of separation, any number of days that the employee previously worked for the Company will be credited toward the 90 calendar days that an employee must have worked for the Company before being eligible to use paid sick leave under this policy.

E. Approval

If the need for paid sick leave is foreseeable (e.g., scheduled routine medical appointments), the employee must provide reasonable advance notice. If the leave is not foreseeable, the employee

must provide notice of the leave as soon as practical. When requesting sick leave, employees should not disclose any private medical information or any other confidential personal information.

F. Non-Retaliation or Discrimination

The Company strictly prohibits any form of retaliation or discrimination against an employee for attempting to use or using paid sick leave under this policy, and for any other reason prohibited by applicable law.

Notification Procedures

When you are absent from work and your absence has not been previously scheduled, you must personally notify your immediate supervisor or manager as soon as you are aware that you will be late or unable to report to work. Leaving a voicemail or message with another staff member does not qualify as notifying your supervisor.

When absence is due to illness, the Company reserves the right to require appropriate medical documentation. Such documentation need only include the employee's name, the date and time the employee was seen, and if applicable, a specific instruction regarding the employee's incapacity to perform his or her job. Excessive absenteeism or tardiness can result in discipline, up to and including discharge. (Also see the section on Family & Medical Leave for extended leave situations.)

If you are absent because of an accident or you are absent for longer than seven (7) days due to illness, compensation is paid under the benefits of the Company's short-term disability plan, provided you are eligible for and participate in that plan.

Military Service Leave

Employees serving in the uniformed services, including the Army, Navy, Marine Corps, Air Force, Coast Guard and Public Health Service commissioned corps, as well as the reserve components of each of these services, may take unpaid military leave, as needed, to enable them to fulfill their obligations as service members. Service members must provide advance written or verbal notice to the Company for all military duty, unless giving notice is impossible, unreasonable, or precluded by military necessity. Employees should provide notice as far in advance as is reasonable under the circumstances. In addition, employees may, but are not required to, use accrued personal days while performing military duty.

Family and Medical Leave

The federal Family and Medical Leave Act (FMLA) allows certain employees to take up to 12 weeks of unpaid leave per year for the serious health condition of the employee or an immediate family member, or for childbirth or adoption. An employee who assumes the role of caring for a child is also entitled to receive parental rights to family leave, regardless of the legal or biological relationship. Either day-to-day care or financial support may establish a parental relationship when the employee intends to assume the responsibilities of a parent with regard to a child. The Human Resources Department will guide you in completing appropriate forms for the leave. Any paid

leave that you have accrued may be counted as part of your FMLA leave.

To take FMLA leave, you must provide the Company with appropriate notice. If you know in advance that you will need FMLA leave, you must notify the Human Resources Department at least 30 days in advance. If you learn of your need for leave less than 30 days in advance, you must give notice as soon as you can (generally either the day you learn of the need or the next work day). When you need FMLA leave unexpectedly (for example, if a family member is injured in an accident), you must inform the Human Resources Department as soon as you can.

Military Caregiver Leave

The FMLA also allows an eligible employee who is the spouse, son, daughter, parent or next of kin of a member of the Armed Forces, National Guard or Reserves or of certain recent veterans with a serious illness or injury, up to 26 weeks of unpaid leave within a 12-month period to care for the injured or ill service member or veteran. A “serious illness or injury” is generally an injury or illness incurred by the covered service member in the line of duty on active duty (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty) that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

An eligible employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in a single 12-month period, provided that the employee may not take more than 12 weeks of leave for any other FMLA-qualifying reason during this period. (For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of military caregiver leave.) Generally, you must give the Company at least 30 days’ notice before the commencement of any military caregiver leave.

Qualifying (Military) Exigency Leave

The FMLA also provides for up to 12 weeks of unpaid leave within a 12-month period when an eligible employee’s spouse, son, daughter, or parent is on (or has been notified of an impending call to) “covered active duty” in the Armed Forces. (“Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. “Covered active duty” for members of the U.S. National Guard and Reserves means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.) The leave may also be extended to the family members of certain retired military. This leave may be used to take care of such things as child care or financial and legal arrangements necessitated by the deployment of the family member.

Break Time for Nursing Mothers

The federal Fair Labor Standards Act (FLSA) allows employees to take reasonable, unpaid break time to express breast milk as needed for up to one (1) year after the birth of a child. The Company

will provide a place for the employee to express breast milk, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public. Employees will not be discharged or in any other manner discriminated against in exercising their rights under this policy.

Civic Duty Leave

Jury Duty

Kinyon Construction encourages employees to fulfill their civic duties. To that end, employees will be allowed leave to serve on a jury, if summoned. We request that you bring in a copy of your summons notice as soon as you receive it, so that we may keep it on file. If you are called during a particularly busy period, we may ask you to request a postponement. The Company will provide additional documentation in this regard, if necessary, to obtain such postponement.

Jury duty can last from a portion of a single day to several months or more. During this time you will be considered on a leave of absence and will be entitled to continue to participate in insurance and other benefits as if you were working. While serving on jury duty, you are expected to call in to your supervisor periodically to keep him or her apprised of your status.

Appearance as a Witness

An employee called to appear as a witness will be permitted time off to appear, but without pay. Employees will be permitted to use accrued personal days when appearing as witnesses.

Voting

Kinyon Construction encourages all employees to vote. Most polling facilities for elections for public office are scheduled to accommodate working voters. The Company, therefore, requests that employees schedule their voting for before or after their work shift. An employee who expects a conflict, however, should notify his or her supervisor, in advance, so that schedules can be adjusted if necessary.

Miscellaneous

Leaving the Company

If you wish to resign your employment with Kinyon Construction, you are requested to notify your manager of your anticipated departure date at least two (2) weeks in advance. This notice should be in the form of a written note or letter.

The Company asks all employees to participate in an exit interview with their immediate supervisor prior to leaving the Company. This provides an opportunity to return parking passes, keys and other property and to tie up any loose ends. You will receive preliminary information at that time regarding continuation coverage and any other continuation of benefits for which you may be eligible.

If you leave the Company in good standing, you may be considered for reemployment at a later date. However, in the case of rehiring, you may be considered a new employee with respect to personal days, benefits and seniority.

Contacts

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Hawaiian Operations

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Safety Officers

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Kinyon Offices

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Santa Maria, CA 93455

Phone: (805) 938-7990 Fax: (805) 934-9500

Other Contacts

Occupational Safety and Health Administration (OSHA)

www.OSHA.gov

Phone: 800-321-6742

Mine Safety and Health Administration (MSHA)

www.MSHA.gov

Phone: (202) 693-9400

Acknowledgement of Receipt of Kinyon Construction Employee Handbook

I acknowledge that I have received a copy of the Kinyon Construction Employee Handbook (“Handbook”). I understand that I am responsible for reading and abiding by all policies and procedures in this Handbook, as well as other policies and procedures of the Company.

I also understand that the purpose of this Handbook is to inform me of the Company’s policies and procedures, and it is not a contract of employment. Nothing in this Handbook provides any entitlement to me or to any Company employee, nor is it intended to create contractual obligations of any kind. Accordingly, either the employee of the company can terminate the employment relationship at will, with or without cause, at any time. I understand that the Company has the right to change any provision of this Handbook at any time and that I will be bound by any such changes.

Signature

Date

Full Name (please print)

Please sign and date one copy of this acknowledgement and return it to Human Resources Department. Retain a second copy for your reference.

THE LAW OFFICES OF ALEX W. CRAIGIE

Employment law, made simple.

December 8, 2020 Employment Law Bulletin **California Expands California Family Rights Act (CFRA)** **Leave to Cover Employers with 5+ Employees**

On September 17, 2020, Governor Gavin Newsom signed into law Senate Bill (“SB”) 1383, which expands the California Family Rights Act (CFRA) family and medical leave law. This Bulletin discusses these changes, which take effect **January 1, 2021**.

Understanding The California Family Rights Act

The California Family Rights Act provides up to 12 weeks of unpaid job-protected leave for eligible employees to care for themselves and a wide variety of family members. More specifically, under the current CFRA:

- An eligible employee may take an unpaid leave to bond with an adopted or foster child or to bond with a newborn.
- An eligible employee may take unpaid leave to care for a parent, registered domestic partner, or child with a serious health condition.
- CFRA leave may also be taken for the employee’s own serious health condition.
- Full-time employees may take leave of up to 12 work weeks in a 12-month period. Part-time employees may take leave on a proportional basis.
- The leave does not need to be taken in one continuous period of time.
- An employer may require a 30-day advance notice of the need for a CFRA-qualifying leave. When this is not possible due to the unexpected nature of the qualifying event, notice should be given as soon as practicable.
- The employer may require written communication from the health-care provider of the child, parent, registered domestic partner, or employee with a serious health condition stating the reasons for the leave and the probable duration of the condition. However, the health care provider may not disclose the underlying diagnosis without the consent of the patient.

What's New

Most importantly, SB 1383 expands the range of covered employers under the CFRA to employers with just 5 or more employees. Previously, a covered employer had to have at least 50 employees within a 75-mile radius of the workplace where the leave-seeking employee worked.

The new law also expands the range of family members for whose care CFRA leave may be taken. Effective January 1st, employees may take CFRA leave to care for grandparents, grandchildren and siblings.

If both parents work for the same employer, SB 1383 eliminates the current requirement that the parents split the 12-week leave time. Effective January 1st, each employee-parent will be entitled to his/her own 12-week leave.

Finally, SB 1383 makes it an unlawful employment practice for any employer to refuse to grant a request by an employee to take up to 12 workweeks of unpaid protected leave during any 12-month period due to a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

What Employers Should Do Now

With just 24 days before SB 1383 takes effect, employers that were not previously covered under the CFRA should take immediate steps to become familiar with the Act and revise their employee handbook and policies to reflect the change.

Employers already covered by CFRA should understand the changes and revise their handbook and policies accordingly.

Employers seeking to better understand this new law should contact their employment law professional. We are available to assist, including drafting or revising employee handbook language.

The Law Offices of Alex Craigie helps employers throughout California prevent, address and resolve employment disputes in a logical and cost-effective manner. Reach us at (323) 652-9451, (805) 845-1752 or at Alex@CraigieLawfirm.com.

www.CraigieLawfirm.com