
EMPLOYEE HANDBOOK

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428 California Road
Morgantown, PA 19543

EMPLOYEE HANDBOOK
Table of Contents

ABOUT US

Welcome to Berg Construction	1
About Us – Company History, Our Mission	1
Purpose of This Handbook	1
Your Role	2

KEY EMPLOYMENT POLICIES

At-Will Employment	3
Equal Employment Opportunity	3
Pregnancy Accommodation	3
Immigration Reform and Control Act (I-9)	4
Americans with Disabilities Act (ADA)	4
Non-Discrimination and Anti-Harassment Policy	4
Talk to Us	7
Conflict of Interest & Confidentiality	7
Intellectual Property	8
Business Ethics and Conduct	8
Business Courtesies & Unsolicited Gifts	9

EMPLOYEE HEALTH AND SAFETY

Health & Safety Policy	10
Internal Investigations and Searches	10
Violence-Free Workplace	10
No Weapons	11
Accidents, Emergencies, Safe Work Practices	11
Use of Equipment and Vehicles	11
Mobile Devices While Driving	13
Operators, Truck Drivers, and Laborers	13
Inclement Weather and Closing Policy	14
Alcohol & Substance Abuse Policy – Maintaining A Drug Free Workplace	14
Medical Marijuana	19

GENERAL WORKING POLICIES

Introductory Period	20
Standards of Conduct	20
Conduct at a Client's Office	21
Client and Public Relations	22
Progressive Discipline	22
Employee Referrals	23
Educational Assistance	23
Employment of Relatives	24
Travel and Expense Accounts	25
Expense Reporting	25
Business Credit Cards	25
Performance Evaluation	25
Promotions and Transfers	26
Professional Appearance	26
Recording Devices in the Workplace	26
Use of Tobacco	26
Dress Code	27
Solicitation	27

Personnel Records	27
Contact with the Media	28
Office Supplies	28
ATTENDANCE & PAYROLL	
Hours of Work	29
Employment Classifications	29
Employment Categories	29
Overtime	30
Timekeeping	30
Payroll – How and When	31
Meal and Break Periods	31
Deductions & Garnishments	31
Absentee and Tardiness	32
TIME OFF, LEAVES OF ABSENCE	
Vacation	33
Company Holidays	33
Bereavement Leave	34
Other Time Off	35
Family Medical Leave of Absence (FMLA)	35
Military Leave	38
Voluntary Emergency Workers Leave	40
Benefits During A Leave of Absence	40
INTERNET USE, COMPUTER NETWORK POLICIES, SOCIAL MEDIA POLICY	
Internet Use, Computer Network Policies	41
Social Media Policy	42
Cell Phone Policy	43
EMPLOYEE BENEFITS	
Benefit Disclaimer	45
Benefit Eligibility	45
Open Enrollment	45
COBRA	45
Health/Medical Insurance	46
Voluntary Benefits	46
Retirement (401 K)	46
Social Security	47
Workers' Compensation	47
LAYOFF, SEPARATION, REFERENCES, UNEMPLOYMENT	
Separation from Employment	48
Post Resignation/Separation Procedures	48
Employment References	49
Unemployment Insurance	49
HANDBOOK RECEIPT	
Employee Handbook Acknowledgement and Receipt	50

Welcome to Berg Construction!

Welcome to Berg Construction, we are happy you joined our team. Your skills, compassion and commitment will help us deliver the best service possible to our clients. We are committed to doing the job well and exceeding our client's expectations. We call this Enduring Infrastructure. Our motivation is to build something worth putting our name. We have earned the reputation as a leader in our industry as a result of our attention to detail and quality of work.

ABOUT US – COMPANY HISTORY, OUR MISSION

Our culture is what defines us. Every employee plays an important role in building and maintaining a positive and safe work environment. We are successful because of the individual contributions made by each of our employees. At Berg we strive to put the following values into practice in everything that we do. You play a key role in maintaining our foundation for success. We ask that you consistently model and practice our core values.

- We have pride in our work
- We accept challenges and solve problems
- We plan so we can get it right the first time
- We provide opportunities
- We look out for our team
- We build relationships
- We are capable
- We leave the job in a better condition than when we started

You are our greatest asset, we in conjunction with you strive to provide a supportive work environment, staff development opportunities and competitive benefits. Again, welcome to Team Berg! We wish you all the best in your role with Berg Construction. We look forward to a bright future together.

PURPOSE OF THIS HANDBOOK

This employee handbook will give you important information about working at Berg Construction. The policies in the handbook explain many of the benefits of working here. The handbook also explains what we expect of you and tells about many of our rules and expectations.

The policies of this handbook are not intended to create a contract. The policies should not be construed to constitute contractual obligations of any kind or a contract between Berg Construction and any employee. The provisions in the handbook have been developed at the discretion of management and, except for the policy of employment at will, may be amended or cancelled at any time, at the sole discretion of Berg Construction.

However, this employee handbook cannot cover every situation or answer every question about policies and benefits at Berg Construction. Also, sometimes we may need to change the handbook. Berg Construction has the right to add new policies, change policies, or cancel policies at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

YOUR ROLE

You are important to our success. The customers who buy our services insist on the highest standards of service. Your job is to help provide high quality service.

Whatever it may be, your job contributes to the success of the Company and all its employees. This means we depend on each other to get the job done. Our results, in turn, depend on how well you do your part as a member of our team.

The way to get the best results is to respect the legitimate wishes of your Supervisor, know your job, and give reasonable value for the pay and benefits you receive.

AT- WILL EMPLOYMENT

It is the policy of Berg Construction that all employees are employed at the will of the Company. Accordingly, Berg Construction or the employee can terminate this relationship at any time, for any reason or for no reason, with or without cause and without advance notice. Nothing contained in this handbook, employment applications, Company memoranda, or any other materials provided to employees in connection with their employment shall restrict the Company's right to terminate an employee at any time for any reason. Any statements of specific grounds for termination set forth in this handbook or elsewhere are not all inclusive and are not intended to restrict the Company's right to terminate at-will.

Nothing contained in this handbook should be construed as a guarantee of continued employment, since employment with the Company is on an "at-will" basis. No employee or representative of the Company has the authority to make any agreement contrary hereto, unless the agreement is in writing and signed by the Chief Financial Officer or the Director of Operations.

EQUAL EMPLOYMENT OPPORTUNITY

Berg Construction is an equal opportunity employer. It is our policy not to discriminate against any applicant or employee because of race, color, religion, age, sex, genetic information, sexual orientation, national origin, ancestry, disability, veteran status, or any other legally protected characteristic. We promote the principle of equal employment opportunity. We strive to make all personnel decisions without regard to these legally protected characteristics. This policy covers all employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

We intend to operate all aspects of our business in compliance with equal opportunity laws and regulations of the federal, state, and local government. Any alleged violation of this policy should be brought to the attention of management, the Chief Financial Officer, or the Director of Operations.

PREGNANCY ACCOMMODATION

Berg Construction will provide reasonable accommodations for female employees related to pregnancy, childbirth, or related medical conditions, to the extent the accommodation can be made without imposing an undue hardship on the business. When an employee requests a reasonable accommodation, the Company will explore with the employee the possible means of providing the reasonable accommodation, which may include but are not limited to:

1. allowing more frequent breaks or periodic rest;
2. assisting with manual labor;
3. modifying job duties;
4. modifying work hours/schedules;
5. temporary transfer to a less strenuous or less hazardous position; or
6. providing a leave of absence.

Berg Construction may require the employee to provide certification in connection with a request for reasonable accommodation that includes the following:

1. the date the reasonable accommodation became medically advisable;
2. the probable duration of the reasonable accommodation; and

3. explanatory statements as to the medical advisability of the reasonable accommodation.

If leave is provided as a reasonable accommodation, such leave may run concurrently with the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law. For more information, or if you require an accommodation, please contact Human Resources.

IMMIGRATION REFORM AND CONTROL ACT (I-9)

In compliance with the Federal Immigration Reform and Control Act of 1986, (IRCA), Berg Construction is committed to employing only individuals who are authorized to work in the United States.

Each new employee must complete the Employment Eligibility Verification Form (I-9) as a condition of employment and present documentation establishing identity and employment eligibility. If an employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to the expiration of that period to remain employed.

AMERICANS WITH DISABILITIES ACT (ADA)

Berg Construction is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the Company's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Company will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Company aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Company.

Employees with a disability within the meaning of the ADA who believe they need a reasonable accommodation to perform the essential functions of their job should contact Human Resources. Berg Construction encourages individuals with disabilities to come forward and request reasonable accommodation.

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Berg Construction is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory conduct including harassment. Therefore, Berg Construction expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. Any violation of this policy will be addressed through appropriate disciplinary action up to and including possible termination from employment.

Berg Construction recognizes that harassment on the basis of race, color, national origin; religion, sex (with or without sexual conduct), age, disability, citizenship status, or marital status is a violation of federal, state and local laws. The Company believes harassment is both morally wrong and offensive, and will not tolerate such conduct on the part of any employee, Supervisor

or administrator, or by someone not directly connected to Berg Construction (e.g., an outside vendor, consultant or customer).

Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, 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 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 working environment.

The guidelines of this policy refer not only to unwanted attention from male management to female employees, but also protect male employees from female management's sexual harassment and unwanted action between coworkers, regardless of their gender or sexual preference.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

1. verbal harassment, such as derogatory comments, jokes or slurs;
2. physical harassment, such as unnecessary or offensive touching, or impeding or blocking movement, and;
3. visual harassment, such as derogatory or offensive posters, cards, cartoons, graffiti, pictures, or gestures.

Sex-based harassment that is harassment not involving sexual activity or language, (e.g., male Manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of any characteristic protected by law and that:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. adversely affects an individual's employment opportunities.

Retaliation Is Prohibited

Berg Construction prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to corrective action up to and including termination of employment.

Complaint Procedure

Berg Construction strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that is contrary to Berg Construction's policy or who have concerns about such matters should report it immediately to his/her Supervisor. If management is unavailable or the employee believes it would be inappropriate to discuss the matter with him/her, the employee should immediately contact the Director of Human Resources or the Chief Financial Officer.

Any member of management who becomes aware of possible sexual or other unlawful harassment must immediately advise their Supervisor or Human Resources so it can be investigated in a timely, thorough and confidential manner. Any employee who engages in sexual or other unlawful harassment will be subject to disciplinary action up to and including termination of employment.

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Discrimination laws establish specific time frames for initiating a legal proceeding as a result of a claim of harassment.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, Berg Construction requires the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The Company will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

In addition to this complaint procedure, if you believe you are being subjected to harassing conduct, you may choose to tell the offender that his or her behavior is unwelcome and request that it be discontinued. You should also promptly report your complaint to the Chief Financial Officer or the Director of Human Resources.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality

In no event will information concerning a complaint be released by Berg Construction to third parties or to anyone within the Company who is not involved in the investigation, except as otherwise required by law. In addition, all those involved with the investigation will be asked not to discuss the subject outside the investigation, except as otherwise required by law. The purpose of this provision is to protect, as much as possible, the confidentiality of the employee who files the complaint, to encourage reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include training, monitoring of the offender and/or corrective action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination from employment as Berg Construction determines to be appropriate under the circumstances.

Workplace Bullying

Berg Construction defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.”

The purpose of this policy is to communicate to all employees that the Company will not tolerate bullying behavior. Employees found in violation of this policy will be subject to corrective action up to and including termination of employment.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when determining disciplinary action. As in sexual harassment, it is the effect of the behavior upon the individual that is important. Berg Construction considers the following types of behavior examples of bullying:

1. Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the focus of jokes; abusive and offensive remarks.
2. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person’s work area or property.
3. Gesture bullying: Nonverbal, threatening gestures or glances that convey threatening messages.
4. Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

TALK TO US

We encourage you to bring your questions, suggestions and complaints to our attention. We will carefully consider each of these in our continuing effort to improve operations.

If you feel you have a problem, present the situation to your Supervisor or Human Resources so that the problem can be settled by examination and discussion of the facts.

Your suggestions and comments on any subject are important, and we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

CONFLICT OF INTEREST AND CONFIDENTIALITY

Berg Construction expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Company. Business dealings that appear to create a conflict between the interests of the Company and an employee are unacceptable. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings), or an individual whose relationship to the employee is similar to being a relative even though they are not, as a result of the Company’s business dealings. Any employee who has the potential for a conflict of interest must duly inform Human Resources as soon as possible

to ensure full disclosure and compliance and enable appropriate steps to be taken to address the potential conflict of interest.

Berg Construction's records and information relating to the business as well as its customers are confidential and employees must, therefore, treat all matters accordingly. No Company related records; documents or confidential information may be removed from the premises or disclosed to anyone without management permission and as required for a business purpose. Confidential information includes personnel information, financial information as well as proprietary computer programs, passwords, financial, business and marketing strategies and client lists and other information proprietary to Berg Construction.

Employees who are unsure about the confidential nature of specific information must ask their Supervisor or Human Resources for clarification. Employees will be subject to appropriate disciplinary actions, up to and including termination of employment, for revealing information of a confidential nature.

It should be noted that Berg Construction respects the rights of its employees and adheres to the regulations relating to concerted activity by employees as defined in Section 7 of the National Labor Relations Act (NLRA).

INTELLECTUAL PROPERTY

All intellectual property conceived or developed for work-related purposes while in the employ of Berg Construction is the property of the Company. Intellectual property includes, but is not limited to, inventions (patents) processes, procedures, methods, tools, machinery, programs, computer software, and the like which are conceived and/or developed while in the employ of the Company and pertain to the conduct of Company business.

BUSINESS ETHICS AND CONDUCT

Berg Construction requires employees to carefully follow all laws and regulations, and have the highest standards of conduct and personal integrity. Our continued success depends on our customers' trust.

Berg Construction will do its best to comply with all applicable laws and regulations. We expect all directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to not do anything that is illegal, dishonest, or unethical.

If you use good judgment and follow high ethical principles, you will likely make the right decisions. However, if you are not sure if an action is ethical or proper, you should discuss the matter openly with your Supervisor. If necessary, you may also contact Human Resources for advice.

It is the responsibility of every employee to comply with this policy. Employees who ignore or do not comply with this standard may be subject to disciplinary action, up to and including possible termination of employment.

BUSINESS COURTESIES & UNSOLICITED GIFTS

Employees may accept occasional meals, refreshments, entertainment and similar business courtesies that are shared with the person who has offered to pay for the meal or entertainment, provided that:

1. They are not inappropriately lavish or excessive.
2. The courtesies are not frequent and do not reflect a pattern of frequent acceptance.
3. The courtesy does not create the appearance of an attempt to influence business decisions, such as accepting courtesies or entertainment from a supplier whose contract is expiring in the near future.
4. The employee accepting the business courtesy would not feel uncomfortable discussing the courtesy with his or her Supervisor or co-worker or having the courtesies known by the public.

Employees may also accept unsolicited gifts, other than money, that conform to reasonable ethical practices including:

1. Fruit baskets, candy and other modest presents that commemorate a special occasion.
2. Gifts of nominal value, such as calendars, pens, mugs, caps and t-shirts (or other novelty, advertising or promotional items).

HEALTH & SAFETY POLICY

Workplace safety is a top priority. Berg Construction is dedicated to providing a safe and healthy environment for all of our employees, customers and visitors. The Company shall follow operating practices that will safeguard employees, the public and the Company operations. We believe all accidents are preventable.

Safety is everyone's responsibility. Everyone should have a safety conscious attitude and practice safe behavior at all times. It is your responsibility as an employee to be an active partner in our efforts to maintain the safest work environment possible.

Each employee at Berg Construction must actively support and embrace the vision toward safety as a way of life and contribute to the cultural values supporting prevention and elimination of unsafe behaviors and conditions.

Supervisors are responsible for implementing, administering, monitoring and evaluating the safety program. Company management takes a proactive approach toward creating a safe work environment for all employees and is accountable for complying with applicable laws and regulations and ensuring thorough evaluations of all safety and health incidents.

For more information regarding health and safety, please refer to the Berg Construction Safety Handbook/ Manual.

INTERNAL INVESTIGATIONS AND SEARCHES

To protect Company property and to ensure the safety of all employees, visitors and customers, the Company reserves the right to conduct personal searches consistent with state law, and to inspect any packages, parcels, purses, handbags, brief cases, lunch boxes, duffle bags, or any other possessions or articles carried to and from the Company's property or job site. In addition, the Company reserves the right to search any employee's office, desk, files, lockers, equipment, or any other area or article on Company property. In this regard, it should be noted that all offices, desks, files, computers, lockers, equipment, etc., are the property of Berg Construction and are issued for the use of employees only during their employment. Inspections may be conducted at any time at the discretion of the Company.

Any person entering, working on, or leaving; Company property or a particular job site, and who refuses to cooperate in an inspection conducted pursuant to this policy, will be in violation of the Company's security procedures, and may not be permitted to enter, or remain at, the premises.

VIOLENCE-FREE WORKPLACE

We strongly believe that all employees should be treated with dignity and respect. Acts of violence will not be tolerated and the Company will promptly respond to any incident or suggestion of violence. Any instance of violence must be immediately reported to your Supervisor or Human Resources and all complaints will be fully investigated.

Employees should report any suspicious person(s) or activities to management and always refrain from putting themselves in "harm's way". Any potential conflict with employees should be brought to the attention of your Supervisor or any member of management. Employees experiencing what

they believe to be imminent threat should call 911 in the first instance. Retaliatory actions toward someone who reports an incident is prohibited and will result in immediate termination from employment.

NO WEAPONS

It is recognized that most tools used have the potential to be used as weapons, and that some could be considered weapons (e.g., various types of knives) which may be part of an employee's work tools. Therefore when the term weapon is used, it is in reference to those items, which are manufactured and primarily used as weapons.

Unless specifically authorized to do so, the presence of weapons (firearms, knives, chemicals, or other weapons) on Company property or any jobsite are strictly forbidden. This applies regardless of whether an individual has a license to carry a concealed firearm.

ACCIDENTS, EMERGENCIES, SAFE WORK PRACTICES

Maintaining a safe work environment requires the continuous cooperation of all employees. Berg Construction strongly encourages employees to communicate with co-workers and management regarding safety issues.

All employees are provided care, first-aid and emergency services for on the job injuries or illnesses. If an employee is injured on the job, Berg Construction provides coverage and protection in accordance with state workers' compensation laws. When an employee sustains an injury or illness at work, it must be reported to their Supervisor and or management immediately, and/or as soon as possible.

Failure to report work related incidents/accidents is a serious matter as it may affect the employee's eligibility for workers' compensation coverage.

If your condition required you to leave your job and collect disability benefits, you must present an authorized written statement from a physician when you return to work, stating that you are well and able to resume your job. This statement must be presented to your Supervisor and Human Resources before you are allowed to return to work, and it is subject to verification by Berg Construction's physician, at our expense, if we so choose.

USE OF EQUIPMENT AND VEHICLES

Equipment (including tools) and vehicles essential in accomplishing your job duties, are an investment. When you use Berg Construction property, you should be careful, perform required maintenance, and follow operating instructions, safety standards, and guidelines.

Inform your Supervisor if equipment, machines, tools, or vehicles appear to be damaged, defective, or require repair. When you promptly report damages, defects, and the need for repairs, you can prevent deterioration of equipment and possible injury. Consult your Supervisor if you have questions about your responsibility for maintenance and care of equipment or vehicles you use on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

Any employee, who, as a requirement of their job must access and use Company vehicles, must do so for business purposes only. Where individuals are authorized to take Company vehicles home at night, they may be used only for the purpose of going directly home from the job and returning to the job on the next business day.

Company vehicles, equipment or tools may not be used for personal reasons at any time or under any circumstances without the expressed permission by their Supervisor or senior management. Furthermore, use of Company vehicles, equipment or tools for personal monetary gain is strictly forbidden.

Employees who are authorized to use a Company-owned vehicle, or are assigned a Company vehicle must adhere to the following safe driving/ operating and maintenance requirements:

1. Possess a required, valid driver's license in good standing, issued by your state of residency;
2. Immediately report all accidents or injuries as a result of an accident with Company-owned vehicle to your Supervisor and Human Resources. For any accident you are involved in with a Company-vehicle, no matter how minor, you must obtain a police report to provide to your Supervisor or Human Resources;
3. Immediately report to a Supervisor any incident of an arrest or potential conviction where alcohol or drug-related offenses are involved;
4. Immediately report a suspension or revocation of driving privileges or pending suspension of driving privileges;
5. Never be under the influence of alcohol or illegal drugs while driving;
6. Never take impairing prescription medication prior to or while driving (certain prescription medication warn of possible impairment while driving);
7. Wear required safety-restraint devices (seat belt and shoulder harnesses) while driving Company-owned vehicle;
8. Adhere to all road signs, traffic signals and posted speed limit signs;
9. Avoid using a cell phone while operating the vehicle, but if necessary, only use cell phones with hands free devices;
10. Do not take passengers (other than those employed by Berg Construction) in a Company-owned vehicle;
11. Keep the interior and the exterior of the vehicle clean;
12. Ensure required maintenance is performed;
13. Immediately report any other mechanical or safety concerns to your Supervisor and Human Resources.

All trash must be removed from the machine daily. The cab must be swept out weekly regardless of how many hours you operated that piece of equipment.

Driver's License Check

Upon acceptance of employment, if driving is an essential function of the position, new hires will be expected to provide proof of the proper valid driver's license. Employees may not operate a Company-owned vehicle without a valid license.

Berg Construction, as a condition of employment, and from time to time, will randomly check the validity of employees' driver's licenses. For insurance purposes, validation may also be required by the state. It is the responsibility of employees to immediately report any suspension of his or her driving privileges, additional points filed against their driving record, or citations for driving violations that include a DWI or DUI.

MOBILE DEVICES WHILE DRIVING

Berg Construction is concerned with the safety of our employees, his/her passengers, and the public at large. Therefore, the Company prohibits the use of a mobile phone or other communication device (PDA's, pagers, etc.) by an employee or any authorized operator while driving a Company owned vehicle or vehicle rented for Company use, even beyond the business use period, unless a hands-free device is being used. However, safety must always be your first priority. We expect you to keep these calls brief.

If, because of weather, traffic conditions, or any other reason, you are unable to concentrate fully on the road, you must either end the conversation or pull over and safely park your vehicle before resuming your call.

This policy applies to business and personal calls regardless of ownership of the mobile phone or other communications devices.

This policy also applies to driving any equipment at jobsites. This equipment includes, forklifts, skid steers, high lifts, backhoes, etc.

OPERATORS, TRUCK DRIVERS, AND LABORERS

Operators are required to carry basic tools to the job. Operators are paid from starting time at job site to stopping time at the jobsite. Equipment fluid levels must be checked each morning before starting any equipment. All equipment is to be properly greased and maintained.

Truck drivers are paid from site to site. Truck drivers are required to carry basic tools and parts in their vehicle. Truck pre-trip inspection must be completed prior to starting vehicles. Drivers must properly maintain trucks daily.

Laborers are paid from starting time at job site to stopping time on job site. Berg shall provide tools such as shovels, rakes, etc.

Over the road truck drivers – Berg Construction requires our drivers to be driving in compliance with U.S. DOT laws. We require our drivers to:

- Decide their own start time per the site supervisor's needs on the scheduled jobsites(s).
- Complete pre-trip inspection daily.
- Report any repairs that need to be made on the truck. Contact the General Superintendent, or any available shop personnel as soon as possible with repair needs.
- TARPS must be used at ALL TIMES when hauling any kind of material.
- Make a reasonable attempt to be responsible for the weight of their load when hauling any material.

- Be within legal weight limits when hauling from a scaling facility.
- Be within legal weight limits when hauling soil; use the closest scale if there is any doubt.

All operators, truck drives, and laborers are strictly required to follow all requirements of the Berg Construction Safety Program.

INCLEMENT WEATHER AND CLOSING POLICY

In general Berg Construction's practice will be to remain open and to conduct business as usual during periods of inclement weather. Therefore, unless otherwise directed, all employees are expected to report to work at their regular time and to remain at work throughout the course of their regularly scheduled workday. If an employee believes he/she cannot commute safely between his/her home and place of work during periods of severe weather, the employee is required to notify his/her Supervisor and is required to use paid time off.

Therefore the following provisions cover pay possibilities of such emergency situations:

Reporting to Work

Employees who are unable to come to work as scheduled because of weather-related conditions will be required to use paid time off to cover lost time. Those employees without available vacation will not be paid for lost time.

Note: Time records must show actual time worked.

ALCOHOL AND SUBSTANCE ABUSE POLICY - MAINTAINING A DRUG FREE WORKPLACE

Berg Construction is committed to maintaining a workplace which is free from the presence of alcohol, illegal drugs or other intoxicating substances that may impair employees' ability to work safely and productively. Concerns with respect to employee safety, employee health, and the well-being of customers and business employees require that Berg Construction take an active approach to the resolution of suspected or identified substance abuse situations.

In order to protect the safety of the Company's employees, customers and visitors, Berg Construction's employees may not use, possess, distribute, sell or be under the influence of illegal drugs or controlled substances not prescribed for them while on Company premises or while conducting any business-related activity away from Company premises.

Alcohol Consumption

No alcoholic beverages may be brought to or consumed on Berg Construction premises or sub sites except in connection with events sponsored by Berg Construction when the Company has authorized the use of alcohol. Drinking or being under the influence of alcoholic beverages while on duty, whether or not on the premises, will result in disciplinary action.

An employee may use legally prescribed drugs on the job only if the employee's ability to perform the essential functions of the job effectively and safely without endangering himself or others is not impaired. If an employee engages in any of the above referenced prohibited conduct, the consequences of that action will be appropriate disciplinary action up to and including termination from employment.

From time to time, employees may choose to attend non-Company-sponsored work-related events such as association meetings, dinners, golf outings, and other functions. Similarly, employees may, from time to time, socialize after normal working hours with customers and other business associates or colleagues of Berg Construction. Employee attendance at such events is voluntary.

If an employee elects to consume alcohol at a business event or quasi-business event, the employee is expected to exercise moderation and good judgment, and shall not become impaired or intoxicated at such events. Employees representing the Company shall conduct themselves with utmost professionalism at all times.

If an employee may be returning to work after an event, alcohol consumption is strictly prohibited. Employees who become impaired or intoxicated, or who conduct themselves in an unprofessional manner will be disciplined, including the possibility of termination.

If the employee is using a Company vehicle for transportation to or from the event, consumption of alcoholic beverages before, during or after the event is strictly forbidden.

Rehabilitation/Treatment

Berg Construction encourages any employee who feels that he or she has developed an addiction to or dependence upon drugs or alcohol to seek assistance. All requests for assistance will be held in strictest confidence possible. To obtain treatment referrals, employees may communicate in confidence with Human Resources and may contact any of the local treatment centers, hospitals or community organizations, which provide rehabilitation services.

If an employee has a self-identified drug or alcohol problem, he or she may request unpaid time off to participate in a rehabilitation or treatment program. Unpaid leave may not be granted if the employee is subject to corrective performance for violation of the provisions of this policy.

The Company may approve unpaid leave of absence contingent on the employee's formal commitment and agreement to abide by the guidelines and policies detailed within this alcohol and substance abuse policy as well as providing the absence will not cause an undue hardship for the Company. Berg Construction will not discriminate against an employee for their actual or perceived status as a recovered substance abuser as required under the Americans with Disabilities Act (ADA).

Management reserves the right to refer employees who have tested positive to a counselor or counseling program for rehabilitation or counseling. Any employee who refuses to participate in a rehabilitation program when requested by management shall be subject to discipline, up to and including termination of employment.

To remain eligible for employment continuation, the employee must maintain mutually agreed upon contact with Human Resources. Further, the employee must provide certification upon request that he or she is continuously enrolled in the treatment program, followed by certification that he or she has successfully completed the treatment program.

Employees who leave a counseling or treatment program prior to proper discharge and/or certification may be terminated. Employees who successfully complete treatment may be returned to active employment status without reduction in seniority if possible.

Drug Testing

After a conditional employment offer, all applicants must agree to submit to a drug and alcohol test at a designated laboratory.

Failing a drug or alcohol screening because of the presence of alcohol or drug/controlled substance NOT prescribed by a licensed physician or a physician's representative, is grounds for Berg Construction to rescind any offer of employment.

Berg Construction and/or any testing agencies and/or physicians it employs as part of any drug screening program, assume no responsibility to the employee to discover or report, to any employee or prospective employee, any physical or other abnormalities, conditions, diseases or other matters.

Reasonable Suspicion Testing

When Managers, Supervisors, or others in authority, have reasonable suspicion that an employee's performance is impaired as a result of, or the employee is otherwise under the influence of, alcohol, illegal drugs or legal drugs, the employee may, independent of any other random or scheduled drug/alcohol screening, be required to submit to an additional and/or separate drug/alcohol screening.

Reasonable suspicion may exist by virtue of: a visible impairment on the job, an objective evaluation of declining productivity or attention to quality, an unsafe act or accident, otherwise unexplainable behavior, a verifiable report of use of alcohol or illegal drugs during the workday, or other objective signals. The determination/judgment as to whether reasonable suspicion exists is at the sole discretion of the one authorized to make that decision (usually the employee's immediate Supervisor.) At the discretion of Company management, an employee may be suspended from employment pending the completion of such testing.

Post-Accident Testing

Berg Construction shall require an employee involved in a job-related accident or incident to submit to drug and/or alcohol testing following the accident. Berg Construction may also test any individual whose performance created a "near miss or unsafe condition" or was a contributing factor to a job-related accident. This determination shall be based on the best information available at the time of the accident.

The post-accident test will be administered as soon as possible. In no way is this post-accident test requirement intended to delay the necessary medical treatment for an injured person(s) following an accident or to prohibit an employee from leaving the scene of an accident to obtain medical assistance for others or for personal medical assistance.

For purposes of this policy, a job-related accident is defined as an unplanned, unexpected, unintended event that occurs during the conduct of the Company's business, on the Company's property or involves the Company-supplied motor vehicles or motor vehicles used in conducting the Company's business and results in any of the following:

- A serious violation of a safety rule or standard;
- A fatality of anyone involved in the accident;
- A serious bodily injury requiring medical treatment or if the injury sustained is reportable injury to OSHA or workers' compensation purposes; or
- Other serious property, vehicular or equipment damage occurs.

Berg Construction strives to provide all employees with a safe and healthy work environment. As part of this commitment, it is the employee's responsibility to observe proper safety procedures, policies and guidelines and act in a professional manner while on the job. Workplace injuries that are the result of horseplay, improper behavior or an employee's failure to observe reasonable safety precautions is not tolerated.

Random Testing

Berg Construction may randomly test employees for compliance with its drug-free workplace policy. The selection will result in an equal probability that any employee from a group of employees will be tested. The method of selection is performed by an outside third party, and the Company has no discretion to waive the selection of an employee selected by this random selection method.

DOT-Covered Employees

Berg Construction complies with the Department of Transportation requirements. When Berg Construction becomes aware, either observed and or notified, that a driver may be under the influence of alcohol and or drugs, a driver shall receive immediate alcohol and drug testing due to reasonable suspicion.

Alcohol Prohibition per DOT:

"No driver shall use alcohol, or be under the influence of alcohol, within four (4) hours before going on duty or operating, or having physical control of, a commercial motor vehicle; or have any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle."

"Any driver who is found to be in violation shall be placed out-of-service immediately for a period of 24 hours. The 24-hour out-of-service period will commence upon issuance of an out-of-service order." Additional regulatory requirements apply.

"Random testing" means a method of selection of employees for testing, performed by an outside third party, such as an Occupational Medicine Clinic. The selection will result in an equal probability that any DOT-covered employee from a group of DOT-covered employees will be tested.

FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse

Berg Construction complies with the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse requirements. Under this regulation, Berg Construction is required to report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions, which may include operating a CMV, due to a drug and alcohol program violation for which the driver has not successfully completed a Return-to-Duty process. Berg Construction will use The Clearinghouse secure online database for reporting and verification purposes.

Return to Work

Employees may be required to submit to a substance abuse test before returning to work after a leave of absence for medical reasons or any other reason, or after a layoff of more than 28 days.

In these situations the Company may require employees to undergo testing for alcohol and controlled substances, including, but not limited to marijuana, cocaine, opiates, amphetamines and phencyclidine. An employee's refusal of such testing may result in corrective action up to and

including termination from employment. In addition, if an employee has been found under the influence of drugs and/or alcohol while at work, the employee will be subject to appropriate disciplinary action up to and including termination from employment.

There may be business related contracts which require employees performing work at off-site locations to be tested for drugs and alcohol prior to working at that location. Any employee working under such contracts will be required to take a drug/alcohol screening as defined by the contract or otherwise required by applicable law. Refusal to submit to a required screening will be subject to appropriate disciplinary action up to and including termination from employment.

Notice of Results

Berg Construction's diagnostic facility will notify employees of the results of drug and alcohol tests as soon as possible. All initial positive tests will be subject to a confirmatory test before any adverse action is taken.

Status Pending Receipt of Results

If an employee is suspended in the course of reasonable suspicion drug or alcohol screening, the employee will be placed on leave without pay, beginning the moment they are informed of the Company's decision to suspend, or are directed to undergo drug/alcohol testing, and will remain on leave without pay until such time as management makes a final determination of their employment status (usually until the results of testing are received.) If the test results are negative, the employee will be paid for regularly scheduled work time lost during the suspension.

Positive Test Results

All initial positive tests will be subject to a confirmatory test. When an employee is notified that the test result is positive, she or he will be given the opportunity to provide an explanation. The employee may also have the same specimen retested at a certified testing laboratory of the employee's choice at the employee's expense. Berg Construction will consider any explanation offered when determining adverse employment action or referral for rehabilitation as appropriate.

Challenges to Test Results

Employees may challenge positive test results by forwarding, within three (3) working days after the results are received, a written explanation or objection to the results to the Company's Director of Human Resources. After Company officials make an evaluation of the explanation/objection, the employee will be notified of their decision regarding the challenge. If the employee disagrees with the decision, a request for a re-test can be made directly to the testing facility. The employee is solely responsible for the pursuit and cost of retesting. If retesting conclusively shows that an error was made on the initial test, the employee will be reimbursed for any costs that the employee incurred or that were deducted from the employee's paycheck. If, because of a positive test result, an employee was terminated, the Company is not obligated to hold open the former employee's position.

Reporting Violations

Each employee is required to immediately report any violation of this policy on alcohol, drugs and controlled substances to his or her Supervisor. An employee who fails to report such a violation is subject to disciplinary action, up to and including discharge. As a condition of employment with this Company, any employee convicted in court of any work-related violation of any criminal drug statute must report the conviction to the Company no later than five days after such conviction.

Disciplinary Action

Any employee who violates this substance abuse policy may be subject to corrective action up to and including termination from employment. An employee who refuses or fails to undergo controlled substance and alcohol testing when required under this policy may be considered insubordinate and may be subject to corrective action up to and including immediate termination from employment.

A confirmed positive result, refusal or revocation of consent or provision of an adulterated specimen constitutes willful misconduct. Off-duty use of illegal drugs or legal drugs illegally obtained which could adversely affect an employee's job performance or the safety of persons or property is proper cause for disciplinary action, including unpaid suspension or termination.

Re-application for Employment

A contingent new hire for whom an offer of employment was rescinded because of a failed drug or alcohol screening, must (unless documentary proof of successful completion of a certified drug and/or alcohol rehabilitation program is provided) wait for a period of at least six (6) months before reapplying for employment. A subsequent offer of employment, after an initial failed drug or alcohol screening, is left to the sole discretion of Berg Construction, subject to applicable law.

Employer Notification

Any employee, who is arrested for an alcohol or drug-related offense, must report said arrest, within two (2) business days of the incident, to Human Resources.

MEDICAL MARIJUANA POLICY

Employees that are or will be registered medical marijuana users may possess and consume certain quantities of marijuana pursuant to the state law where they are resident and must follow the process in their state of residence. Pennsylvania has adopted a medical marijuana program for the use of marijuana for identified medical conditions.

Marijuana remains an illegal substance under federal law and will be treated as such by Berg Construction should an employee test positive on Company property or at Company sponsored events (either on or off Company property). No employee who occupies a position that is subject to federal or state regulations that prohibits the use of marijuana, medical or otherwise, will be permitted to continue to be employed in that position. Further, no one is permitted to perform a "safety-sensitive" job while under the influence of marijuana or any other controlled substance.

Employees who follow the proper procedure for registering for and notifying the Company of their medical marijuana status shall not be discriminated against based upon their status as a registered medical marijuana user. Employees that receive medical marijuana are not precluded from reasonable suspicion testing for families of drugs.

INTRODUCTORY PERIOD

Berg Construction has an introductory period for new employees. During the introductory period, we will evaluate your work habits and abilities to make sure that you can perform your job satisfactorily. The introductory period also gives you the opportunity to decide if the new job meets your expectations.

Since your employment with Berg Construction is voluntary and at will, you may terminate your employment at any time during or after the introductory period, with or without cause or advance notice; likewise, Berg Construction may also terminate your employment at any time during or after the introductory period, with or without cause or advance notice.

The introductory period for all new and rehired employees is the first 60 days after their hire date. If you are absent or late during your introductory period, your employment will be terminated, unless otherwise required by law.

During the first 60 days of your introductory period, new employees are eligible only for those benefits that are required by law, such as social security and workers' compensation insurance. After satisfactory completion of the first 60 days of your introductory period, employees may be eligible for Berg Construction benefits, subject to their employment status and the terms and conditions of each benefit program.

STANDARDS OF CONDUCT

Every Company must have rules by which it operates; the following is a list of offenses that may lead to disciplinary actions up to and including termination from employment. This list is by no means all-inclusive. This list is intended to be a guide only and in no way limits the authority of Berg Construction to take appropriate action toward its employees for misconduct, nor does this list alter the "at-will" status of employees.

1. Sexual or other unlawful or unwelcome harassment
2. HIPAA Violation(s)
3. Texting while driving Company vehicle or driving a personal vehicle on Company business
4. Dishonesty, including any falsification or misrepresentation, providing incomplete, misleading, or incorrect information in connection with the preparation of any Company records, including an application for employment
5. Stealing or sabotage of equipment, tools and/or other property belonging to any vendor, customer, employee, or the Company
6. Removal from the Company premises of any Company property or property of others without appropriate approvals and permission
7. Damage, abuse, or destruction of Company property or the property of others
8. Absence from the Company for three (3) or more consecutive days without authorization or acceptable excuse
9. Possession, sale or use of intoxicating beverages, (unless otherwise permitted by the Company for special events), or drugs on Company property or reporting for work with the presence of intoxicating beverages or drugs in one's bodily systems, or other violations of drug and alcohol policy
10. The use, possession, conveyance, or storage of any firearms, explosives or other dangerous weapons on Company premises without management permission

11. Insubordination, including refusal to perform work requested by a Supervisor or other member of management
12. The use of profane, abusive, or threatening language toward fellow employees, vendors, customers, visitors, or Managers
13. Fighting, coercing, interfering with, or threatening bodily injury to other employees, vendors, customers, visitors or management
14. Any act which might endanger the safety or life of others
15. Willful, deliberate, or repeated violation of Company safety rules
16. Failure to report to work upon expiration of vacation, holiday or any type of leave of absence
17. Excessive unscheduled absenteeism or tardiness, unless otherwise protected by applicable law
18. Disclosure of confidential Company information to unauthorized persons
19. Any other conduct which is of a serious nature and which, in the sole opinion of the Company, makes the employee unfit for further service or warrants the termination from employment
20. Failure to report accidents; consisting of, but not limited to, personal injury and/or damage to the property of a customer or the Company.
21. Failure to report major health, safety, or property threatening conditions which may develop during the performance of the job.

General Expectations & Business Ethics

We expect employees to be ethical in their conduct as it affects our reputation, our success and defines who we are as a Company. Berg Construction requires employees to carefully follow all laws and regulations and have the highest standards of conduct and personal integrity. Our continued success depends on our customers' trust and Berg Construction is committed to fairness, respectful behavior and full compliance with applicable laws and regulations.

The focus of each employee is on their job at hand, being dependable, efficient and committed to their individual and team responsibilities for the betterment of the Company and the customers we serve. Management will hold employees accountable for their performance and behavior and the Company reserves the right to terminate an employee from employment without regard to the disciplinary action process.

CONDUCT AT A CLIENT'S SITE

The nature of our Company may require that employees perform work connected with a client's assignment at the client's location. The importance of professional conduct when working at a client's location cannot be emphasized enough. Professional conduct is a broad term that is open to many interpretations. The following guidelines describe appropriate conduct when working at a client's location:

- Do not discuss internal affairs with client personnel during working hours on the client's worksite.
- Avoid comments or criticisms involving other companies and their work or fees.
- Refrain from discussing shortcomings or idiosyncrasies of client employees.
- Avoid discussing procedural problems with management while client employees are present.
- Do not borrow money from a client unless the client's business involves lending money.

- Do not solicit clients for charitable donations.
- Entertain clients only after first receiving approval from the Director of Operations.

CLIENT AND PUBLIC RELATIONS

Berg Construction's reputation is built on excellent service and quality work. To maintain this reputation requires the active participation of every employee.

The opinions and attitudes that clients have toward our Company may be determined for a long period of time by the actions of one employee. It is sometimes easy to take a client for granted, but if we do we run the risk of losing not only the client, but his or her associates, friends or family who may also be clients or prospective clients.

Each employee must be sensitive to the importance of providing courteous treatment in working relationships, and in accordance with the policies and procedures contained within this handbook.

PROGRESSIVE DISCIPLINE

It is our experience that most incidents involving policy violations or other work-related problems can be addressed through informal discussions between employees and their Supervisors without formal corrective action.

The Company will attempt to assist you to resolve conduct, attendance, performance or other problems through a progressive approach, which offers:

- A clear description of the unacceptable behavior, including the specific instance(s) where it has occurred,
- An understanding of what the Company will accept as proper alternative behavior,
- Specific behavior-related objectives which must be accomplished,
- A defined period of time by which these must be accomplished and,
- The consequences that may be expected for not having achieved the stated objectives as required.

The progressive discipline process includes the four following steps: Developmental Review, Corrective Review, Critical Review and Suspension or Discharge. The Company reserves the right to determine the appropriate level of corrective action depending on the severity of the offense, facts and circumstances such as the employee's length of service and previous work record.

STEP I - Developmental Review

A verbal warning and instructional session aimed at reorienting the employee to improve performance or conduct. A written notation, covering the above areas and signed by the Supervisor is placed in the employee's Human Resources file.

STEP II - Corrective Review

A written statement of corrective review to the employee and the personnel file covering the above information, which alerts the employee to a continuing violation or performance problem. Its purpose is to offer a plan of action to correct the problem. The employee must acknowledge the statement by signing it.

STEP III - Critical Review

A written statement of final warning, including the above information, placing the employee on notice that should the problem not be resolved by a specific date, immediate dismissal will result. Up to three days' suspension from work without pay may result at this level of discipline.

STEP IV – Suspension or Discharge

The number of written warnings prior to termination will depend upon the seriousness of the violation(s). Since some infractions are not as serious as others are, corrective action may vary at the discretion of management.

Company management has pledged to be supportive throughout this process and will offer employees all reasonable assistance. No employee, regardless of service, will be discharged without the approval of senior management.

EMPLOYEE REFERRALS

Berg Construction takes great pride in its recruitment and selection process – a process which resulted in you joining our organization. Our past history indicates that one of the best sources for candidates who are likely to meet our rigorous standards, are often located through our existing employees. Thus, as part of our recruitment and selection process, we have implemented an employee referral program. Employees of Berg Construction are immediately eligible to refer candidates who if hired, will result in your receipt of a referral bonus in the amount of \$750 (less taxes).

Referral bonus program rules are as follows:

- All referrals must be submitted on the Employee Referral form. Referrals must be submitted prior to the candidate contacting Berg Construction.
- No referral bonuses are paid for referral of relatives of employees.
- Human Resources employees and managers to whom a candidate will report are excluded from receiving referral bonuses.
- Once a referral is hired and successfully completes 90 calendar days of service, the employee designated as the nominee will receive \$250 of the referral bonus. After the referral completes 180 calendar days, the employee will receive the remaining \$500 of the bonus.
- In the event that the same candidate is referred by more than one employee, the date of the earliest referral will govern.

EDUCATIONAL ASSISTANCE

Berg Construction believes that successful training can be an investment in our future, and encourages its employees to continue to develop the knowledge and skills necessary to succeed in their jobs.

Berg Construction will provide financial assistance for approved courses, continuing education credits, certifications and licensing to support employees' development of skills and knowledge that will be of mutual benefit to both the employee and the Company.

To participate in the program, individuals must be active regular full-time employees. All educational opportunities must be approved in advance by senior management.

Approved job-related expenses for tuition, training, course registration and exam fees will be reimbursed 100 percent. Optional fees, supplies, parking, application fees and entrance exam fees are not covered and are the responsibility of the employee.

Approved job-related courses are those that involve subjects that will benefit the employee in executing present job responsibilities, or where it is part of an individual's planned development or advancement within the Company. Non-position related courses are generally not covered.

Payment for non-position related courses as part of a degree program may or may not be covered, depending upon whether or not the degree is relevant to the individual's current position or is part of the individual's planned development or advancement within the Company. Approved courses taken in conjunction with a degree program must be through accredited colleges or universities.

The time you spend attending school after your normal workday are unpaid hours. The Company mileage reimbursement policy applies.

Following completion of the approved coursework, the employee must submit evidence of satisfactory completion (C or better).

If an employee voluntarily terminates employment at any time within 1 year of receiving reimbursement, or does not receive a passing grade under this program, the employee is obligated to repay the Company all of the education assistance he or she received for expenses incurred. In accord with federal and state laws, the employee agrees that any balance owed to the Company can be withheld from their final pay given their prior written permission, or will be paid upon termination by the employee.

The Company has the discretion to deny approval due to business needs, including the need to work flexible or longer hours, or where employee performance has been or could become unsatisfactory.

Occasionally, Berg Construction will have required training for its employees. This required training will be paid, and you will receive mileage reimbursement in accordance with the existing Company mileage reimbursement policy.

EMPLOYMENT OF RELATIVES

Berg Construction may consider employment, assignment, transfer or promotion of members of an employee's immediate family based on their job qualifications. For the purposes of this policy, immediate family members include: mother, father, husband, wife, son, daughter, sister, brother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and step-child. This policy also applies to close personal relationships.

Berg will not employ immediate family members if employment would:

- Create a supervisor/ subordinate relationship with a family member;
- Have the potential for creating an adverse impact on work performance; or
- Create either an actual conflict of interest or the appearance of a conflict of interest.

TRAVEL AND EXPENSE ACCOUNTS

Berg Construction will reimburse employees for reasonable expenses incurred through pre-approved business travel or entertainment. All cash advances must be accounted for and expense receipts are required.

The following business expenses will be reimbursed in accordance with IRS regulations:

- Travel Expense
- Mileage
- Lodging
- Tips
- Business Meals (in accordance with our per diem rates; room service excluded)

See the Chief Financial Officer regarding additional reimbursable business expenses.

EXPENSE REPORTING

Timely submission of expenses is critical in order to be reimbursed. Employees must ensure that expenses are accounted for properly, providing job name and/or materials on the original receipt that clearly indicates the location, the amount and date incurred. Berg Construction reserves the right to reimburse within 30 days.

BUSINESS CREDIT CARDS

Berg Construction may issue a corporate credit card to eligible employees for job-related expenses. Employees who have a corporate credit card, may only charge approved business-related expenses. For more detailed information regarding specific information and procedures, please refer to the Berg Construction Policy and Procedure distributed upon the issuance of the corporate credit card.

Being a Berg Construction cardholder is a privilege. Any violation of Company policy or procedure may result in disciplinary action up to and including termination of employment.

PERFORMANCE EVALUATION

We encourage you and your Supervisor to discuss job performance and goals on an informal and periodic basis. Formal performance evaluations are conducted at the end of the introductory period. The introductory period is a time for you and your Supervisor to talk about your job responsibilities and the performance requirements of the new job. Employees also receive annual performance evaluations to discuss goals, identify opportunities and encourage and recognize strengths.

The annual performance evaluation is generally conducted annually at the employee's anniversary date. Berg Construction does not guarantee annual pay increases at this time. However, the Company strives to recognize exceptional and satisfactory performance and may authorize merit increases which are based on a number of factors including the contents of an

employee's performance evaluation. In addition to the annual evaluation and its process, the Company may conduct interim evaluations as appropriate during the course of the year.

PROMOTIONS AND TRANSFERS

We believe that career advancement is rewarding for both the employee and the Company. We will promote qualified employees to new or vacated positions whenever possible.

Job openings may be announced verbally. If you interested in applying for one of those positions, notify Human Resources and speak to the person indicated on the notice.

PROFESSIONAL APPEARANCE

Individual appearances are an important aspect of our Company's overall image, and each employee has a responsibility to be properly dressed at all times. Your common sense should lead you to practice good personal hygiene and to wear clean and neat clothing. Consult with your Supervisor for the specific guidelines regarding personal appearance in your work area.

RECORDING DEVICES IN THE WORKPLACE

Employees are prohibited from using any form of recording or photography device in the workplace and from recording or photographing fellow employees in the workplace or during working time. Violations of this policy may result in disciplinary action up to and including termination, immediate removal of the recording device and/or the employee from the workplace, and retention of the recording device for inspection by the Company and/or legal authorities. Limited exceptions will apply when the employee using the recording device has been provided advance written authorization to use the recording device by an authorized member of Company management and the recording device is being used in an authorized manner to further Company business.

Nothing contained herein shall preclude an employee from engaging in conduct protected by Section 6 of the National Labor Relations Act.

USE OF TOBACCO

Berg Construction prohibits smoking and vaping on Company property and job trailers (defined by our temporary site offices), except in designated areas during break time. Debris (Cigarette/cigar butts, etc.) must be extinguished and, along with any packaging, must be disposed of in appropriate designated containers. The Company also prohibits any type of smoking and or tobacco use in Company-owned, rented, or leased vehicles and equipment.

The timing and frequency of employee breaks are at the discretion of the Supervisor, ensuring that the jobsite is adequately staffed at all times. If you witness another individual smoking on prohibited Company property, you must immediately report the violation to a Supervisor or member of management. This policy applies equally to all employees, subcontractors, customers and visitors.

Violations of this policy may result in disciplinary action. You may do so without the fear of retaliation for reporting such violations.

DRESS CODE

Employees that work in the shop and on job sites shall be required to dress appropriately for assigned work. Proper dress shall include T-shirts, leatherwork boots, long trousers, and hard hats. Hard hats, safety glasses and earplugs are provided by Berg Construction and are to be worn when necessary according to OSHA Standards. The following dress items shall be prohibited: Tank tops, tube tops, sweat pants, shorts, flip flops, clothing that is ripped or torn, and clothing that is sheer/see through, pants or tops that are worn to expose the employee's undergarments or midriff.

Berg Construction will provide proper protective gear to only those employees required to work in contaminated areas. These items will be issued and replaced on an as-needed basis.

No office dress code can cover all contingencies so employees must exert a certain amount of judgement in their choice of clothing to wear to work. If you experience uncertainty about acceptable, business casual attire for work, please ask your supervisor or Human Resources.

If clothing fails to meet the business casual office attire standards, as determined by the employee's supervisor and Human Resources, the employee will be asked to not wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will not be paid for time missed. Disciplinary action up to and including termination may be used if dress code violations occur.

SOLICITATION

The Company has a solicitation policy to provide you with a workplace free from solicitation and "pressure" to support a variety of causes so that you may be more productive at work, to eliminate negative feelings that can sometimes occur when one employee's charity or cause might be supported over another, and to avoid charges of favoritism.

In the interest of maintaining an appropriate business environment and preventing interference with the Company's operations, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time, except for Company-sponsored events and (Owner) approved charities. Employees who are not on working time (e.g. lunch breaks) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. Company sponsored events are posted on the Company bulletin board.

Nothing contained in this policy is intended to discourage or otherwise prohibit employees from the exercise of their rights under Section 7 of the National Labor Relations Act as it pertains to collective action regarding the terms and conditions of employment.

PERSONNEL RECORDS

It is the responsibility of Human Resources to maintain all employee personnel records. It is important for compliance and safety, as well as general business purposes that these records are accurate and complete.

It is essential that if an employee's current status changes, employees promptly notify Human Resources of any change in name, address, telephone number, dependent insurance coverage, emergency numbers, tax exemptions, beneficiary for the pension plan and insurance purposes, or any other change which should be reflected in your records, as soon as possible, so that the Company can make the appropriate changes.

Any employee or a duly authorized agent designated by the employee can inspect their personnel file, in the presence of Human Resources. Employees may be required to sign a document indicating that they have reviewed their file. All material contained in the personnel file is Company property and may not be removed. Parts subject to inspection include the job application, wage or salary information, notices of commendations, warnings or other discipline, authorization for a deduction or withholding of pay, fringe benefit information, leave records and employment history with the Company.

The records may be inspected at reasonable times during regular business hours and in the office where the records are kept. Employees or their designated agent may take notes regarding the contents of the file. Employees or their designated agent may place a statement in the file if they find an error in the file.

Employees shall provide a signed authorization stating who are authorized to inspect their personnel file. The signed authorization shall be for a specific date and shall indicate either the purpose for which the inspection is authorized or the particular parts of the employee's personnel file that the designated agent is authorized to inspect.

CONTACT WITH THE MEDIA

All media inquiries regarding the Company and its operations must be referred to the Director of Operations, who is authorized to make or approve public statements on behalf of Berg Construction. No employees, unless specifically designated by the Director of Operations, are authorized to make statements on behalf of or as a representative of Berg Construction.

OFFICE SUPPLIES

Our Company maintains a stock of basic office supplies such as pens, paper clips, staples, note pads, etc. used on a day-to-day basis by employees. All office supplies will be provided to you by the Operations Administrative Assistant. If you need additional items not regularly stocked, please speak to the Operations Administrative Assistant to place a special order.

Our Company stockroom will remain locked at all times. If you should need specific products please notify the Administrative Assistant and he/she will help you obtain the items you need.

All office supplies are for business use only and should not be removed from the office for non-business use. Violations of this policy may result in disciplinary action up to and including termination.

HOURS OF WORK

Due to the nature of our business, work schedules vary depending on your job. Employees must be prepared to start work each day on time at his or her assigned job location. Hours are determined by the project, Monday through Friday, with one (1) 30 minute unpaid lunch.

If you desire to leave the jobsite or premises during working hours, you must notify and receive permission from your Supervisor and Human Resources in advance of your departure.

EMPLOYMENT CLASSIFICATIONS

In compliance with the Fair Labor Standards Act (FLSA), employees hired on a full-time basis and scheduled to work thirty (30) or more hours per week are considered regular full-time employees and eligible for medical benefits as outlined in this handbook and as described more specifically in each plan document.

Employees averaging less than thirty (30) hours per week are not eligible for medical benefits outlined in this handbook but may be eligible for certain benefits consistent with the provisions of each of the documented summary plan descriptions and applicable laws and regulations. Human Resources or senior management will detail the specifics of eligibility requirements to each employee. All employee benefit plan documents are available by request to Human Resources.

Employees hired for a specific period to increase the workforce during peak work, or for a specific project are considered temporary employees. Employees are in the temporary category for a limited time (usually six months). Extension of an assignment beyond three months (to a maximum of nine months) requires approval of the management or owners of Berg Construction (Temporary employees receive social security and workers' compensation insurance). Temporary employees are not eligible for other Berg Construction benefit programs.

Exempt and Non-Exempt Definition

- Exempt - Employees whose positions meet specific exemption tests established by the Fair Labor Standards Act (FLSA) and state law. These employees are paid a salary and are not eligible for overtime pay.
- Non-Exempt – Employees whose positions do not meet FLSA exemption tests. These employees are paid hourly and are eligible for overtime pay at the rate of 1 ½ times the hourly rate for all hours over forty (40) hours in a work week as required by federal and state law. All overtime must be approved by management.

EMPLOYMENT CATEGORIES

- (a) **Probationary Employees** – Those employees who have less than 90 days of service with Berg Construction.
- (b) **Regular Full-Time Employees** – Those employees who are regularly scheduled to work 32 hours per week and have successfully completed their probationary period. They are eligible for all benefits provided in this handbook.

Regular Part-Time Employees – Those employees who are regularly scheduled to work less than 32 hours, per week and have successfully completed their probationary period. Part-time employees receive, at our discretion, some or all of the benefits provided to regular full-time employees, as specifically noted in other sections of this Handbook.

- (c) **Temporary Employees** – Those employees who are employed for a specific project or for a period not to exceed 6 months per calendar year, and whose employment will terminate no later than completion of that project or period of time. They are not eligible for employee benefits.
- (d) **Seasonal Employees** – These employee perform a job for a limited agreed upon time, normally less than one year in length. Seasonal employees do not receive benefits.
- (e) **Per Diem Employees** – These employees do not work regularly scheduled hours, but are called into work on an as-needed basis. Per Diem employees do not receive benefits.

OVERTIME

Although we strive to keep all workloads within each employee's threshold, there will be occasions when overtime or additional work outside regular scheduled hours is necessary. Employees will be informed in advance, except in emergency situations, when overtime work is required. Employees are not permitted to work overtime unless it has been approved by their Supervisor.

The Company distributes overtime assignments among employees who are qualified to perform the required work. Non-exempt employees receive overtime pay in compliance with the federal and state wage and hour laws. Overtime compensation at one and one-half (1½) times the employee's hourly rate is paid to all non-exempt employees for any hours in excess of forty (40) in a workweek. Overtime pay beyond this policy is determined at the discretion of management.

If an employee is scheduled and works on a Company-observed holiday, the employee will receive his/her eight hours of holiday pay, plus his/her working hours.

TIMEKEEPING

Applicable federal and state laws require that Berg Construction keep accurate and up-to-date records of hours worked by each employee. For non-exempt employees, time worked has been defined as time spent performing work for the Company. Before you work overtime, you must receive prior approval from your Supervisor. Supervisors review and approve time records before submitting them for payroll processing.

Falsifying time records is a serious matter. Employees may not tamper with time records, or punch other employees' time cards, unless otherwise authorized to do so by management, or they may be subject to disciplinary action, up to and including termination of employment.

Employees may not sign in more than five minutes before your scheduled starting time or sign out more than five minutes after your scheduled quitting time, unless you are working authorized overtime. All time worked will be compensated, however, working overtime without obtaining prior approval from your Supervisor is a violation of this policy that may subject the employee to corrective performance.

PAYROLL – HOW AND WHEN

Employees are paid weekly on Fridays, unless a Friday falls on a holiday. For pay purposes, the workweek begins at 12:01 AM Sunday and ends at 12:00 AM Midnight Saturday. Each paycheck includes pay for all work performed through the end of the previous payroll period.

If a payday falls on a holiday, you will be paid on the last workday before that payday.

The Company strives to pay you correctly and on scheduled paydays. If you discover an error to your pay, immediately inform Human Resources so the correction can be made by the next pay cycle. All concerns regarding compensation must be brought to the attention of Human Resources immediately.

Berg Construction has a direct deposit program. Direct deposit means that we will deposit your pay directly into your bank account(s). On paydays, instead of a check, you may access your paystub on the payroll portal, accessible to all employees. Berg Construction requests to be provided with direct deposit information within 30 days of any new employee's hire date.

Regarding direct deposit, a minimum of two weeks notice must be provided to the Company for any changes you make to your financial institution. Employees must also provide a voided check when initiating direct deposit or changing the account used for direct deposit. The Company does not guarantee that pay will be received immediately when there is a change in financial institution.

MEAL AND BREAK PERIODS

Full-time hourly non-exempt employees may receive one unpaid meal period of 30 minutes each workday. Your Supervisor will schedule your meal period to accommodate operating requirements. During meal period, you are not subject to work responsibilities or restrictions. You must punch out before the meal period and punch back in following the period.

Break periods are authorized at the Supervisor's discretion, but may not exceed one in every four (4) work hours, nor be more than ten (10) minutes in length. Since break time is paid, you are expected to be back at work immediately following the break period, and it will not be necessary to punch in and out.

DEDUCTIONS AND GARNISHMENTS

Berg Construction makes certain required deductions from your pay check each pay period. Such deductions typically include federal, state, local taxes and social security taxes. Depending upon your benefit elections, there may be additional deductions that you have authorized. All deductions and the amount of the deductions are listed on your pay stub. These deductions are totaled each year for you on your Form W-2, Wage and Tax Statement.

When the Company receives a court order for garnishments, such as alimony and child support, the Company is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck.

Berg Construction offers programs and benefits to eligible employees that are not required by law. An employee may request through signed authorization that the Company deduct money from their paycheck to cover the payment for these selected programs.

ABSENTEE AND TARDINESS

Punctual and regular attendance is an essential responsibility of each employee. Any tardiness or absence causes various problems for fellow employees and Supervisors. When an employee is absent or tardy, others must perform the work, which diminishes the smooth functioning of your work team.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work for their entire work schedule.

Reporting Absent or Late

Employees are expected to be ready to work when their shift begins and are considered late if they arrive at their work station or site more than five (5) minutes after their regular starting time. Late arrival, early departure or other absences are disruptive and must be avoided.

Unauthorized absence is defined as the employee's failure to be present at his/her work for any part of a scheduled work period or scheduled workday without authorization.

If an employee is going to be absent or tardy, the employee must call their Supervisor or the next higher level of management no less than one hour before the start of the scheduled shift. Tardiness is any amount of time not worked during a designated work period as a result of unauthorized lateness, early quit or late return from break.

Employees with more than three (3) days absent or tardy per month may be subject to disciplinary action for each incident, except as otherwise required by law.

It is the Supervisor's responsibility to implement the Company's discipline process when an employee is absent without authorization. If you have a poor attendance record or excessive lateness, you may be subject to disciplinary action, up to and including termination of employment.

Absent Three or More Days

Any employee who is absent for more than three (3) consecutive workdays, must provide medical documentation stating the reason for the absences and certification of their fitness to return to work. This must be done prior to their returning to work. Failure to provide acceptable documentation or other reasonable excuse for the absence may result in the absence being regarded as job abandonment, or a voluntary resignation of employment.

VACATION

The Company recognizes the need for employees to be away from their work assignments and receive access to leisure and personal time and therefore, this vacation policy provides eligible employees paid time away from work.

Berg Construction offers paid vacation to eligible employees. Regular full-time employees are eligible for paid vacation after successful completion of their introductory period. Eligible employees accrue vacation in accordance with the following schedule:

Years of Employment	Accrual Rate	Total Accrual
One (1) year of service	3.33 hours per month	5 days maximum per year
Three (3) up to ten (10) years	6.67 hours per month	10 days
Ten (10) up to fifteen (15) years	10.00 hours per month	15 days
After fifteen (15) years	13.33 hours per month	20 days

The length of eligible service is calculated based on a “benefit year”. A benefit year is the 12 month period that begins on the employee’s hire date, however eligible paid time off for the first year begins accruing 60 days after the employee’s start date on a pro-rated basis for that first month. When an employee increases to the next level of eligible service, the accrual rate will begin in the month the employee was hired until the end of the benefit year.

All vacation requests must be submitted at least two weeks prior to using vacation, unless s/he receives prior management approval. If a conflict of vacation dates occurs, vacation will be granted based on employees’ seniority dates.

While Berg Construction strives to accommodate all vacation requests, vacation cannot be guaranteed and therefore, employees should always contact their Supervisor prior to planning vacation.

Military leaves and other leaves as required by law do not affect the benefit year calculation.

Vacation time that is accrued but not taken will be paid upon termination of employment if termination is not for cause, and if a two week notice has been provided and completed. If the employee owes any amounts to the Company at the time of termination (e.g. employee loans), it may be deducted from unused vacation amounts.

A maximum of forty (40) hours can be carried over into the next year. Any unused vacation time that exceeds forty hours (40) cannot be carried over and will not be paid out.

COMPANY HOLIDAYS

Berg Construction celebrates numerous holidays through the year. Human Resources will issue observance dates annually, prior to the end of the preceding calendar year.

Full-time non-exempt employees are eligible for paid holidays after successful completion of their 60 day introductory period. Non-exempt employees must work their scheduled workday before and after the holiday to be paid for the holiday, unless they are absent with prior permission from Human Resources, the Director of Operations, or the Chief Financial Officer.

Holiday pay will be calculated at the employee's base-time pay rate as of that holiday multiplied by eight (8) hours.

BEREAVEMENT LEAVE

Berg Construction provides bereavement leave to employees to take time off due to the death of an immediate family member. Regular full-time employees are eligible for up to three (3) days of bereavement leave with pay.

Immediate family member has been defined in this policy as the employee's:
Mother/Father, Spouse, Brother/Sister, Step-Mother/Father,
Child(ren), Step-Child(ren), Legally Adopted Child(ren), and Step-
Brother/Sister

Employees may be eligible for one (1) day off from regular scheduled duty with regular pay in the event of deceased of the employees:
Grandparent, Grandchild, Spouse's Grandparent, Mother/Father-in-law, Brother/Sister-in-law, Aunt, Uncle.

Bereavement leave where the relationship is to the employee's spouse will be limited to the immediate family members of the employee's current spouse.

An employee must notify his or her Supervisor of the need for bereavement leave as soon as possible. To receive paid bereavement leave, the employee must be full-time and complete his or her introductory period and should submit a written request to his or her Supervisor.

Bereavement pay will be made only for bereavement leave falling on an employee's regularly scheduled workday(s). For the purposes of computing bereavement pay, a day consists of eight hours or one entire day regardless of the number of hours an employee was scheduled to work during bereavement leave.

While you are on bereavement leave, you will receive your base salary or pay rate but you will not receive any special forms of pay, such as incentives, commissions, bonuses, or shift differentials.

Typically, employees have up to two weeks to use bereavement leave; this may be extended depending on the scheduling of services.

Employees may be allowed up to four hours of bereavement leave to attend the funeral of a fellow employee or retiree of the Company, provided such absence from duty will not interfere with normal operations of the Company.

Employees are generally granted bereavement leave unless there are essential business reasons that require you be at work. With your Supervisor's approval, you may use any paid leave benefits available, such as vacation, if you require additional time off.

Employees may be required to furnish documentation, such as an obituary or funeral program. In addition to three days of paid bereavement leave and based on personal and business responsibilities following the immediate family member's passing, an unpaid leave of absence

may be granted. Employees may use any available vacation time, or may request an extension of bereavement leave, without additional pay.

OTHER TIME OFF

Berg Construction understands that things happen in life that may require additional time off. As such the Company offers all full-time employees up to three (3) additional paid days off, subject to management's discretion, for the following scenarios:

1. The birth or adoption of a child.
2. To care for a spouse, child, parent, or self with a serious health condition (described below).
 - a. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care professional.
3. Unpaid leave may be granted in other scenarios, provided such absence from duty will not interfere with normal operations of the Company, and is subject to management's discretion.

Pay for other time off is calculated on the base pay rate at the time of absence, and will not include any special forms of compensation.

To qualify for additional leave under this policy, the employee must be a full-time employee for at least 26 weeks. Paid time off must be exhausted prior to use of unpaid time off.

FAMILY MEDICAL LEAVE OF ABSENCE (FMLA)

It is the policy of Berg Construction to provide family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) and state law. If an employee is not eligible for FMLA leave, uses up his or her FMLA leave, or wishes to take leave for a purpose that does not qualify for FMLA, the employee should consult the Company's other leave policies to determine if other leave might be available. The Company uses a rolling 12-month period for purposes of tracking leave eligibility and usage.

Eligibility

To be eligible for FMLA leave, an employee must be employed for at least twelve months by Berg Construction and must have worked at least 1,250 hours during the twelve months preceding the commencement of leave, and must be employed at a worksite where at least 50 employees are employed within 75 miles.

Types of Absences Covered

Under the FMLA, eligible employees may take up to twelve weeks of unpaid leave in the designated twelve-month period for any of the following:

1. For incapacity due to pregnancy, prenatal medical care, or child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care;

3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
4. For a serious health condition that makes the employee unable to perform his or her job; or
5. For a qualifying exigency, as described below.

Eligible employees with a spouse, son, daughter, or parent on covered active duty (or who has been notified of an impending call or order to active duty) in the Armed Forces may use their twelve-week leave entitlement to address certain qualifying exigencies. Covered active duty includes deployment to a foreign country. 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.

An eligible employee may also take up to 26 weeks of unpaid leave on a one-time basis to care for the employee's spouse, son, daughter, parent, or next of kin who is a covered military service member and incurred a serious injury or illness in the line of military duty, or who experienced the aggravation of an existing or pre-existing condition in the line of active duty. The twelve-month period is measured forward from the date leave begins. A covered service member is a current member of the Armed Forces, including a member of the National Guard or reserves. A serious injury or illness is one that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Covered service members also include veterans who began treatment, recuperation, or therapy for a serious injury or illness within five years after leaving the service. The serious injury or illness may have manifested before or after the individual became a veteran, such as post-traumatic stress disorder.

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

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Berg Construction employees must continue to pay their employee contributions to continue health insurance during the time of their FMLA leave. If the employee is being paid during the leave by using sick and/or vacation time, the normal employee contribution payroll deductions will continue.

Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Procedures

Employees must be informed whether they are eligible under FMLA. If they are, the Company will provide any information required and explain employees' rights and responsibilities while on leave. If they are not eligible, the Company will provide a reason for the ineligibility.

Employees must be informed if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the leave is not FMLA-protected, the employee must be notified of that fact.

When to Request Leave

Where leave is foreseeable, the employee should make a request for leave at least thirty (30) days in advance. Foreseeable leave should be scheduled so that it does not unduly disrupt the employer's operations.

Where thirty (30) days advance notice of the need for leave is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures. If the circumstances change such that the amount of leave needed changes, the employee should provide notice of the change within two business days.

Notifications and Certifications

When requesting leave, employees must provide sufficient information to permit a determination of whether the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees also must indicate if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An employee who requests leave will be given a "Notice of Eligibility" and a "Rights and Responsibilities" notice within five business days after indicating the need for leave. These notices explain his or her eligibility and expectations. Any required certification form may be provided with this notice.

The employee must return the requested certification within fifteen (15) calendar days. Berg Construction will review the certification and determine whether sufficient information has been provided, or if deficiencies need to be corrected. The employee must be given seven calendar days to correct any deficiencies.

When a complete and sufficient certification has been returned (or when the employee has otherwise provided sufficient information to designate the absence as FMLA) the employer will provide the employee with a "Designation Notice" within five business days of determining whether the leave qualifies for FMLA. If so, the notice will describe the conditions of the leave and the requirements for returning to work.

The Company reserves the right to require a second or even third medical opinion, at the Company's expense. Employees also may be required to provide periodic recertification supporting the need for leave as allowed by law, and may be required to report periodically on their status and intent to return to work. The Company may waive the certification requirement at its discretion.

Pay During Leave

Generally, family and medical leave absences are unpaid. However, Berg Construction requires that employees use all available paid leave during the FMLA leave; the remainder of the leave will be unpaid.

Returning to Work

An employee will be reinstated to the same job or an equivalent position upon completion of FMLA leave, except where denial of restoration is permitted by the FMLA. If the employee has exhausted all available leave and is still unable to return to work, the employee no longer has any job restoration rights under FMLA. Each situation will be reviewed on a case-by-case basis to

determine whether the employee may be eligible for rights and protections under other laws or Company policies.

Fitness for Duty

When leave is for the employee's own serious health condition, the employee is expected to return to work when released by a health care provider. The employee will need to provide a "Fitness for Duty" certification before returning to work if this requirement was indicated in the "Designation Notice." The fitness for duty certification must be signed by a health care provider.

Additional Information

Termination of employment may occur if an employee fails to return from leave at the time agreed upon (barring circumstances which required an extension of available leave) or if an employee is found to have taken leave on a fraudulent basis.

If the employee's performance evaluation date passes while on FMLA leave, the employee will receive his or her performance evaluation upon return to work, and the results of the evaluation (such as pay raises) will be effective as of the date of the return to work.

MILITARY LEAVE

It is the policy of Berg Construction to grant leaves of absence to certain eligible employees serving in the uniformed services, including but not limited to the United States Armed Forces or National Guard and Reserves, for periods of active service (including voluntary or involuntary service). It is also Company policy to comply with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) and any applicable state laws.

Notification

Notice of uniformed service and the need for leave must be given in writing to your Supervisor at the earliest possible date, but must be given prior to the beginning of the service. This notification requirement also applies if you serve in the National Guard and/or Reserves and will miss work for regular monthly training. National Guard and Reserve employees should provide notification of their monthly training schedule for the year as soon as it is available.

Benefits

The Human Resources department will determine and notify you of the benefit rights in accordance with all applicable laws.

Health Insurance

If you choose, health insurance coverage may continue in one of two ways. Coverage can continue under the federal law known as COBRA. Coverage can also continue under the federal law known as USERRA. COBRA generally provides coverage for 18 months, although this period can be extended in certain circumstances. USERRA is available only for individuals who qualify under this military leave policy. USERRA provides for up to 24 months of coverage after the uniformed service leave commences. If both COBRA and USERRA are elected, they run concurrently (i.e., at the same time) and not consecutively (i.e., not back-to-back).

For the first 30 days of uniformed service, you will be required to pay your normal share of any premium. For uniformed service of 31 days or more, you will be required to pay the total cost of coverage (employer share plus your share), if you elect to continue coverage.

If you will be on uniformed service leave of 31 days or more, you must notify your Supervisor prior to the commencement of uniformed service that (1) you will be out on uniformed service; and (2) whether you elect to continue health insurance coverage. If you fail to satisfy both requirements because advance notice was not possible, was unreasonable, or was prevented by military necessity, plan coverage will be reinstated retroactively upon your election to continue coverage and payment of all amounts due. In this situation, your election and payment must occur within 30 days after it becomes possible for you to make the election. While on leave of up to 30 days, you may have your health insurance coverage continued without the need for notification.

If health insurance coverage is cancelled because of uniformed service leave, such coverage may be reinstated upon your reemployment.

Reinstatement

The Company will comply with all federal and state military and/or uniformed service leave laws and reinstate employees who have been on a uniformed service leave of absence, provided:

1. You provide advance notice of your service;
2. You return to work or apply for reemployment in a timely manner after conclusion of service;
3. You have five years or less of cumulative uniformed service while with the Company; and
4. You have not been separated from service with disqualifying discharge or under other than honorable conditions.

Whenever possible, you will be returned to your former position. In some circumstances, such as if the position no longer exists, you will be given positions comparable in status and pay to the previous positions.

You will retain seniority rights as if employment had been continuous and had not been interrupted by uniformed service. You will be eligible to participate in all benefit programs in which you would have participated had you not been on leave of absence.

In certain instances, you may be required to undergo fitness-for-duty examinations prior to returning to work. Time limits for returning to work depend, with the exception of fitness-for-duty examinations, on the duration of the uniformed service.

Service of 1 to 30 days

You must report to work by the beginning of the first regularly scheduled work day that would fall eight hours after the end of the calendar day on which service ended.

Service of 31 to 180 days

You must submit an application for reemployment no later than 14 days after completion of uniformed service.

Service of 181 or more days

You must submit an application for reemployment no later than 90 days after completion of uniformed service.

Additional information

Contact Human Resources for more information on the Military Leave of Absence policy and for information on planning a return to work after military leave or service.

VOLUNTARY EMERGENCY WORKERS LEAVE

Any employee who services as a volunteer firefighter, fire police or volunteer member of an ambulance service or rescue squad will receive unpaid leave in which to respond to an emergency call made prior to the start of his or her scheduled shift. Employees may not leave during a shift unless special circumstances are approved by your Supervisor or Human Resources.

Prior to missing work, the employee must attempt to contact Human Resources or their Supervisor to notify the Company that they have been dispatched to an emergency. If the employee fails to report for work, they must provide the Company with a statement from the Chief Executive Officer of the volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that the employee responded to a call and the time at which he or she responded.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Pay for voluntary emergency workers leave time off is calculated on the base pay rate at the time of absence, and will not include any special forms of compensation. Paid time off must be exhausted prior to the use of unpaid time off.

BENEFITS DURING LEAVE OF ABSENCE

While on a leave of absence, employees are responsible for their portions of benefits' premiums which may be paid monthly. If an employee does not return to work, the employee will be billed for their share of their premium costs while on leave.

If an employee is on approved leave of absence not otherwise qualified under FMLA, benefits will continue for a total of 30 days. Employees are responsible for their portions of benefits' premiums during this time. Following 30 days, if the employee has not yet returned to work, the employee will be offered COBRA coverage.

INTERNET USE, COMPUTER NETWORK POLICIES

To assist employees in performing their duties with Berg Construction, access to various means of electronic communications, such as computers, computer files, email systems, software, etc., may be granted. Employees should have no expectations of privacy with respect to communication systems or devices at Berg Construction.

While working at Berg Construction, employees may not display, download or email sexually explicit images, messages and cartoons. Each employee is also prohibited from using computers and emails for chain letters, ethnic slurs, racial comments, off-color jokes or anything that relates to harassment and bullying as detailed in Berg Construction's policy on harassment and anti-bullying behavior.

Employees of Berg Construction are prohibited from using their software on any device except designated local area networks and machines so noted in the software license agreement. Berg Construction prohibits the illegal duplication of software and its documentation. Employees are also prohibited from removing any hardware or software provided by Berg Construction from the premises without expressed permission. Any unauthorized act of this nature will result in appropriate disciplinary action up to and including termination from employment as well as possible legal action.

In addition, the following guidelines are established for all employees regarding the use of electronic communications:

Email Communications

Berg Construction maintains an electronic mail system. This system is provided by the Company to assist it in the conduct of business with Berg Construction. The electronic mail system hardware is the property of Berg Construction. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of Berg Construction. They are not the private property of any employee. This policy is in effect for email messages stored on computers, cell phones, and any other electronic device, regardless if they are personal or Company provided.

The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. Likewise, the electronic mail system shall not be used to send or receive customer information, copyrighted material, trade secrets, proprietary financial information, or similar materials without prior authorization.

Berg Construction reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed by the Company without the permission of the employee. Accordingly, the confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.

Further, the use of passwords for security does not guarantee confidentiality. All employee passwords must be disclosed to Human Resources and/or the Chief Financial Officer. Employees are not authorized to retrieve or read any email messages that are not sent to them.

Any employee who discovers a violation of this policy should immediately contact their Supervisor and/or Human Resources. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to disciplinary action up to and including possible termination from employment.

No Expectation of Privacy

Employees are given computers and internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the Company's computer equipment. The computer network is the property of the Company and may be used only for Company purposes.

Waiver of Privacy Rights

Employees waive any right of privacy in anything they create, store, send, or receive using the Company's computer equipment or internet access. Employees consent to allow Company employees access to review all materials created, stored, sent or received by the employee through any Company network or internet connection.

Monitoring of Computer and Internet Usage

The Company has the right to monitor and log any and all aspects of its computer system including, but not limited to, monitoring internet sites visited by users, monitoring chat and newsgroups, monitoring file downloads, and all communications sent and received by users.

Nothing contained in this policy is intended to discourage or otherwise prohibit employees from the exercise of their rights under Section 7 of the National Labor Relations Act as it pertains to collective action regarding the terms and conditions of employment.

SOCIAL MEDIA POLICY

Social media can take many different forms, including but not limited to internet forums, blogs and micro blogs, online profiles, wikis, podcasts, pictures and video. At Berg Construction, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not employed or affiliated with Berg Construction, as well as any other form of electronic communication.

Ultimately, you are solely responsible for when and what you post online. Social media must be reserved for break and lunch time use solely; otherwise, disciplinary action could occur.

Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work

on behalf of the Company or its legitimate business interests may result in corrective action up to and including termination from employment.

Be Respectful

Always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of Berg Construction. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our “Talk To Us” policy than by posting complaints to a social media outlet.

Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage customers, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Company policy. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to corrective action up to and including termination from employment.

Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Company, fellow employees, customers, suppliers, and people working on behalf of Berg Construction or competitors.

Post Only Appropriate and Respectful Content

Maintain the confidentiality of Berg Construction’s private and confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications. Respect financial disclosure laws. It is illegal to communicate or give a “tip” on inside information to others so that they may buy or sell stocks or securities. Do not create a link from your blog, website or other social networking site to the Company website without identifying yourself as an employee.

Retaliation is Prohibited

Berg Construction prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to corrective action up to and including termination from employment.

CELL PHONE POLICY

We request that employees use personal cell phones only during breaks and lunch. Use may be permitted in case of emergencies or other circumstances; however, the employee must discuss these circumstances with their Supervisor in advance, if possible, to obtain permission to use a cell phone during work. All employees must ensure the use of cell phones never poses a safety hazard. The Company prohibits cell phone use while operating a vehicle or any mobile equipment.

There are a few employees that are required to be in close contact with the Company at all times. These individuals are authorized to use their personal cell phones for Company related business during working hours.

BENEFITS DISCLAIMER

Berg Construction has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. This portion of the handbook contains a very general description of the benefits to which you may be entitled as an employee of the Company. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, this handbook does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents. To the extent that any of the information contained in this handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Company and its employees, retirees or their dependents, for benefits or for any other purpose.

Berg Construction reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, the Company reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding benefit programs, please refer to the Summary Plan Descriptions, which were provided to you separately. If you lost or misplaced those descriptions, please contact Human Resources.

BENEFIT ELIGIBILITY

Benefits eligibility is dependent upon a variety of factors including employee classification. Human Resources will assist in identifying the programs for which you are eligible. Eligible employees will be contacted at the appropriate time regarding enrollment for these benefits and will be provided, where applicable, with a booklet, summary plan description (SPD) or certificate of insurance during the enrollment process. The plan document will always govern the policy.

OPEN ENROLLMENT

You may change your enrollment and/or your dependents covered under your health insurance plan within thirty (30) days of a change in family status (e.g. marriage, divorce, birth, adoption) by notifying Human Resources. Changes that are more than thirty (30) days in the past, changes to your covered dependents or changes for other reasons may be made only during open enrollment. The annual open enrollment period is announced in advance to all employees.

COBRA

You and your covered dependents will have the opportunity to continue health insurance benefits for a period of up to thirty-six (36) months under the provisions of the Federal Consolidated Omnibus

Budget Reconciliation Act (COBRA) when group health insurance for you and/or your covered dependents would otherwise end due to:

1. termination of employment, other than for gross misconduct,
2. your employment status changes because of a reduction in hours,
3. death,
4. you become entitled to Medicare,
5. your child ceases to be a 'dependent' under the terms of the health insurance plan, or
6. your spouse is no longer a dependent due to divorce or legal separation.

In the event of divorce, legal separation, or a child's loss of dependent status, you or a family member must notify Berg Construction within sixty (60) days of the event.

To be eligible for the continuation benefits, employees must have been enrolled in the medical coverage prior to the qualifying event listed above. Employees eligible for continuation coverage will be advised in writing of their right to elect COBRA coverage, along with the associated costs, in a timely manner as prescribed by law.

HEALTH/MEDICAL INSURANCE

Berg Construction offers medical benefits to eligible employees and their dependents. Regular full-time employees are eligible to enroll in the health/medical insurance plan if employed on average at least 30 hours per week, or 130 hours of service per month. Eligible employees are able to enroll on the first of the month following 60 days of employment.

A portion of the cost of medical benefits is paid for by the Company, with the rest paid by the employee. Specific details regarding the coverage are available in your plan booklet and summary of benefits and coverage. Please contact Human Resources for more information.

There are more details about these benefits plans in the Summary Plan Description (SPD). When you become eligible for these plans, you will receive a Summary Plan Description and rate information. If you have questions about these plans, contact the Human Resources department for more information.

VOLUNTARY BENEFITS

Berg Construction offers all eligible employees the option to participate in various voluntary insurance benefits, which may include vision and dental insurance. Participation in any of these programs requires the completion of an enrollment form. The plan documents will always govern the eligibility for and terms of voluntary benefits. The Company reserves the right to alter the provision of voluntary benefit programs at its discretion.

RETIREMENT (401 K)

Berg Construction offers a voluntary pre-tax/post-tax salary reduction plan (Plan) according to the IRS section 401 (k) rules and regulations in which full-time employees, who are at least 18 years of age can participate. Enrollment begins with the first day of the month of the employee's consecutive six-month anniversary. Enrollment guidelines can be found in the Summary Plan Description (SPD) available from Human Resources.

If you are working under a prevailing wage contract, then for the purposes of receiving any prevailing wage contribution made to the Plan you are eligible to participate on your hire date. The Plan and your rights under the Plan are subject to federal laws, such as the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code, as well as some state laws. The provisions of the Plan are subject to revision due to a change in laws or due to pronouncements by the Internal Revenue Service or Department of Labor. Berg Construction may also amend or terminate this Plan. Berg Construction will notify you if the provisions described in the SPD change.

SOCIAL SECURITY

During employment, both the employee and Berg Construction contribute funds to the federal Social Security program. This program is designed to provide retirement benefit payments to the employee once IRS-established retirement age is reached.

If you have any questions, you should contact the Social Security Administration. Berg Construction recommends employees request a free social security statement, a Request for Earnings and Benefit Estimate Statement.

WORKERS' COMPENSATION

Berg Construction employees are protected by the Pennsylvania Workers' Compensation Act which regulates provision of medical benefits and payment for lost wages due to a work-related injury. On the job injuries are covered by our workers' compensation insurance policy. This insurance is provided at no cost to you.

Employees must report any job-related injury or illness no matter how small to their Supervisors immediately. Consistent with applicable law, failure to report an injury immediately could jeopardize your claim. Please remember you must use a physician on the list of panel physicians for the first ninety (90) days of medical treatment following any workers' compensation injury.

Under the Act, lost wages are not compensable until 7 days after the disability begins, and lost wages for the first 7 days are not compensable unless the disability lasts for more than 14 days, provided other conditions are met. Absences due to work-related injury may also qualify for protection under the Family and Medical Leave Act.

SEPARATION FROM EMPLOYMENT

The following are the various reasons for termination from employment:

- Resignation – voluntary employment termination initiated by employee (two weeks' notice in writing requested)
- Discharge – involuntary employment termination initiated by the Company
- Retirement – voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the Company

We ask that employees provide two weeks notice of intent to resign their employment. Failure to provide the two week notice upon resignation may result in the departing employee forfeiting any unused, accrued vacation and may be ineligible for rehire.

Upon termination of employment, employees forfeit any and all bonus/incentive pay that may have been accrued in any bonus or incentive plans in which the employee was a participant.

Any outstanding employee loan amounts owed will be deducted from your final paycheck, in accordance with applicable law.

POST RESIGNATION/SEPARATION PROCEDURES

Company Property

Departing employees must return all Company-owned property in their possession in serviceable condition. This may include, but is not limited to, the following:

1. Keys, badges,
2. Timesheet, time card
3. Credit cards, gas cards
4. Tools
5. Passwords
6. Cell phone, password and accessories
7. Company manuals, Employee Handbook
8. Project files, notes (Electronic and paper)
9. Company equipment

Each employee is responsible for protecting and controlling any property on loan to them. Failure to return Company property upon separation of employment will result in the departing employee being assessed for its value with reimbursement being made through a payroll deduction from final paycheck pending the receipt of a signed authorized payroll deduction release form.

Benefits

Your employee benefits will generally end on your last day of employment. Refer to your plan documents for more specific information.

Final Paycheck

Employees leaving Berg Construction will receive their final pay in accordance with applicable state and federal law.

EMPLOYMENT REFERENCES

Berg Construction may check the employment references of applicants, to ensure that individuals who join Berg Construction are well qualified and have a strong potential to be productive and successful.

Human Resources will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and positions held. Employment data will not be released without a written authorization and release signed by the individual who is the subject of the inquiry.

UNEMPLOYMENT INSURANCE

Upon separation from employment, including layoff, you may be eligible for unemployment insurance benefits. If you require information or assistance, please contact Human Resources.

**RECEIPT AND ACKNOWLEDGEMENT FOR
BERG CONSTRUCTION EMPLOYEE HANDBOOK**



Please sign and date this receipt and *return to Human Resources.*

I acknowledge that I have received and read a copy of the Berg Construction employee handbook. I acknowledge that I have thoroughly reviewed it and understand the provisions. I agree that if there is any policy or provision in the handbook that I do not understand, I will seek clarification from my Supervisor and that I am responsible for understanding and following all of the policies contained in the handbook.

I understand that Berg Construction is an "at will" employer and as such employment with the Company is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No Manager, Supervisor or other representative of the Company has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

In addition, I understand that this handbook states Berg Construction's policies and procedures in effect on the date of publication. I understand that nothing contained in this handbook may be construed as creating a promise of future benefits or a binding contract with Berg Construction for benefits or for any other purpose.

I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Date: _____

Signature: _____

Print Name: _____