

# **EMPLOYMENT POLICIES FOR D & B TILE DISTRIBUTORS**

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## **D & B TILE DISTRIBUTORS COMPANY POLICY**

Since D & B Tile Distributors was established in 1972, the company philosophy has always been “Service and Quality”. We can only achieve this philosophy with the help of our employees.

We want our employees to enjoy their work here, and help our company continue to be a group of dedicated people working together to distribute and service the products we carry.

D & B strives to maintain a stable, safe and pleasant work place, to encourage customer service and satisfaction with a sense of professionalism, to give proper leadership and training and improve the company for future financial success.

D & B strives to serve our customers with knowledge and integrity, to furnish them with new and improved products and to provide them with full service for our products.

D & B will always strive to improve the Ceramic Tile Industry and to maintain our position as a leader in the industry and the community.

With these philosophies, we feel that we will be able to maximize financial success for all of our employees and our company.

**DAVID A. YARBOROUGH, PRESIDENT**

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**FORMS: CONSENT(S), ACKNOWLEDGMENT(S), AND RELEASE(S)**

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## 1. INTRODUCTION

This handbook is intended to help you get acquainted with the Company. It explains some of our philosophies and beliefs, and describes, in general terms, some of our employment guidelines. We hope it will serve as a useful reference document throughout your employment at the Company. **Also, please understand that the Handbook is not intended to create or to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of the Company or its employees.** This handbook supersedes and replaces all previous personnel policies, practices, and guidelines.

To obtain information regarding specific employment policies or procedures, whether or not they are referred to in this handbook, contact your supervisor or the Company's Human Resources Manager. Because the Company is a growing and changing organization, it reserves full discretion to add to, modify, or delete provisions of this handbook, or the policies and procedures on which they may be based, at any time without advance notice. For this reason, we urge you to check with your supervisor or the Company's Human Resources Manager, to obtain current information regarding the status of any particular policy, procedure, or practice. No individual other than the President or Vice President of D & B has the authority to enter into any employment or other agreement that modifies Company policy.

**This handbook is the property of the Company, and it is intended for your personal use and reference as an employee of the Company. Circulation of this handbook outside of the Company requires the prior written approval of the President or Vice President.**

Please sign the acknowledgment form and return it to the Human Resources Department. This will provide the Company a record that you received the handbook.

## 2. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Company to provide equal employment opportunity for all applicants and employees. The Company does not unlawfully discriminate on the basis of race, color, creed, pregnancy, religion, sex, national origin, age, disability, veteran status, or marital status. The Company also makes reasonable accommodations for disabled employees and employees' religious beliefs where such accommodations are practicable and without undue hardship to the Company. Finally, the Company prohibits the harassment of any individual on any of the bases listed above. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs.

For purposes of this policy, impermissible harassment includes verbal, physical, and visual harassment; solicitation of sexual favors; unwelcome sexual advances; and creating or maintaining an intimidating or hostile work environment which has the purpose or effect of negatively impacting an employee's job performance. Any employee who violates this policy is subject to discipline up to and including discharge.

Any incident of discrimination or harassment, including work -related harassment by Company personnel or any other person, should be reported to the employee's

supervisor or the supervisor's manager and the Human Resources Manager. The employee may also report such incidents to the President or Vice President of the Company. The matter will be thoroughly investigated by the appropriate Company representative. In the case of Company employees, if harassment is established, the offender will be disciplined, up to and including discharge. Likewise, if an employee reports an incident of harassment or discrimination in bad faith and with no basis for doing so, that employee will be disciplined.

It is the responsibility of every manager and employee to conscientiously follow this policy.

### **3. EMPLOYMENT AT WILL**

During the course of your employment, you are free to leave the Company at any time for any reason, and the Company reserves a similar right to terminate your employment. Thus, both you and the Company will have the right to terminate your employment at any time, with or without advance notice and with or without cause. This is called "employment at will," and no one other than the President or Vice President of the Company has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Furthermore, any such agreement must be in writing and must be signed by either the President or Vice President of the Company.

### **4. INTRODUCTORY PERIOD**

The Company recruits carefully and believes that it is hiring the best employee for each position. It is, however, to both the Company's and the employee's advantage to have an initial period of employment in which the employee has time to appraise the Company and job content, and the Company has a similar opportunity to appraise the new employee's job performance. Thus, each new employee must satisfactorily complete an introductory period of 90 days, measured from his or her initial date of employment. At the Company's discretion, the introductory period may be extended one or more times.

The Company or the employee may terminate the employment relationship during the introductory period and/or anytime thereafter, with or without cause and with or without prior notice.

At the successful completion of the 90 -day introductory period, the employee becomes a regular employee. The successful completion of the introductory period, however, does not mean that the employee is guaranteed employment for any specific duration, nor does it change the at-will status of regular employment.

## **5 HOURS OF WORK AND PAYDAY**

- A. The pay period begins Thursday morning and continues through the following Wednesday (one week). Paychecks are distributed every Friday by the conclusion of the workday. Employees are responsible for clocking in and out on their “own” time cards, including lunch breaks. All lunch breaks must be at least 30 minutes long. If an employee has a problem with his/her time card or if one is not provided, the employee should contact his/her supervisor immediately.
- I. A W4 tax form must be completed and signed by every employee, including Social Security number, and number of tax exemptions (dependents). The number of exemptions claimed on the W4 form will determine how much money will be withheld from an employee’s paycheck each week as required by Federal law. This money is sent to the Internal Revenue Service.
  - II. At the end of each calendar year, you will receive a W-2 tax form reporting the amount earned and the amount of federal income tax and Social Security that was withheld during the previous year. The W -2 tax form is required to complete your tax return for the Internal Revenue Service.
  - III. Full-time employees are those persons employed to work a regular full schedule of 30 or more hours per week. Full -time employees are eligible for all benefits.
  - IV. Part time employees are those scheduled to work from 16 hours per week to less than 30 hours per week. Part-time employees are not eligible to participate in or receive any medical or dental benefits what so ever, but are eligible for prorated benefits, which includes four (4) hours per paid holiday and a maximum of 20 hours paid vacation per week of earned vacation time. Any employee who works less than 16 hours per week are not entitled to participate in or receive any benefits whatsoever.
  - V. Any full time employee who works an average of below 30 hours per week during any calendar quarter shall automatically revert to part-time status and be entitled only to those benefits accorded part -time employees. Conversely, any part-time employee who works an average of 30 hours per week or more during any calendar quarter shall automatically revert to full-time status and be entitled to all those benefits accorded full-time employees.
  - VI. All considerations for wage or salary increases shall be based on individual merit and demonstrated level of performance.
- B. Any eligible employee who, as a result of a medical disability or serious health condition, including pregnancy, becomes unable to perform the duties of his or her position may be eligible for placement on an unpaid medical leave of

absence following exhaustion of the employee's paid vacation leave (if applicable) for all or a portion of the period of the employee's disability. The leave extends for the duration of the medical disability, up to a maximum of 12 weeks, measured from the onset of the medical disability, after which employment may be terminated at the discretion of management. Holiday pay will not be paid, during any period of absence on disability leave.

C. SALARY DEDUCTION POLICY (for salaried exempt employees)

The Company may make deductions from the pay of a salaried employee who is "exempt" from overtime pay for the following reasons:

1. A salaried employee does not have to be paid for any work week in which he or she performs no work;
2. When the employee absents himself from work for a day or more for personal reasons, other than sickness or accident;
3. When the employee is absent for a day or more due to sickness or disability, if taken in accordance with a bonafide plan, policy or law (i.e. workers' compensation) which otherwise provides said employee with wage replacement benefits;
4. For any hours worked in the initial and final weeks of employment or for hours taken as unpaid FMLA leave;
5. Less than full week deductions for violations of major safety rules;
6. For a full-day disciplinary suspension (for reasons such as sexual harassment or workplace violence). Further, the Company reserves the right to suspend exempt employees without pay for discriminatory harassment for two (2) days, four (4) days or ten (10) days, as appropriate to respond to the level of misconduct.

The Company believes this is a common-sense policy that will allow it to uniformly hold exempt employees to the same standards of conduct as that required of non-exempt, hourly workers.

## **6. VACATION POLICY**

After one (1) year with the company, employees will be entitled to one (1) week of paid vacation. For scheduling reasons, it is necessary for the employee to give at least six (6) weeks advance notice before taking a vacation. Employees are required to take their vacation time during the calendar year that they are entitled to the vacation. There will be no "carry over" of vacation time into another calendar year. Your supervisor and either the President or Vice President must approve all vacations. Further, upon termination, an employee will not be entitled to vacation time accumulated as of that date.

## 7. HOLIDAYS

The Company provides full-time employees 8 hours and part-time employees 4 hours for the following paid holidays each year after six (6) months of employment:

New Year's Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Day

An employee will only be paid for a holiday provided he is at work the scheduled work days both before and following that holiday, unless the employee is on scheduled vacation at the time of the holiday. Further, any employee on suspension will not be paid for any holiday(s) that may occur during his/her suspension period.

## 8. ATTENDANCE

Regular attendance at work is required. If you must be absent for reasons beyond your control (unless the absence is during a company -approved leave of absence), each employee is expected to notify his/her supervisor not less than two (2) hours prior to the beginning of his/her shift. In cases of emergency, notification less than two hours, but prior to the beginning of your shift will be permitted. Failure to notify your supervisor prior to the beginning of your shift will result in an unexcused absence. Falsifying the reason for your absence when notifying your supervisor may result in your immediate discharge. Excessive absenteeism or tardiness will result in disciplinary action and may result in termination. **Sick days will be paid at the discretion of management.**

Should the Company come into possession of private health information (PHI) as that term is defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as a result of the application of this Policy, all such PHI shall be utilized only as consistent with the applicable provisions of HIPAA, not disclosed except in accordance therewith, and destroyed after such use. Employees shall execute all necessary releases to effectuate the application of this Policy.

## 9. FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Federal Family and Medical Leave Act (FMLA) guarantees employees under certain circumstances, up to twelve (12) weeks of unpaid leave time during any twelve (12) month period. The 12-month period shall be measured forward from the first date leave is used. You may be eligible for an unpaid leave of absence of up to twelve (12) weeks for the following purposes:

1. The birth of a child of the employee. (Eligibility for this leave expires twelve (12) months after the birth and applies equally to men and women.);
2. The placement with the employee of a child for adoption or foster care. (Eligibility for this leave expires twelve (12) months after the child is placed with the employee.);
3. The care of a child, spouse, or parent of the employee with a serious health problem; or
4. A serious health condition that renders the employee unable to perform any one of the essential functions of the position.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

While you are on FMLA leave, you will be able to retain your medical coverage by paying your usual contributions. At the end of your leave, you will be reinstated to the same or equivalent position unless your job has been eliminated or you are no longer able to perform your job, or unless you are considered a “key” employee. If an extended continuous leave is not needed, you may be eligible for a reduced hour schedule or to take intermittent time off.

Not all employees are eligible for Family and Medical Leave. The FMLA defines eligible employees as employees who have worked for their current employer for at least twelve (12) months and for at least 1250 hours during the twelve (12) months preceding the leave period.

An employee requesting family or medical leave must give at least thirty (30) days advance notice before the leave is to begin by completing and submitting an “Application for Family or Medical Leave” form (which is available from the Human Resources Manager) and by then returning it to the Human Resources Manager. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave, etc. The employee must also complete a HIPPA release form in accordance with Policy. If an employee’s leave begins within 30 days, the employee must give notice to the Human Resources Manager as soon as the necessity for the leave arises.

The Company requires that an employee first use any paid vacation or other paid leave he/she may be entitled to when taking FMLA leave and this paid leave will run

concurrently with any FMLA leave taken.

## **10. JURY DUTY**

D & B Tile provides paid leave up to five (5) days a year for service as a juror in State or Federal Court, provided that no petition to be excused from such service due to hardship has been filed. A copy of the jury summons must be submitted to the Director of Operations as soon as the employee receives it. If the employee is released from jury duty before 1:00 p.m. on any regular work day, the employee is expected to return to work that same day and that day shall not be considered a jury duty leave day. The company reserves the right to withhold from the employee's wages any amount(s) paid to the employee by the State of Federal Government for jury service.

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## **11. MILITARY LEAVE**

Employees required to serve in the military shall be entitled to leave and reinstatement in accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act.

## **12. COMPLAINT REVIEW AND PROBLEM SOLVING**

The Management of D & B Tile subscribes to an “open door” policy with respect to problem resolution. All supervisory and management personnel welcome the opportunity to discuss problems with their employees openly in an effort to amicably resolve any work related issues. Management recognizes that occasionally employees may experience dissatisfaction or that misunderstandings may arise. The company encourages a quick and reasonable resolution of any such problems or complaints. If and when issues arise, they should be discussed with the employee’s immediate supervisor. If the problem is not resolved between the employee and the immediate supervisor or, if any employee wishes to bypass a discussion with the supervisor, the problem or dispute should be put in writing and submitted to the Director of Operations and the employee should request a meeting with said Director of Operations to address the issue. Decisions by the Director of Operations on all complaints brought to him will be final.

## **13. POLICY AGAINST HARASSMENT**

The company is committed to providing a workplace free of sexual harassment as well as harassment based on such factors as race, color, religion, national origin, ancestry, age, medical condition, marital status, disability, veteran status, or sexual preference. The Company strongly disapproves of and will not tolerate harassment of employees by managers, supervisors, or co-workers. The Company will also attempt to protect employees from harassment by non-employees in the workplace. Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that has the purpose or effect of interfering with work performance. Some examples include racial slurs; ethnic jokes; posting of offensive statements, posters, or cartoons; or other similar conduct. Sexual harassment includes solicitation of sexual favors, unwelcomed sexual advances, or other verbal, visual, or physical conduct of a sexual nature.

You should report any incident of harassment, including work-related harassment by any Company personnel or any other person, promptly to your supervisor, the supervisor’s manager *and* the Human Resources Manager, who is responsible for having the matter investigated. You may also report incidents to the Company President or Vice President. Managers who receive complaints or who observe harassing conduct should inform the Human Resources Manager immediately. The Company emphasizes that you are not required to complain first to your supervisor if your supervisor is the individual who is harassing you.

Every complaint of harassment that is reported to the foregoing individuals will be investigated thoroughly, promptly, and in as confidential a manner as legally and practically possible. In addition, the Company will not tolerate retaliation against any employee for making a complaint in good faith. As with any other infraction of Company policy, an employee who reports an "incident of harassment" which is false and/or in bad faith may be subject to discipline.

In the case of Company employees, if harassment is established, the Company will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination, depending upon the circumstances. With regard to acts of harassment by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel.

#### **14. PERSONAL USE OF OFFICE EQUIPMENT AND SUPPLIES**

The company's supplies, copy services, postage meter and the like are for the company's business and are not to be used for personal needs.

Personal telephone calls during business hours, both incoming and outgoing, should be confined to those that are absolutely necessary and should be kept to a minimum. Employees are required to pay for any personal toll calls.

Employees are not to carry a personal cell phone while on company time. The only exception to this is managers, drivers and sales people that have been issued cell Nextel radio/phones for company business. Managers, drivers and sales people allowed to have a cell/Nextel for business are never to use said phone while in the warehouse for safety reasons. Warehouse personnel are never to have a cell phone while in the warehouse on duty. All personal cell phones are to be left in their vehicles. If an employee is caught with a personal cell phone while on duty, whether it be turned on or off, he/she will be sent home for the day. A second violation of this policy will result in termination.

#### **15. PERSONAL APPEARANCE AND DRESS CODE**

The impression you make through your personal appearance and conduct is an integral part of your professional reputation. D & B Tile's reputation will likewise be enhanced by your good judgment in presenting yourself as a professional. We recognize that dress is a matter of personal taste and standards vary throughout the area. However, D & B management requests that employees wear clothing that is appropriate for their position in the company, neat, and that fit properly.

Accessories and grooming are the first details that get noticed and leave a lasting impression on others. Used appropriately, accessories can dramatically alter your image. However, remember that less is usually more. There's no tactful way to address grooming, except to ask employees to pay attention to personal hygiene. Careless grooming can spoil personal style. Body piercing (other than earlobe) and

visible tattoos are not considered professional adornments. PLEASE DRESS NEATLY TO REPRESENT THE COMPANY.

## **WAREHOUSE DRESS CODE**

1. No sneakers
2. No sandals
3. No soft-top shoes (i.e. Hushpuppies or boat shoes)
4. No platform-type shoes
5. No elevated sole or heel sole
6. No shoes with holes cut into the leather

\*After 6 months of employment, a uniform allowance may be given once per year (at the discretion of the location manager). Each warehouse employee may be eligible to purchase 6 sets of shirts and pants and turn in the receipt for a refund, OR, employees may use D & B's uniform rental service to acquire their uniforms. However, any employee who acquires their uniforms from this rental service must return all uniforms to D & B upon termination of their employment for any reason or reimburse D & B for the actual cost of said uniforms.

## **16. SMOKING POLICY**

The Company is subject to state statutes regarding smoking in the workplace. Accordingly, you are asked to refrain from smoking except in the outside designated "smoking" areas. Since even the non-air-conditioned areas of the warehouse(s) may be considered "workplace" area(s) under Florida law, smoking in the warehouse(s) is not allowed. Smoking will only be allowed outside the buildings. Further, employees who smoke are not entitled to any specific or special smoking breaks.

## **17. SAFETY PROGRAM**

### **I. Policy**

The Company strives to maintain safe working conditions. The success of our safety program depends on the cooperation of everyone. You are asked to learn the safety rules and observe them at all times, and to immediately report any potential safety hazards, injuries or accidents to your supervisor. First aid supplies are conveniently located at various designated areas inside the building. The location of the nearest doctor and/or medical facility is available from the Human Resources Manager or is posted.

### **II. Workers' Compensation Insurance**

The Company carries workers' compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. No compensation shall be

allowed for the first seven days of disability, except for medical services and supplies, which are provided from the first day of injury. However, if the injury results in disability for more than 21 days, compensation shall be allowed from the commencement of the disability.

The Company has established a workplace safety committee. The committee shall schedule its meetings at least once a month during the calendar year and at such other times as the majority of the committee members agree or the Company requires. The Company shall compensate each committee member at his or her regular hourly wage when the member is engaged in committee activities. The workplace safety committee shall perform the following functions:

- A. Establish and communicate procedures for conducting internal safety inspections of the workplace. With Company approval, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the Company to protect employees from recognized hazards in the work and work environment.
- B. Establish and communicate procedures, approved by the Company, by which the employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities.
- C. Evaluate the effectiveness of and recommend improvements to the Company's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the Company, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed.
- D. Establish and communicate guidelines for the training of members on the requirements for safety committees.
- E. Establish and communicate guidelines for the safe evacuation of employees from the Company premises in the event of an emergency.
- F. Establish and communicate procedures for the safe handling of mail and packages.

### III. **Driver's Safety Policy**

D & B Tile considers safety its primary concern. Therefore, the following general Driver's Safety Policy shall be adhered to by all employees of D & B Tile regardless of job description, who are, at any time, driving vehicles owned by D & B or insured under its insurance policy or operating any vehicle within the course and scope of their employment with D & B Tile.

- A. Any person operating vehicles owned by D & B Tile shall be a current employee of D & B Tile with a valid driver's license. Non D & B employees may be authorized to drive D & B vehicles in certain instances by permission of either the President or Vice President only. Additional qualifications and safety training may be required depending upon the job description and nature of the employee's duties with D & B Tile Distributors.

- B. Since safety is a primary concern of D & B Tile, it is the responsibility of each employee to operate D & B Tile vehicles in a defensive manner and obey all traffic laws of the state in which they are traveling.
- C. Regardless of the absence of any state or local laws to the contrary, all operators and passengers of D & B Tile vehicles must wear safety belts.
- D. In the event of an accident, it is the D & B Tile employee's responsibility to notify the police and ensure that a police accident report is completed at the scene regardless of fault. The employee's supervisor shall be notified immediately after police are summoned to the scene and the police accident report completed. A copy of any completed police accident report must be provided to the Legal Department for their files within two weeks of any accident involving a D & B Tile vehicle.
- E. Cellular and mobile phones shall only be operated in a D & B Tile vehicle when it is reasonably safe to do so and when operation of said device will not interfere with the defensive and safe operation of the vehicle by the driver. Operation and use of cellular phones while driving D & B Tile vehicles is not allowed if and when state, local or municipal laws prohibit use of same while operating a motor vehicle.

IV. **Safe Forklift Operations**

Each warehouse person must be trained and certified in safe forklift operations:

- A. Take pre-test
- B. Read handbook
- C. Watch safety video
- D. Class discussion
- E. Hands-on training
- F. Re-read handbook
- G. Take post-test

V. **Safety Rules**

The management is making every effort to ensure and encourage safe methods of operation. These general rules have been established for your guidance. IN YOUR OWN INTEREST, you should familiarize yourself with these rules.

We expect all of our employees to be safety-conscious at all times and to assist us in finding conditions which might cause an accident. Report any unsafe conditions or injury received while at work, even though very slight; to your supervisor. Your supervisor always welcomes suggestions which will promote safety!

VI. **Company Safety Policy is: the SAFE WAY is the RIGHT WAY!!!**

- A. **Absolutely no alcohol or drugs** permitted on the job or the job-site at any time. (See Section 23(c) - Drug-Free Workplace policy)
- B. Report ANY unsafe conditions to your supervisor at once! Do not wait for the other guy to do it; someone may get hurt in the meantime.
- C. All employees **MUST WEAR SEATBELTS** at all times while operating any company vehicle.

- D. Signs and signals constitute safety rules and must be obeyed.
- E. Do not remove or bypass any guards on any machinery at anytime .  
Machines are equipped with control s and safety features for your protection.
- F. Ask your supervisor if you need any additional equipment or instruction to get the job done safely.
- G. Do not attempt to lift or push objects that may be too heavy for you. Get assistance with loads over 50 lbs. Learn to lift the right way to avoid strain: Bend your knees, keep your back straight, push upward with your legs. This is much easier and safer. Wear a back brace at ALL times when lifting.
- H. Any injuries incurred on the job, regardless of their nature or severity, must be reported to the supervisor in charge the day that the injury occurs!  
Note: Any employee who fails to report an injury during the shift in which the injury occurred will be subject to disciplinary action.
- I. Any non-emergency treatment for accidents or injuries must be authorized first by a supervisor.
- J. In the event of a serious injury, the company physician may refer the employee to the insurance company's physician.
- K. The company insures all employees against accidental injuries under the Workman's Compensation Act of the State of Florida.

### **CLEAN UP OF SPILLED LIQUIDS**

Use sand to absorb the spilled liquid, put it in a five-gallon pail and close tightly. Have B.F.I. WASTE SYSTEMS dispose of the sand and material that was absorbed: PHONE NUMBER OF B.F.I. WASTE SYSTEMS 954-523-1227 or 954-577-1092.

### **SAFETY HABITS**

THE WORD SAFETY REFERS TO YOUR FREEDOM FROM DANGER, INJURY AND DAMAGE, AND TO YOUR PERSONAL SECURITY. IT'S WHAT AMERICA WAS FOUNDED ON. IT'S WHAT EVERYONE WANTS, BUT DOESN'T ALWAYS GET. IT REQUIRES A LOT OF EFFORT TO HAVE AND TO KEEP.

IN RECENT YEARS THERE HAS BEEN A CONCENTRATED EFFORT IN OUR COUNTRY TO REDUCE ACCIDENTS AND SAVE LIVES. IN THE PROCESS, THE WORD SAFETY HAS BEEN USED SO OFTEN THAT MANY OF YOU MAY THINK OF IT AS A "PREACHING WORD", OR A WORD THAT FORCES YOU TO ALTER YOUR WAYS OR CHANGE BAD HABITS.

INSTEAD, WHEN YOU HEAR THE WORD SAFETY, THINK OF IT AS A WORD THAT APPLIES TO THE WAY YOU DO EVERYTHING IN YOUR LIFE. IF YOU HAVE BAD SAFETY HABITS, YOU'RE JUST NOT DOING THINGS AS WELL AS YOU SHOULD!

IF YOU ARE DRIVING SAFELY, YOU ARE SIMPLY OPERATING YOUR VEHICLE AS INTENDED AND OBEYING THE LAWS. SAFETY GLASSES ARE SIMPLY A NECESSARY ACCESSORY TO THE PROPER USE OF A TOOL. IF

YOU'RE WORKING AT HOME, TAKE THE TIME TO USE A LADDER INSTEAD OF STANDING ON A CHAIR THAT WAS MADE TO SIT ON. IMPROVING YOUR BAD SAFETY HABITS WILL REQUIRE CONCENTRATION AND EFFORT, BUT THE RESULTS WILL HELP MAKE YOU A RESPONSIBLE AND DESIRABLE EMPLOYEE, AN IMPROVED DRIVER, AND A GOOD EXAMPLE TO THOSE AROUND YOU. YOUR BONUS FOR THIS EFFORT IS A REDUCED CHANCE OF BECOMING AN ACCIDENT STATISTIC. GOOD SAFETY HABITS REQUIRE EFFORT TO DEVELOP AND PAY BIG DIVIDENDS. MAKE SAFETY A PART OF EVERYTHING YOU DO.

## **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE OSHA HAZARD COMMUNICATION STANDARD ("HAZCOM")**

### **WHAT IS HAZCOM?**

Hazcom says that all employees must be trained about:

1. The hazardous substances they are working with.
2. What they need to do to protect themselves from injury or illness.

### **WHAT HAZARDOUS SUBSTANCES ARE PRESENT ON CONSTRUCTION SITES?**

Many COMMON construction products are considered hazardous. Most will fall into five broad hazard categories:

1. Flammables & combustibles,
2. Compressed gases,
3. Systemic poisons,
4. Corrosives and irritants, and
5. Dusts and fires.

### **HOW DO I KNOW WHICH PRODUCTS I AM USING ARE HAZARDOUS?**

All hazardous products must have a label that explains the dangers of the product. These labels will be tagged with such words as "caution", "warning", "corrosive", "danger", "toxic", "flammable", etc. The labels will also tell you the proper way to use the product. Also, each hazardous product has a MATERIAL SAFETY DATA SHEET ("MSDS") that explains the dangers of the product in more detail. Your employer has a file of MSDS, which are available for you to review.

### **WHAT DO I NEED TO DO WHEN WORKING WITH HAZARDOUS SUBSTANCES?**

There are only three ways a hazardous substance can hurt you: if you breathe it, eat it or touch it. When working with these substances, you must always follow the safety rules of your employer and the guidelines outlined on the labels and MSDS.

Make sure you wear the necessary protective gear and have adequate ventilation when working with hazardous substances. You should also know what to do in case of an emergency or accident.

### **WHAT IF I'M JUST WORKING AROUND SOMEONE ELSE WHO IS USING HAZARDOUS SUBSTANCES?**

Even if you are only near someone who is using hazardous products, you still need to protect yourself. Make sure you have protective gear such as a mask or respirator and make sure there is good ventilation.

### **HOW DO I KNOW WHAT MY EMPLOYER IS SUPPOSED TO DO UNDER HAZCOM?**

Every employer has a written hazard communication program, which outlines his responsibilities under the Hazcom rule. It also has an inventory list of all hazardous products the employer is using. The written program is part of this policy manual.

TOXIC SUBSTANCES INFORMATION CENTER  
2551 EXECUTIVE CENTER CIRCLE, WEST  
TALLAHASSEE, FL 32399-0663  
PHONE \*\*1-800-367-4378\*\*

## **CHEMICAL FAMILY – METALS AND COMPRESSED GASES**

METALS may be found as a solid or a fume if heated. A COMPRESSED GAS is any material under pressure. The pressure may be low or high, depending on the material. A COMPRESSED GAS may be an inert material (Argon, Hydrogen), a solvent, or a metal.

EXAMPLES: Acetylene (welding), Argon (welding), Oxygen (welding), Silver (welding rod)

USES: On a construction site, METALS AND COMPRESSED GASES are used in welding. METALS are used on ductwork, piping and framing.

DANGERS: METAL DUSTS AND FUMES can cause a pneumonia like illness, or can be irritating to the skin. SOME METALS are very toxic: BERYLLIUM, CADMIUM, AND NICKEL. These are suspected of causing cancer. SPECIAL HANDLING is required for the special metals and their alloys.

COMPRESSED GASES may possess the same toxicity as the material in another physical form or may be more toxic. COMPRESSED GASES are dangerous if released too fast. SOME GASES are flammable. SOME GASES displace oxygen and act as an asphyxiant.

GOGGLES AND RESPIRATOR may be required. SPECIAL VENTILATION is normally required for welding.

STORE COMPRESSED GASES in a cool, dry place – OUT OF THE SUN. METALS have no special storage requirements. STORED METAL DUST must be kept dry and away from ignition source.

SOME GASES MUST BE SEPARATED due to flammability, toxicity or incompatibility. VALVES must be protected. Both FULL AND EMPTY CYLINDERS must be properly marked.

FIRST-AID depends on the metal and its' physical form. SOME METALS do not act on the body for several hours after exposure. FIRST -AID FOR COMPRESSED GAS is typically the same as the material in its' other forms.

### **CHEMICAL FAMILY – CORROSIVES**

ACID OR ALKALI: A metal that can attack metal and human tissue, such as mucus membrane. Can be found as a liquid or a solid. Some chemical names may include “ACID” or “HYDROXIDE”.

#### EXAMPLES:

MURIATIC ACID (masons)  
HYDROCHLORIC ACID (wood workers and plumbers)  
OXALIC ACID (wood workers)  
POTASSIUM HYDROXIDE (painters)

USES: CLEAN FINISHES, BLEACHING

#### DANGERS:

VERY IRRITATING TO THE SKIN AND EYES.  
CAN CAUSE SEVERE BURNS.  
TOXIC VAPORS CAN BE GIVEN OFF WHEN MIXING A  
CORROSIVE WITH AN INCOMPATIBLE MATERIAL.

HANDLING MAY REQUIRE gloves, apron, goggles, and respirator.

SPECIAL VENTILATION MAY BE REQUIRED.

STORAGE: COOL DRY PLACE OUT OF THE SUN.

SEPARATE ACIDS FROM ALKALIS.

FIRST-AID: WASH CONTACTED AREA FOR 15 MINUTES WITH COLD WATER AND SEEK MEDICAL AID.

## CHEMICAL FAMILY – SOLVENTS

DEFINITION: A LIQUID CAPABLE OF DISSOLVING ONE OR MORE MATERIALS WITHOUT UNDERGOING A CHEMICAL REACTION, CAN BE IDENTIFIED BY ITS PAINT-LIKE, SWEET ODOR. SOLVENTS ARE LIQUIDS.

### EXAMPLES:

PERCHLOROETHYLENE (Degreaser)  
TOLUENE (paint thinner)  
DICHLOROETHANE (adhesive)  
XYLANES (paints)  
METHYLENE CHLORIDE (paint stripper)

### USES:

CLEANING OILS, GREASES AND RESINS. FOUND IN PAINT, VARNISH, POLISHES, AND ADHESIVES.

### DANGERS:

INHALING THE VAPOR MAY CAUSE LACK OF COORDINATION OR DAMAGE TO THE LIVER, KIDNEYS, OR NERVOUS SYSTEM. SOLVENTS MAY IRRITATE THE SKIN. SOLVENTS MAY BE FLAMMABLE.

### HANDLING:

MAY REQUIRE GLOVES, APRON, GOGGLES, RESPIRATOR, SPECIAL VENTILATION. BE SURE THAT THE PROPER PROTECTIVE EQUIPMENT IS USED. THERE IS NO ONE RESPIRATOR THAT CAN BE USED FOR SOLVENTS.

### STORAGE:

COOL, DRY PLACE OUT OF THE SUN. SEPARATE CORROSIVES FROM SOLVENTS. MAY REQUIRE SPECIAL VENTILATION AND GROUNDING.

### FIRST-AID:

WASH THE CONTACTED AREA FOR 15 MINUTES WITH COLD WATER AND SEEK MEDICAL AID. IF INGESTED OR INHALED, SEEK IMMEDIATE MEDICAL AID.

## **18. SECURITY; CONFIDENTIAL INFORMATION**

The security of employees, employee property, and Company property is of vital importance to the Company. All employees share responsibility to ensure that proper security is maintained. Any breach of security should be reported promptly to the Human Resources Manager and the President or Vice President of the Company.

Company property includes not only tangible property, like desks and typewriters, but also intangible property such as information. Of particular importance are proprietary information and confidential information. Proprietary information includes all information obtained by Company employees during the course of their work. This Handbook, for example, contains proprietary information. Confidential information is any Company information that is not known generally to the public or the industry. Customer lists, customer files, personnel files, computer records, financial and marketing data, formulas, and trade secrets are examples of confidential information. Employees may not disclose or use proprietary or confidential information except as their jobs require. Anyone who violates this guideline will be subject to discipline and possible legal action.

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

All visitors should enter the Company at the lobby. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on Company premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby.

## 19.

### **401(k) PLAN**

#### **I. PLAN HIGHLIGHTS**

- A. ELIGIBILITY: All full-time employees who have completed six (6) months of service.
- B. PLAN ANNIVERSARY: January 1 of each year.
- C. PLAN ENTRY DATES: January 1 and July 1 of each year.
- D. SALARY DEFERRAL CHANGES: Employees can adjust their salary deferral contribution percentage election January 1, April 1, July 1, and October 1 of each year. However, employees can reduce their election to 0% at any time and will need to wait until the next Plan Entry Date before being able to rejoin the Plan.
- E. EMPLOYEE CONTRIBUTIONS: Employees may contribute 1 to 75% of earnings, or the annual dollar limit prescribed by law.
- F. CONTRIBUTION VESTING: Employee contributions are always immediately 100% vested.
- G. NORMAL RETIREMENT DATE: The date a participant attains his or her 65<sup>th</sup> birthday.
- H. WITHDRAWALS: May be made for : (1) Death ; (2) Disability; (3) Retirement; (4) Termination of Employment; (5) Plan Termination; (6) Qualified Financial Hardship; and (7) Loan.

- I. HARDSHIP WITHDRAWALS: Withdrawal of net employee deferrals may be made for the following qualified hardships: (1) Family medical expenses; (2) College Tuition; and (3) Purchase or preservation of the primary residence.
- J. LOANS: Participants can borrow up to 50% of their vested account balance. The minimum loan amount is \$1,000 and the maximum amount is \$50,000.

## **20. HEALTH INSURANCE**

D & B Tile offers health insurance to its employees after a 3-month waiting period. The company pays a portion of the employee's monthly health insurance premium, with the balance paid by the employee. The employee pays for dependent coverage. Employees wishing further information should contact their supervisor. Upon termination of any employee, all health insurance will expire on the last day of that month. Any terminated employees will have the opportunity to obtain COBRA insurance at their own expense.

## **21. NONFRATERNIZATION**

In order to promote the efficient operation of the Company's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, and morale, and possible claims of sexual harassment, managers and supervisors are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline, up to and including termination of employment.

## **22. INSPECTIONS AND SEARCHES FOR PROHIBITED MATERIALS AND FOR COMPANY PROPERTY ON COMPANY PREMISES**

### **I. Purpose of the Guideline**

The Company believes that maintenance of a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and to the success of the Company's business. The Company also intends to protect against the unauthorized removal of Company property and to assure its access at all times to Company property, records, documents, and files. Accordingly, the Company has established this Guideline concerning inspections and searches for prohibited materials and for Company property on Company premises, as well as concerning the monitoring and/or interception of the Company's telephone, facsimile, computer, or e-mail systems. This Guideline applies to all employees of the Company.

## **II. Definitions**

For purposes of this Guideline:

- (1) "Prohibited materials" means firearms or other weapons (except licensed concealed weapons in motor vehicles); explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined in the Company's Drug -Free Workplace Guideline; drug- related paraphernalia; alcoholic beverages; and Company property that you are not authorized to have in your possession.
- (2) "Company property" includes all documents, records, and files relating to the Company's business, and all equipment and other property of any kind, whether owned, leased, rented, or used by the Company.
- (3) "Company premises" includes all premises and locations owned or leased by the Company or under the control of the Company, including but not limited to, parking lots, lockers, and storage areas whether locked or protected by access codes.
- (4) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech, or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- (5) "Possession" means having the substance or property on one's person or otherwise under one's control.

## **III. Inspections and Searches**

### **A. Access to Company Property**

1. In order to assure access at all times to Company property, and because you may not always be available to produce various documents, records, files, or other items of Company property in your possession when needed in the ordinary conduct of the Company's business, the Company reserves the right to conduct a routine inspection or search at any time for Company property on Company premises.
2. Routine searches or inspections for Company property may include your office, desk, file cabinet, closet, computer file, voice mail, or similar places where you may place Company property or Company-related information, whether or not such places are locked or protected by access codes.
3. Because even a routine search for Company property might result in the discovery of your personal possessions, you are encouraged to refrain from bringing into the workplace any item of personal property that you do not wish to reveal to the Company.

**B Prohibited Materials**

1. Inspections or searches for prohibited materials on Company premises will be conducted whenever the Company has reasonable suspicion to believe that an individual may be in possession of such materials in violation of this Guideline.
2. Inspections or searches for prohibited materials may be conducted by an independent security service or by the Company with its own personnel.
3. Inspections or searches for prohibited materials may be conducted on a random basis at locations where you enter or exit Company premises, without regard to whether there is reasonable suspicion that you may be in possession of prohibited materials.
4. Inspections or searches for prohibited materials may include your office, desk, file cabinet, closet or similar places where you may place personal possessions, whether or not such places are locked or protected by access codes. Inspections or searches for prohibited materials may also include your locker, your vehicle (except for licensed concealed weapons), when on Company premises, or your pockets, purse, briefcase, lunch box, or other item of personal property that you are wearing or carrying while on Company premises.
5. The Company reserves the right to take appropriate action to prevent any employee from removing Company property without authorization.

**C. Monitoring**

1. Company telephones, computers, and e-mail systems are Company property and are to be used for business purposes only. As such, the Company reserves the right to monitor the use by employees of Company telephones, computer networks, and electronic mail systems. Monitoring may be performed by observation, or through aural, mechanical, electronic, or other means. Monitoring may take place on a regular or random basis and will be used to monitor an employee's job performance, for training or quality control purposes, or in instances in which the Company has a reasonable suspicion that an employee is using Company property in an unauthorized manner. Your use of the systems constitutes your consent to any monitoring that may occur.

**IV. Disciplinary Action**

1. If you are found to be in violation of this Guideline and/or in violation of any other guideline set forth herein, you will be subject to discipline up to and including discharge, regardless of the Company's reason for conducting the search or inspection.

2. If you refuse to cooperate with a search or inspection, the Company will take that refusal into consideration in determining appropriate disciplinary action. It is therefore to your advantage to cooperate with the search or inspection.

#### **Disposition of Prohibited Materials**

- V.
1. Any prohibited materials (or any materials that are suspected of being prohibited by this Guideline) that are found in your possession during an inspection or search will be collected by the Company or by the independent security service and will be placed in a container, sealed, and marked with (1) the date collected, (2) names of persons present, (3) circumstances of discovery, and (4) a general description of the contents placed in the container.
  2. You will be given a receipt for any materials that were found in your possession (or that the Company suspected of being in your possession).
  3. If, after further investigation, it is determined that the materials collected were not prohibited by this Guideline, the collected materials will be returned to you (except as provided below) and a receipt will be obtained from you. In cases where it is suspected that the collected materials consist of illegal drugs or other controlled substances, the Company will arrange for disposition in accordance with advice from the Drug Enforcement Administration or other appropriate law enforcement authorities. In cases where the collected materials consist of (or are suspected of consisting of) firearms or other weapons, explosives, or other hazardous materials or articles, the Company reserves the right to dispose of the materials in whatever manner that it deems to be in the interest of safety to its employees or to return the materials to you at a designated time and location.

### **23(a). DRUG-FREE WORKPLACE**

#### **Purpose of Guideline**

- I. It is the intent of the Company to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. The Company has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at the Company. Employees who are under the influence of a drug or alcohol on the job compromise the Company's interests, endanger their own health and safety and the health and safety of others, and can cause a loss of efficiency, productivity, or a disruptive working environment. To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, and operations, the Company has established this Guideline concerning the

use of alcohol and drugs . As a condition of continued employment with the Company, you must abide by this Guideline.

## **Prohibited Conduct**

II.

### **A. Scope**

The prohibitions of this section apply wherever the interests of the Company may be adversely affected, including any time you are:

- (1) On Company premises;
- (2) Conducting or performing Company business, regardless of location;
- (3) Operating or responsible for the operation, custody, or care of Company equipment or other property; or
- (4) Responsible for the safety of others.

### **B. Alcohol**

The following acts are prohibited and subject you to discharge:

- (1) Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
- (2) Being under the influence of alcohol.

### **C. Illegal Drugs**

The following acts are prohibited and subject you to discharge:

- (1) Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- (2) Being under the influence of any illegal drug or other controlled substance.

### **D. Legal Drugs**

The following acts are prohibited and subject you to discharge:

- (1) Abuse of any legal drug;
- (2) Purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; and
- (3) Working while *impaired* by the use of a legal drug *whenever* such impairment might:
  - (a) Endanger your safety or the safety of any other person;
  - (b) Pose a risk of significant damage to Company property; or
  - (c) Substantially interfere with your job performance or the efficient operation of the Company's business.

## **III. Disciplinary Action**

### **Discharge for Violation of Guideline**

A A first violation of this Guideline may result in immediate discharge.

### **Discretion Not to Discharge**

. The Company, in the discretion of management, may choose not to discharge you for a first violation of this Guideline if you have successfully

B

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completed your introductory period and are not a casual, seasonal, or temporary employee, *and* if the violation *did not*:

- (1) Cause an injury to or endanger your safety or the safety of anyone else;
- (2) Result in significant damage to Company property or pose a risk of significant damage; or
- (3) Involve the possession of illegal drugs or other controlled substances in quantities greater than for personal use.

Such a discretionary choice by the Company not to discharge is conditioned on your satisfactorily completing an approved drug or alcohol abuse assistance or rehabilitation program when recommended by the Company *or* contacting the Personnel Department within two working days of being referred by management and following the recommendations made by the Personnel Department, including satisfactory completion of participation in an approved drug or alcohol abuse assistance or rehabilitation program.

**C. Effect of Criminal Conviction**

If you are convicted under a criminal drug statute for a violation occurring in the workplace or during any Company-related activity or event, you will be deemed to have violated this Guideline.

**D. Effect of Second Violation**

A second violation of this Guideline at any time will result in your immediate discharge.

**E. Effect of Discharge on Eligibility for Rehire**

If you are discharged for a violation of this Guideline, you will not be eligible for rehire by the Company.

**IV. Drug-Free Awareness Program**

**A. Management Awareness**

Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this Guideline. When management believes an employee or employees are working in violation of this Guideline, prompt action will be taken.

**B. Criminal Convictions**

You are required by this Guideline to notify the Company of any conviction under a criminal drug or alcohol statute for a violation occurring in the workplace or during any Company-related activity or event not later than five days after your conviction. When required by federal law, the Company will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

**V. Unregulated or Authorized Conduct**

**A. Customary Use of Over-the-Counter Drugs**

Nothing in this Guideline is intended to prohibit the customary and ordinary use of over-the-counter drugs, so long as such activity does not

violate any law or result in you or anyone else being under the influence of drugs in violation of this Guideline.

**B. Off-the-Job Conduct**

Nothing in this Guideline is intended to regulate your conduct while off the job, so long as off- the-job use of alcohol or legal drugs does not result in your being under the influence of or otherwise impaired by the use of alcohol or legal drugs in violation of this Guideline.

**C. Use of Alcohol**

Except as otherwise provided in this Guideline, you may not assume that your possession, use, purchase, sale, manufacture, distribution, transportation or dispensation of alcohol is authorized unless you have been notified in writing by the Human Resources Manager.

**VII. Confidentiality**

Disclosures you make to the Company concerning your use of legal drugs or your participation in any drug or alcohol counseling or rehabilitation program will be treated confidentially and in accordance with HIPAA. See Policy

**VIII. Counseling/Employee Assistance**

If you suspect that you may have an alcohol or drug problem, even in the early stages, you are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. If you wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program, you are encouraged to contact the Human Resources Manager, who will determine whether the Company can accommodate you by providing unpaid leave for the time necessary for you to complete participation in the program. You should be aware, however, that participation in a rehabilitation program will not necessarily shield you from the imposition of disciplinary action for a violation of this guideline, particularly if discipline is imposed for a violation occurring before you seek assistance.

**23(b). EMPLOYEE ASSISTANCE (RESOURCES) PROGRAM**

**I. Purpose of Guideline**

The Company recognizes that personal problems may have a negative impact on your attendance, job performance, or behavior at work. The company also recognizes that everyone may occasionally benefit from professional assistance with personal problems. Accordingly, the Company maintains an Employee Assistance Resources Program, available to all employees, which provides help to employees and their families who suffer from alcohol or drug abuse or have other personal or mental health problems.

**II. Counseling and Referral Services**

It is the responsibility of each employee to seek assistance from one or more of the following Employee Assistance Resources before drug and alcohol, or other, problems lead to disciplinary actions.

## **EMPLOYEE ASSISTANCE RESOURCES**

ALCOHOLICS ANONYMOUS (General Services)	1-212-870-3400
ALANON (Family & Friend Support)	1-888-425-2666
NARCOTICS ANONYMOUS	1-800-249-0012
NARCOTICS ABUSE HOTLINE	1-800-234-0420
NATIONAL INSTITUTE/DRUG ABUSE	1-800-662-HELP
NATIONAL COCAINE HOTLINE	1-800-COCAINE
NATIONAL COUNCIL ON ALCOHOLISM	1-800-NCA-HELP
DOMESTIC VIOLENCE HOTLINE	1-800-799-7233

## **DRUG AND ALCOHOL REHABILITATION PROGRAMS**

1. Spectrum Programs (outpatient treatment/sliding scales fees); 99 N.W. 183 St., Suite 239, Miami, FL 33169; Phone (305) 652-2874
2. Spectrum Programs (in and outpatient treatment/detoxification); 2800 Oakland Park Blvd., #100, Ft. Lauderdale, FL 33311; Phone (954) 777-2977.
3. The Addiction Treatment Program (in and outpatient treatment); 7401 S.W. 62<sup>nd</sup> Ave., South Miami, FL 33143; Phone (305) 662-8118.
4. The Family (in and outpatient treatment); 555 S.W. 148<sup>th</sup> Ave., Sunrise, FL 33325; Phone (954) 370-0200.

The above-mentioned Resources/Programs provide confidential and professional counseling and, when appropriate, referral to other services to deal with personal problems, such as chemical dependency and emotional problems. All counseling through these programs is on a voluntary basis and, if you decide to participate in one or more of these programs, all costs of same are strictly the responsibility of the employee. The Company's group health plan may or may not cover some or all of these costs and, therefore, employees are encouraged to inquire of the particular program provider as to whether their group health plan will cover some (or all) of the costs of treatment.

If you suspect you may have an alcohol, drug, or other emotional problem, even in the early stages, you should contact the appropriate Employee Assistance Resource/Program provider, seek a diagnosis, and follow through with the program as prescribed by qualified professionals. Participation in any program, however, does not

relieve you of your obligations to perform your work in a satisfactory manner and to comply with other Company rules and guidelines, including the Company's Drug-Free Workplace guideline.

**III. Use of Counseling Services**

You should make every effort to schedule your counseling appointments before or after working hours, or during your meal breaks. These appointments scheduled during working hours will be treated the same as medical appointments and be considered absences due to sickness. In order to protect the confidentiality of the program, you may refer to these appointments as "medical appointments" when filling out your timecard or obtaining permission to be absent.

**IV. Supervisor Referral**

Your supervisor may refer you to one of the above-mentioned Employee Assistance Resources/Programs when he or she believes that an attendance, behavior, or work performance problem you are experiencing may be the result of a personal problem. Even in this situation, all counseling through these programs is on a voluntary basis. The Company, however, may take such steps as it deems appropriate in response to the underlying attendance, behavior, or work performance problem, unless you correct the problem.

**V. Confidentiality**

All employee assistance program records and services are treated confidentially and in accordance with HIPAA. These programs will not share information concerning your involvement in the program without your written permission unless life, safety, or national security is seriously threatened or disclosure is otherwise required by law. If you are referred to one of these programs by your supervisor because of an attendance, behavior, or work performance problem, the program provider will confidentially inform your supervisor whether you attended the program session(s) and cooperated with the counseling plan. However, no further information about your involvement in the program will be shared by the program provider without your written permission.

**VI. Questions regarding EAP Program**

If you have any questions about EAP Referral Services, you should contact the Human Resources Manager.

**23(c). DRUG-FREE WORKPLACE; DRUG TESTING**

**I. Purposes**

The purposes of this policy are as follows:

- (1) To establish and maintain a safe, healthy working environment for all employees;
  - (2) To reduce the incidence of injury to person or property;
  - (3) To reduce absenteeism, tardiness, and indifferent job performance;
- and

- (4) To provide assistance toward outpatient rehabilitation for any employee who seeks the Company's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.

This policy is established pursuant to the drug -free workplace program under Florida's Workers' Compensation law. This law provides that upon implementation of a drug-free workplace program, an employer may require an employee to submit to a test for the presence of drugs or alcohol and, if a drug or alcohol is found to be present in the employee's system at a level prohibited by law, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits. All employees are hereby notified that it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refuses to submit to a drug or alcohol test, the employee may forfeit eligibility for medical and indemnity benefits. In addition, an employee may be terminated automatically for refusing to take a drug or alcohol test requested under this policy.

## **II. Benefits and Employee Cooperation**

Those employees with drug and alcohol abuse problems make up only a small fraction of the workforce, and the Company regrets any inconvenience that may be caused to the many non -abusers by the problems of the few. It is believed, however, that the benefits to be derived from the reduction in number of accidents, the greater safety of all employees, and the rehabilitation or termination of those who, because of alcohol or drugs, are a burden on all other employees, will more than make up for any inconvenience or loss the rest of us experience. The Company solicits earnestly the understanding and cooperation of all employees in implementing the policies set forth herein.

## **III. Understanding This Policy**

Due to the requirements of the law, including Florida's Workers' Compensation statute, Chapters 440.101 and 440.102, some of the provisions of this policy are technical in nature. Please do not hesitate to ask your supervisor or the Company's human resource professionals should you have any questions regarding this policy.

## **IV. General Definitions**

1. "Alcohol" means ethyl alcohol (ethanol). References to use of alcohol include use of a beverage, mixture, or preparation containing ethyl alcohol.
2. "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph.
3. "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered by a laboratory, certified by the U.S. Dept. of Health and Human Services or licensed by the Agency for Health

- Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.
4. "Prescription or nonprescription medication" means a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
  5. "Specimen" means a tissue, hair, or a product of the human body capable of revealing the presence of alcohol and/or drugs or their metabolites, as approved by the U.S. Dept. Food & Drug Administration or the Agency for Health Care Administration.
  6. "Drug Rehabilitation Program" means a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.
  7. "Employee Assistance Program" means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be in accordance with the regulations governing such services.
  8. "Initial Drug Test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the U.S. Food & Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.
  9. "Job Applicant" means a person who has applied for a position with an employer and has been offered employment conditioned on successfully passing a drug test, and may have begun work pending the results of the drug test.
  10. "Medical Review Officer" or "MRO" means a licensed physician, employed or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results, and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.
  11. "Confirmation/Confirming/Confirmed Drug Test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

12. Additional definitions can be found in Florida Statutes §§ 440.101 and 440.102 and in the Florida Workers' Compensation Drug Testing Regulations found in the Fla. Admin. Code § 59A.24.001 et seq. A copy of these definitions is available from the Company's Human Resource and/or Legal Department(s).

**V. Prescription and Non-Prescription Medications**

No prescription drug shall be brought upon Company premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination, and quantity prescribed. Employees must keep all prescribed medicine in its original container, which identifies the drug, date of prescription, and the prescribing doctor.

Employees and job applicants have the right to consult with the MRO for technical information both before and after being tested regarding prescription or non-prescription medication for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or non-prescription medication taken by the employee or job applicant.

**VI. Prohibitions**

- (1) Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs or drug paraphernalia on Company premises or company business, in Company supplied vehicles, or during working hours;
- (2) Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of a controlled substance on Company premises or Company business, in Company supplied vehicles, or during working hours;
- (3) Unauthorized use, manufacture, distribution, dispensation, or possession or any sale of alcohol on Company premises or Company business, in Company supplied vehicles, or during working hours;
- (4) Storing in a locker, desk, automobile, or other repository on Company premises any illegal drug, drug paraphernalia, or controlled substance whose use is unauthorized, or any alcohol;
- (5) Being under the influence of an unauthorized controlled substance, illegal drug, or alcohol on Company premises or Company business, in Company supplied vehicles, or during working hours; being under the Influence of alcohol is defined as a blood alcohol content of 0.02; being under the influence of an unauthorized controlled substance or illegal drug is defined as testing positive at a specified ng/mL or pg/mg level;
- (6) Use of alcohol off Company premises that adversely affects the employee's work performance, his/her own or others' safety at work, or the Company's regard or reputation in the community;
- (7) Possession, use, manufacture, distribution, dispensation, or sale of illegal drugs off Company premises that adversely affects the employee's work performance, his/her own or others' safety at work, or the Company's regard or reputation in the community;
- (8) Switching or adulterating any type of sample submitted for testing;

- (9) Refusing consent to testing or to submit a breath, saliva, urine, or blood sample for testing when requested by management;
- (10) Refusing to submit to an inspection when requested by management;
- (11) Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled;
- (12) Conviction under any criminal drug or alcohol statute;
- (13) Arrest under any criminal drug or alcohol statute under circumstances that adversely affect the Company's regard or reputation in the community;
- (14) Failure to notify the Company of any arrest or conviction under any criminal drug or alcohol statute within five days of the arrest or conviction;
- (15) Failure to keep prescribed medicine in its original container;
- (16) Refusing to sign a statement agreeing to abide by the Company's Alcohol and Drug Abuse policy;
- (17) Refusal to complete a Consent Form prior to testing;
- (18) Refusal to complete the Chain of Custody Form after submission of a urine or blood specimen.

VII. **Drug Testing Types**

A. **Pre-employment**

All applicants for employment will be required to take a pre-employment drug urinalysis and/ or blood test. Applicants whose test results and interviews, combined with general reference and background checks, if any, indicate present alcohol or drug abuse will not be hired.

B. **Reasonable Suspicion Drug Testing**

"Reasonable suspicion" means drug testing based on a belief that an employee is using or has used drugs in violation of the Company's policy. The suspicion may be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- (1) Observable phenomena while at work, such as direct observation of alcohol or drug use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
- (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (3) A report of drug or alcohol use, provided by a reliable and credible source.
- (4) Evidence that an individual has tampered with a drug test during his or her employment with the Company.
- (5) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- (6) Evidence that an employee has used, possessed, sold, solicited, or transferred alcohol or drugs while working, while on Company premises, or while operating company vehicles, machinery, or equipment.

C. **Routine Fitness for Duty**

The Company will require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the Company's established policy or that is scheduled routinely for all members of an employment classification or group.

#### **D. Follow-up**

If an employee in the course of employment enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, the Company will require the employee to submit to a drug test as a follow-up to the program unless the employee voluntarily enters the program. IN that case, the Company has the Option not to require follow-up testing. If follow-up testing is required, it will be conducted at least once a year for a two year period after completing the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

### **VIII. Testing Procedures**

#### **A. Drugs for Which a Test Will Be Conducted** (over the counter and prescription drugs could alter or affect drug test results):

1. ALCOHOL — (booze, hootch, drink, beer, liquor, wine, moonshine). All liquid medications containing ethyl alcohol (ethanol) can alter or affect drug test results. Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
2. AMPHETAMINES — (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.
3. CANNABINOIDS — (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, THC).
4. COCAINE — (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).
5. PHENCYCLIDINE — (PCP, angel dust).
6. METHAQUALONE — (ludes, quaalude, optimil, parest, somnafac, sopor).
7. OPIATES — (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guia tuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), Oxycontin and Roxanol (morphine sulfate) Percodan, Vicodin, Tussi-Organidin, etc.
8. BARBITURATES — (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butabital, Phrenilin, Triad, etc.

9. BENZODI AZEPIN ES — Ati van, Azene, Cl onopi n, Dal mane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
10. METHADONE — Dolophine, Methadose.
11. PROPOXYPHENE —Darvocet, Darvon N, Dolene, etc.

B. **Individuals to Be Tested**

All employees and job applicants are subject to testing under this policy.

C. **Voluntary Notification of Drug Use and/or Abuse**

An employee who has not previously tested positive for drug or alcohol use, entered an employee assistance program for abuse – related problems, or entered a drug or alcohol rehabilitation program, and who comes forward voluntarily seeking treatment, shall not be subject to discipline solely for coming forward. All such employees are urged to seek help immediately. Once a test has been scheduled, all employees are required to cooperate with the designated MRO to provide information regarding prescriptive and over-the-counter medications that could cause a positive result.

D. **Refusal to Test**

If an employee refuses to submit to a test for drugs or alcohol, he or she may forfeit his or her eligibility for all workers' compensation medical and indemnity benefits and will be terminated from employment.

E. **Initial Test**

The initial screen for all drugs shall use an immunoassay procedure or equivalent, or a more accurate scientifically accepted method approved by the U.S. F.D.A. or the Agency for Health Care Administration. The initial test for alcohol shall be an enzyme oxidation methodology. The following cutoff levels shall be used when first screening specimens to determine whether they are positive or negative for these drugs or metabolites. Levels on initially screened urine specimens that are equal to or exceed the following shall be considered to be presumptively positive and submitted for confirmation testing:

Amphetamines	1,000 ng/mL
Cannabinoids	50 ng/mL
Cocaine	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates	300 ng/mL
(25 ng/mL if immunoassay is specific for free morphine)	
Barbiturates	300 ng/mL

Benzodiazepines	300 ng/mL
Methadone	300 ng/mL
Propoxyphene	300 ng/mL

The only specimen for alcohol testing shall be blood and the initially screened specimen shall be considered presumptively positive and submitted for confirmation testing if the level is equal to or exceeds 0.02g/dL.

Levels which exceed the following for hair specimens shall be considered presumptively positive on initial screening and submitted for confirmation testing:

Marijuana	10 pg/10 mg of hair
Cocaine	5 ng/10 mg of hair
Opiate/synthetic narcotics and metabolites	5 ng/10 mg of hair
Phencyclidine	3 ng/10 mg of hair
Amphetamines	5 ng/10 mg of hair

No employee shall be terminated solely on the basis of a positive initial test.

F . **Confirmation Test**

All specimens identified as presumptively positive on the initial tests shall be confirmed using a second test, a mass spectrometry/mass spectrometry (MS/MS) or a gas chromatography/mass spectrometry (GC/MS) test or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the U.S. F.D.A. as such technology becomes available in a cost -effective form. All confirmations shall be done by quantitative analysis. Alcohol will be confirmed using gas chromatography. Levels on confirmation testing for urine specimens that are equal to or exceed the following shall be reported as positive:

Amphetamines (amphetamine, methamphetamine)	500 ng/mL
Cannabinoids	15 ng/mL
Cocaine	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	150 ng/mL
Opiates (Codeine, Morphine)	300 ng/mL
Barbiturates	150 ng/mL

Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	150 ng/mL

The alcohol level on confirmation testing for blood which is equal to or exceeds 0.02 g/dL shall be reported as positive.

Levels for hair specimens on confirmation testing which are equal to or exceed the following shall be reported as positive:

Marijuana/Metabolites	1 pg/10 mg of hair
Cocaine	5 ng/10 mg of hair
Opiates/synthetic narcotics and metabolites	5 ng/10 mg of hair
Phencyclidine	3 ng/10 mg of hair
Amphetamines	5 ng/10 mg of hair

If these tests confirm the presence of drugs or alcohol in the specimen of an employee, that individual will be terminated.

**G. Collection Site Procedures- Chain of Custody**

1. As part of the Company’s Drug-Free Workplace Policy, the Company will only utilize a laboratory licensed or certified by the Agency for Health Care Administration.
2. The laboratory will be required to follow Florida law and the rules established by the Agency for Health Care Administration.

**IX. Reporting of Results**

**A. Medical Review Officer (MRO)**

1. The laboratory shall report test results to the MRO within seven working days after receipt of the specimen by the laboratory.
2. Both positive and negative test results shall be reviewed and verified by the MRO prior to transmitting the test results to the employer. The MRO, based on a review of the chain of custody form, quality control data, multiple samples, and other pertinent results, is permitted to determine that the result is scientifically unsatisfactory for further action and may request the donor to provide another sample or request a reanalysis of the original sample before making such decision. The MRO is permitted to request that the same laboratory perform the reanalysis or, that an aliquot of the original specimen be sent to another licensed laboratory. The laboratory shall assist in this review process as requested by the MRO and shall make available appropriate personnel to provide consultation as required by the MRO. The MRO shall report all findings based on the unsatisfactory specimen,

as required by Fla. Admin. Code 59A- 24.001, but shall not include any personal identifying information in such reports.

3 The MRO shall evaluate the drug test result(s), which is reported  
. out by the laboratory, to verify by checking the chain of custody  
form that the specimen was collected, transported, and analyzed  
under proper procedures, as specified in these rules, and to  
determine if any alternative medical explanations caused a positive  
test result. This determination could include conducting a medical  
interview with the individual, review of the individual's medical  
history, or the review of any other relevant biomedical factors. The  
MRO shall review all medical reports made available by the tested  
individual. The MRO shall not consider the results of samples that  
are not obtained or processed in accordance with the Fla. Admin.  
Code § 59A-24.001 et seq.

4 Notify the employee or job applicant of a confirmed positive test  
. result, within three days of receipt of the test result from the  
laboratory, and inquire as to whether prescriptive or over -the-  
counter medications could have caused the positive test result.

Within five days of notification to the donor of the positive test result,  
the MRO shall provide an opportunity for employee or job  
applicant to discuss the positive test result and to submit  
documentation of any prescriptions relevant to the positive test  
result.

The MRO shall review any medical records provided by the  
employee or job applicant, or authorized by the employee or job  
applicant and released by the individual's physician, to determine if  
the positive test result was caused by a legally prescribed medication.  
If the donor does not have prescribed medication, the MRO shall  
inquire about over-the-counter medications that could have caused  
the positive test result. The donor shall be responsible for providing  
all necessary documentation (i.e., a doctor's report, signed  
prescription, etc.) within the five-day period after notification of the  
positive test result.

5 Contacting Donors Who Test Positive. If the MRO is unable to  
. contact a donor who tested positive within three working days of  
receipt of the test results from the laboratory, the MRO shall contact  
the employer and request that the employer direct the donor to  
contact the MRO as soon as possible. If the MRO has not been  
contacted by the donor within two working days from the request to  
the employer, the MRO shall verify the report as positive.

As a safeguard to employees and job applicants, once an MRO  
verifies a positive test result, the MRO may change the  
verification of the result if the donor presents information to the  
MRO which documents that a serious illness, injury, or other  
circumstance unavoidably prevented the employee from contacting

the MRO within the specified timeframe and if the donor presents information concerning a legitimate explanation for the positive test result.

If the donor declines to talk with the MRO regarding a positive test result, the MRO shall validate the result as positive and annotate such decline in the remarks section.

6 Identification of Donor. Prior to providing an employee or job applicant with the opportunity to discuss a test result, the MRO shall confirm the identity of the employee or job applicant. At a minimum, to confirm the identity of the donor, the MRO shall ask the donor to respond with the following information.

-If the request is in person, the MRO shall request a picture identification.

-If the request is over the telephone, the MRO shall request:

- A. An employee identification number or social security number;
- B. Date of birth;
- C. Employer's name; and
- D. Work telephone number.

Information for Donor. Once the donor's identification has been established, and before any additional information is solicited from the donor, the MRO shall:

- i. Inform the donor that the MRO is an agent of the employer whose responsibility is to make a determination on test results and report them to the employer;
- ii. Inform the donor that medical information revealed during the MRO's inquiry will be kept confidential; unless the donor is in a safety sensitive or special risk position and the MRO believes that such information is relevant to the safety of the donor or to the other employees.
- iii. Any additional release of information shall be solely pursuant to a written consent form signed voluntarily by the donor, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.
- iv. Outline the rights and procedures for a retest of the original specimen by the donor.
- v. If the donor voluntarily admits to the use of the drug in question without a proper prescription, the MRO shall advise the donor that a verified positive test report will be sent to the employer.

- 7 . After the MRO reviews the laboratory and the collection site documents and, in the case of positive test result, has contacted the donor who tested positive, the MRO shall prepare and sign a verification letter to the employer revealing the final verified test result, either negative, positive, or unsatisfactory, no more than seven working days after the specimen was received by the laboratory, and appropriately file the chain of custody form under confidential procedures for two years.  
If the MRO determined that there is a legitimate medical explanation for the positive test result, based on the medical judgment of the MRO and accepted standards of practice, the MRO shall report a negative test result to the employer.
- 8 . The MRO shall process any employee or job applicant requests for a retest of the original specimen, within 180 days of notice of the positive test result at another licensed laboratory selected by the employee or job applicant. The donor requesting the additional test shall be required to pay for the costs of the retest, including handling and shipping expenses. The MRO shall contact the original testing laboratory to initiate the retest.
- 9 . Contact the Human Resources Manager for the MRO for our Company.

**B Employee/Job Applicant Challenges**

- 1 . An employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the MRO within five working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back the employer, and that person may contest the drug test result pursuant to the law or to rules adopted by the Agency for Health Care Administration.
- 2 . Within five working days after receipt of a positive confirmed test result from the MRO, the Company shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.
- 3 . The Company shall provide to the employee or job applicant, upon request, a copy of the test results.
- 4 . Within five working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the employer explaining or contesting the test results, and why the results do not constitute a violation of Company policy.
- 5 . When an employee or job applicant undertakes an administrative or legal challenge to the test result, it shall be the employee's or job applicant's responsibility to notify

The employer and laboratory in writing of such challenge and such notice shall include reference to the chain of custody specimen identification number. After such notification, the laboratory shall retain the sample until the case or administrative appeal is settled.

6. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the employer, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the Company to the employee or job applicant. All such documentation shall be kept confidential by the Company and shall be retained by the Company for at least one year. A person may contest the drug test result pursuant to rules adopted by the Dept. of Labor and Employment Security.
7. In the event of a workplace injury and the Company's decision to deny workers' compensation benefits due to a positive drug test, an employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the results of a test, it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.
8. If testing is conducted based on reasonable suspicion, the Company shall promptly detail in writing the circumstances that formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidentially by the Company and retained for at least one year.
9. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the Company to have a portion of the specimen retested, at the employee's or job applicant's expense. Such retesting shall be done at another laboratory, licensed or approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the Company is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the specimen and for the chain of custody during such transfer.
10. Employees and applicants have the right to consult the MRO for technical information regarding prescription or nonprescription medication.

11. The Company shall pay the cost of all drug tests, initial and confirmation, which it requires of employees. An employee or job applicant shall pay the costs of any additional drug tests not required by the Company.

**X. Confidentiality**

The results of drug tests and all related information, reports, statements, and memoranda will be treated as confidential, and distribution shall be limited to those having a need to know and will otherwise be treated as PHI pursuant to HIPAA. Results may be revealed to the proper authorities if the situation requires. Otherwise, such information shall be released only pursuant to a written consent form signed voluntarily by the employee.

**XI. Effective Date—Notice to Employees**

- (a) The policies set forth in this policy are effective immediately upon notice to employees. Each present employee will be furnished a copy of this policy and will sign a receipt for same. Later-hired employees will be furnished a copy before hiring. These policies have been implemented in a manner that complies with all applicable federal and state laws. The Company will continue to monitor the developing laws impacting this area to be certain administration of this program complies with applicable laws.
- (b) The Company shall include notice of drug testing on vacancy announcements for those positions for which drug testing is required. A notice of the drug testing policy will also be posted in an appropriate and conspicuous location on the Company's premises, and copies of the policy will be made available for inspection during regular business hours in the personnel office or other suitable locations.
- (c) Cut-off levels used by the testing laboratory when analyzing specimens to determine whether they are positive or negative for drugs and metabolites may change from time to time. The Company will follow recommendations established for these agencies and will modify the Company's policy to comply with any new standards.

**XII. Education**

The Company provides to job applicants and employees a representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

**XIII. Reservation of Rights**

- (a) The Company retains the sole right to interpret, change, or discontinue this policy as may be necessary from time to time.
- (b) Nothing in this policy should be construed as creating a contract of employment. Your employment -at-will relationship cannot be changed except in writing by the President or Vice President of the Company.

## **24. SETTLEMENT OF DISPUTES BY BINDING ARBITRATION**

It is the Company's policy that any employment dispute or grievance whatsoever which

may arise during, or as a result of, an employee's employment or a job applicant's application for employment, which cannot be resolved between the company, its managers or any of its affiliated companies, shall be resolved or settled by binding arbitration by the American Arbitration Association and its arbitration rules, rather than by a state or federal court, and arbitration shall take place in Broward County, Florida. This policy means that both the Company and the employee(s) give up their rights to a trial by jury.

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continue on following page.

## **25. INTERNET & ELECTRONIC COMMUNICATIONS POLICY**

This Internet and Electronic Communications Policy (“Policy”) outlines the polices and guidelines that must be followed at all times to minimize business risks and maximize the benefits of internet access and electronic communications within D & B Tile Distributors. All employees of D & B Tile Distributors must comply with the terms of this Policy immediately.

D & B Tile Distributors owns, has property interest in, or has a right to specify the use of:

- All information processing and communications facilities employed in its business, including computers, fax machines, telephones, smart phones, pagers, wireless email devices, copiers, software, on line accounts, email facilities, facilities for Internet/Intranet/Extranet access, storage media, network accounts, computer and email and instant messaging files and messages and related equipment and documentation employed or stored in its office; and
- All such information processing and communications facilities employed in its business that are connected to or able to be connected to its facilities from locations outside of D & B Tile’s premises, including personal information processing and communications equipment and software owned or leased by D & B Tile personnel or supplied by D & B Tile to D & B Tile personnel for their use, as necessary, in connection with any D & B Tile disaster recovery plan.

The purposes of this policy are to:

- establish policies on privacy, confidentiality, and security in internet and electronic communications usage;
- ensure that internet access and electronic communications resources are for purposes appropriate to D & B Tile Distributors’ business;
- inform all employees of D & B Tile Distributors about the applicability of laws and policies with regard to internet usage and electronic communications;
- ensure that the internet and electronic communications resources are used in compliance with those laws and policies; and
- provide guidance concerning rights and responsibilities with respect to the proper use of the internet and electronic communications resources.

D & B Tile Distributors respects the individual privacy of its employees. However, in accordance with applicable Federal and State laws, expectation of privacy does not extend to the employee’s work related conduct or to the use of D & B Tile provided equipment and resources. You should be aware that this Policy may affect your privacy in the workplace. The firm has software and systems in place to facilitate monitoring and recording of all internet and electronic resources usage. As such, D & B Tile Distributors retains the right to monitor and record each World Wide Web Site visit, each chat, newsgroup or email message regardless of where such use is initiated, i.e. remote access, and to access all files and messages transferred into and out of our internal networks. Access involves opening and reviewing the content of files. Monitoring focuses on traffic patterns, general and individual levels of usage, file subjects and types, file origins and destinations, and network efficiency and security. These resources may be monitored, and the files on and processed through the resources may be accessed by authorized personnel for a number of purposes including maintaining and protecting the resources for the benefit of D & B Tile Distributors compliance with law or, if necessary, undertaking the professional obligations of D & B Tile Distributors ascertaining and helping to ensure compliance with D & B Tile Distributors policies; and helping to ensure the proper operation of the resources, including measurement of network traffic and investigation of suspicious circumstances. Monitoring is used only to obtain information that is relevant to the workplace, and is not used to obtain confidential personal information about employees.

In providing internet access and electronic communications D & B Tile Distributors expects and encourages use of these resources primarily for business related purposes:

- communicate with fellow employees, clients and suppliers
- research relevant topics
- acquire business information

Employees must comply with all software installations, licenses, copyrights, and all other laws governing intellectual property and online activity. Unlawful internet and electronic communications usage may also breach the confidentiality of our clients and expose D & B Tile Distributors to significant legal liabilities.

### **Prohibited Uses**

Please be advised that your use of the internet access and electronic communications resources provided by the firm expressly prohibits the following:

- game playing
- distribution of destructive programs (i.e., viruses and/or self-replicating code)
- hateful, harassing, or other anti-social behavior
- intentional damage or interference with others (for example, hacking and distributing viruses)
- making obscene files publicly accessible
- usage for commercial non-company business
- dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws  
sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information of D & B Tile Distributors in violation of company policy or proprietary agreements
- offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs
- sending or soliciting sexually oriented messages or images
- operating a business, usurping business opportunities or soliciting money for personal gain or searching for jobs outside D & B Tile Distributors
- sending chain letters, gambling or engaging in any other activity in violation of the law
- instant messaging which does not involve a legitimate D & B Tile business purpose.

The electronic mail system has been installed by D & B Tile Distributors to facilitate business communications. All email messages are company records. The contents of e-mail, properly obtained for legitimate business purposes, may be disclosed within the firm without your permission. Therefore, you should not assume that messages are confidential. Back-up copies of email may be maintained and referenced for business and legal reasons. Incidental and occasional personal use of email is permitted by D & B Tile Distributors but these messages will be treated the same as other messages.

### **Signatures**

It is required that the firm's standard email signatures are used to provide relevant contact information to the recipient. Email signatures are to contain your full name, company email address, job title (optional), company name address, telephone and fax numbers, and the company web address.

### **Disclaimers**

Email users must use disclaimers in emails sent to third parties that make clear any limitations on the extent to which the message from the employee may be understood to have been sent on behalf of the company. Below is the disclaimer to be used:

This e-mail communication is confidential and is intended only for the individual(s) or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, please do not read, copy, use or disclose the contents of this communication to others. Please notify the sender that you have received this e-mail in error by replying to the e-mail. Please then delete the e-mail and any copies of it.

### **Instant Messaging**

Instant messaging is a service that alerts users when friends or colleagues are online and allows them to communicate with each other in real time through private online chat areas. D & B Tile Distributors interprets the use of instant messaging and chats as strictly personal. Instant messaging is therefore prohibited from use, unless it involves a legitimate D & B Tile business purpose.

### **Remote Access**

In certain circumstances D & B Tile Distributors may permit certain authorized users to access the D & B Tile network and work remotely either generally or for temporary periods. In those cases the company will provide equipment to facilitate remote access. Only company provided equipment may be used to access the D & B Tile network.

All the supplied equipment and software and the information stored in them are Resources within the meaning of this Policy, and this policy is intended to apply to them to the maximum extent that is physically and technologically meaningful.

Specifically:

- To the extent that these Resources have been supplied by D & B Tile Distributors they must be returned to D & B Tile Distributors once employment is terminated;
- These supplied Resources must not be altered in any way (e.g., upgraded processor, expanded memory, or additional circuit cards) without the approval of the IT Administrator;
- Any exchange of D & B Tile Distributors or client data from a remote location with the D & B Tile Distributors network must be conducted using one or more security features or procedures approved by the IT Administrator;
- Authorized users must report promptly any damage or loss of any supplied Resources that have been entrusted to their care;
- Intellectual property developed or conceived while an employee is working at any remote location is the exclusive property of D & B Tile Distributors; This provision includes patent, copyright, trademark, and all other intellectual property rights as manifested in memos, plans, strategies, products, computer programs, documentation and other materials;
- D & B Tile Distributors maintains the right, with one or more days advance notice, to conduct inspections of the home office of any person who accesses the D & B Tile Distributors network from that location. D & B Tile Distributors may withdraw telecommuting privileges if it is not satisfied with the security arrangements in the remote location.

### **Passwords**

Security password features have been put into place to reduce potential unauthorized access to the D & B Tile Distributors network. Network login passwords must be changed every one hundred-twenty (120) days and are to be at least eight alpha and numeric characters, two of the eight characters must be numeric. Passwords should be unique, not be obvious: e.g. child/spouse/pet name. It must not resemble previously used passwords. Notify the IT Administrator of your password. Passwords must NOT be sent via email. Your password must be kept confidential and not stored in easily accessible places.

If you suspect that a password has been disclosed the IT Administrator must be notified immediately and passwords promptly changed.

Anyone who obtains a password or user ID for an internet or electronic communications resource must keep this password confidential. Firm policy prohibits the sharing of user ID's or passwords obtained for access to internet sites.

All material downloaded from the internet or from computers or networks **MUST** be scanned for viruses and other destructive programs before being placed onto D & B Tile Distributors computer system.

## **Personal Use**

D & B Tile Distributors' Internet access and electronic communications resources is a business asset, which must be used primarily for legitimate business purposes.

Personal use is not forbidden, but shall be kept to a minimum and such use:

- must not affect work performance and normal business activities;
- must not directly or indirectly interfere with D & B Tile Distributors operation of electronic communications resources;
- must not compromise the security or reputation of D & B Tile Distributors;
- must not burden D & B Tile Distributors with noticeable incremental costs;
- must not be accessed using laptops either permanently, assigned or loaned for business use.

Failure to conform to this Policy or any provision of it provides a basis for disciplinary action. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on D & B Tile Distributors and fellow employees.

While D & B Tile Distributors has endeavored to have this Policy reflect the state of D & B Tile Distributors technology as of its adoption, technological developments may outstrip the literal text of certain aspects of this Policy. If you are in doubt, ask questions and seek advice before acting. Ask yourself whether you would want your actions reported in full in the newspaper. If you would not, that is a good indication that you should not take that action.

D & B Tile Distributors reserves the right to revise or withdraw this Policy and to add any rules, policies, or procedures to this Policy at any time in order to maintain safe and efficient operation of D & B Tile Distributors. Personnel will be notified of any such amendment.

**INTERNET AND ELECTRONIC COMMUNICATIONS**  
**POLICY ACKNOWLEDGEMENT AND SIGNATURE**

When you have completed reviewing the Internet and Electronic Communications Policy (“Policy”), you must agree that you have read the Policy, that you understand it, and that you are bound by and will abide by its requirements. You confirm these agreements by initialing each page and signing below. Failure to abide by the Policy’s requirements may result in termination of your employment. If you have any questions at any time concerning this Policy, please consult with Company Management or the IT Administrator.

I agree that:

1. I have reviewed a copy of the D & B Tile Distributors Internet and Electronic Communications Policy effective as of October 1, 2009
2. As a condition of my employment, I am bound by and will abide by the Policy, any applicable supplements, and any additional or amended policies and procedures issued from time to time.

I understand that any violation of these Policies may subject me to disciplinary action, up to and including dismissal, as well as provide civil and criminal penalties.

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CONSENT TO DRUG TESTING AND RELEASE

This form is to be completed when employee is given a conditional job offer.

Pursuant to my application for employment (including contract for services) with D&B TILE DISTRIBUTORS, I understand that all job offers are expressly conditioned upon submitting to and passing a drug test to detect the presence of illegal drugs and/or alcohol use. I have carefully and thoroughly read the company's Drug-Free Workplace Policy and I understand my rights and obligations contained in that policy. I also understand that it is a condition of my continued employment that I agree to follow, without reservation, that policy, which includes my consent to submit to all drug testing required by the Company. I also understand that the Company's Drug-Free Workplace Policy applies to me by virtue of my continued employment with the company.

I hereby consent to submit to a urinalysis or other tests as required by D&B TILE DISTRIBUTORS, their respective employees and agents, at a time and place specified by D&B TILE DISTRIBUTORS, for the purposes of testing for the presence of illegal drugs and/or alcohol abuse. I agree that Concentra Medical Centers may perform the drug tests in accordance with my employment with D&B TILE DISTRIBUTORS. I further agree to authorize the release of the results of these tests to the Medical Review Officer employed or retained by Concentra Medical Centers, to the Director of Operations of D&B TILE DISTRIBUTORS and to such other management personnel as may require this information on a need to know basis. My understanding is that any information derived from these tests will be confidential between the laboratory, the Director of Operations of the Company, and the Medical Review Officer, except as otherwise provided by law, or if I place the test or its results in issue in any administrative, legal or other proceeding.

I further agree to release and hold D&B TILE DISTRIBUTORS and its agents, employees and assigns, including the laboratory collecting and conducting these tests, harmless from any liability arising in whole or in part out of the collection or testing of the specimens I provide or from the use of the information derived from these tests in consideration of my employment application.

I have carefully read this Consent and Release Form and understand it completely. I also understand that execution of this Consent and Release is a condition of employment with D&B TILE DISTRIBUTORS and my refusal to sign will result in withdrawal of any offer of employment I may receive. I am signing this form voluntarily and have not been coerced or placed under duress by any person.

\_\_\_\_\_ (Signature of employee/applicant)

\_\_\_\_\_ (Print name of employee/applicant)

Date signed: \_\_\_\_\_

\_\_\_\_\_ (Witness)

\_\_\_\_\_ (Print name of Witness)

Date: \_\_\_\_\_

**(EMPLOYEE'S COPY)**

OVER THE COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT DRUG  
TEST RESULTS\*

**Alcohol:** All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

**Amphetamines:** Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine.

**Cannabinoids:** Marinol (Dronabinol), THC).

**Cocaine:** Cocaine HCL topical solution (Roxanne).

**Phencyclidine:** Not legal by prescription.

**Methaqualone:** Not legal by prescription.

**Opiates:** Paregoric, Parpectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emperin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

**Barbiturates:** Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenrinin, Triad, etc.

**Benzodiazepines:** Ativan, Azenc, Clonopin, dalmlne, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

**Methadone:** Dolophine, Metadose.

**Propoxyphene:** Darvocet, Darvon N, Dolene, etc.

\* Due to the large number of obscure brand names and constant marketing of new products, this list is not intended to be all-inclusive.

**(EMPLOYEE'S COPY)**

## **EMPLOYEE ACKNOWLEDGMENT OF INTRODUCTORY PERIOD**

I UNDERSTAND THAT I AM ON AN INTRODUCTORY PERIOD AS AN EMPLOYEE FOR THE FIRST NINETY DAYS OF MY EMPLOYMENT, WHICH STARTED ON \_\_\_\_\_ . I UNDERSTAND THAT DURING THIS PERIOD OF EVALUATION, I WILL NOT BE ENTITLED TO ANY BENEFITS. FURTHER, I UNDERSTAND THAT, IF MY EMPLOYER DISCHARGES ME FOR UNSATISFACTORY WORK PERFORMANCE, UNDER THE FLORIDA UNEMPLOYMENT COMPENSATION LAW THE EMPLOYER WILL NOT HAVE HIS ACCOUNT CHARGED FOR ANY UNEMPLOYMENT BENEFITS I MIGHT BE ELIGIBLE FOR IN THE FUTURE.

AT THE END OF THE INTRODUCTORY PERIOD, MY PERFORMANCE WILL BE REVIEWED AND, PROVIDED MY PERFORMANCE HAS BEEN SATISFACTORY TO MY EMPLOYER, I WILL BECOME A REGULAR EMPLOYEE AND ELIGIBLE FOR ALL THE BENEFITS AS SET FORTH IN THIS MANUAL AND ACCRUED FROM THE INITIAL DATE OF EMPLOYMENT.

I FURTHER ACKNOWLEDGE THAT I HAVE SIGNED THIS FORM WITHIN SEVEN (7) DAYS OF MY EMPLOYMENT.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Social Security)

\_\_\_\_\_  
(Date)

**(EMPLOYEE'S COPY)**

## USE OF PERSONAL PROTECTIVE EQUIPMENT

I, THE UNDERSIGNED, UNDERSTAND AND AGREE THAT AS A CONDITION OF EMPLOYMENT, I AM REQUIRED TO WEAR/USE THE FOLLOWING PERSONAL PROTECTIVE EQUIPMENT SUPPLIED AND/OR REQUIRED BY MY EMPLOYER:

COMPANY SUPPLIED: BACK SUPPORTS  
FIRST-AID KITS  
SAFETY GLASSES/GOGGLES

SUPPLIED BY EMPLOYEE: SAFETY SHOES  
HARD HATS

I AGREE TO INFORM MY EMPLOYER IMMEDIATELY UPON THE FAILURE OF ANY OF THE ABOVE LISTED EQUIPMENT SO THAT THE EQUIPMENT CAN BE PROMPTLY REPAIRED OR REPLACED.

IN THE EVENT THAT I SUSTAIN AN ON-THE-JOB INJURY AS A DIRECT RESULT OF MY FAILURE TO WEAR/USE THE PERSONAL PROTECTIVE EQUIPMENT LISTED ABOVE, MY WORKERS' COMPENSATION BENEFITS COULD BE SUBSTANTIALLY REDUCED.

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Manager or Company Representative)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Date)

**(EMPLOYEE'S COPY)**

## EMPLOYEE ACKNOWLEDGMENT OF POLICY REGARDING ACCEPTANCE OF CHECKS FOR PURCHASES

THE FOLLOWING STEPS ARE MANDATORY FOR ALL CHECKS (NO EXCEPTIONS):

- (1) All checks must be preprinted by the bank with:
  - (A) NAME
  - (B) ADDRESS (If it is a P.O. Box, handwrite the street address)
- (2) Other information to be preprinted or handwritten on the face of the check:
  - (A) TELEPHONE NUMBER (Work and/or home)
  - (B) DRIVER'S LICENSE NUMBER (of the individual signing the check)  
\*\*\*Make sure signature on check matches I.D.\*\*\*
  - (C) OUR ORDER/INVOICE NUMBER
  - (D) YOUR INITIALS
- (3) Make a photocopy of the check and driver's license and attach it to your store copy of the invoice.

As stated above, these procedures are for all checks, including those checks that we submit through our electronic processor.

The following steps must be followed when processing checks electronically:  
(This will GUARANTEE the check)

- (4) The receipt must be signed by the check writer and,
- (5) A printed name and current phone number must be written on the receipt.

IF A CHECK IS RETURNED BY THE BANK AND ANY OF THE ABOVE INFORMATION IS MISSING, YOU WILL NOT RECEIVE ANY COMMISSION ON THE RELATED SALE. IF THE COMMISSION HAS ALREADY BEEN PAID TO YOU, IT WILL BE DEDUCTED FROM YOUR FUTURE COMMISSIONS.

ADDITIONALLY, IF THE CHECK CAN NOT BE RE -DEPOSITED FOR ANY REASON, THE AMOUNT OF THE CHECK WILL ALSO BE DEDUCTED FROM YOUR FUTURE COMMISSIONS.

(Employee's signature) \_\_\_\_\_ (Date) \_\_\_\_\_

(Social Security Number) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (EMPLOYEE'S COPY)

## D & B TILE DISTRIBUTORS

### MEMO

Date: May 15, 2004

To: All personnel

From: Harold Yarborough

Subject: CELL PHONES

You are not to carry a personal cell phone while on company time. The only exception to this is managers, drivers and sales people that have a Nextel for company business. Managers, drivers, sales people allowed to have a cell/Nextel for business are never to use while in the warehouse for safety reasons.

Warehouse personnel are never to have a cell phone while in the warehouse on duty.

All cell phones are to be left in their vehicle.

The concern is for everyone's safety.

If you are caught with a cell phone on or off, you will be sent home for the day. The next time you will be terminated.

Sign here that you understand \_\_\_\_\_ Date\_\_\_\_\_

(EMPLOYEE'S COPY)

## **CONSENT FORM**

I have reviewed the Company's policy on personal use of office equipment and supplies and cell phone usage and agree to abide by all of its terms. I understand that all Systems and all communications and information transmitted by, received from, or stored in those Systems are the property of the Company. Accordingly, I have no expectation of privacy in connection with the use of that equipment or the transmission, receipt, or storage of information in such equipment.

I understand and agree not to use any unauthorized code or an encryption key to access a file, voice-mailbox, or other data, nor will I use an unauthorized code or encryption key to store any communication, file, or other data unless authorized. I understand and agree not to distribute or provide access to any access code or encryption key unless expressly authorized by the Company.

I acknowledge and consent to the Company's monitoring of my use of all the Company-provided electronic and telephonic systems. Such monitoring may include, but is not limited to, reading, listening to, recording, and transcribing all incoming, outgoing, or stored e-mail and voicemail.

\_\_\_\_\_  
(Employee Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**(EMPLOYEE'S COPY)**

## **ACKNOWLEDGMENT**

**PLEASE READ THE D&B TILE DISTRIBUTORS' EMPLOYMENT POLICIES MANUAL AND  
FILL OUT AND RETURN THIS PORTION TO THE PERSONNEL DEPARTMENT [WITHIN  
ONE WEEK OF EMPLOYMENT]**

**Employee Name:** \_\_\_\_\_.

This will acknowledge that I have been given a copy of the Company's current Employment Policies Manual for my review summarizing the Company's personnel guidelines and have read and understood all the contents therein, including, but not limited to, the Company's policies dealing with Drug-Free Workplace and Harassment (including sexual harassment). I understand the statements contained in the Policies Manual are not intended to create any contractual or other legal obligations. I also understand that the Company may modify or rescind any policies, benefits, or practices described in the Employee Policies Manual at any time without prior notice to me. I also acknowledge that I have been informed of where and how I can locate and review copies of the company's Employment Policies Manual that being either —online|| on the company's website or from management.

I further agree that any claim, dispute or controversy between myself and the Company shall be submitted to and determined exclusively by binding arbitration and not by a state or federal court in accordance with D&B Tile Distributors' policy described in the handbook. I understand that by agreeing to the arbitration provision of the handbook, both myself and the Company give up rights to a trial by jury.

Date: \_\_\_\_\_.

Signed: \_\_\_\_\_  
(Employee Signature)

**(EMPLOYEE'S COPY)**