

**MS SUPPLY/3LW CIVIL/KOTHMANN/
TWO GUNS**

**EMPLOYEE HANDBOOK
& SAFETY POLICIES**

EMPLOYEE POLICIES & PROCEDURES

I.

NATURE OF EMPLOYMENT

Employment with MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS (hereinafter collectively identified as "Company"), is "at-will." The Company may terminate the employment relationship at-will, at any time, with or without notice or cause.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Company and any of its Employees. The provisions of the manual have been developed at the discretion of management and may be amended or cancelled at any time, at the Company'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 MS SUPPLY/3LW CIVIL/Kothmann/ Two Guns. Employee agrees to the terms of the "Conditions of Employment Agreement" and further agrees to separately execute said document.

II.

IMMIGRATION LAW COMPLIANCE

The Company can employ only United States citizens or residence who are authorized to work in the United States. The Company does not unlawfully discriminate based on the citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new Employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Presenting false documentation to the Company will result in immediate termination of employment.

III.

ACCESS TO PERSONNEL FILES

The Company maintains a confidential personnel file on each Employee. The personnel file includes such information as the Employee's job application, resume, record of training, documentation of performance evaluations, salary information and other employment records. Personnel files are the property of the Company and access to the information they contain is restricted. Generally, only management of the Company who have a legitimate reason to review information contained in the file are allowed to do so.

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Licensing and regulatory agency representatives, during their business, are permitted access to personnel files.

Employees who wish to review their own personnel file should contact Kothmann or his duly appointed representative. With reasonable advance notice, active Employees may review their own personnel file in the Company's offices and in the presence of an individual appointed by the Company to maintain the files.

IV.

BENEFITS

A. Holiday. Employee will be entitled to the follow six (6) holidays each calendar year:

- ! New Year's Day.
- ! Memorial Day – Identified as the last Monday in the month of May.
- ! Independence Day – July 4th.
- ! Labor Day – Identified as the 1st Monday in September.
- ! Thanksgiving Day – Identified as the 4th Thursday in November.
- ! Christmas Day – December 25th.

In addition to these six (6) Federally recognized holidays, following one year of employment, SALARY employees will receive 5 paid days off. These days can be used at the salary employee's discretion, sick days, vacations days, etc.

B. Time Off. In an average year, there are approximately two hundred fifty (250) normal workdays (2,080 normal work hours) if one excludes all Saturdays, Sundays and generally observed national holidays. Any employee who is absent from work more than eighty (80) normal work hours, regardless of their reason, will be terminated. This applies to all employees of MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. This does not mean that an employee may be absent for up to eighty (80) normal work hours. Employment can be terminated at any time for any reason, including excessive absenteeism. The policy simply means that if you are absent for more than eighty (80) normal work hours and you are unable to return to work and perform your essential job functions, your employment will be terminated. For any required time off, please complete a time off request and present the request to your supervisor who will provide further information.

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a. Missing Work/Excessive Absenteeism. As an employee of MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC it is imperative you show up for work every day. The superintendent cannot plan and perform the day's work on a project without his whole crew. Every member of the crew is important for a safe and efficient job. We are fully aware there are many unforeseen reasons why you must miss work on occasions.

IT IS YOUR RESPONSIBILITY AS THE EMPLOYEE TO INFORM YOUR SUPERINTENDENT IF YOU CAN NOT BE AT WORK. IF YOU MISS TWO (2) CONSECUTIVE DAYS WITHOUT CONTACTING YOUR SUPERINTENDENT, WE WILL ASSUME THAT YOU HAVE TERMINATED/ABANDONED YOUR EMPLOYMENT WITH OUR COMPANY. THE SUPERINTENDENT HAS THE RIGHT TO REPLACE YOUR POSITION WITH ANOTHER APPLICANT.

C. Automobile. The Company may provide to Employee the use of a Company vehicle. The Company will pay all automobile operating expenses incurred by Employee in the performance of Employee's Company duties to include insurance, gas, oil, and repairs. Company vehicles will not be used for personal use. Travel to and from work is not considered Company business. Travel to and from work is not considered an activity in the course and scope of your employment with the Company. Failure to comply with these basic policies is a serious infraction and may result in the loss of use of a Company vehicle, disciplinary action and/or termination.

If an employee is involved in an "at-fault" accident while operating a Company vehicle, the employee will be responsible for paying damages up to the Company's Commercial Auto policy deductible. Any damage to a Company vehicle beyond the usual wear and tear while in an employee's case, custody or control will result in a deduction in pay for the dollar amount equal to the actual cost of repair or replacement. Employee agrees to the terms of the "Vehicle Safety Policy" and agrees to separately execute said document.

D. Cell Phone. The Company may provide some eligible employees with a Company cell phone allowing the Employee to be readily available to the Company. Although the cell phone is provided for business purposes it is understood no personal calls will be made or received. Company cell phones are not to be used for personal use. Abuse of Company cell phone will lead to loss of phone and/or disciplinary action. Employees are to carry their own phone for personal use.

E. Credit Card. The Company makes available to eligible Employees a corporate credit card for job-related expenses. Employee is to use this corporate credit card to charge business-related expenses only. Keep and turn in receipts with a consolidation sheet of all purchases weekly.

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F. **Expense Reimbursement.** Employee shall be entitled to reimbursement for all reasonable expenses incurred by Employee in the performance of Employee's duties.

Employee will maintain records and written receipts as required by the Company policy, and reasonably requested by upper management to substantiate such expenses.

V.

PROTECTION OF THE COMPANY'S INTERESTS

A. **No Interference.** The Employee shall not, whether for his own account or for the account of any other individual, partnership, firm, corporation, or other business organization (other than the Company), intentionally solicit, endeavor to entice away from the Company or otherwise interfere with the relationship of the Company with, any key person or team who is employed by or otherwise engaged to perform services for the Company.

B. **Exclusive Property.** The Employee confirms that all confidential information is and shall remain the exclusive property of the Company. All business records, product price lists, customer lists, financial information (including the revenues, costs or profits associated with any of the Company's products), business plans, prospects, opportunities, papers and documents kept or made by the Employee relating to the business of the Company shall be and remain the property of the Company. Upon the termination of his employment with the Company or upon the request of the Company at any time, the Employee shall promptly deliver to the Company, and shall not with the consent of upper management retain copies of, any written materials not previously made available to the public, or records and documents made by the Employee or coming into his possession concerning the business or affairs of the Company; provided, however, that subsequent to any such termination, the Company shall provide the Employee with copies (the cost of which shall be borne by the Employee) of any documents which are requested by the Employee and which the Employee has determined in good faith are (i) required to establish a defense to a claim that the Employee has not complied with his duties hereunder or (ii) necessary to the Employee in order to comply with applicable law.

VI.

NOTICES

Any notice required by these Policies or given in connection with them, shall be in writing and shall be given to the appropriate party by personal delivery or by certified mail, postage prepaid, or recognized overnight delivery services:

If to Company:

MS Supply/Kothmann/3LW Civil/ Two Guns

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805 Austin St
Mason, Texas 76856

If to Employee:

VII.

GENERAL EMPLOYEE CONDUCT

To function as a team, the Company has established certain minimum standards of personal conduct. You are an Employee of the Company and are expected to handle Company business, not personal business while at work.

No Employee will directly or indirectly maintain outside business or financial interests or engage in other outside business or financial activity that conflicts, in any manner, with the interests of the Company. An Employee wishing to engage in part-time employment or outside business activity in addition to working for the Company must have such employment approved, in advance, by the Company.

While the Company reserves its right to terminate an employee's employment at will, disciplinary action, including termination, may also result from the following conduct:

- ! Theft or embezzlement.
- ! Disclosure of trade secrets (including client and/or employee rosters).
- ! Conviction of a felony.
- ! Working for a competitor or establishing a competing business.
- ! Being intoxicated or under the influence of illegal substances or alcohol on the job.
- ! Use of alcoholic beverages while working.
- ! Possession or use of illegal substances while on Company premises or while on duty.
- ! Falsification of or making a material omission in records.

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- ! Failure to complete assigned work.
- ! Un-excused and/or repeated tardiness or absenteeism.
- ! Personal use of Company equipment.
- ! Utilizing Company time for personal business.
- ! Wasting Company resources.
- ! Abuse, destruction, waste or unauthorized use of equipment, facilities, or materials.
- ! Unlawful harassment of fellow employees, including sexual harassment, whether verbal, physical or visual.
- ! Substandard performance.

VIII.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

The Company is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of Employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship and is strictly prohibited. The policy prohibits behavior that an Employee does not welcome and finds personally offensive.

Examples of prohibited behavior include:

- ! Sexual flirtations, advances, or propositions.
- ! Continued or repeated verbal abuse of a sexual nature.
- ! Sexually related comments, jokes, e-mails, or graphics.
- ! Degrading comments about an employee's appearance.
- ! The display of sexually suggestive objects or pictures, including any that may be obtained through the Internet or computer software programs; or
- ! Any uninvited physical contact or touching.

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The policy does not prohibit occasional compliments of a socially acceptable nature or welcome social relationships.

Any Employee who wants to report an incident of a sexual or other unlawful harassment should promptly report the matter to his or her immediate supervisor. If his or her immediate supervisor is unavailable or the Employee believes it would be inappropriate to contact that person, the Employee should immediately contact Kothmann. Employees can raise concerns and make reports without fear of reprisal.

Any Employee who becomes aware of possible sexual or other unlawful harassment should promptly advise their immediate supervisor or Kothmann who will handle the matter in a timely and confidential manner.

Reporting Procedure.

If you experience or witness any job-related harassment you believe to be sexually related or verbally/physically intimidating, please immediately report this to either their immediate supervisor or Kothmann. Complaints will be investigated immediately and confidentially. No retaliation will be made against any person for making a legitimate complaint.

Where incidents of harassment can be confirmed following investigation, the Company will take appropriate corrective action, including disciplinary action and possible termination.

IX.

DRUG AND PROHIBITED SUBSTANCES

The sale, distribution, receipt or unauthorized use or possession of drugs, controlled or illegal substances or the paraphernalia associated with such on-Company premises or on a Company job site, are absolutely prohibited. Violations will result in disciplinary action up to and including termination of employment and, if appropriate, will be reported to the local authorities.

If an Employee is convicted of a felony with respect to possession, or any conviction arising from the sale or transfer of illegal drugs, the Employee will be terminated.

Any Employee who, while performing any work for the Company or while on Company premises and is under the influence of alcohol, intoxicants or drugs not prescribed by the Employee's physician, shall be subject to immediate termination.

In connection with your employment with the Company, applicants and/or employees, contractors or temporary employees may be required to submit to random drug testing.

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Testing will be conducted by an approved facility. Employee agrees to the terms of the "Substance Abuse Program" acknowledgment form and agrees to separately execute said document.

X.

ALCOHOL POLICY

The consumption of alcoholic beverages during normal working hours on or off Company premises or on a Company job site is strictly prohibited. Violations may result in disciplinary action up to and including termination of employment.

If an Employee is convicted of a felony with respect to any alcohol related incident, the Employee may be terminated.

XI.

FIREARMS

To preserve the safety of the individual Employee, as well as the welfare of all Company employees, the bringing of firearms onto the Company's premises or onto a Company job site is strictly prohibited, unless approved in writing by Kothmann/3LW Civil/ Two Guns. Violators will be terminated.

XII.

EMPLOYEE WAGE DEDUCTION AUTHORIZATION

I hereby authorize MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. to make the following deductions from my paycheck, be it a paycheck on the usual pay cycle, my final paycheck or a paycheck issued to me after my employment has been terminated.

Mandatory Deductions:

- ! Federal Income Tax Withholding.
- ! Social Security & Medicare Tax

Voluntary Deductions Designated by Me:

- ! My portion of the premium for any employer sponsored health, life, dental, vision, disability, or other ancillary insurance plan.
- ! My contributions to any employer sponsored retirement plan.

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- ! Direct deposits authorized by me.

Mandated Deductions:

- ! Garnishments mandated by a duly authorized municipal, county, state or federal agency or any court of law. Examples: child support, student loan repayment, and federal income tax levies.

Additional Deductions:

- ! Payments owing on any loan or salary advance made to me by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. provided, however, in the event of a final paycheck, the entire balance owing shall be withheld.
- ! Any inadvertent or unintended overpayment of wages.
- ! An amount of money corresponding to any time missed from work that is not covered by paid leave.
- ! any inadvertent or unintended overpayment of insurance premiums or 401(k) employer matching funds that are over and above established Company participation levels. In addition, my portion of any premium that was paid by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. on my behalf in accordance with the *Family & Medical Leave Act* or any other applicable law.
- ! A dollar amounts equal to the actual cash value of property owned by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. that is in my care, custody, or control if I fail to return such property when asked to do so by my supervisor. Property means tangible property including, but not limited to, items such as cell phones, uniforms, tools, keys to Company buildings and/or equipment, vehicles, computers, telephones, sales materials, supplies, and all other property owned by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC
- ! A dollar amounts equal to the actual cost of repair or replacement of property owned by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. or others that is damaged beyond the usual wear and tear while in my care, custody, or control.

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! A dollar amounts equal to charges that become the liability of MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. that were incurred by me due to my negligence, for unauthorized business purposes, for personal use, or that were unreasonable, excessive, or unsubstantiated.

This includes, but is not limited to, personal use of a Company phone that results in atoll charge, personal or unauthorized charges made to a Company credit card, Company supplies used for personal purposes, charges incurred from personal or unauthorized use of the internet, fax machine, copy machine, etc.

If funds are withheld from my paycheck for any of the deductions listed under Additional Deductions, MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC will give you a detailed report showing the reason for the deduction. Employee also agrees to execute and agrees to the terms of the "Employee Wage Deduction Authorization."

XIII.

SEVERABILITY

If any term of the Company's Policies & Procedures Handbook is held by a court of competent jurisdiction to be invalid or unenforceable, then the Policies & Procedures, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

XIV.

ARBITRATION

The Parties agree that they will use their best efforts to amicably resolve any dispute arising out of or relating to your employment. The Employee agrees that in consideration for his or her employment, continued employment and receipt of benefits from the Company, any controversy of any kind, claim or dispute that cannot be resolved amicably between the Parties, shall be settled by final binding arbitration in accordance with the applicable rules and procedures of The American Arbitration Association. Employee expressly agrees to submit all disputes arising out of or originating from his or her employment with the Company to arbitration. Employee hereby waives his/her right to litigate any disputes in a Court of Law by agreeing to submit any disputes related to his or her employment to arbitration before the American Arbitration Association.

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Signature: _____

Printed Name: _____

Social Security Number: _____ Date: _____

COMPANY POLICIES

1. RETURN TO WORK POLICY

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC is committed to providing a safe workplace for our employees. Preventing work-related injuries or illnesses is our primary goal. Our return-to-work program provides opportunities for an employee who is injured on the job to return to work at full duty. If the employee is not physically capable of returning to full duty, our return-to-work program provides opportunities, when available, to perform a temporary work assignment. An employee's regular assignment may be modified to accommodate the employee's physical capabilities, or alternate work assigned whenever possible.

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC es cometido al suministro de un lugar de trabajo salvo para nuestros empleados. La prevención de heridas relacionadas con el trabajo o enfermedades es nuestro objetivo primario. Nuestra vuelta para trabajar el programa proporciona ocasiones para un empleado que es perjudicado sobre el trabajo para volver para trabajar en el deber(impuesto) lleno. Si el empleado no es físicamente capaz de devolver al deber(impuesto) lleno, nuestra vuelta para trabajar el programa proporciona ocasiones, cuando disponible, realizar una asignación de trabajo temporal. La asignación regular de un empleado puede ser modificada para acomodar las capacidades físicas del empleado, o el trabajo alterno asignado siempre que posible.

2. INTERNET USE POLICY

Summary

This policy sets out guidelines for acceptable use of the Internet by employees of MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC. The primary purpose for which access to the Internet is provided by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC to its employees is to assist them in carrying out the duties of their employment. They may also use the Internet for reasonable private purposes which are consistent with this Acceptable Use Policy. They may not use the Internet access provided by MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC in such a way as to significantly interfere with the duties of their employment or to expose MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC to significant cost or risk of liability. MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS LLC may modify this policy upon 30 days notice in writing to its employees.

What is Acceptable Use?

Subject to the balance of this policy, employees may use the Internet access provided by

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MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS for:

- Work-related purposes.
- Sending and receiving personal email messages, provided that if email messages are sent with MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS approved email address in the from: or Reply-To: header, a disclaimer shall accompany the email to the effect that the views of the sender may not represent those of MS Supply/Kothmann/3LW Civil/ Two Guns.
- Utilizing any other Internet service or protocol for personal purposes after obtaining permission to do so from MS Supply/Kothmann/3LW Civil/ Two Guns

provided in each case that the personal use is moderate in time, does not incur significant cost for MS Supply/ Kothmann/3LW Civil/ Two Guns. and does not interfere with the employment duties of the employee or his or her colleagues.

What is Not Acceptable Use?

Except during an employee's duties or with the express permission of Kothmann/3LW Civil/ Two Guns, the Internet access provided by the company may not be used for:

- personal commercial purposes.
- sending unsolicited bulk email.
- disseminating confidential information of Kothmann/3LW Civil/ Two Guns
- any illegal purpose.
- knowingly causing interference with or disruption to any network, information service, equipment or any user thereof.
- disseminating personal contact information of officers or employees of MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS without their consent.
- knowingly causing any other person to view content which could render the company liable pursuant to equal opportunity or sex discrimination legislation at the suit of that person; or
- Knowingly downloading or requesting software or media files or data streams that the employee has reason to believe will use a greater amount of network bandwidth than is appropriate.
- Visiting any web sites that illustrate or promote illicit activities, pornographic activities, or engage in on-line gambling activities.

Consequences of Unacceptable Use

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS keeps and may monitor logs of Internet usage which may reveal information such as which Internet servers (including World Wide Web sites) have been accessed by employees, and the email addresses of those with whom they have communicated. MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO

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GUNS will not, however, engage in real-time surveillance of Internet usage, will not monitor the content of email messages sent or received by its employees unless a copy of such message is sent or forwarded to the company by its recipient or sender in the ordinary way, and will not disclose any of the logged, or otherwise collected, information to a third party except under compulsion of law.

Responsibility for use of the Internet that does not comply with this policy lies with the employee so using it, and such employee must indemnify Kothmann/3LW Civil/ Two Guns, . for any direct loss and reasonably foreseeable consequential losses suffered by the company by reason of the breach of policy.

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS will review any alleged breach of this Acceptable Use Policy on an individual basis. If the alleged breach is of a profoundly serious nature which breaches the employee's duty of fidelity to the company (for example, emailing confidential information of the company to a competitor, pornographic material, wasted time, inappropriate behavior), the employee shall be given an opportunity to be heard in relation to the alleged breach and if it is admitted or clearly established to the satisfaction of the company, the breach **WILL** be treated as grounds for dismissal.

Otherwise, an alleged breach shall be dealt with as follows:

- Initially, the employee shall be informed of the alleged breach, given an opportunity to respond to the allegation, and if it is not satisfactorily explained, be asked to desist from or where applicable to remedy the breach.
- If the breach is not desisted from or remedied, Kothmann/3LW Civil/ Two Guns, will withdraw the employee's access to the Internet and initiate suspension or termination of the employee based on the severity of the breach.
- You as an individual, recognize what is appropriate and what is not appropriate and should respect the usage of MY equipment and the time I pay you to work and not play, should you elect not to comply with the abovementioned warnings, go work for someone else who does not give a damn. We have got work to do.

3. POLICY PROHIBITING HARRASSMENT

Kothmann/3LW Civil/ Two Guns will not tolerate the harassment of any employee by any employee, coworker, or non-employee of Kothmann/3LW Civil/ Two Guns, on account of an employee's race, age, color, religion, national origin, sex (including same sex), disability, veteran or Vietnam era veteran status, or any other category protected by law. For these purposes, the term harassment includes, but is not limited to, slurs, offensive remarks, jokes, other verbal and/or graphic messages and/or communications (including, but not limited to, e-mail, internet, and/or any other computer-generated messages or communications), or physical conduct relating to any individual's race, age, color, religion,

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national origin, sex (including same sex), disability, veteran or Vietnam era veteran status, or any other category protected by law.

In furtherance of this policy against harassment, MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS does not condone and will not permit harassment of any employee and will not tolerate unwelcome sexual advances to any employee, or remarks, slurs, or “jokes” offensive to any employee because of his/her sex. Sexual harassment includes, but is not limited to, sexual advances, requests for sexual favors and other verbal graphic or physical conduct of a sexual nature where: (1) submission to such conduct is either an expressed or implied term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person’s work performance or creating an intimidating, hostile, or offensive work environment.

Anyone who is found, after appropriate investigations, to have violated this policy will be subject to disciplinary action up to and including termination of employment.

STATEMENT OF MANAGEMENT COMMITMENT

It is MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS intent to provide a safe working environment in all areas, for all employees. Accidents and injuries are prevented by controlling the work environment and the actions of the employees. Employee safety is to be the first consideration in the operation of this business. Employee must understand it is their personal responsibility for the prevention of injuries on and off the job.

Any employee who fails to comply to the safety rules and regulations set forth in Kothmann/3LW Civil/ Two Guns’ safety program, will be subjected to the following:

- **Oral Warning
- **Written Warning
- **Suspension and/or Termination

Safety is and will always be a part of our operation.

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS provides our employees with medical care in the event of a work-related injury. Our company participates in a Health Care Network (HCN) through our worker’s compensation carrier. The office and supervisors maintain a list of approved medical providers to treat injured workers. In the event employees are working outside of the Hutto area, your supervisor will contact our worker’s compensation carrier for a list of local providers authorized to treat our employees (non-life-threatening injuries) or go to the nearest emergency room.

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS will not be responsible for any unauthorized hospital bills. Should you be injured on the job, it is necessary that you tell your foreman immediately. We will not pay any bills that are given to a foreman or sent to the office for unauthorized medical treatment.

PERSONAL PROTECTIVE EQUIPMENT

MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS will provide the following protective equipment to each employee upon hire HARD HATS, SAFETY GLASSES, SAFETY VESTS/SHIRTS and HARNESSSES/LANYARDS (if required). Each employee will be responsible for taking care of the equipment issued to him or her. MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS will replace defective equipment.

Employees must present the defective equipment to their supervisor and new ones will be issued. If an employee loses their equipment, then MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS will charge the employee the cost of the equipment by payroll deduction and reissue the equipment to the employee. Each employee will be responsible for providing his own FOOT PROTECTION.

Harnesses and lanyards are provided as fall arrest when no other fall protection is feasible and when working from a bridge deck or other elevated surface. The user must inspect his harness and lanyard before each use. The anchor point must be capable of withstanding at least 5000 pounds. If horizontal or vertical lifelines are used they must be designed, installed and used under the supervision of a qualified person. A vertical lifeline may be used by only one person at a time and must have a breaking strength of at least 5000 pounds. If a harness or lanyard is damaged or used during a fall arrest, then it should be marked as out of service and returned to the supervisor. The manufacturer's tags are critical to identification and inspection of the harness and lanyard. These manufacturers' tags should never be removed or mutilated.

GENERAL SAFETY RULES

1. Avoid strains when lifting by assuming a squatting position, using the leg muscles instead of the back or stomach muscles when lifting a load. Do not attempt to lift more than can be safely handled. See that there are sufficient personnel for the load.
2. No riding on any piece of equipment such as maintainer, front end loader, scraper, other than the operator. Adherence to this rule is the responsibility of the operator and the individual.
3. All unsafe conditions, defective machinery or power tools should be reported to your supervisor immediately.
4. Always carefully follow the instructions of your supervisor and refer any hazardous conditions to him before operating vehicles or machinery. Never operate a piece of equipment without proper training.
5. Always perform your work in such a Kothmann/3LW Civil/ Two Guns as to eliminate or minimize any potential hazards to yourself, your fellow employee, or the general public.
6. The use, possession or distribution of alcoholic beverages or illegal drugs on the jobsite, workplace, parking areas or company vehicles is prohibited. Employees must not report for duty under the influence of alcoholic beverages, illegal drugs or other

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substances, which will in any way adversely affect the safety of other employees, themselves or the public. YOUR SUPERVISOR HAS BEEN INSTRUCTED TO TERMINATE IMMEDIATELY THE EMPLOYMENT OF ANY EMPLOYEE WHO VIOLATES THIS RULE.

7. REPORT ALL INJURIES, no matter how minor they seem, to your supervisor for first aid treatment or medical treatment if necessary.
8. The operation of any machine except by an authorized employee is prohibited. “ALL EQUIPMENT IS DANGEROUS – HANDLE IT CAREFULLY.”
9. Do not operate any equipment when feeling unfit, excessively tired, or sleepy or when impaired by medication or intoxicants.
10. For the best performance, always keep your temper under control and your mind on you work.
11. All drivers are required to possess a valid driver’s license / C.D.L. and be approved by the company prior to driving.
12. Do not operate any vehicle in a dangerous or discourteous Kothmann/3LW Civil/ Two Guns. Adapt the operation of the vehicle to the conditions of the terrain, soil, roads, and weather.
13. Use a safety solvent recommended by the company for cleaning parts. Never use hazardous materials such as gasoline for this purpose.
14. All drivers should be familiar with all traffic laws and instructed in safe driving practices by their immediate supervisor. Observe all traffic laws. Use vehicle’s signal devices or give proper hand signals when making a turn.
15. Do not back up without checking to see if it is clear of all obstacles, or you are being directed properly by some other person.
16. No person shall be permitted to ride on the fender, running board, tailgate, or toolbox of any company truck.
17. No employee shall attempt to jump on or off a truck while it is in motion.
18. Any person driving a company truck or hired truck, whether on duty or not, in any intoxicated condition shall be terminated immediately.
19. Do not work on any machinery while it is in motion, unless cleared by the supervisor. All guards must be kept in place while the machinery is in motion. Never permit machinery to be oiled, greased, cleaned or adjusted while in motion.
20. When it is necessary to work under the body of a dump truck or piece of equipment, use safety blocks, to secure the truck body and part of the equipment in a raised position. Dozer blades, front-end loader buckets, backhoe buckets, etc., should be placed on the ground when not in use.
21. “Lock Out” when maintenance job requires it. Never adjust or repair equipment in motion.
22. Check to see that all safety guards are attached, and all workers are a safe distance away before starting machinery, opening valves, switches, etc.
23. Air hoses should never be pointed at anyone or used to clean clothing.
 - A. Secure air hose connections in position. Shut off air supply; bleed line before disconnecting any tool, except on small air tools where quick couplings are used.
 - B. Safety retainer should be provided on all air tools to prevent the bull point chisel or spade from flying off when power is applied.

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24. Avoid valve damage by always opening compressed gas cylinders carefully and slowly. Point away from face.
25. Torches should only be lit with the proper “torch light” and never with a match or cigarette lighter.
26. Always know where fire extinguishers are located and how to use them. Fire extinguishers should be in all service trucks. Return used fire extinguishers to the supervisor for refill.
27. Carry or store small quantities of gasoline or other flammable solvents only in an approved and properly labeled safety can. Flammable liquids should be stored only in approved metal safety cans and used only, when necessary, in small amounts.
28. When refueling a gas engine, be sure it is not hot or running. Be sure all spills are cleaned up before starting engine.
29. Flammable liquids should be clearly labeled and stored in a protected, separate area.
30. Strict observance of “NO SMOKING” signs must be followed at all times. Never smoke near diesel or gas storage tanks, oxygen, and acetylene cylinder storage areas or where there could be fire dangers. Always obey “NO SMOKING” signs.
31. Use tools only for the purpose for which they are designed.
 - A. Damaged tools should not be used until they are properly repaired. Discard any tool beyond safe repair.
 - B. Do not use pipe extensions on tools for added leverage, except where manufacturer states that pipe extensions can be used, such as chain binders.
 - C. Do not use mushroomed head chisels and bull points.
32. When using a sledgehammer or other tool or handling bulky materials, always be sure workers are a safe distance away and are not behind you.
33. Portable saws must be equipped with a free moving guard, which will cover the blade when the cut is completed. Never allow these guards to be wedged in an open position. Portable electric power tool cord should be free of cuts and tears.
34. Climb ladders with care. Always use both hands. Face ladder when climbing. Never carry materials or lift loads on a ladder, use a material hoist or hand line.
 - A. When using a ladder, it should reach at least three feet above the landing and should be tied securely or braced at the top.
 - B. Ladders should always be sturdy and placed on a firm base, free of debris. Always angle out the base one-fourth (1/4) of the ladder’s length.
35. Excavation side walls, should be shored or braced over certain depths, if not sloped or benched. Use trench boxes when called for.
36. Wrestling, throwing objects, running or horseplay of any kind is positively and strictly prohibited. Horseplay and practical jokes can be dangerous. Such practices are strictly forbidden. **YOUR SUPERVISOR HAS BEEN INSTRUCTED TO TERMINATE IMMEDIATELY THE EMPLOYEMENT OF ANY EMPLOYEE WHO VIOLATES THIS RULE.**
37. Keep shirts, trousers, and other work clothing clean and in good condition. Shirttails shall be worn inside trousers. Wear long sleeved shirts, when necessary, for protection against poison ivy, sunburn, scratches, insect bites bruises and skin infections. Sleeveless shirts are not allowed.
38. Protect yourself from toxic hazards such as spray painting, dry cement, lime, and cure by wearing proper respiratory equipment.

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39. Riding of crane hooks and headache balls is prohibited.
40. Outriggers must be fully extended, and pedestals lowered for any lift.
41. Only one person, knowledgeable in the standard crane signals, shall be designated to perform signaling.
43. The crane operator and the signalman shall maintain continuous visual contact during the lifting operations.
44. No one shall pass or stand under suspended loads.
45. Tag lines shall be used to control a load when airborne.
46. Nylon slings and fasteners shall be inspected for wear, corrosion, and heat damage. Any sling which has an exposed red thread shall be cut up and taken out of service. Hooks will be inspected for deformation. Cables shall be inspected for broken wires. If the following criteria is met for broken wires the cable will be taken out of service: 5 broken wires in one strand or 10 randomly distributed broken wire throughout the cable.

NO SAFETY MANUAL, HOWEVER COMPLETE, CAN PROVIDE FOR ALL SITUATIONS, CONTINGENCIES, OR EMERGENCIES. THEREFORE, IT IS EXPECTED THAT EACH EMPLOYEE USE COMMON SENSE AND INTELLIGENCE IN SELECTING SAFE METHODS AND PRACTICES IN PERFORMING THE JOB AT HAND.

WORK ZONE SAFETY

Employees of MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS must comply with the requirements set forth for worker safety in the Millennium Edition of the Manual Uniform Traffic Control Devices (MUTCD).

1. Workers close to motor vehicle traffic will wear bright, highly visible clothing as follows:
 - Daytime – vest, shirt or jacket in either orange, yellow, yellow-green or a fluorescent version of these colors.
 - Nighttime – similar garments as listed above but they must be retro-reflective. The retro-reflective material shall be orange, yellow, white, silver, yellow-green or fluorescent version of these colors. The garment must be visible at a minimum distance of (1,000 ft).
2. MS SUPPLY/3LW CIVIL/KOTHMANN/ TWO GUNS is subject to the traffic control plan (TCP) issued by TXDOT for each job. The TCP will dictate where barriers may be placed along the workspace depending on factors such as lateral clearance of workers from adjacent traffic, speed of traffic, duration & types of operations, time of day and volume of traffic.
3. Speed zones are addressed within the TCP prepared by TXDOT. In some cases, if speed limits are such that traffic is not suitably slowed, then a shadow vehicle and/or an attenuator board may be used.
4. In the event the traveling public disregards the work zone or threatens the flagger/workers, our employees shall not engage these people(s). Visually determine the vehicle

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make, model & license plate number. Provide this information to the foreman so that the proper authorities can be notified.

EQUIPMENT OPERATION PROCEDURES

1. Engine oil, water and hydraulic oil will be checked by the operator before he starts any machine regardless of whether it has been run earlier in the day or shift. No machine will be started without engine oil, water, and hydraulic oil at proper level.
2. If machine is equipped with glow plugs, use them. This can be held on up to 3 minutes at a time. Crank the engine with the starter only 30 seconds at a time.

Otherwise, starter will burn out.

3. Never open throttle to full speed after engine first starts.
4. Never try to move the machine until there is full air pressure and the brakes are released.
5. All scrapers except self loading paddle wheel will be put in 8th gear and left there regardless of if it's being loaded or unloaded. The transmission will shift itself.
6. All compaction equipment will be run in 1st and 2nd gear only on the fill. Use higher gear only to move from one location to another.
7. All track equipment will be worked in 1st and 2nd gear only. Higher gears wear out the undercarriage and heat up torque converters.
8. All blades will be shifted up and down only one gear at a time.
9. Never run any machine with the disconnect switch in the off position.
10. Never run any machine with the water temperature in the red or any other gauge in the red.
11. If you develop a problem report it immediately to your foreman or mechanic.
12. Operate all equipment in a safe Kothmann/3LW Civil/ Two Guns.
13. All of the above will help prevent down time and costly repairs, and at the same time increase production.
14. Equipment operators that do not follow these procedures are subject to discharge.

FALL PROTECTION

Each employee on a walking/working surface with an unprotected side or edge, which is 6 feet or more above ground, shall be protected from falling using guardrail systems or personal fall arrest systems. A 100% tie-off system is used by this company when working above the 6 ft. level. This consists of a body harness, shock absorber, lanyard, and tie-off point. When scaling a wall or mat an employee must remain hooked off the entire time connecting and disconnecting his snap hooks one at a time leaving one lanyard always hooked off. Personal fall arrest systems and components subjected to impact loading shall be immediately removed from service and shall not be used again for employee protection. As of January 1, 1998, body belts are not acceptable as part of a personal fall arrest system. Note: The use of a body belt in a positioning device system is acceptable.

ADDENDUM 1

Insubordination

Employees are expected to adhere to reasonable and legal directives of their supervisor. The refusal of an employee to perform any lawful directive by his or her supervisor is insubordination and cause for disciplinary action. However, refusal to obey a superior's order based upon a good faith belief that the order violates a law, regulation, or policy may not be considered a willful refusal to obey provided the employee informs the supervisor or her or his manager of such belief. An employee is expected to respect authority and does not have the unfettered discretion to disrespect, disobey or ignore clear instructions. Insubordination encompasses more than an explicit order and subsequent refusal or intentional failure to carry it out. It also involves a flagrant or willful disregard for implied directions of an employer. Choosing to perform other work or refusing or failing to perform work as assigned or as directed by a supervisor may be considered insubordination.

Employee Respect

Examples of Respectful Behavior

Every employee of this workplace has the right to work in a respectful work environment. To promote and sustain a workplace where all employees are treated with respect and dignity, regardless of their status or position, each employee is expected to abide by these values and standards of interpersonal behavior, communication, and professionalism:

- We respect and value the contributions of all members of our community, regardless of status or role in the organization.
- We treat employees and all supervisors with respect, civility, and courtesy.
- We work honestly, effectively, and collegially with employees and others.
- We respect and value the views and opinions of others, even though they may differ from our own.
- We resolve to work together with respectful and courteous verbal communication, to listen openly and effectively manage disagreements among employees.
- We respect the needs, views and expectations of our customers, members of the public and others who come in contact with our daily operations.
- We recognize that differing social and cultural standards may mean that behavior that is acceptable to some may be perceived as unacceptable or unreasonable to others.
- We abide by applicable rules, regulations, policies and bylaws and address any dissatisfaction with, or violation of, policies and procedures through appropriate channels.
- We demonstrate commitment to continuous personal and professional learning and development.

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- We are responsible stewards of material and human assets to achieve excellence and innovation in the education of our students and the creation and sharing of knowledge across all disciplines.
- We respect the property and personal interests of those around us, including those of the College itself.
- If we are in leadership positions, we model civility for others and clearly define expectations for how employees treat each other, hold individuals accountable for their behaviors, and are responsive to complaints when they are brought forward.

Disrespectful Behavior

Consistent with this and other relevant college policies, all employees at Ithaca College are expected to refrain from disrespectful behavior. Examples of disrespectful behavior can include, but are not limited to, the following:

- Use of threatening or abusive language, profanity or language that is intended to be, or is perceived by others to be, demeaning, berating, rude, threatening, intimidating, hostile or offensive.
- Engage in bullying, collusion, or hazing.
- Microaggressions.
- Making threats of violence, retribution, litigation, or financial harm; shouting or engaging in other speech, conduct or mannerisms that are reasonably perceived by others to represent intimidation or harassment.
- Using racial or ethnic slurs; demonstrating racial, gender, sexual orientation, or cultural bias.
- Making or telling denigrating jokes that are intended to be, or that are perceived by others to be, crude or offensive; teasing, name calling, ridicule or making someone the brunt of pranks or practical jokes.
- Using of epithets, slurs, or negative stereotyping.
- Distributing or displaying electronic or written materials or messages that are abusive, profane, threatening, defamatory or offensive material that is placed on walls or elsewhere on company premises, or is circulated in the workplace.
- Using sarcasm or cynicism directed as a personal attack on others.
- Making unwanted or threatened inappropriate physical contact.
- Throwing tools, office equipment, or objects as an expression of anger, criticism, or threat, or in an otherwise disrespectful or abusive manner.
- Making comments or engaging in behavior that is untruthful or directed as a personal attack on the professional conduct of others.
- Retaliation;
- Engaging in any pattern of disruptive behavior or interaction that could interfere with the workplace or adversely impact the quality of services.
- Conditioning employment terms on submission to harassing conduct, sexual advances, requests for sexual favors, etc;

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- Harassment in any form is unacceptable. Any employee who harasses another may be subject to disciplinary action, up to and including termination.

Printed Name: _____ Signature: _____

Social Security Number: _____ Date: _____