



POLICY AND PROCEDURE HANDBOOK FOR PAINTERS

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**THIS ISSUE SUPERSEDES ANY AND ALL
PREVIOUS POLICIES OF KLEIN-DICKERT**

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Welcome to Klein-Dickert!

We welcome you to Klein-Dickert and wish you every success here. We believe that each employee contributes directly to Klein-Dickert's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline key policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, because it will answer many questions about employment with Klein-Dickert. Each Klein-Dickert facility has additional policies and procedures that deal directly with that particular facility. Please refer to that section of the manual for procedures relating to your day-to-day performance.

We hope that your experience at Klein-Dickert will be challenging, enjoyable, and rewarding. Again, welcome!

030 Organization Description

I. Facilities and Location(s)

Madison:	Paint Contracting Accounting
Green Bay:	Paint Contracting

II. Klein-Dickert's History

In 1919, Henry Klein returned from World War I service in Europe to team with his brother-in-law Francis Xavier (F.X.) Dickert. With offices on University Avenue, the paint contracting company included some glass assignments in both commercial and residential work.

F.X. Dickert's son, P.J., joined the firm as a painter in 1935. After a hiatus to train troops for World War II, he returned to the company. Henry Klein's son, Joseph H. (Joe) Klein, received his degree in mechanical engineering at U.W. Madison and a master's degree from the Chrysler Institute of Engineering before joining the firm in 1946. The company incorporated in 1948 to become Klein-Dickert Co., Inc.

P.J. and Joe assumed management of Klein-Dickert in 1961 shortly after Henry Klein's death. Joe and P.J. expanded the company in 1968 and 1971 when they opened operations in Oshkosh and Milwaukee respectively. The Milwaukee operation continues today as Klein-Dickert Milwaukee, Inc., and has contract glass offices in Pewaukee and Madison. Klein-Dickert Milwaukee, Inc. was sold to its minority shareholders in January, 2005. The Oshkosh division was sold to its management team in 1986. Klein-Dickert operated a highly respected Auto Glass Replacement and Repair division from 1976 to 2012. The Auto Glass division assets were sold to Safelite Fulfillment, Inc. on November 1, 2012.

III. Organizational Structure

Klein-Dickert is a closely held, private corporation headquartered in Madison, Wisconsin.

At the present time, Company leadership is shared by three individuals: Francis Xavier (F.X.) Dickert, CEO; M. Susan Dickert, President/COO; and Amy Olson, CFO.

The company is currently composed of one (1) division, Paint Contracting. There is also a support department, the General Accounting office, which is responsible for Klein-Dickert Co., Inc. and Klein-Dickert Milwaukee, Inc. accounting activities.

IV. Business Statement

Klein-Dickert is in the business of paint contracting services. The company provides these services and products to general contractors, insurance companies and agencies, businesses, institutions, and individual homeowner. Klein-Dickert's market includes Wisconsin, Northern Illinois, and the Upper Peninsula of Michigan.

Klein-Dickert is successful because of strong relationships with customers and suppliers; committed employees; its long-term reputation; quality products and services; reliability; and competitive pricing.

V. Mission Statement

Klein-Dickert will continue to be the industry leader in its Paint division. We will exceed customer expectations and remain successful through the safe, conscientious efforts of our most valuable asset, our employees.

040 Introductory Statement

This handbook is designed to acquaint you, the employee, with Klein-Dickert and provide information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Klein-Dickert for its employees. Klein-Dickert strives to provide a work environment conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. Klein-Dickert will continue to grow, and the Company reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion without prior notice. The only exception to any change is our employment-at-will policy, which permits you or Klein-Dickert to end our relationship for any reason at any time.

050 *Doing Your Part*

Everyone hired by Klein-Dickert is hired to do a job, and every job is important. The work to which you are assigned should always be done in the best possible manner. Your immediate supervisor will instruct and assist you to learn the required performance and conduct on your job. It is essential that you follow his or her direction to the best of your ability.

As part of the company, employees are encouraged to show initiative on the job and make constructive suggestions for improving operations. It is every employee's responsibility to be sure that customers feel that they come first. An employee who is interested in succeeding doesn't just show up for work, but also demonstrates good sound judgment, is prompt and regular in attendance and cooperates with fellow workers to create a safe and efficient work environment.

All employees are expected to pitch in and help with whatever tasks need to be performed. All employees are expected to be well informed about this Company and its activities, and loyal to the Company and its products.

101 *Nature of Employment*

Employment with Klein-Dickert is voluntary and the employee is free to resign at any time, with or without cause. Similarly, Klein-Dickert may terminate the employment relationship at-will at any time, with or without notice or cause, provided there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract with the employee, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Klein-Dickert and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at Klein-Dickert's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Board of Directors of Klein-Dickert Co., Inc.

102 *Employee Relations*

Klein-Dickert believes that the work conditions, wages, and benefits it offers to employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are encouraged to discuss these matters openly and directly with their manager.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment will be excellent, communications are clear, and attitudes are positive.

103 Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Klein-Dickert will be based on merit, qualifications, and abilities. Klein-Dickert does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, sexual/gender orientation, national origin, age, disability, genetic information or any other characteristic protected by federal, state or local law.

Klein-Dickert will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

In addition to a commitment to provide equal employment opportunities to all qualified individuals, Klein-Dickert has established an affirmative action program to promote opportunities for individuals in certain protected classes.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Affirmative Action Program Officer, Susan Dickert (608-444-4130). Employees can raise concerns and make reports without fear of reprisal. Any employee who engages in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Any complaints regarding the Affirmative Action Plan may be filed with the State Equal Rights Office or with the Wisconsin Office of Contract Compliance.

103 Addendum 1 City of Madison

POLICY STATEMENT ON EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION IN THE CITY OF MADISON AND STATE OF WISCONSIN

This policy statement provides guidelines for our company to adhere to legislation, including the 1991 Civil Rights Act as revised, Title VII; 1965 Executive Order 11246, City of Madison Ordinance 4246 as revised and all other legislation regarding Equal Employment Opportunity.

The Company will not discriminate against any employee or applicant for employment because of race, religion, sex, sexual/gender orientation, color, national origin, age, disability, genetic information, marital status or disabled veterans and veterans of the Vietnam era or any other classification protected by law.

The Company will take affirmative action as necessary to ensure that qualified applicants are employed, and that employees are treated fairly during employment based upon their qualifications, skills and work performance. Affirmative action shall include, but shall not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and

participation in educational or training programs sponsored or financed for the benefit of employees.

This policy has been communicated in writing to all Company facilities, management and employees. Responsibility has been assigned and procedures developed to assure that this policy is understood and implemented by all personnel.

All recruitment sources used by the Company have been advised in writing that all qualified applicants will receive equal consideration for employment without regard to race, religion, sex, sexual/gender orientation, color, national origin, age, handicap, marital status, disabled veterans and veterans of the Vietnam era or other protected individuals. All employment advertisements shall include a statement that this Company is an "Equal Opportunity Employer."

Invitations for quotations of services and supplies will be sent to subcontractors and suppliers without discrimination.

Any employee with questions or concerns about any type of discrimination in the workplace is encourage to bring these issues to the attention of their immediate supervisor or the Affirmative Action Program Officer, Susan Dickert (608-444-4130). An employee can raise concerns and make reports without fear of reprisal. Any Klein-Dickert employee who engages in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

It is the Company's sincere intention to actively implement our affirmative action program to make equal employment a reality. The Company will continually update this policy to insure continued equal employment opportunities.

104 Business Ethics and Conduct

The successful business operation and reputation of Klein-Dickert is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of Klein-Dickert is dependent upon our customers' trust and we are dedicated to preserving that trust. Employees owe a duty to Klein-Dickert and its customers to act in a way that will merit the continued trust and confidence of the public.

Klein-Dickert will comply with all applicable laws and regulations and expects it directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with any member of the executive team. (F.X. Dickert, Susan Dickert, or Amy Olson) for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Klein-Dickert employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

106 Employee Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations as permitted by law may be required. Current employees may be required to receive medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at Klein-Dickert's expense.

Information on an employee's medical condition or history will be maintained confidentially and kept separate from other employee information. Access to this information will be limited to those who have a legitimate need to know.

108 Conflicts Of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Klein-Dickert wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact a member of the Board of Directors for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of Klein-Dickert. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to gifts, product bonuses, special fringe benefits, unusual price breaks, and other payments designed to ultimately benefit either the outside firm, the employee of an outside firm, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

To further explain: Items such as golf ball, hats and jackets are acceptable gifts from company suppliers. Gifts such as trip incentives and large dollar items are viewed as cash rebate items for Klein-Dickert. No employee is to accept any trips or items in excess of \$25.00 from a supplier. Please direct the supplier to the Division Manager to arrange a corporation rebate or credit. Any questions relating to the appropriateness of a gift should also be directed to the Division Manager.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative because of Klein-Dickert's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to an officer of Klein-Dickert as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Klein-Dickert does business, but also when an employee or relative receives any payment, unusually expensive gift, or special consideration as a direct result of any transaction or business dealings involving Klein-Dickert.

110 *Outside Employment*

Employees may hold outside jobs provided they clear this with their manager and continue to meet the performance standards of their job with Klein-Dickert. All employees will be judged by the same performance standards and will be subject to Klein-Dickert's scheduling demands, regardless of any existing outside work requirements.

If the Company determines that an employee's outside work interferes with performance or the ability to meet the requirements of Klein-Dickert as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Klein-Dickert.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside Klein-Dickert for materials produced or services rendered while performing their jobs at Klein-Dickert.

112 *Non-Disclosure*

The protection of confidential business information and trade secrets is vital to the interests and the success of Klein-Dickert. Such confidential information includes, but is not limited to, the following examples:

- Compensation data
- Customer lists
- Customer preferences
- Employee lists
- Financial information
- Marketing strategies
- New materials research
- Pending projects and proposals
- Proprietary production processes
- Research and development strategies
- Technological data
- Technological prototypes

Employees or former employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and/or possible legal action.

114 Disability Accommodation

Klein-Dickert is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment, promotion and benefits for qualified persons with disabilities. Additionally, Klein-Dickert will do everything in its power to assure that individuals with a disability will not be harassed because of their disability.

Who is protected by the ADA?

- A person who has a physical or mental impairment that substantially limits one or more major life activities (like sitting, standing, or sleeping).
- Covers more than people who are deaf, blind or use wheelchairs.
- People who have physical conditions such as epilepsy, diabetes, HIV infection or severe forms of arthritis, hypertension, or carpal tunnel syndrome may be individuals with disabilities.
- People with mental impairments such as major depression, bipolar (manic depressive) disorder, and mental retardation may also be covered.
- People with a record of a substantially limiting impairment such as a person with a history of cancer that is now in remission.
- People who are regarded (or treated by an employer) as if s/he has a substantially limiting impairment (employer acts based on myths, fears, or stereotypes about a person's medical condition even if s/he has no impairment or has a minor impairment).

What is protected by the ADA?

- Pre-Job Offer: Questions about the disability or use medical examinations.
- Post-Job Offer: Questions about the disability or medical examinations only if this is done for everybody in the same job category.
- Medical Information during employment: Questions about the disability or medical examinations only if there is a reasonable belief, based on objective evidence, that a particular employee is unable to perform essential job functions or will pose a direct threat (a significant risk or substantial harm to self or others) because of a medical condition.
- Confidentiality: Any medical information learned about an applicant or employee even if the information contains no medical diagnosis or treatment course and even if is not generated by a health care professional.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, job applications are available in alternative, accessible formats, and assistance will be provided in completing the application. Pre-employment inquiries are made regarding only an applicant's ability to perform the duties of the position. Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits in accordance with defined criteria, not an individual's disability or limitations.

Qualified individuals with disabilities are entitled to equal pay and other compensation, job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

Klein-Dickert is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. Klein-Dickert complies with all federal, state or local laws that provide individuals with disabilities protection. Klein-Dickert is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

202 Access To Personnel Files

Klein-Dickert maintains a personnel file for each employee. The personnel file will include such information as the employee's job application, resume, records of training, documentation of performance appraisals and other employment records.

Personnel files are the property of Klein-Dickert and access to the information they contain is restricted. Generally, only supervisors and management personnel of Klein-Dickert who have a legitimate reason to review information in a file are allowed to do so.

All employees have access to their records, if requested in advance, with the exception of any reference check forms and certain company confidential documents. Employees may have copies of documents if requested. Copies will be made available at a nominal charge, after a written request by the employee. The company will respond to these requests within the time required by the State of Wisconsin.

203 Employment Reference Checks

To ensure that individuals who join Klein-Dickert are well qualified and have a strong potential to be productive and successful, Klein-Dickert may check the employment references of all applicants. Additionally, Klein-Dickert uses E-Verify, the federal government's verification of the identity and employment eligibility of all persons hired to work in the US, when required.

The Payroll Administrator will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Wage rates will be confirmed with a written release from the employee. Company managers are to refer all reference check inquiries to the Payroll Administrator.

204 Personnel Data Changes

Please keep us informed of any change in status such as marriage, address, phone number, number of dependents, divorce, separation, births and deaths. These changes could affect withholding, hospitalization or insurance coverage, and for your protection, we must keep our records up-to-date. It is important that we have your correct address and phone number in case of an emergency. Any change to your legal right to work in the United States, such as immigration status, must be reported as well.

208 Employment Applications

Klein-Dickert relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. All applicants for hire must submit original Klein-Dickert Co., Inc. Employment Applications obtained from a Klein-Dickert office. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Klein-Dickert's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

210 HIPAA Privacy Rule

SUMMARY OF THE HIPAA PRIVACY RULE

Introduction

The *Standards for Privacy of Individually Identifiable Health Information* ("Privacy Rule") establishes, for the first time, a set of national standards for the protection of certain health information. The U.S. Department of Health and Human Services ("HHS") issued the Privacy Rule to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). The Privacy Rule standards address the use and disclosure of individuals' health information—called "protected health information" (PHI) by organizations subject to the Privacy Rule — called "covered entities," as well as standards for individuals' privacy rights to understand and control how their health information is used. Within HHS, the Office for Civil Rights ("OCR") has responsibility for implementing and enforcing the Privacy Rule with respect to voluntary compliance activities and civil money penalties.

A major goal of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being. The Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing. Given that the health care marketplace is diverse, the Rule is designed to be flexible and comprehensive to cover the variety of uses and disclosures that need to be addressed.

POLICY AND PROCEDURE

Any access to PHI brings the employer into the requirements of HIPAA privacy. Klein-Dickert Co., Inc. is the administrator for Accident Fund Workers' Compensation for its employees.

Klein-Dickert Co., Inc. has implemented the following safeguards for employees:

1. PHI will not be used other than permitted by law.
2. PHI will not be considered for any employment issues for any present or future employee (benefits, hiring, discharge/layoff, or eligibility for other positions in the Company).
3. The Health Insurance plan is reviewed yearly by Privacy Officers (Contacts) to assure that use of PHI is limited and safeguards are in place.
4. Administrative safeguards:
 - Privacy Officers (Contacts): Susan Dickert, Sue Riley, and Amy Olson
 - HIPAA Notices of Privacy Practices (Policy 211) sent to all present and future non-union employees (Local Unions administer health care insurance for all union employees)
 - Access / physical safeguards / firewalls:
 1. All insurance files are maintained in Sue Riley's (Payroll Administrator) office. When she is away from the office, the door is locked. The only other person with access to this office is Amy Olson, CFO.

2. The email computer system is protected by a Cisco Firewall.
- Appeals/complaint process: See Policy 212 (HIPAA Complaint Policy)
 - Disciplinary action: Any employee engaging in misuse of PHI will be subject to disciplinary action, up to and including termination of employment (See Policy 703).
 - Health Plan related business associates are required to sign the HIPAA Privacy Business Associate Agreement found in Addendum 1.
 - Employees wishing to investigate any problems with their health insurance must fill out the Health Plan Authorization Form found in Addendum 2. This authorization allows Klein-Dickert representatives to investigate the problem on the employee's behalf.

211 HIPAA Notice of Privacy Practices

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT SUSAN DICKERT (608-444-4130 ext. 352), SUE RILEY (608-258-3315 ext. 431), AMY OLSON (608-258-3315 ext. 429).

Protected Health Information (PHI) is information, including demographic information, that may identify you and that relates to health care services provided to you, the payment of health care services provided to you, or your physical, genetic or mental health or condition, in the past, present or future. This Notice of Privacy Practices describes how we may use and disclose your PHI. It also describes your rights to access and control your PHI.

As a group health plan we are required by Federal law to maintain the privacy of PHI and to provide you with this notice of our legal duties and privacy practices.

We are required to abide by the terms of this Notice of Privacy Practices, but reserve the right to change the Notice at any time. Any change in the terms of this Notice will be effective for all PHI that we are maintaining at that time. If a change is made to this Notice, a copy of the revised Notice will be provided to all individuals covered under the plan at that time.

PERMITTED USES AND DISCLOSURES

Treatment, Payment and Health Care Operations

Federal law allows a group health plan to use and disclose PHI, for the purposes of treatment, payment and health care operations, without your consent or authorization. Examples of the uses and disclosures that we, as a group health plan, may make under each section are listed below:

- Treatment. Treatment refers to the provision and coordination of health care by a doctor, hospital or other health care provider. As a group health plan we do not provide treatment.
- Payment. Payment refers to the activities of a group health plan in collecting premiums and paying claims under the plan for health care services you receive. Examples of uses and disclosures under this section include the sending of PHI to an external medical review company to determine the medical necessity or experimental status of a treatment; sharing PHI with other insurers to determine coordination of benefits or settle subrogation claims; providing PHI to the plan's UR Company for pre-certification or case management services; providing PHI in the billing, collection and payment of premiums and fees to plan vendors such as PPO Networks, UR Companies, Prescription Drug Card Companies and reinsurance carriers; and sending PHI to a reinsurance carrier to obtain reimbursement of claims paid under the plan.
- Health Care Operations. Health Care Operations refers to the basic business functions necessary to operate a group health plan. Examples of uses and disclosures under this section include

conducting quality assessment studies to evaluate the plans performance or the performance of a particular network or vendor; the use of PHI in determining the cost impact of benefit design changes; the disclosure of PHI to underwriters for the purpose of calculating premium rates and providing reinsurance quotes to the plan; the disclosure of PHI to stop-loss or reinsurance carriers to obtain claim reimbursements to the plan; disclosure of PHI to plan consultants who provide legal, actuarial and auditing services to the plan; and use of PHI in general data analysis used in the long term management and planning for the plan and company.

Other Uses and Disclosures Allowed Without Authorization

Federal law also allows a group health plan to use and disclose PHI, without your consent or authorization, in the following ways:

- To you, as the covered individual.
- To a personal representative designated by you to receive PHI or a personal representative designated by law such as the parent or legal guardian of child, or the surviving family members or representative of the estate of a deceased individual.
- To the Secretary of Health and Human Services (HHS) or any employee of HHS as part of an investigation to determine our compliance with the HIPAA Privacy Rules.
- To a Business Associate as part of a contracted agreement to perform services for the group health plan.
- To a health oversight agency, such as the Department of Labor (DOL), the Internal Revenue Service (IRS) and the Insurance Commissioner's Office, to respond to inquiries or investigations of the plan, requests to audit the plan, or to obtain necessary licenses.
- In response to a court order, subpoena, discovery request or other lawful judicial or administrative proceeding.
- As required for law enforcement purposes. For example to notify authorities of a criminal act.
- As required to comply with Workers' Compensation or other similar programs established by law.
- To the Plan Sponsor, as necessary to carry out administrative functions of the plan such as evaluating renewal quotes for reinsurance of the plan, funding check registers, reviewing claim appeals, approving subrogation settlements and evaluating the performance of the plan.
- In providing you with information about treatment alternatives and health services that may be of interest to you as a result of a specific condition that the plan is case managing.

The examples of permitted uses and disclosures listed above are not provided as an all-inclusive list of the ways in which PHI may be used. They are provided to describe in general the types of uses and disclosures that may be made.

OTHER USES AND DISCLOSURES

Other uses and disclosures of your PHI will only be made upon receiving your written authorization (see Policy 210, Addendum 2 for form). You may revoke an authorization at any time by providing written notice to us that you wish to revoke an authorization. We will honor a request to revoke as of the day it is received and to the extent that we have not already used or disclosed your PHI in good faith with the authorization.

YOUR RIGHTS IN RELATION TO PROTECTED HEALTH INFORMATION

Right to Request Restrictions on Uses and Disclosures

You have the right to request that the plan limit its uses and disclosures of PHI in relation to treatment, payment and health care operations or not use or disclose your PHI for these reasons at all. You also have the right to request the plan restrict the use or disclosure of your PHI to family members or personal representatives. Any such request must be made in writing to one of the Privacy Contacts listed in this Notice and must state the specific restriction requested and to whom that restriction would apply.

The plan is not required to agree to a restriction that you request. However, if it does agree to the requested restriction, it may not violate that restriction except as necessary to allow the provision of emergency medical care to you.

Right to Receive Confidential Communications

You have the right to request that communications involving PHI be provided to you at an alternative location or by an alternative means of communication. The plan is required to accommodate any reasonable request if the normal method of disclosure would endanger you and that danger is stated in your request. Any such request must be made in writing to one of the Privacy Contacts listed in this Notice.

Right to Access to Your Protected Health Information

You have the right to inspect and copy your PHI that is contained in a designated record set for as long as the plan maintains the PHI. A designated record set contains claim information, premium and billing records and any other records the plan has created in making claim and coverage decisions relating to you. Federal law does prohibit you from having access to the following records: psychotherapy notes; information compiled in reasonable anticipation of, or for use in a civil, criminal or administrative action or proceeding; and PHI that is subject to a law that prohibits access to that information. If your request for access is denied, you may have a right to have that decision reviewed. Requests for access to your PHI should be directed to one of the Privacy Contacts listed in this Notice.

Right to Amend Protected Health Information

You have the right to request that PHI in a designated record set be amended for as long as the plan maintains the PHI. The plan may deny your request for amendment if it determines that the PHI was not created by the plan, is not part of designated record set, is not information that is available for inspection, or that the PHI is accurate and complete. If your request for amendment is declined, you have the right to have a statement of disagreement included with the PHI and the plan has a right to include a rebuttal to your statement, a copy of which will be provided to you. Requests for amendment of your PHI should be directed to one of the Privacy Contacts listed in this Notice.

Right to Receive an Accounting of Disclosures

You have the right to receive an accounting of all disclosures of your PHI that the plan has made, if any, for reasons other than disclosures for treatment, payment and health care operations, as described above, and disclosures made to you or your personal representative. Your right to an accounting of disclosures applies only to PHI created by the plan after April 14, 2004 and cannot exceed a period of six years prior to the date of your request. Requests for an accounting of disclosures of your PHI should be directed to one of the Privacy Contacts listed in this Notice.

Right to Receive a Paper Copy of this Notice

If you should ever need another paper copy of this notice you may contact one of the Privacy Contacts listed in this Notice.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with the plan or the Secretary of Health and Human Services. An employee may call, write, or present in person to one of the Privacy Contacts the alleged privacy violation or complaint. The plan will not retaliate against you for filing a complaint. See Policy 212 – HIPAA Complaint Policy for more information.

PRIVACY CONTACT

You may contact Susan Dickert (608-444-4130), Sue Riley (608-258-3315 ext. 431), or Amy Olson (608-258-3315 ext. 429).

Privacy Contacts Address: P.O. Box 259410, Madison, Wisconsin 53725-9410

Privacy Contacts Email: msd@klein-dickert.com, sriley@klein-dickert.com, or aolson@klein-dickert.com

EFFECTIVE DATE OF NOTICE

This notice is published and becomes effective on February 25, 2004.

212 HIPAA Complaint Policy

Klein-Dickert Co., Inc. has provided a process for the employee to file a complaint if the employee feels his or her privacy rights have been violated. The employee may also file a complaint concerning Klein-Dickert's privacy policies and procedures, even without alleging a violation of rights.

Klein-Dickert has designated Susan Dickert (608-444-4130), Sue Riley (608-258-3315 ext. 431), and Amy Olson (608-258-3315 ext 429) as contact persons for receiving complaints and has established a process for receiving, investigating and responding to employee complaints. The employee complaint process is described in Klein-Dickert's notice of employee privacy. Klein-Dickert also recognizes the employee's right to file a complaint with the Federal Department of Health and Human Services. Klein-Dickert shall cooperate with a federal investigation of the employee's complaint.

Any intimidation of or retaliation against employees, families, friends, or other participants in the complaint process is prohibited. Employees who violate this policy are subject to disciplinary action, up to and including termination.

If the employee's rights have been violated, employees who violated those rights are subject to disciplinary action, up to and including termination. Klein-Dickert Co., Inc. shall mitigate, to the extent feasible, any known harmful effects of the violation.

Procedures

A. Filing a Complaint

1. An employee may call, write, or present in person to one of the Privacy Contacts the alleged privacy violation or complaint.
2. The Privacy Contact will summarize the complaint on the Employee Complaint Report Form (see Addendum 1).

B. Investigation of Complaint

1. One of the Privacy Contacts will facilitate the investigation of the complaint.

C. Response to Complaint

1. A written response will be provided to the employee within 30 days from the date the complaint was filed.
2. A written summary of the complaint and action taken will be filed with the Privacy Contact.

- D. Translators, interpreters, and readers who meet the communication needs of the employee may be provided during the complaint process.
- E. Employees are permitted to have a representative of their choice to represent their interests during the complaint process.
- F. Occurrences representing potential liability claims will be referred to Susan Dickert.
- G. Employees who request an outside agency to review their complaint may contact the Secretary of the Federal Department of Health and Human Services at 200 Independence Avenue, S.W.; Washington, DC 20201, or reach the Secretary by phone at (202) 690-7000.
- H. Documentation
 1. All complaints received must be documented.
 2. All complaint dispositions must be documented.
 3. The documentation must be retained for six years.

Addendum: HIPAA Employee Complaint Form available from office policy manual

306 *Workers' Compensation Insurance*

Klein-Dickert provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Neither Klein-Dickert nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Klein-Dickert.

In an effort to control the rising costs of insurance, and ensure the income and job security of our valued employees, Klein Dickert is committed to a **Return to Work (RTW) program**.

RTW PROGRAM

Our company will take whatever reasonable steps are necessary to satisfactorily return the employee to a position of employment after the injury. Every effort will be made to provide transitional work for injured employees who need job modifications in order to return to work. The temporary work assignments will be provided at least 100% of the employee's normal compensation (commensurate to work performed) and 100% of the employee's benefit level. The injured employee will be returned to work at the earliest opportunity after the injury and after he or she is physically able to do so.

Please note that one critical part of this program requires prompt injury reporting and getting cooperation from the treating physician in granting restrictions for work activity.

RTW Responsibilities

Injured Worker Responsibilities

1. Report all injuries and work related illnesses, no matter how slight, immediately to your supervisor. Under no circumstances will late reporting be tolerated. All injuries not reported the day of the injury will be subject to discipline under the company's disciplinary program.
2. Notify your manager immediately if you seek medical treatment after a work related "first-aid only" (non-medical treatment) injury.
3. Seek prompt medical care if warranted.
4. Complete the **Employee's Accident Report completely** and give the form to your manager as soon as possible following the incident.
5. Provide the treating physician with **Physician's Return to Work Status Report**. This form must be completed and signed by the physician at the time of treatment.
6. Call the manager if you do not have a full-time work release, or are not released for work, upon leaving the medical facility and provide the doctor's evaluation paperwork and forms to the manager within 24 hours. If you are unable to call during working hours due to time of day, you must call the manager and provide the doctor's evaluation paperwork within 24 hours.
7. Follow physician's restrictions at home and at work.
8. Attend all future doctor appointments.
9. Perform any and all activities assigned to you (including Nonprofit) within your medical restrictions. If you refuse such duties, you will no longer receive worker's compensation (medical claims will continue to be paid).
10. Maintain contact with your manager if unable to return to work. **This should be no less than weekly via telephone and also monthly in person.**

Note: In the event your Manager is not available, any incidents should be reported to:

Sue Riley (608-258-3315, ext. 431).

401 Timekeeping

Accurately recording time worked is the responsibility of every nonexempt (hourly) employee. Federal and state laws require Klein-Dickert to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed unless your supervisor has indicated otherwise.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. Give the time record to the supervisor every Friday afternoon or early Monday morning. The supervisor will review and then initial the time record before submitting it for payroll processing.

403 Paydays

Hourly field, shop and administrative employees are paid weekly, every Friday. Salaried employees are paid semimonthly on the 15th and last day of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period. There is no hold-back on semimonthly payrolls except for the previous week overtime hours.

No paychecks may be deposited/cashed before payday.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. For the semimonthly payroll: a payday that falls on a Saturday will be observed on the preceding Friday, a payday that falls on a Sunday will be observed on the following Monday. The only exception to this rule is that at the end of a calendar quarter, payday will always be on the last day of work in that quarter.

All employees may have pay directly deposited into their bank accounts if they provide advance written authorization to Klein-Dickert. Employees will receive an itemized statement of wages when Klein-Dickert makes direct deposits. All employees are encouraged to use direct deposit since their payroll dollars are immediately available from the bank on payday.

405 Employment Termination

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

RESIGNATION - voluntary employment termination initiated by an employee.

DISCHARGE - involuntary employment termination initiated by the organization.

LAYOFF - involuntary employment termination initiated by the organization for non-disciplinary reasons or lack of work.

RETIREMENT - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with Klein-Dickert is based on mutual consent, both the employee and Klein-Dickert have the right to terminate employment at will, with or without cause, at any time. Some

benefits, as the Company may designate, may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

409 Administrative Pay Corrections

Klein-Dickert takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll Office so that corrections can be made as quickly as possible.

501 Safety

To assist in providing a safe and healthful work environment for employees, customers, and visitors, Klein-Dickert has established a workplace safety program. The KD Safety Manual is available in every job box and on the Klein-Dickert website. This program is a top priority for Klein-Dickert. The Safety Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Klein-Dickert provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A labor-management safety committee, composed of representatives from throughout the organization, has been established to help monitor Klein-Dickert's safety program and to facilitate effective communication between employees and management about workplace safety and health issues.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Employees who have ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of a member of the labor-management safety committee. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their immediate supervisor and their manager and

fill out an Injury Report form. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

502 Work Schedules

Work schedules for employees vary throughout the Company. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

505 Smoking

In keeping with Klein-Dickert's intent to provide a safe and healthful work environment and in keeping with Wisconsin indoor smoking ban, smoking in the workplace, any public place, company vehicle and/or any customer premises is prohibited.

This policy applies equally to all employees, customers, and visitors to the work place. Employees who violate this policy, fail to report, or where appropriate, fail to enforce this policy will be subject to disciplinary action up to and including termination of employment.

508 Use of Equipment and Vehicles

Equipment and vehicles essential to accomplish job duties are expensive and difficult to replace. When using Company property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees driving a Company automobile or truck must possess a current license to drive a motor vehicle in Wisconsin or their state of residence. Company vehicles may be taken home at night by the employee normally assigned to that vehicle (if approved by his/her supervisor) and driven a minimal amount. Family members may ride in company vehicles, however, only the Company employee is allowed to drive this vehicle. Other members of the immediate family, who have a valid driver's license, are authorized to drive this vehicle only in an emergency.

Klein-Dickert employees must drive safely while driving Company vehicles. All employees driving vehicles with Company logo and/or lettering must drive in a careful and friendly manner. Speeding is strictly prohibited. Use of seat belts while riding or driving a company vehicle is mandatory at all times. Smoking is prohibited in company owned vehicles. The employee will pay for employee traffic violations. Parking tickets may be reimbursed if occurrence is business related.

Employees must notify the supervisor if Company equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used 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, will result in disciplinary action, up to and including termination of employment.

509 Corporate Credit Card

Gasoline Credit Card:

These credit cards are distributed to employees who drive Company vehicles. Use of these credit cards is limited to Company business only. All receipts for gas purchases must be returned to your department office. License plate number or vehicle ID is required on the receipt.

Corporate Credit Card:

These credit cards are issued to employees who frequently purchase items on behalf of the Company. All receipts must be included with an expense report, to be approved by the division manager. Use of the corporate card is restricted to business related purchases only.

Failure to follow these policies may result in having your credit card privileges canceled.

510 Emergency Closings

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility.

When the decision to close is made **AFTER** the workday has begun, employees will receive official notification from their immediate supervisor. When the decision to close is made **BEFORE** the workday has begun, you will receive a phone call from your supervisor if at all possible. Time off from scheduled work during an emergency closing will be unpaid. However, with supervisory approval, employees may use available paid leave time, such as unused PTO benefits.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

514 Visitors in the Workplace

To provide for the safety and security of employees and the facilities at Klein-Dickert, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps to maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

If an unauthorized individual is observed on Klein-Dickert's premises, employees should ask the visitor their name and person/ department visiting and/or notify their immediate supervisor.

515 Personal Use of Company Vehicles

Employees driving a Company automobile or truck must possess a current license to drive a motor vehicle in Wisconsin or their state of residence. Some employees are assigned a Company vehicle for business and private use. Family members may ride in company vehicles, however; only the Company employee is allowed to drive this vehicle. Other members of the immediate family, who have a valid driver's license, are authorized to drive this vehicle only in an emergency.

Klein-Dickert employees must drive safely while driving Company vehicles. Use of seat belts while riding or driving a company vehicle (during business or private use) is mandatory at all times. Smoking is prohibited in Company vehicles. The employee will pay for employee traffic violations. Parking tickets may be reimbursed if occurrence is business related.

Distracted driving is a serious, life-threatening practice. While driving, a cell/smart phone may not be used unless it is in hands-free operating mode. In addition, "texting while driving" is prohibited. Texting while driving is broadly defined as viewing received messages (email/SMS/MMS), sending messages (texting email/SMS/MMS), texting telephone numbers or any action that includes viewing or entering data on the phone. This includes personal or company cell/smart phones while in company vehicles and/or on company time.

When using Company property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

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

516 Employee Insurance Requirements on their Personal Vehicles

The automobile insurance requirement for all employees using their personal vehicle for company business is \$50,000 (total limit).

In order for an employee to be eligible to receive travel time payments and/or mileage reimbursement, they must have a valid driver's license and insurance on their vehicle of, at least, \$50,000 total limit.

519 Genetic Information Nondiscrimination Act

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship

programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

Definition of “Genetic Information”

Genetic information includes information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about the manifestation of a disease or disorder in an individual’s family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual’s request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by and individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Discrimination Because of Genetic Information

The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. *Klein-Dickert will never use genetic information to make an employment decision because genetic information doesn’t tell the employer anything about someone’s current ability to work.*

Harassment Because of Genetic Information

Under GINA, it is also illegal to harass a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or employee’s genetic information, or about the genetic information of a relative of the applicant or employee. Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so severe or pervasive that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim’s supervisor, a supervisor in another area of the workplace, a co-worker, or someone who is not an employee, such as a client or customer.

Retaliation

Under GINA, it is illegal to fire, demote, harass, or otherwise “retaliate” against an applicant or employee for filing a charge of discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

Rules Against Acquiring Genetic Information

It will usually be unlawful for a covered entity to get genetic information. There are six narrow exceptions to this prohibition:

1. Inadvertent acquisitions of genetic information do not violate GINA, such as in situations where a manager or supervisor overhears someone talking about a family member’s illness.
2. Genetic information (such as family medical history) may be obtained as part of health or genetic services, including wellness programs, offered by the employer on a voluntary basis, if certain specific requirements are met.

3. Family medical history may be acquired as part of the certification process for FMLA leave (or leave under similar state or local laws or pursuant to an employer policy), where an employee is asking for leave to care for a family member with a serious health condition.
4. Genetic information may be acquired through commercially and publicly available documents like newspapers, as long as the employer is not searching those sources with the intent of finding genetic information or accessing sources from which they are likely to acquire genetic information (as websites and on-line discussion groups that focus on issues such as genetic testing of individuals and genetic discrimination).
5. Genetic information may be acquired through a genetic monitoring program that monitors the biological effects of toxic substances in the workplace where the monitoring is required by law or, under carefully defined conditions, where the program is voluntary.
6. Acquisition of genetic information of employees by employers who engage in DNA testing for law enforcement purposes as a forensic lab or for purposes of human remains identification is permitted, but the genetic information may only be used for analysis of DNA markers for quality control to detect sample contamination.

Confidentiality of Genetic Information

Klein-Dickert will not disclose genetic information about applicants, employees or members. Klein-Dickert will keep genetic information confidential and in a separate medical file. (Genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Act.) There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

605 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

If an employee leaves his/her job to perform military service, he/she have the right to elect to continue his/her existing health plan coverage for up to 24 months while in the military. Even if the employee does not elect to continue coverage during military service, he/she has the right to be reinstated in the health plan when he/she is reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Benefit accruals, such as PTO or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Accounting Office -- Human Resources for more information or questions about military leave.

701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, Klein-Dickert expects employees to follow rules of conduct to protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of time keeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Failing a drug or alcohol test
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned, customer-owned or fellow employee-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials
- Excessive absenteeism or any absence
- Unauthorized absence from work station during the workday
- Unauthorized presence on company premises during off-duty hours
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of business secrets or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

Employment with Klein-Dickert is at the mutual consent of Klein-Dickert and the employee, and either party may terminate that relationship at any time, with or without cause, with or without advance notice.

702 Drug and Alcohol Use

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

While on Klein-Dickert premises and while conducting business-related activities off Klein-Dickert premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. **The only exception to this rule pertains to occasions where an employee is entertaining a customer or potential customer. The employee may join the customer in having an alcoholic drink, however, Klein-Dickert does not encourage the employee to do so. The employee must exercise caution and discretion about drinking and driving for him/herself as well as the customer. However, the possession, use of, distribution or purchase of illegal drugs, or use of alcohol at work by any employee on construction job sites or in Klein-Dickert shop space is strictly prohibited.**

The Company reserves the right to test employees for drug and/or alcohol use. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through Klein-Dickert's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Klein-Dickert policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Klein-Dickert any undue hardship.

703 Sexual and Other Unlawful Harassment

Klein-Dickert is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including genetic information and sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual/gender orientation, or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- ◆ Unwanted sexual advances.
- ◆ Offering employment benefits in exchange for sexual favors.
- ◆ Making or threatening reprisals after a negative response to sexual advances.
- ◆ Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- ◆ Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- ◆ Verbal sexual advances or propositions.
- ◆ Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- ◆ Physical conduct that includes touching, assaulting, or impeding or blocking movements.
- ◆ Offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee (see policy #519).

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

If you experience or witness sexual or other unlawful harassment in the workplace -- report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the officer in charge of your division or Susan Dickert, President. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the President, Susan Dickert or any member of the executive team so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

704 Attendance and Punctuality

To maintain a safe and productive work environment, Klein-Dickert expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Company. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive and will lead to disciplinary action, up to and including termination of employment.

705 Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Klein-Dickert presents to customers and visitors.

During business hours or when representing Klein-Dickert, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Tank tops, tube, halter, or muscle shirts may not be worn under any circumstances.
- Very short "shorts" or skirts may not be worn under any circumstances.
- Hairstyles are expected to be in good taste.
- Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.

706 Return of Property

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Klein-Dickert property immediately upon request or upon termination of employment. Klein-Dickert may take all action deemed appropriate to recover or protect its property.

707 Harassment Complaint Procedure

The supervisor or manager must report any harassment claim to the officer in charge of the division. The officer will either investigate himself/herself or delegate to another staff person. The officer must report the incident to Susan Dickert, President.

The procedure for the complaint follows:

1. Interview Reporter

- ◆ Identify alleged victim
 - ◆ Identify alleged assailant
 - ◆ Identify any possible witnesses
 - ◆ Document times, dates, witnesses and details of the alleged harassment
2. Interview all involved -- corroborating information above
 3. Follow-up interviews for any needed clarification
 4. Summarize information and make decision
 5. Notify individuals involved -- disciplinary action as appropriate
 6. Document all relevant information
 7. Follow-up as necessary
 8. Communicate all information to the President

708 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with Klein-Dickert. Although advance notice is not required, Klein-Dickert requests at least two weeks' written resignation notice from all employees.

710 Security Inspections

Klein-Dickert wishes to maintain a work environment that is free of illegal drugs, alcohol, weapons, explosives, or other improper materials. To this end, Klein-Dickert prohibits the possession, transfer, sale, or use of such materials on its premises or in its vehicles or work sites. Klein-Dickert requires the cooperation of all employees in administering this policy.

Desks, lockers, computers and other storage devices may be provided for the convenience of employees but remain the sole property of Klein-Dickert. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of Klein-Dickert at any time, either with or without prior notice.

714 Drug Testing

Klein-Dickert is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of alcohol or drugs on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

718 Problem Resolution

Klein-Dickert is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any

misunderstanding, problem, complaint, suggestion, or question receives a timely response from Klein-Dickert supervisors and management.

Klein-Dickert strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with Klein-Dickert at the appropriate time and condition, in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to contact their supervisor or manager. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee may present the problem to any member of the Board of Directors of the Company for counsel, advice or resolution of the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

800 Life Threatening Illness in the Workplace

Employees with a life-threatening illness, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Klein-Dickert supports these endeavors as long as employees are able to meet acceptable performance standards. Klein-Dickert will make reasonable accommodations in accordance with all applicable legal requirements to allow qualified employees with life-threatening illness to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. Klein-Dickert will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illness are encouraged to contact the President, Susan Dickert, for information and referral to appropriate services and resources.

1400 Paint Contracting Divisions Policies

The policies in this section relate only to Klein-Dickert Paint Contracting Division painters, shop workers, estimators and clerical personnel based in Madison and Green Bay. This section of the handbook is designed to acquaint you with Klein-Dickert Paint Division and provide you with information about working conditions, employee benefits, and policies affecting your specific

job. You should read, understand and comply with all provisions of the following section. It describes many of your responsibilities as a Paint Division employee and outlines the programs developed by the Paint Contracting Division to benefit employees.

If you have any questions or comments about these policies, please contact F.X. Dickert or the Branch Manager. If you are in need of any of the forms noted in the following policies, please contact the secretary at your division office.

All Paint Contracting Divisions Policies relate to the current union contracts.

1402 Painter Benefits

All Madison and Green Bay based painters have contract-determined gross hourly earnings. Benefits are paid per union contracts.

Klein-Dickert provides the following benefits for painters:

- Unemployment Compensation (State/Federal Law)
- Workers' Compensation Insurance - See policy # 306 (State/Federal Law)

1405 Painter Work Policies

The following guidelines have been established to assure that the work of Klein-Dickert Paint Division is accomplished in the most efficient, effective and equitable manner possible. Union contract policies are also applicable. Following these policies will assure a smooth operation. Failure to follow these policies may result in use of the progressive discipline process up to and including termination.

Work Hours (May be adjusted by the Project Manager from the following standard times):

Day Hours: 7:00 am - 3:30 pm with mandatory 30-minute lunch break

New Construction: 7:00 am - 3:30 pm with mandatory 30-minute lunch break (confirm with general contractor)

Night Hours: As directed by Project Manager or Paint Division Manager

Break: There is one break allowed per day from 9:30 am to 9:45 am for day work. **Separate "smoke breaks" are not allowed.**

Lunch Breaks: Lunch must take place from 12:00 pm to 12:30 pm for normal day work.

Prevailing Wage Projects – as determined by specifications for each job.

Travel Pay: See contract for details

Government Jobs:

In accordance with applicable law, you may be paid more than your regular rate when you work on certain government jobs. You should consider this additional benefit of working for Klein-Dickert as temporary, since your job assignment can be changed at any time or the government job may be completed. You will receive the government wage rate for work performed on the job site only. Any work performed away from the job site will be paid at your normal wage rate.

Government wage rate regulations may be met by Klein-Dickert by paying part or the government rate to you in cash (your paycheck), and paying you the balance by providing you with certain fringe benefits. The combination of what you receive on your paycheck, along with the value of the fringe benefits, will equal the total government wage and benefit rate.

Personal Appearance:

Painters are to dress like professionals. All field employees are required to wear white painters pants, white or off-white shirt and hard sole shoes. For all occupied construction and residential work, clothing should be clean and essentially free of paint stains. Steel toe safety shoes are strongly encouraged on all construction-related jobs.

Work Assignments: Call in for next day work assignments (only after job completion) no earlier than 3:30 pm.

NOTE: During the winter months of November through March, all painters scheduled for exterior work are to call in every morning prior to going to jobsite.

Safety:

Every painter is required to read the Klein-Dickert Safety Manual. You are responsible for knowing the contents of this material and to follow the recommended procedures at all times. Failure to follow these procedures is grounds for discipline up to and including termination. A copy of the manual is located in every job box and posted on the Klein-Dickert website. (www.klein-dickert.com)

Job Site Deliveries:

Well-planned and executed jobs require only one site delivery per day. All jobs will be reviewed for frequency of deliveries at the job site. Shop foremen will notify the Paint Division Manager if there is more than one delivery to a job site.

Job Site Communication:

Managers make job site visits to check jobs and provide information or materials to the painters on a regular basis. **All painters are required to communicate directly with the Project Manager if leaving the job site for any reason.** If the Project Manager is not immediately available, notify the Division Manager. Recorded messages will not be accepted as proper notification.

Time Off Requests:

Vacation:

Requests for vacation must be in writing – see request form in Job Box.
Two-week advance notice must be submitted to the Paint Division Manager.
Only one individual painter from each office may be off on vacation at one time.
(The Company reserves the right to schedule or limit vacations as needs require.
Time off will be granted on a first request, first off basis.) The Paint Division Manager or CEO must approve all requests.

Sick Leave and Emergencies:

Sick days and days off for emergencies must be reported to the Division Manager before the scheduled start of the workday if at all possible.

Tools and Equipment Required:

All painters must have the following tools in their possession for every job. Individuals without these tools will be sent back to the shop on their own time to get them.

- putty knife
- 3" & 5" blades
- screwdrivers (straight and Phillips)
- wire brush
- steel toe safety shoes
- hammer
- pliers
- crescent wrench
- scrapers
- two sets of paint clothes (one for residential/occupied commercial/one for new commercial)
- cold weather clothing
- hard hat (KD will provide - call shop if needed)
- brushes (KD provided)
- roller and frame - 7" & 9" (KD provided)
- extension handle (KD provided)
- goggles (KD provided)
- respirator (KD provided)
- caulk gun (KD provided)
- hot dog complete (KD provided)

NOTE: All equipment delivered to job site must be returned in the manner in which it was delivered. Please notify the shop foreman of any damage, defect or repair needed on any Klein-Dickert equipment. Upon termination you must return all KD equipment to the shop (your final paycheck will also be available at that time).

Use of 800 Watts Line:

There is an 800 number for each Paint Division office. This service has been made available for the convenience of painters to call in from different job sites. This number is to be used for calling in to the shop regarding job questions and to request materials. We ask that this service be used as efficiently as possible to decrease expenses. Please do not use this number if calling from a local telephone service. #s: **KD North: 1-800-236-7171 and KD Madison: 1-800-542-3311.**

1407 Mold Encountered on the Jobsite

PURPOSE

This policy provides mold information and outlines the steps painters and project managers must follow when mold is identified on the jobsite in order to limit the Company from mold related liability.

This Company is dedicated to the protection of its employees from mold-related illnesses. **Please see the Klein-Dickert Safety Manual: Mold Illness Protection for information and guidelines to protect your health.**

MOLD INFORMATION AND IDENTIFICATION

What is mold?

Mold is a rapidly reproducing microscopic fungus that feeds on decomposing organic matter.

Why is mold a problem?

Many molds are harmless, and are, in fact, a vital part of our ecosystem. But, if you've ever gotten food poisoning or suffered from allergies, you know that all molds are not benign. Some molds create toxins, which can seriously affect the health of plants, animals and people.

Where do you find mold?

Homes and commercial buildings make an ideal growing place for mold. Molds thrive in temperatures between 60° and 100° F, where moisture and an abundant food supply are present.

Are certain surfaces more susceptible to mold?

Yes. Building materials like drywall, gypsum wallboard, wood, adhesive, ceiling tiles, paint, plywood, paper and cardboard all contain cellulose, which is a source of food for molds.

Is mold the same as mildew?

They are similar but not the same. Mildew is a mold-like organism that feeds on organic tissues. In homes, mildew thrives on damp surfaces, especially in kitchens and bathrooms.

What if I find mold growing in a project I am painting?

Mold growing on non-porous surfaces can be cleaned with a detergent. But the affected parts of porous surfaces such as drywall must be completely replaced, and the area must then be cleaned thoroughly.

What about wood trim?

A semi-porous surface like solid wood, if infected, may require a combination of cleaning and

replacing, depending on the severity of mold growth.

Hidden Mold

In some cases, indoor mold growth may not be obvious. It is possible that mold may be growing on hidden surfaces, such as the back side of dry wall, wallpaper, or paneling, the top of ceiling tiles, the underside of carpets and pads, etc. Possible locations of hidden mold can include pipe chases and utility tunnels (with leaking or condensing pipes), walls behind furniture (where condensation forms), condensate drain pans inside air handling units, porous thermal or acoustic liners inside ductwork, or roof materials above ceiling tiles (due to roof leaks or insufficient insulation).

Hidden Mold Growth



Photo 5: Mold growth behind wallpaper. Click on the image for larger version.

Some building materials, such as dry wall with vinyl wallpaper over it or wood paneling, may act as vapor barriers, trapping moisture underneath their surfaces and thereby providing a moist environment where mold can grow. You may suspect hidden mold if a building smells moldy, but you cannot see the source, or if you know there has been water damage and building occupants are reporting health problems. Removal of wallpaper can lead to a massive release of spores from mold growing on the underside of the paper.

The Myths About Mold

1. **All molds are toxic:** Not quite true. Only a few can cause health problems under certain conditions.
2. **Black mold is the worst:** There are many molds that are black. But however threatening a mold may look, you cannot determine toxicity by color.
3. **Mold only grows in warm and humid climates:** Certain kinds of mold have adapted to survive in almost any climate. But most flourish in temperatures between 60° and 100° F.
4. **Old buildings have more mold problems than new construction:** Actually newer builds may have more problems because their tighter insulation allows moisture to build up inside.
5. **Using bleach eliminates mold:** Bleach can control mold growth on surfaces, but often does not affect the source of the problem. Also, bleach should not be used on porous materials or metals.

PROCEDURE

1. If mold is seen on a surface requiring paint/wall covering the painter must immediately contact the project manager/estimator for the project.
2. The project manager and painter will then identify the scope and severity of the mold.
 - Estimate the square footage of the moldy area – notify project supervisor for the contractor or building owner/manager.
 - If the mold is on a porous surface such as drywall the project supervisor for the contractor or building owner/manager must be notified to remediate the moldy drywall. **Do not paint over the moldy surface.**
 - If the mold is on a nonporous surface you may clean the surface with a detergent or mold removing products. Project manager/estimator will obtain a change order for the additional work. Be very sure that the surface is clean and dry before applying paint or wall covering.
 - Mold on a semi-porous surface like solid wood may require a combination of cleaning and replacing, depending on the severity of mold growth. If wood is to be cleaned use wood floor cleaner and scrub if necessary. Consult with the project supervisor and agree on the steps to be taken. Again, the project manager/estimator will obtain a change order for the additional work.
3. Abide by the following safety guidelines when dealing with mold:
 - Do not touch mold or moldy items with bare hands.
 - Do not get mold or mold spores in your eyes.
 - Do not breathe in mold or mold spores.
 - Use Personal Protective Equipment (PPE) when disturbing mold. The minimum PPE is an N-95 respirator, gloves, and eye protection. Use whole body protection if necessary. Please see safety manual for PPE necessary.

1410 Painters' Insurance Requirements On Their Personal Vehicles

The union contract requires automobile insurance for painters using personal vehicles for Company business. Drivers must have a valid driver's license and must provide proof that they meet the State minimum insurance requirements.

Painters will receive a reminder letter from the Corporation Controller in early October every year. Each painter must send copies of their valid driver's license and insurance to the Corporation General Office by **October 15 of every year**. Failure to submit these copies will result in loss of travel time and mileage reimbursement.

1411 Timecards - Paint Divisions

In order to assure that paint division employees receive their paychecks on time, the following guidelines have been defined. Failure to follow the guidelines may result in a delay of your paycheck.

- A. Time cards must be in the Paint Division office by 10:00 am every Tuesday. To assure that your timecard arrives on time the Company strongly suggests that:
- 1) All time cards should be mailed on a Friday night at a Post Office (or box outside Post Office);
 - 2) If you are working a Saturday, call-in your hours or deliver the timecard to the home office to report your hours so that they may be recorded for paycheck processing;
 - 3) If a timecard is not mailed on a Friday night be sure that the timecard is mailed at a Post Office early Saturday morning. (If placing a card in an outside Post Office box, be sure that a pick-up is scheduled for that morning);
 - 4) Hand delivered time cards are acceptable.
- B. Timecards must be legible and have the correct information included. To assure that this information remains current and correct you must keep your timecard with you daily on all jobs. The timecard may also be reviewed by the Manager when visiting jobs.
- 1) All portions of the timecard must be legible
 - 2) The correct job number must be entered
 - 3) The safety log must be filled out and dated
 - 4) The timecard must be signed
 - 5) If there is a job foreman, the timecard must be initialed by the job foreman

The timecard work-week runs from Sunday through Saturday. Paychecks are dated for Friday of every week. Paychecks will not be approved for early cashing. Inquiries relating to the whereabouts of paychecks will be discussed with the employee only (not spouse or friend) after the expected arrival date of the paycheck. Please call the payroll clerk in the accounting office for all inquiries.

1412 Solicitations

Solicitation or distribution of literature by nonemployees on Company property or at a jobsite is prohibited at all times.

Solicitation and/or distribution of literature by employees is prohibited in working areas during working times. Working time means when employees are supposed to be working and does not include breaks, lunch periods, etc. An employee who is not on working time shall not solicit employees who are on working time. This rule applies to solicitation and distribution of literature for all types of organizations and causes.