# Employee Handbook

MIDWEST
Environmental Services, Inc.

*We have prepared this handbook to help you understand Midwest Environmental Services, Inc. It contains information on our benefits and policies and procedures. Please read everything carefully and feel free to ask questions at any time. We also welcome your suggestions about how we may better service our customers as well as each other.*

*Sincerely,*

*The Executive Management Team*

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**MIDWEST ENVIRONMENTAL SERVICES, INC.**

# Introduction

## *1.1 INTRODUCTION TO YOUR EMPLOYEE HANDBOOK*

This Employee Handbook provides an overview and summary of Midwest Environmental Services, Inc. (MIDWEST) current policies and procedures. Please review this Employee Handbook (Handbook) thoroughly and keep it for future reference. This Handbook supersedes and replaces all prior handbooks, manuals, policies, procedures and practices of MIDWEST.

MIDWEST reserves the right to interpret, amend, modify, or even cancel and withdraw any programs, benefits, or policies set forth in this Handbook without notice and at the discretion of Management. Should such action take place, MIDWEST will post the additions or modifications company-wide; while dated replacement pages will be added to the Handbook.

MIDWEST's Handbook and the information in it should be treated as confidential. No portion of this Handbook should be disclosed to others, except MIDWEST employees and others affiliated with MIDWEST whose knowledge of the information is required in the normal course of business.

Finally, some of the subjects described here are covered in detail in separate official policy and benefit documents that the employee will receive during orientation. Employees should refer to these documents for specific information, since this Handbook only briefly summarizes those benefits.

Questions or requests additional information regarding any particular policy contained within this Handbook should be directed to either your manager or Human Resources.

## 1.2 OUR PHILOSOPHY

**Mission Statement**

*Provide the highest level of service to our customers, offering efficient waste management solutions while maintaining the utmost standards of safety for our employees and the greatest care to our environment.*

**Employees:** A company is only as good as its people. Our employees must have positive attitudes, open minds, and a good work ethic. We particularly value honestly, integrity, and dependability. Everyone must be focused not on themselves, but more importantly on the overall success of our company. Midwest is committed to providing our employees the information, resources and training necessary to be successful. Each employee will be expected to work toward a common goal of making Midwest Environmental Services the best in the business.

**Customers**: A company without clients has nothing. An ideal client is committed to safety, values our quality, is highly satisfied with our service, has ongoing and repeat needs, refers us to others in the industry and pays on time. These clients are hard to find, and we are particularly interested in developing long term relationships. Therefore, we must all work diligently to keep our clients satisfied.

**Safety**: The demands of the service or the importance of the job are never so great that we cannot do the job safely. As a company we are committed to providing the safest work environment as possible for our employees. The very nature of our services invokes danger.We will strive to providing our employees with the best personal protection and the most current training to assist them in their tasks. We understand that our most valuable assets are our employees.

## *1.3 MIDWEST COMPANY HISTORY*

MIDWEST was established in May of 1982 by Doug Gronauer and Dennis Sterling to provide environmental consulting services for industrial clients seeking hazardous and non-hazardous waste disposal guidance. Since 1982 MIDWEST has grown from a two-person consulting company into the full-service environmental management firm that it is today. On July 1,2016 after thirty-four years of service, Dennis Sterling retired; and Doug Gronauer became sole owner of Midwest Environmental Services, Inc.

Midwest currently operates permitted treatment facilities in Indiana and Ohio. Our client base ranges from small family owned businesses to Fortune 500 companies. MIDWEST provides a multitude of services including:

- Hazardous and Industrial Waste Disposal
- Emergency Response
- Laboratory Chemical Disposal Services
- Waste Water Treatment
- Industrial Cleaning Services
- Vacuum Truck Services
- Site Remediation
- Water Blasting
- Transportation
- Tank Cleaning and Removal

## 1.4 LEGAL COMPLIANCE

MIDWEST complies with all applicable laws governing the employment relationship. None of the policies in this Handbook will be applied to prevent employees from discussing their terms or conditions of employment or to otherwise interfere with their rights under the National Labor Relations Act or other applicable laws.

## *1.5 EMPLOYMENT-AT-WILL*

Although it is desirable that MIDWEST employees form long-standing employment relationships with MIDWEST, the employment relationship between MIDWEST and its employees is at-will. At-will means that either the employee or MIDWEST may terminate the relationship at any time, for any reason, with or without notice. Neither the policies contained in this Employee Handbook, nor any other written or verbal communication is intended to create a contract of employment, expressed or implied, guaranteeing employment for any specific duration. MIDWEST has the sole discretion to add to, delete, or change any policy contained in this Employee Handbook except employment-at-will. Any statements that appear to contradict this policy are void.

No manager or other representative of MIDWEST, unless designated by the Management Team, has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

# 2 EMPLOYEE RELATIONS AND PRACTICES

## 2.1 EQUAL EMPLOYMENT OPPORTUNITY

It is MIDWEST's policy to provide equal employment opportunity to all its employees and applicants regardless of their race, religion, color, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, marital, military or veteran status, genetic (including family medical history) information, and other legally-protected status, and to use as a basis for selection in employment only those characteristics which are demonstrably related to job performance or requirements.

MIDWEST's EEO/AAP policy extends to all aspects of employment including hiring, training, upgrading, recruiting, advertising, compensation, benefits, promotion, transfer, layoff, recall, reduction in force, termination, retirement, placement, and all other privileges, terms and conditions of employment.

MIDWEST is firmly committed to a policy of equal opportunity, affirmative action and diversity and we maintain this policy in accordance with State and Federal statutes, executive orders, and regulations.

A person who is aware of any violation of this policy should report such concerns to Human Resources or a member of the Management Team. MIDWEST will thoroughly investigate and promptly resolve all such complaints in strict compliance with all applicable laws. Any employee violating this policy or retaliating in any way against an individual who makes a complaint or participates in an investigation under this policy will be subject to disciplinary action, up to and including termination of employment.

## 2.2 DIVERSITY

MIDWEST's commitment is to provide and foster an environment that values diversity. We endeavor to establish a work climate that welcomes, celebrates, and promotes respect for the contributions of all employees. We create, promote, and maintain activities and programs that further our understanding and appreciation of individual and group diversity, while at the same time communicate policies and values that discourage intolerance and discrimination.

## 2.3 AFFIRMATIVE ACTION

As a means to support MIDWEST's commitment to create a diverse workforce and to remain in compliance with all city, state, and federal laws, we maintain an Affirmative Action Plan. Our Affirmative Action Plan includes affirmative steps that will be taken to improve the representation of minorities and women in the workforce. Our affirmative steps include but are not limited to:

1. Demonstrated commitment to equal employment opportunity and affirmative action that is communicated throughout the organization;
2. Successful analysis and self-monitoring of the workforce to identify and address possible discrimination, and ensure compliance with federal EEO requirements;

3. Good faith efforts to remove identified barriers and expand employment opportunity via:

    a) Innovative outreach and recruitment, employee development and training programs
    b) Supervisor and management training and development programs
    c) Accountability and measurable results from our successful good faith effort

The Executive Management Team is responsible for implementing, coordinating and analyzing the results and success of MIDWEST's Equal Employment Opportunity, Affirmative Action and Diversity policies and initiatives. All employees and managers are required to comply, support and promote MIDWEST's Equal Employment Opportunity, Affirmative Action Plan and Diversity policies while performing their respective job duties.

### *2.4 DISABILITY ACCOMMODATION*

MIDWEST is committed to complying with all applicable provisions of the Americans with Disabilities Act, as amended (ADA). It is MIDWEST's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job.

Employees who believe they have a mental or physical disability and require reasonable accommodation to perform the essential functions of their job should contact Human Resources. MIDWEST will then engage in an interactive dialog with the individual employee to verify the existence of a disability covered under applicable law, identify possible accommodations, and determine which accommodations MIDWEST can and will reasonably provide under the specific circumstances without undue hardship to MIDWEST.

### *2.5 GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)*

MIDWEST strictly prohibits discrimination based on genetic information. GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not request or provide any genetic information in the workplace, or to representatives of the company at any time except if legally necessary (*e.g.*, healthcare provider certification for federal Family and Medical Leave to care for a parent with a serious health condition). 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### *2.6 ALCOHOL AND DRUG AWARENESS POLICY AND PROGRAM*

MIDWEST is a contractor to the Federal Government. As such, we are subject to the provisions of the Drug-Free Workplace Act of 1988. In compliance with the Drug-Free Workplace Act of 1988, MIDWEST is committed to maintaining a healthy work environment free from substance abuse.

## I. The Dangers of Drug and Alcohol Abuse in the Workplace

We have a serious concern for the health and welfare of each of our employees. Any actions, such as the illegal drugs, alcohol, or use or abuse of prescription medication which may impair employee effectiveness, efficiency, or ability to regularly be present at work, are matters of extreme concern and importance to us. Use of illegal drugs, alcohol, or abuse of prescription medication can create absenteeism, unfinished assignments, tardiness, family problems, poor or erratic performance, mood swings, errors in judgment, strange statements, violent behavior, and lack of motivation. Therefore, we have adopted this policy.

## II. Prohibitions

The manufacture, distribution, dispensation, possession, sale, use, or being under the influence of an illegal drug or alcohol on MIDWEST's premises, in the performance of services for MIDWEST, or while "on call" is absolutely prohibited. Any illegal drugs found will be turned over to the appropriate law enforcement agency.

The use of any legally obtained drug by any employee while performing business on behalf of MIDWEST or while on MIDWEST's premises is prohibited to the extent that such use may adversely affect the safety of the employee or others, the employee's job performance, or MIDWEST's regard or reputation in the community. Employees who have been informed or have discovered that the use of a legal drug may adversely affect job performance or behavior are to report such drug use and possible side effects to either their manager or Human Resources.

## III. Testing

Testing may occur as follows:

1. Pre-employment drug test.
2. If the company has reasonable cause to suspect that the employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs or that an employee has otherwise violated this policy.
3. If an employee is involved in a work-related accident that was or could have been the fault of the employee.
4. If the employee or facility is selected at random for testing in order to monitor and ensure compliance by all employees with this policy, upon notification, employee(s) will proceed to assigned testing location. The random selection will be done by a state approved drug testing facility or the designated Director of Health and Safety.

MIDWEST may require a blood test, urinalysis, or other drug/alcohol test, as applicable. Employees must sign the Employee Consent to Alcohol and Drug Screening form for random and other drug and/or alcohol screening.

All CDL drivers will be required to submit to the testing requirements mandated by the applicable Department of Transportation regulations.

If screening test results are negative (drug free), the employee shall return to work immediately with no loss of wages.

If screening and confirmatory tests are positive, the employee will be suspended immediately without pay. The employee will be permitted to return to work following his/her passing a second test, which must be paid for by the employee. If a retake test is not submitted within the agreed upon time or if it has a positive result, the employee will be terminated.

Tampering with or altering a sample or test, failure or refusal to complete the necessary forms to facilitate testing, or refusal or failure to submit to requested drug/alcohol testing will result in immediate termination of employment. An employee who is terminated for violation of this policy will not be eligible for rehire.

Employees will be notified by the Drug Testing facility if their test is positive. The employee will be given the opportunity to discuss any positive test results with the Medical Review Officer from the drug-testing facility prior to results being issued to MIDWEST. Failure to respond to the Medical Review Officer's request for a discussion regarding the employee's positive results will cause the Medical Review Officer to issue a "non-contact" positive result, which are grounds for disciplinary action, up to and including termination of employment.

## IV. Drug-Free Awareness Program

To assist in ensuring compliance with MIDWEST's Drug-Free Workplace Policy, we have established a Drug-Free Awareness Program to inform employees about:

1. Dangers of drug abuse in the workplace;
2. MIDWEST's policy of maintaining a drug-free workplace;
3. Available drug counseling, rehabilitation, and employee assistance programs; and
4. Penalties that may be imposed upon employees for drug abuse violations.

## V. Requirements

As a condition of continuing employment with MIDWEST, each employee must:

1. Abide by the terms of this policy; and
2. Notify the company of any criminal drug statute conviction for a violation occurring in the company's workplace no later than five days after such conviction.

### VII. Violations

Any violation of this policy will result in either discipline (up to and including discharge), and/or a requirement of satisfactory participation in a drug abuse assistance or rehabilitation program, depending on the nature and seriousness of the offense. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violator of this policy.

## *2.7 WORKPLACE SEARCHES*

Workplace searches to protect Midwest' property and to ensure the safety of all employees, contractors, customers, visitors and the company are possible when reasonable suspicion of illicit activity exists. To ensure compliance with its rules and regulations, MIDWEST reserves the right to inspect all MIDWEST property without prior notice to the employee and/or in the employee's absence. As such, employees should have no reasonable expectation of privacy in their use of MIDWEST property, including offices, desks, files, lockers, and MIDWEST owned or leased vehicles and equipment. An employee's personal property, including but not limited to purses, packages, parcels, brief cases, lunch boxes, any other possessions or articles carried into and from MIDWEST property, and personal vehicles on MIDWEST property may be inspected upon reasonable suspicion of unauthorized possession of another's property, weapons (unless excepted under the Weapons in the Workplace policy), or illegal drugs. Remaining with MIDWEST after you become aware of (or should have become aware of) this policy constitutes consent to this inspection of property.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after this inspection are believed to be in possession of stolen property, weapons, or illegal drugs or who have engaged in any other violation of company policy or rules, will be subject to disciplinary action, up to and including termination of employment.

## 2.8 HIRING PROCEDURES

Midwest Environmental Services hires employees based upon attitude and merit. We look for individuals who are qualified to do the work, who have demonstrated good safety records, and who are customer oriented. Applicants will be asked to identify their level of competence. Written/practical tests may also be given. Those hired will be challenged to perform up to this level and beyond as their experience permits.

Midwest Environmental Services prefers to hire "known" applicants and we utilize the following criteria for reviewing applications and hiring employees in order of priority as follows:

A. Referred by current employees of the Company;

B. Past employees with proven safety, attendance, and work records;

C. Unknown / walk-in applicants.

In compliance with the Immigration Reform and Control Act of 1986, all offers of employment will be made contingent upon satisfactory proof of identity and authorization to work in the United States. Anyone with a work permit is required to keep it renewed to be eligible for continued employment. Failure to do so shall be considered a voluntary termination of employment, effective on the expiration date of the work permit.

If you resign or are laid off, you may be considered for re-employment based upon the availability of work and your prior work performance at Midwest Environmental Services. To be considered for re-employment, you must begin the application process from scratch and will not necessarily have priority over others.

Applications more than 30 days old will be considered inactive.

### *2.9 EMPLOYMENT APPLICATIONS*

All information supplied by the job applicant on an application form or in a résumé, correspondence, or in interviews must be factual. No person will be considered for employment if it is found that they have misrepresented or omitted essential facts on their application or other written materials, or during "pre" or "post" interview checks/guidelines. If it is discovered that an existing employee committed such misrepresentation, they are subject to immediate dismissal.

### 2.10 *BACKGROUND CHECKS*

To ensure that individuals who join MIDWEST are well qualified and to ensure that MIDWEST maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form. Any misrepresentations or omissions pertaining to an employee's criminal history on the employment application or any other company record may result in termination, regardless of the date of discovery.

All offers of employment are conditioned on receipt of a background check report that is acceptable to MIDWEST. Reports are kept confidential and are only viewed by individuals involved in the hiring process. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related. Further, MIDWEST reserves the right to check driving records at least semi-annually for employees who drive on company business. Checks for commercial driver license holders shall be made in accordance with DOT regulations.

In the event an employee's driver's licenses is lost, suspended, or threatened loss or suspension of a license or certificate that is required to perform their job to their supervisor.

MIDWEST also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

### *2.11 EMPLOYMENT OF RELATIVES AND DOMESTIC PARTNERS*

Relatives and domestic partners may be hired by the company if (1) the persons concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy, "relatives" are defined as spouses, children, siblings, parents, or grandparents. A "domestic partnership" is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the company provided they don't work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. If employees who marry or live together do work in a direct supervisory relationship with each other, the company will attempt to reassign one of the employees to another position for which he or she is qualified if such a position is available. If no such position is available, one of the employees may be required to leave the company.

### *2.12 EMPLOYEE REFERRALS*

Midwest offers our employees incentives for help us find qualified employee candidates. Our Employee Referral Award program pays current employees a total of $500 for referring an applicant who is successfully hired by Midwest. The distribution of the Employee Referral Award will be paid in two increments. Half of the Employee Referral Award will be paid once the new hire has completed 90 days of employment with Midwest. The second payment of $250.00 will be paid after the hired employee has reached one year of service. This Referral Award is subject to withholding taxes and will be payable in the employee's biweekly paycheck. In order to receive the Referral Award, the employee's name must be entered on the application and the employee must complete an Employee Referral Form.

### *2.13 PRE-EMPLOYMENT PHYSICAL EXAMINATIONS*

After a job offer has been extended, but before beginning work, each applicant must undergo a pre-employment drug/alcohol screening test and may be asked to take a physical examination. The drug/alcohol test will be performed at the employee's expense by a physician of the employer's choice. Failure to submit to the test will be a voluntary withdrawal of the application for employment. The cost of this test will be reimbursed to all applicants whose test results are negative. If your drug/alcohol screening is reported to be positive, you may re-test within 24 hours to negate the test results. Applicants who test positive for drugs and/or alcohol will be disqualified from further consideration for employment.

### *2.14 EMPLOYEE ORIENTATION AND FAMILIARIZATION PERIOD*

Employees go through initial periods of adjustment and training in order to learn about the company and their job. During this time, employees will have an opportunity to find out if they are suited to, and like, their new position.

Additionally, the initial employment period gives the employee's manager(s) reasonable periods of time to evaluate their performance. The employee orientation and familiarization period is ninety (90) days.

During this time, the employees will be provided training and guidance from their managers and other co-workers, to ensure a complete understanding of their position, responsibilities, the company and its policies and benefits. Employees may be dismissed at any time during this period if their managers conclude that they are not progressing or performing satisfactorily. Under appropriate circumstances, the initial employment orientation period may be extended. Additionally, as is true at all times during an employee's employment with MIDWEST, employment is not for any specific duration and may be terminated at will, with or without cause and without prior notice, during or after successful completion of the Orientation and Familiarization period.

At the end of the initial employee orientation period, employees will be evaluated by their immediate managers. Provided their job performance is "satisfactory" at the end of the initial employment period, they will continue in employment as at-will employees.

### 2.15 *PERSONNEL RECORDS*

Employee's personnel files contain all pertinent records for employment and pay purposes, along with promotions, transfers, performance reviews and substantiation of your contribution to MIDWEST. Records of corrective action, if taken, are also kept in this file. Your Human Resource file is also used to keep a current record of your home address, telephone number, emergency phone number, names of persons to notify in case of an emergency, marital status and dependent status. Should changes occur in any of these, please notify your supervisor/manager and Human Resources.

Personnel files are maintained on all employees and contain information pertinent to their employment. Personnel files and records are confidential. Upon request to the employee's immediate manager, an employee may review their personnel file with their manager and Human Resources at a mutually agreeable time. If the employee finds any information they believe is inaccurate, they must submit the correction in writing to their manager. This information will be reviewed, validated and be placed in the employee's file. Employees are not entitled to a copy of their personnel file, unless otherwise required by state law.

### *2.16 RECORD-KEEPING*

The intention of this policy is to create a standard for record-keeping to enable MIDWEST, to achieve its business goals and success by compliance with applicable federal and state laws. Information gathered by

the company concerning its employees is owned by MIDWEST and is treated as its proprietary, confidential information regardless of the form of the information (*i.e.*, paper copy or electronic database).

Employees are to have access to personnel files of other employees only if that is part of their job and their assigned duties and on a *"need-to-know"* basis only.

Records shall be maintained in accordance with the appropriate policies and applicable forms that are a reflection of the "Life Cycle" of the employee, including:

- Recruitment and Selection
- New Employee Orientation
- Attendance
- Personnel Changes
- Performance/Discipline
- Compensation/Salary Administration

***This list is not exhaustive. As the needs of the company or applicable law changes, the list mentioned above may be altered as required.*

Human Resources, Payroll, Administration and Health & Safety are responsible for compliance with record-keeping regulations.

Whenever MIDWEST takes action to comply with an obligation under a federal or state law, a record of such action will be created. For example, sums expended in order to provide a reasonable accommodation under the Americans with Disabilities Act (ADA) will be recorded. Similarly, alterations to facilities or equipment to comply with the ADA will be recorded.

Personnel Files and Employee Records will be audited periodically by our Human Resources Consultant to determine State and Federal Compliance, consistency and accuracy in employment practices. We utilize an outside agency in order to maintain confidentiality and discretion in the review.

Records will be maintained in confidence in accordance with MIDWEST's confidentiality policy. For example, all medical information is to be treated as confidential, is kept in files separate from standard personnel records, and may be used only as permitted by law (*e.g.*, ADA, workers' compensation).

Periodically, employees will be required to confirm the accuracy of the information maintained in company records. Employees are responsible for the timely and accurate recording of all information as part of their daily duties.

Employee records will be maintained in the following files:

1. **Personnel records—**general employee information
2. **Medical records—**all information relating to group healthcare plan coverage, Workers' Compensation, Americans with Disabilities Act compliance, drug test records, and requests for accommodation
3. **Immigration and I-9 Forms—**in files separate from all other personnel records
4. **Equal Employment Opportunity Commission—**self-identification forms; other documents (such as complaint investigation documents)
5. **Safety records—**in files separate from all other personnel records

## 2.17 *CHANGE OF EMPLOYEE STATUS*

Employees are responsible for notifying Human Resources of any changes, which may affect their employment records and/or payroll deductions. Human Resources will forward a copy of the Payroll Authorization Form to the manager. These changes include:

| | |
|---|---|
| Name | Marital Status/Divorce |
| Address | Number of Dependents |
| Telephone Number | Emergency Contact |
| Beneficiary Information | |

If the employee fails to report these changes, MIDWEST cannot be responsible for payroll tax withholding errors or any loss of benefits.

## 2.18 *WAGE CLASSIFICATION*

In accordance with the federal Fair Labor Standards Act (FLSA), employees are classified as "exempt" or "non-exempt," depending on their specific job duties and responsibilities. The following is intended to help employees understand employment classifications and employee's employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and Midwest.

***Non-exempt Employees*** are employees whose work is covered by the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Non-exempt employees are eligible for overtime for hours worked over 40 in a workweek.

***Exempt Employees*** are generally managers and certain professional, administrative or outside sales personnel who are exempt from the minimum wage and overtime provisions of the FLSA.

Midwest has established the following categories for both non-exempt and exempt employees:

- **Regular, full time**: Employees who are not in a temporary status and who are regularly scheduled to work the company's full-time schedule of at least 32 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.
- **Regular, part time**: Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule.

As business needs dictate, the duties and responsibilities of positions may be modified or deleted. On occasion, MIDWEST may also need to transfer or reassign employees from one job to another, from one department to another or from one geographic location to another.

### *2.19 WORK WEEK AND HOURS OF WORK*

Midwest offers services to its clients twenty-four hours a day, seven days a week. Individual work schedules will vary according to the anticipated work load and demand for that period of time. Generally, the standard workday at the jobsite is as follows:

| | |
|---|---|
| Field Employees (1st Shift): | 7:00 AM to 3:30 PM |
| Office and Management: | 8:00 AM to 4:30 PM |

The standard workweek is from Monday 12:00 a.m. until Sunday 11:59 p.m. Office hours are 8:00 a.m. to 4:30 p.m. Individual work schedules may vary depending on the needs of each department.

### *2.20 MEAL BREAKS*

Employees are entitled to a 30-minute unpaid meal break each day. If a nonexempt employee is required to work through a meal break, he or she will be paid for the 30-minute period. Meal breaks will be scheduled by the department supervisor or manager.

### *2.21 SAFETY SHOE POLICY*

Midwest will reimburse an employee for purchase of safety shoes when they are a requirement of the job.

Safety Shoes will be required as Standard Personal Protective Footwear for all field operation personnel. This includes, but is not limited to:

- Truck Drivers

- Field Service Supervisors
- Field Service Technicians

No more than one pair of safety shoes can be reimbursed in a twelve (12) month period up to $120.00 per pair. The employee is responsible for any additional expense associated with the purchase of safety shoes.

New employees will be required to have the appropriate footwear and will be reimbursed with a receipt, after completing 40 hours of work. If an employee terminates employment within the first 90 days, the cost of the boots will be deducted from his final check.

The shoes are the responsibility of the employee. Shoes that are lost, stolen or damaged unrelated to the employee's job would be replaced at the employee's expense. Failing to wear safety shoes when required for the employee's job is considered a safety violation and is subject to disciplinary action, up to and including termination of employment.

## 2.22 *DRESS CODE*

Midwest provides a casual yet professional work environment for its office employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers.

**Field Personnel:** The Company provides uniforms: work shirts, pants, jackets, coveralls, logo caps, hard hat, and safety glasses for field employees. These items should be worn when in any capacity whereby you are representing Midwest Environmental Services. You are also required to wear sturdy, hard-toed safety boots at all times while on duty (No tennis shoes). The employee is responsible for any additional expense associated with the purchase of safety shoes. Where PPE is required, the Company will furnish the needed equipment; however, if you lose, destroy or alter it, it is your responsibility to replace it.

We expect our employees to wear the uniforms, keep them in good repair and free from unauthorized attachments. They are the property of Midwest and must be returned upon resignation/termination. If the uniforms are not returned the value of the missing garments will be deducted from the employee's final paycheck. Any questions or complaints regarding the appropriateness of attire should be directed to the Human Resources department.

***Office Personnel:***

**Slacks** – Dress slacks, cotton slacks and jeans are acceptable, this includes shorts, unless a client is expected. Spandex or other form-fitting leggings are unacceptable unless worn with a long top or skirt.

**Shirts** – Casual shirts with collars, dress shirts, sleeveless blouses, golf shirts, sweaters, turtlenecks, T-shirts and sweatshirts are acceptable. Shirts with large, logo-type advertisements (*i.e.*, bars, political, competitor) are prohibited.

Sports team, university, and fashion brand names on clothing are generally acceptable. All shirts must be clean and free of holes. No shirts should contain profane, vulgar, or objectionable pictures or language. Halter-tops, midriffs, cutoff shirts, tube tops or spaghetti straps, unless worn under another blouse or jacket, are unacceptable. Distracting or revealing clothing is unacceptable.

**Footwear** – Loafers, boots, flats, leather deck shoes, athletic shoes, sneakers and dress sandals (for women only) or rubber "flip-flops" are acceptable. House-shoes or slippers are not acceptable. Sandal-type shoes are acceptable but traditionally are inappropriate in the office and may cause safety issues. Employees who wear open-toed sandals do so at their own risk.

*Exception:* Open-toed shoes are not permitted for field personnel for safety reasons. Steel-toed shoes may be required at times.

**Headwear** – Baseball caps are allowed as long as they don't contain obscene or vulgar language. Hard hats must be worn when required by customer location.

***All clothing should be clean, neat, wrinkle free and in good condition.***

While the office setting can be casual because customers typically don't visit, traveling to see customers, exhibiting at or attending trade shows, and representing the company in the business community, requires different decisions about attire. Business casual dress is the minimum standard that must be observed when you are representing the company or interacting with customers or potential customers.

Before visiting a customer or potential customer determine the accepted dress code and match it in your attire.

Finally, on the occasions when a customer or a business partner does visit the office, the employee groups with whom the visitor is interacting should adhere to business casual standards.

***Male Employees:***

Neatly trimmed beards and mustaches are acceptable. Hair must be neatly cut and clean. Hair below shoulder length may need some confinement so as not to fall forward over the face or otherwise endanger the employee while working. Fad hairstyles including, but not limited to, unnatural coloring of hair, Mohawks, or unconventional cuts are not permitted. No piercing (other than those for earrings) shall be made through the nose, tongue, chin, eyebrow, or any other body part that would be visible while at work.

Rings, necklaces, earrings and bracelets are permitted, but must not be worn while performing work where they might present a safety hazard to the employee.

***Female Employees:***

Hair must be neatly cut and clean. Hair below shoulder length may need some confinement so as not to fall forward over the face or otherwise endanger the employee while working. Fad hairstyles including, but not limited to, unnatural coloring of hair, Mohawks, or unconventional cuts are not permitted. Visible body piercing shall not be worn. No piercing (other than those for earrings) shall be made through the nose, tongue, chin, eyebrow, or any other body part that would be visible while at work.

Rings, necklaces, earrings and bracelets are permitted, but must not be worn while performing work where they might present a hazard to the employee.

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

If clothing fails to meet these standards, as determined by the employee's supervisor and Human Resources, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes, may not be paid for that time if non-exempt, and will receive a verbal warning for the first offense. All other policies about personal time use will apply. Progressive disciplinary action will be applied if dress code violations continue.

**Overnight Clothing Policy:**

All field employees must have a change of clothes and any other items necessary for an overnight stay in their possession during working hours. This requirement will ensure employees have all items necessary to stay overnight should an unscheduled overnight project/trip develop. Employees will not be compensated for leaving a job site for the sole purpose of acquiring additional clothes if non-exempt, nor will company funds be used for items associated with this purpose.

### *2.23 OUTSIDE EMPLOYMENT*

MIDWEST hopes that employees will not find it necessary to seek additional outside employment. However if an employee is planning to accept an outside position, they must notify their manager in writing. Outside employment may not conflict in any way with an employee's responsibilities with MIDWEST. Employees may not engage in any outside activity that would involve the use or disclosure of any confidential information regarding MIDWEST, its customers, contractors or employees, or that is competitive with MIDWEST's business. Further, the outside employment must not interfere with the employee's work schedule, adversely affect the efficient performance of regular duties, or cause the employee to be ill or accident-prone through fatigue, worry or other conditions. Employees may not conduct outside work while on company time, or use company property, equipment or facilities in connection with outside work.

Employees are required to obtain written approval from their supervisor before participating in outside work activities. Approval will be granted unless the activity conflicts with the Company's interest. In general, outside work activities are not allowed when they:

- prevent the employee from fully performing work for which he or she is employed at the company, including overtime assignments;
- involve organizations that are doing or seek to do business with the company, including actual or potential vendors or customers; or
- violate provisions of law or the company's policies or rules.

From time to time, MIDWEST employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to MIDWEST must be given priority. Employees are hired and continue in MIDWEST's employment with the understanding that MIDWEST is their primary employer and that other employment or commercial involvement, which is in conflict with the business interests of MIDWEST, is strictly prohibited.

Failure to receive management approval for outside employment may result in disciplinary action, up to and including termination.

## 2.24 *OFFICE EXPENDITURES*

All employees' expenditures in MIDWEST's name for supplies and/or services must first be approved by Management.

Expenditures on behalf of MIDWEST are reimbursed via an Expense Report. Should an employee need a company check for payment of a product or service, they must submit a check requisition to the Accounting Department. All receipts should include the Job Number to allocate for any expenses made on the behalf of that job.

## 2.25 *COMPANY TRAVEL*

Midwest's employees may be required to travel as part of the normal servicing of company clients. Management must approve all travel arrangements in advance.

All travel arrangements for transportation and lodging must be made using the most economical means of travel. Employees are required to use the "best rate possible" as provided by the airline, hotel and/or car rental agency. Travelers should take advantage of advance purchases and plan their travel in advance whenever possible.

Cash advances for travel purposes are permitted. A request should be made with a written check requisition and submitted to their manager. All travel expenses must be submitted prior to the next pay period.

## *2.26 TRAVEL/EXPENSE REIMBURSEMENT*

MIDWEST will reimburse employees for reasonable expenses of a business nature while traveling and/or entertaining on authorized company business. All cash advances must be accounted for and expense receipts are required within the week after travel is completed. The employee must submit an expense report with their timecard of all business expenses for reimbursement. Once the manager has approved the expense report, the manager will submit it to Human Resources. Approved expenses for travel, automobile use, lodging, tips, and business meals will be reimbursed. Falsification of expenses is a dischargeable offense.

## *2.27 EXPENSE REPORTS*

Expense Reports are available on the MIDWEST employee website. Expense Reports must be approved and signed by their manager. Any inquiries on expense checks should be directed to Accounts Payable. All expenses must be accounted for on an Expense Report prior to the next pay period of the date the expenses were incurred. The appropriate information and receipts must be attached for an employee to receive timely reimbursement.

## *2.28 SMOKING*

The Company maintains a smoke- and tobacco-free company. No smoking or other use of tobacco products (including, but not limited to, cigarettes, e-cigarettes, pipes, cigars, snuff, or chewing tobacco) is permitted in any part of the buildings or in vehicles owned, leased, or rented by the Company. Employees may smoke outside in **designated areas only** *(at least 15ft. away from an entrance)* during breaks. When smoking or otherwise using tobacco or similar products outside, do not leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else. No additional breaks beyond those allowed under the Company's break policy may be taken for the purpose of using tobacco or similar products.

Please remember to conform to the smoking or tobacco use policies of our customers when working at a customer's site.

All employees are expected to abide by this policy in all respects while at work, whether on company premises, at a customer's site, or while in transit between work locations or assignments, as well as while the employee is off duty, if the employee is on company premises or in vehicles owned, leased, or rented by the company.

Finally, being permitted to use tobacco products during breaks is a privilege, as long as such use does not interfere with the employee's work, fitness for duty, or professional appearance. If that privilege is abused, it will be withdrawn altogether.

# 3 STANDARDS OF CONDUCT

Rules and standards of conduct are necessary to protect the health and safety of all employees, to provide a fair and professional environment, and to protect MIDWEST's goodwill and property. It is the responsibility of every employee to be aware of, understand, and adhere to these requirements.

## *3.1 SAFETY*

MIDWEST strives to maintain a safe workplace that is free from recognized hazards. Safety, however, is every employee's responsibility. Every accident, however slight and whether there is an injury or damage to company property involved must be reported immediately to management. Employees will be required to complete an accident report. If the injury requires the employee to be taken to a medical facility, MIDWEST will provide transportation to the facility. Under no circumstances are employees permitted to drive themselves to a medical facility after an on-the-job injury has occurred.

The injury must also be reported to the Director of Health and Safety in a timely manner. In order to comply with Federal and State OSHA and Workers' Compensation requirements, the following timeline for notifications are required.

Any injury at work should be reported to the employee's supervisor or manager within one hour of the injury.

- Supervisor or manager should report the injury to the Director of Health and Safety immediately. If the Director of Health and Safety is not available, contact Human Resources.
- Accident reports must be completed within twenty-four hours of the injury. In the event of a slowly developing injury, the employee should report the injury promptly once the employee becomes aware of it and that it is work-related.

If the injury involves a company vehicle the above directions will remain the same, with the following exception:

- Supervisor or manager should report the injury to the Director of Health and Safety and the Transportation Manager immediately. If after the first attempt has failed in contacting the Director of Health and Safety, then contact is to be made to Human Resources.

3.1.1 A near miss is an unplanned event that did not result in injury, illness, or damage – but had the potential to do so. Only a fortunate break in the chain of events prevented an injury, fatality or damage. MIDWEST encourages our employees to notify the Director of Health and Safety of a near miss situation by completing an accident report. People who report near misses are in a position to describe what they observed about the event, and the factors that prevented loss from occurring.

In case of an injury, we are equipped to handle routine cuts and abrasions. If an employee becomes injured at work, regardless of severity of the injury, employees are required to report the incident to their supervisor/manager or the Director of Health and Safety immediately. A neglected injury can become a serious problem if not treated promptly. If the injury is of a serious nature, we will take the employee to the nearest hospital or occupational medical center.

Employees also have an obligation to prevent and eliminate conditions that are potentially hazardous. If an employee notices any unsafe conditions, or becomes suspicious of the actions of other employees, customers, contractors or visitors, they must report this information to management immediately. All employees are required to abide by the company's safety rules and practices. Violations of this policy and the company's safety program will result in disciplinary action, up to and including dismissal.

All employees and non-employees are to comply with all safety rules, regulations, and policies while on company property or in company vehicles. (Refer to MIDWEST Health and Safety Handbook for details of the company safety programs).

### *3.2 VISITORS*

Regularly inviting visitors onto company grounds is discouraged due to safety and liability concerns, however MIDWEST recognizes that there will be times when visitors will be invited onto a MIDWEST facility. If that occurs, all visitors are required to sign in at the reception desk prior to entering the facility and must be escorted by a MIDWEST employee while on the grounds. At no time will visitors be allowed in areas of the facility that would require safety equipment, without prior authorization by the Management Team.

### *3.3 WEAPONS IN THE WORKPLACE*

MIDWEST acknowledges that some states may permit the licensing of individuals to carry concealed weapons. However, concealed weapons are not permitted within MIDWEST buildings or in MIDWEST vehicles.

Employees may not bring firearms or ammunition onto MIDWEST property unless they are legally authorized to possess and transport such firearms. These firearms are not to be loaded, and their ammunition are to be kept in the employee's locked vehicle in the trunk, glove compartment, or otherwise out of sight.

Employees are prohibited from removing the firearms or ammunition from their vehicle or having them in plain sight during the workday or at any time on MIDWEST premises.

Violation of this policy may include suspension and/or termination. This policy also includes clients, vendors, or contractors. All employees are required to report violation of this policy to management immediately.

### *3.4 WORKPLACE VIOLENCE*

MIDWEST is committed to providing a safe workplace for all employees and does not tolerate any type of violence. Employees are prohibited from making threats or engaging in violent activities. The following list of behaviors, while not inclusive, provides examples of conduct that are prohibited:

- Threatening or causing injury to another person; using obscene, abusive or threatening languages or gestures;
- Aggressive, harassing, intimidating, or hostile behavior that creates a reasonable fear of injury to another person or subjects another person to emotional distress;
- Intentionally damaging company property or the property of a co-worker, contractor, customer or visitor;
- Possession of a weapon while on company property, including the parking lot and grounds, or while on company business (except for the limited exception in the Weapons in the Workplace policy);
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Employees are required to report any potentially dangerous or violent situation or suspicious workplace activity immediately to their supervisor, Human Resources, or the Management Team. MIDWEST will investigate all reports of violence in as confidential a manner as reasonably possible under the circumstances. Information regarding the report or investigation will be disclosed to third parties only on a "need-to-know" basis. Employees will not be retaliated against for making good faith reports under this policy.

Employees are expected to exercise good judgment and to inform their manager or a member of the Management Team, if any employee exhibits behavior that could be a sign of a potentially dangerous or violent situation. Examples of such behavior include:

- An obsession with weapons or bringing weapons to the workplace (except for the limited exception in the Weapons in the Workplace policy);
- Displaying overt signs of extreme stress, resentment, hostility or anger;
- Making threatening remarks or gestures toward another person;
- Sudden or significant deterioration of performance;
- Displaying irritation or inappropriate behavior.

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual.

Employees may be placed on suspension pending MIDWEST's investigation into any alleged violation of this policy. Any employee who violates this policy will be subject to disciplinary action, up to and including dismissal. Violations of this policy by employees, contractors, customers, or visitors may be reported to local law enforcement personnel. Such individuals may be prosecuted to the maximum extent of the law.

### *3.5 PROFESSIONAL WORK AREA*

A professional business environment is critical to the operation of the company. It is the responsibility of every employee to maintain the following standards:

- Workstations and the public company areas are to be kept neat and uncluttered.
- Conversation levels should be moderated to contain the noise level where others are working.
- Personal calls, either incoming or outgoing, interrupt concentration, and affect our ability to handle company business. Unless an emergency situation occurs, employees should make every effort to make personal calls while on break or at lunch periods.
- Professional and appropriate communication should be maintained at all times.

### *3.6 PERSONAL PROPERTY*

MIDWEST is not responsible for personal property of employees in facilities, vehicles or parking areas.

### *3.7 PROFESSIONAL CONDUCT*

MIDWEST expects its employees to conduct themselves professionally when interacting with the public. When representing the company, employees are expected to:

- Dress appropriately for the occasion;
- Treat potential customers, existing customers, other employees, vendors, suppliers, etc. with respect;
- Be courteous;
- If discussing our industry and services, properly represent them; and
- Speak positively about MIDWEST's products, services, and business.

Any actions that reflect negatively on the public image of MIDWEST may lead to disciplinary actions, up to and including termination.

Employees must contact Management if they have questions about this policy.

This policy will not be enforced to prevent employees from discussing their terms and conditions of employment or from otherwise exercising their rights under the National Labor Relations Act or other laws, as applicable.

### *3.8 NON-FRATERNIZATION*

While MIDWEST does not wish to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct and relationships may interfere with MIDWEST'S legitimate business interests. To prevent unwarranted sexual harassment claims, confidentiality lapses, uncomfortable working relationships, morale problems among other employees, and even the appearance of impropriety, managers and supervisors of MIDWEST are strictly prohibited from engaging in consensual romantic or sexual relationships with any managers, supervisors, or lower-level employees of MIDWEST.

### *3.9 ANTI-HARASSMENT*

It is MIDWEST's policy that employees and others acting on MIDWEST's behalf are entitled to respectful treatment in the workplace. MIDWEST is committed to providing a workplace in which the dignity of every individual is respected. Being respected means being treated honestly and professionally, with an employee's distinctive skills and perspectives valued. MIDWEST feels a respectful workplace is about more than compliance with the law. It is a working environment on the basis of race, religion, color, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, marital, military or veteran status, genetic (including family medical history) information, and other legally-protected status. It is against MIDWEST policy for any employee, whether a manager, supervisor, or co-worker, or for any third party (including a customer or vendor) to discriminate against or harass another individual. This policy applies to all locations and situations where company business is conducted and to all company-sponsored social events.

Sexual harassment or gender-based harassment occurs when unwelcome conduct of a sexual nature becomes a condition of an employee's continued employment, affects other employment decisions regarding the employee, or creates an intimidating, hostile, or offensive working environment. Harassment or discrimination also occurs when verbal or physical conduct defames or shows hostility toward an individual because of his or her race, religion, color, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, marital, military or veteran status, genetic (including family medical history) information, and other legally-protected status, or that of the individual's relatives, friends, or associates; creates or is intended to create an intimidating, hostile, or offensive working environment; interferes or is intended to interfere with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

Sexual and sex-based harassment and discrimination may include, but are not limited to:

- Requests for sexual favors;
- Unwanted physical contact, including touching, pinching, or brushing the body;

- Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats;
- Non-verbal conduct, such as display of sexually suggestive objects or pictures, leering, whistling, or obscene gestures; and
- Acts of physical aggression, intimidation, hostility, threats, or unequal treatment based on sex (even if not sexual in nature).

Other types of harassment and discrimination may include, but are not limited to:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, which relate to race, religion, color, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, marital, military or veteran status, genetic (including family medical history) information, and other legally-protected status;
- Written or graphic material that defames or shows hostility or aversion toward an individual or group because of a legally-protected status that is placed on walls, bulletin boards, or elsewhere on the MIDWEST's premises or that is circulated in the workplace; or
- Unequal treatment based on an employee's legally-protected status.

Any employee who believes he or she has been harassed or otherwise discriminated against should report the conduct immediately to the employee's supervisor/manager or Human Resources. If a supervisor is the source of the harassing conduct, report the behavior to Human Resources.

MIDWEST reserves the right to respond to inappropriate behavior even where no one has complained or indicated they have been offended.

A thorough and impartial investigation of all complaints will be conducted in a timely and confidential manner and appropriate corrective action will be taken.

No victim retaliation or discrimination will result from any good-faith complaint made or cooperation in any investigation under this policy.

Any MIDWEST employee who has been found, after appropriate investigation, to have harassed or retaliated against another individual will be subject to disciplinary action, up to and including discharge.

***Every MIDWEST employee has a role to play in achieving a respectful workplace.***

This includes:

1. Respectful and professional behavior at all times, regardless of the situation. An employee's action not only can reflect on the employee, but also potentially can reflect upon MIDWEST. An employee must be sensitive to how others may perceive their actions. Just because someone does not complain about another's behavior does not mean that they don't object to someone's behavior.
2. There is never a good reason to engage in unwelcome behavior that has the purpose or effect of harassing others. An employee must report any unwelcome behavior they think might be harassment under this policy.
3. Be open to constructive feedback regarding performance deficiencies. Recognize that respectful supervisory actions regarding workplace issues are a necessary and appropriate step in performance feedback.
4. If someone offends an employee, we encourage the employee to let that person know so that it won't happen again. If an employee has offended someone, understand the other party's perspective, apologize and don't let it happen again.
5. If an employee is aware of any behavior that might violate this policy, report it to management.

***MIDWEST Expects All Employees Do Not:***

- Engage in any behavior that is unprofessional or disrespectful, or that has the purpose or effect of harassing anyone.
- Engage in any retaliation against someone who raises a concern or potential violation under this policy or participates in a company investigation.
- Miss opportunities to respectfully communicate offensive behavior found in their own behavior.
- Leave unreported concerns or violations of this policy.

***MIDWEST Expects All Managers:***

- To provide a workplace free of harassment and inappropriate behavior.
- Handle all complaints promptly and effectively.
- Comply and enforce MIDWEST's anti-harassment policy.
- Contact the Management Team or MIDWEST's Human Resources to investigate allegations of harassment.
- Take appropriate disciplinary action.
- Take steps to assure retaliation is prohibited.

***Performance Feedback Is Not Harassment or Inappropriate Behavior:***

Effective leadership requires that managers talk with their employees about their job performance. Managers should be clear about how each employee is performing and how the employee's overall behavior contributes to the workgroup's ability to deliver results consistent with MIDWEST's values. Such discussions may be difficult, and they always should be done professionally and respectfully. However, constructive feedback and supervisory actions regarding performance deficiencies or other workplace issues are not harassment or retaliation.

### *3.10 DUTY TO REPORT*

MIDWEST operates best with an atmosphere of mutual trust, cooperation, and integrity. Acts of theft, dishonesty, fraud, and sabotage are obviously very damaging to MIDWEST and can be harmful to its economic well-being, reputation, and internal culture. We believe that everyone who works here has a duty of loyalty to MIDWEST and is responsible for reporting any actual or suspected misconduct, including but not limited to worker's compensation abuse; theft, misappropriation, or unauthorized disclosure of MIDWEST confidential or trade secret information; sabotage or abuse of MIDWEST equipment or resources; illegal behavior; and any other detrimental conduct or acts of dishonesty against the company.

Reports of such misconduct should be directed to Human Resources and will be kept as confidential as practicable given the need to investigate. Employees also have a duty and are expected to fully cooperate with any internal and external investigation into any alleged wrongdoing. A failure to abide by this policy may result in discipline of the offending employee. However, this policy shall not be applied to prevent employees from discussing their terms and conditions of employment or to otherwise interfere with their rights under the National Labor Relations Act or other applicable laws.

### *3.11 EMPLOYEE GRIEVANCE*

MIDWEST believes in fostering two-way communication in all situations. We recognize that the prompt handling of a problem is important to maintaining the highest degree of satisfactory relations with our employees, so we encourage employees to bring any potential problem or concern to the attention of management or Human Resources through the process in this policy. If the concern relates to alleged discrimination or harassment, please follow the reporting process in the Equal Employment Opportunity and anti-harassment policies in this Handbook.

If an employee believes that he/she has a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) through discussions with his/her immediate supervisor/manager.

If the situation is not satisfactorily resolved within five (5) working days from the time the complaint is discussed with the employee's immediate supervisor/manager or the concern relates to the employee's immediate supervisor/manager, it should be brought to the attention of the next level of management or Human Resources.

We encourage employees to bring any concerns about their job and/or working environment out into the open. MIDWEST will make every reasonable effort to resolve the situation. Confidentiality may be maintained to the extent reasonably feasible considering the need to investigate the complaint. Employees will not be retaliated against for reporting a good faith grievance under this policy.

### *3.12 CUSTOMER GRIEVANCE POLICY*

MIDWEST is dedicated to providing quality service to our customers. Dialogue and feedback are essential to maintaining good working relationships. We solicit their comments. Unfortunately, there are times when our customers feel that we have failed to provide quality service so, consistent with our commitment to service; we have a "Customer Grievance Policy" which provides an avenue for a customer to express their concerns and get a timely response.

### *3.13 REPORTING CUSTOMER SERVICE COMPLAINTS*

We make every effort to satisfy the needs of our customers. When customers are dissatisfied with the quality of service provided to them, an employee should advise them to contact one of the following individuals:

| | |
|---|---|
| Doug Gronauer | Tony Schrink |
| Jayson Sterling | Ray Boyle |

### *3.14 DISCIPLINE AND APPEAL POLICY*

All employees not governed by a signed contract are "employees-at-will" and may be terminated at any time with or without cause or notice. Naturally, MIDWEST sincerely desires that employment with us will be a long, productive, and rewarding experience. Therefore, guidelines are listed below to help employee avoid situations and behavior that would result in dismissal. This list is not all-inclusive as it is neither possible nor desirable for MIDWEST to list every potential act or negligent behavior that may result in discipline of an employee.

While MIDWEST endeavors to maintain fair practices with all employees, we reserve the right to evaluate the circumstances of the employee's unacceptable performance or incident on a case-by-case basis and apply discipline accordingly.

MIDWEST supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, Human Resources best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedures. MIDWEST reserves the right to combine or skip steps in the process depending on the facts of each situation and the nature and severity of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense

is repeated despite coaching, counseling and or training; the employee's work record; and the impact the conduct and performance issues have on our organization and other employees.

| Employee Corrective Action Program | |
|---|---|
| 1 Offense | Verbal Counseling |
| 2 Offenses | Verbal Warning |
| 3 Offenses | Written Warning |
| 4 Offenses | Job in Jeopardy |
| 5 Offenses | Termination |

Where appropriate, MIDWEST may also place an employee on suspension as a disciplinary measure or pending an investigation into alleged misconduct.

While in the employee discipline status of Job In Jeopardy, the employee is not eligible for favorable personnel actions, such as salary increases or job transfers. Employees who have had formal Written Warnings are not eligible for salary increases, bonus awards, promotions or transfers during the warning period.

The following are some examples of behavior that is subject to disciplinary action, up to and including termination of employment:

- Breach of trust or dishonesty;
- Conviction of a felony or any crime that that could adversely affect MIDWEST's reputation or welfare;
- Falsifying or failing to disclose completely all information requested or recorded on any employment, personnel, time record, production, or other record of MIDWEST or its suppliers, customers, or insurance carriers;
- Negligence;
- Insubordination (including, but not limited to, failure or refusal to perform assigned work or to comply with instructions; or disrespect toward managers;
- Violation of the Anti-Harassment and/or Equal Employment Opportunity Policies;
- Time card violations;
- Unauthorized absence from duty during regularly scheduled work hours;
- Poor work performance or lack of productivity;
- Larceny or unauthorized possession of, or the use of, property belonging to any co-worker, visitor, or customer of MIDWEST;

- Possession of firearms except out of sight in the employee's locked vehicle or possession of other weapons on MIDWEST premises;
- Unauthorized possession, use, copying, or disclosure of any records or other property of MIDWEST;
- Destruction of MIDWEST's property or of the property of any employee or any person/entity that does business with MIDWEST;
- Unauthorized posting or removal of notices from bulletin boards;
- Excessive absenteeism or lateness;
- Marring, defacing or other willful destruction of any supplies, equipment or property of MIDWEST;
- Failure to call or directly contact your supervisor when you will be late or absent from work;
- Fighting or serious breach of acceptable behavior;
- Violation of the Alcohol or Drug Policy;
- Theft;
- Violation of MIDWEST's Conflict of Interest/Outside Employment Policy and/or Confidentiality Policy;
- Leaving the work premises without authorization during work hours;
- Sleeping on duty;
- Unauthorized personal use of MIDWEST equipment or resources;
- Safety violation;
- Failing to cooperate with a MIDWEST investigation;
- Threatening, intimidating, provoking, or fighting with employees, supervisors, management, customers, visitors or suppliers at any time;
- Making maliciously false statements about employees, supervisors, management, MIDWEST or its products, customers, suppliers, or visitors at any time;
- Failing to report any mistake by yourself or another person that could affect MIDWEST's operations or the quantity or quality of its products or services;
- Deliberate misuse of or unauthorized use of company supplies, materials, and office equipment;
- Working unauthorized overtime;
- The installation and/or use of unauthorized software on the company computer system;
- Completing another employee's time card or allowing another employee to complete your time card;

- Visiting, loitering, loafing, lounging, or sleeping during scheduled working hours, or leaving the work area without permission of one's manager;
- Receiving or making excessive personal telephone calls, text messaging, or email communications;
- Unauthorized access to, use, or disclosure of confidential information;
- The use of abusive, disrespectful, threatening, or obscene language;
- Failing to meet company work standards in terms of quantity and quality. Interfering with another employee's efforts to meet company work standards;
- Exceeding the authorized number/duration of break periods;
- Excessive absenteeism or tardiness or no call/no show;
- Being the direct cause of customer complaints or engaging in action resulting in monetary loss to MIDWEST; and
- Violating any company policy or rule.

These work rules will not be enforced to prevent employees from discussing their terms and conditions of employment or from otherwise exercising their rights under the National Labor Relations Act (NLRA) or other laws, as applicable.

If an employee is discharged, they will be asked to leave immediately. The reason for termination will become a permanent part of the employee's employment record.

### *3.15 APPEAL PROCESS*

An employee who believes that he or she has been unfairly or unjustly disciplined by suspension or probation or unfairly or unjustly recommended for termination should submit in writing an appeal stating reasons why the action should not have been taken and what the recommended resolution should be. The appeal should be submitted to Human Resources within ten (10) working days from the date of the act or action, which is the subject of the grievance.

# 4 COMMUNICATIONS

Employee communication about the company is a reflection of employee attitude, pride, morale, and commitment, and directly affects MIDWEST's reputation.

## *4.1 MEDIA COMMUNICATIONS*

In an effort to protect the integrity of MIDWEST's image and the consistency of our message, the Management Team must approve any public communication made on behalf of MIDWEST. Only management personnel specifically designated by MIDWEST have the right to represent the views and opinions of MIDWEST to the media and business community. Employees are not authorized to speak to the media on behalf of MIDWEST. Refer media inquiries concerning the company's overall business operations to the Management Team. This policy will not be enforced to prevent employees from discussing their terms and conditions of employment or from otherwise exercising their rights under the National Labor Relations Act or other laws, as applicable.

## *4.2 USE OF THE INTERNET AND ELECTRONIC COMMUNICATIONS*

The Internet has become an important business resource for organizations all over the world. It can be a very effective tool for MIDWEST if used effectively. By providing access to the Internet from the office, MIDWEST expects employees to use it properly and responsibly. As a communications resource, the Internet should be used with the same discretion and judgment as is used with other forms of business communications. Inadvertent or sloppy electronic communication can have dire consequences, and MIDWEST employees are required to exercise the same degree of care in electronic communication that they do in written communication. Misuse of email, Internet access, or violations of this policy should be reported immediately. Anyone offended or harassed via voice or email should also report the matter to their manager. Such misuse or violation may subject the user to disciplinary measures, up to and including termination. (See separate policy for complete guidelines and use of Internet).

Electronic systems owned and provided by MIDWEST are the property of MIDWEST and subject to monitoring by the company. Therefore, employees should have no reasonable expectation of privacy in their use of MIDWEST's electronic systems, including computers, email, voicemail, or Internet access. MIDWEST's software and systems have the capability of tracking each visit, each email, each chat and each file transfer, by every computer on the system.

MIDWEST maintains the right to limit Internet access.

MIDWEST will comply with any reasonable requests from law enforcement to review Internet activities of any employee.

While accessing the Internet, employees should be fully aware of the global reach of the media. Employees are required to maintain a high level of dignity and be mindful that they represent MIDWEST to the world at large while online.

Company-provided email is provided for business purposes only. Personal use should be kept to an absolute minimum.

All emails, sent or received, are company records and as such, are accessible to appropriate staff members.

No anonymous emails may be sent from company systems. All employees are required to identify themselves by name and email address. Employees are responsible for the content of all text, audio, or images they post or send over the company's email and Internet systems.

The transmission, use, or accessing of material containing profane or abusive language or derogatory, harassing, or inflammatory remarks about an individual or group's race, religion, color, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, marital, military or veteran status, genetic (including family medical history) information, or other legally-protected status or other characteristic not related to their job performance is strictly prohibited. Likewise, employees are prohibited from transmitting, receiving, or storing any information that may violate applicable copyright laws and from using the company's email system and Internet access for any other illegal purpose.

This policy will not be enforced to prevent employees from discussing their terms and conditions of employment or from otherwise exercising their rights under the National Labor Relations Act or other laws, as applicable.

### *4.3 CREATING A PASSWORD*

Weak passwords are probably the most common source of security concerns within an organization. MIDWEST's employees are instrumental in contributing to the security of company computers, and confidentiality of MIDWEST systems and documents. The protection of our system is contingent on creating passwords that would be difficult for someone else to reproduce and gain access to our system. The creation and confidentiality of the username and password is the responsibility of the manager. Employees are not to share their password with others, including family members. Any authorized use of the username and password by other individuals (*i.e.*, family members) to gain access to MIDWEST's network and Internet makes that employee-user responsible for any and all actions of those individuals. Documents should be saved to My Documents or the appropriate server folder.

### *4.4 SCOPE OF POLICY*

This policy applies to all employees of MIDWEST and other users of its electronic communications systems, email, and Internet access. This policy provides clear procedures and guidelines for the appropriate use of the company's electronic communications systems for proper business purposes. As a business tool, the Internet should be used for business applications only – personal incoming or outgoing emails should be handled similar to personal phone calls, limited to emergency or efficient communication during breaks. The company will randomly monitor email and Internet usage to ensure compliance with MIDWEST's policy.

## 4.5 *USE OF COMPANY COMPUTER SYSTEM*

Employees must log off their computer when leaving their computer workstation unattended. Failure to do so will result in the employee's access rights being denied. Using the computer equipment for other than legitimate business activities or failing to follow the procedures described above, is not permitted. (See Email and Internet Policy guidelines for computer use).

## *4.6 CONFIDENTIALITY OF COMPANY INFORMATION*

Employees are exposed to a great deal of information regarding MIDWEST, MIDWEST finances, upcoming events, company plans, employee information, client information, and other business-related information. **This proprietary information is confidential** and our relationship with our employees, contractors, agents, drivers, vendors, the public, and the community at large demands that there be no disclosure of this information.

No MIDWEST-related information, including without limitation, documents, notes, files, records, spoken information, and computer files or similar materials (except in the ordinary course of performing duties on behalf of MIDWEST) may be removed from MIDWEST's premises without permission from management. Additionally, the contents of MIDWEST's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose. Employees must not disclose any confidential information, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside the company. Employees who are unsure about the confidential nature of specific information must ask their manager for clarification. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for revealing or engaging in unauthorized use of information of a confidential nature. Unauthorized use or disclosure may also be subject to legal action.

To help ensure confidentiality of employee records, it is the company's policy to restrict access to MIDWEST records that contain personal information about its employees. This includes personnel records, payroll records, and medical records. Access to these records is limited to those who have a legal or business need to know, and those persons have an obligation of confidentiality. If an employee is concerned that the information contained in their payroll or personnel file is incorrect they can contact Human Resources to review these records.

Subject to the company's right to monitor employee use of its computers and other electronic systems and its right to inspect property, employee monitoring or recording of telephone calls or conversations of another person or intentionally accessing another person's personal data without permission is a violation of MIDWEST policy. If a speakerphone or similar device is used during a phone call, all parties must be informed if it is known that others are able to hear the conversation.

This policy will not be enforced to prevent employees from discussing their terms and conditions of employment or from otherwise exercising their rights under the National Labor Relations Act or other laws, as applicable.

## *4.7 SOCIAL MEDIA*

Personal Web sites and Web logs (blogs) have become prevalent methods of self-expression in our culture. MIDWEST respects the right of employees to use these mediums during their personal time. If an employee chooses to identify himself or herself as a MIDWEST employee on a Web site or Web log, he or she must adhere to the following guidelines:

1. Make it clear to the readers that the views expressed are the employee's alone and that they do not necessarily reflect the views of MIDWEST.
2. Do not discuss or share via social media any photos of Midwest property, project activity or client information unless the information is either approved by a member of the leadership team or already posted through Midwest's social media channels.
3. Do not disclose any information that is confidential or proprietary to MIDWEST or to any third party that has disclosed information to the company. Consult the company's confidentiality policy for guidance about what constitutes confidential information.
4. Uphold MIDWEST's value of respect for the individual and avoid making maliciously false, defamatory, libelous, or slanderous statements about MIDWEST's employees, clients, agents, drivers, partners, affiliates and others, including competitors.
5. Blogging must never interfere with the employee's job or client commitments.
6. Not engaging in sexual or other unlawful discrimination or harassment.
7. Not violate the company's or others intellectual property rights.
8. Not engage in other violations of company policy or the law.

Employees are responsible for the content of their social media postings. If they engage in inappropriate usage they may be instructed to stop and/or may be subject to all appropriate legal and disciplinary action resulting from any unlawful statements or company-policy violations in their social media and networking activities. For any questions about these guidelines or any matter related to personal Web sites or blogs, contact a member of management. This policy shall not be applied to interfere with employees' rights to discuss their terms and conditions of employment or to otherwise interfere with their rights under the National Labor Relations Act.

## *4.8 TELEPHONE COMMUNICATIONS AND PERSONAL CALLS*

A large percentage of our business is conducted over the phone; therefore, it is essential to consistently project a professional telephone manner. MIDWEST realizes that there are times when an employee may need to use the telephone, during working hours, for personal reasons. MIDWEST expects sound judgment will be used in limiting the

length and frequency of such calls. Personal telephone calls during business hours, both incoming and outgoing, should be limited primarily to emergencies only and conducted on breaks and at lunch.

Personal long-distance calls are not permitted. MIDWEST's long distance phone bills are checked monthly.

### *4.9 CELLULAR PHONE POLICY*

This policy outlines the use of personal cell phones at work, including special issues related to camera phones, the personal use of business cell phones and the safe use of cell phones by employees while driving. Texting and picture taking is limited to business use only. Failure to comply with this policy can result in suspension and/or termination.

### *4.10 PERSONAL CELLULAR PHONES*

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard is to limit personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time and to ensure that friends and family members are aware of the company's policy. Flexibility will be provided in circumstances demanding immediate attention and only by the approval of Management.

The company will not be liable for the loss of or damage to personal cellular phones brought into the workplace.

### *4.11 PERSONAL USE OF COMPANY-PROVIDED CELLULAR PHONES*

Where business needs demand immediate access to an employee the company may issue a company cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred. Personal text messages that incur additional costs to MIDWEST will be charged back to the employee.

Employees with company-issued cellular telephones must exercise reasonable care to protect the equipment from loss, damage, or theft. Employees must reimburse MIDWEST for additional charges resulting from personal calls on company-issued telephones, or loss, damage or theft of company-issued cellular telephones.

Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

### *4.12 SAFETY ISSUES FOR CELLULAR PHONE AND TWO-WAY RADIO USE*

Employees whose job responsibilities include regular or occasional driving and are using a cell phone for business may not use their company provided cell phone unless they have been issued a headset and operate under the driving regulations for the state they are driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees must either use their headset or make every effort to pull off to the side of the road and safely stop the vehicle before placing/accepting a call or text messaging and remaining stationary while attending to the call. Texting while driving is unlawful in Indiana and Ohio and many other states. This same precautionary measure, of pulling off to the side of the road, safely stopping the vehicle, and remaining stationary, should be followed when using cellular phones.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are using their cell phone for business use, are also expected to abide by the provisions above. ***Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.***

Employees who are issued traffic citations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including termination.

### *4.13 USE OF COMPANY PROPERTY, EQUIPMENT, AND SYSTEMS*

MIDWEST provides the supplies, equipment, and materials necessary to perform every job. These items are to be used solely for conducting MIDWEST business. Employees are expected to exercise care in the use of company equipment and property and use such property only for authorized purposes. Loss, damage, or theft of company tools and equipment should be reported at once. Negligence in the care and use of company equipment may be considered grounds for discipline, up to and including termination. Company equipment, such as telephones, cell phones, pagers, security access cards, computers, postage, facsimile and copiers, are intended for business purposes. An employee may only use this equipment for non-business purposes with the permission of management. Personal usage of equipment that results in a charge to the company should be reported immediately to management or accounting so that reimbursement can be made.

While employed with MIDWEST, the following items are considered property of MIDWEST:

- Personal protection items
- Uniforms
- Boots
- Rain suits
- Safety glasses
- Respirators

- Driver Bag
- DOT Logs
- Tools
- And any other items that would be considered property of MIDWEST

Company equipment, as well as the use of company property and company facilities, is not to be used for personal commercial endeavors or charitable activities without the written permission of a manager. If authorized, the Management Team will negotiate the financial terms of the arrangement including payments due to MIDWEST for use of its equipment and/or space. MIDWEST issues these materials to employees for their safety and will replace or repair them when deemed necessary. Upon termination of employment, the employee must return all company property, equipment, and documents in his or her possession or control and must not retain any copies, summaries, or excerpts of MIDWEST documents or information in any, including electronic, form. All property of MIDWEST must be returned in "useable" condition, or the employee will be charged for the items. The removal of any MIDWEST property without authorization is considered theft and will result in appropriate disciplinary action and disciplinary action.

### *4.14 COMPUTERS AND RELATED EQUIPMENT*

MIDWEST provides employees access to computers, printers and other equipment on an as-needed basis, to perform their job requirements. This equipment is to be used exclusively for the business activities of MIDWEST.

Employees are required to maintain their computers and related equipment in good working order. If any of your equipment needs service, repair or maintenance, notify your supervisor. Employees must not use company systems to violate any local, state or federal laws. Computer games and personal software may not be installed on company equipment. Company equipment must not be used to store or display images depicting violence, sexually explicit, racially offensive, or other offensive content or material.

### *4.15 USE OF COMPANY VEHICLE*

Company vehicles are available to MIDWEST employees who have a valid driver's license, without driving restrictions, and used for business use only. An employee using a company vehicle is responsible for maintaining personal usage logs and keeping it clean. Before starting a trip, the person using the vehicle should inspect and notify Management, by completing a DVIR, with any defects discovered in this inspection.

Because insurability of personnel is of the utmost importance, employee-driving records will be validated semi-annually to insure they meet the requirements set forth by MIDWEST's insurance company. Driving for MIDWEST business will be prohibited if authorization to conduct a MVR check is not given. An MVR check

will be conducted semi-annually; while commercial driver license holders have additional requirements in accordance with DOT regulations.

Employees who drive on MIDWEST business must promptly report the loss, suspension, or threatened loss or suspension of a license or certificate that is required to perform their job to their supervisor. A suspension or loss of your authorization to drive may impact your employment.

Employees operating company vehicles must adhere to the cell phone policy previously stated in the *Personal Use of Company-Provided Cellular Phones* section when using cellular telephones or two-way radios. In the event it becomes necessary to use a telephone or two-way radio while driving a vehicle, the user must make every effort pull over to a safe spot, place the call and remain stationary until the call is completed.

All people, drivers and passengers, are required to wear seat belts. The employee must obey all federal, state and local traffic laws. If an employee is ticketed for any parking or moving violation, the employee is responsible for any fines associated with the infraction.

When a vehicle is returned to the facility, the windows are to be fully closed, lights off and doors locked. Report all mechanical problems to your supervisor.

In case of an accident, notify the police and contact the Transportation Manager immediately. The driver may be subject to a Drug Test within 24 hours of the accident. *(Please refer to Alcohol and Drug Awareness Policy & Program for details).*

### *4.16 PASSENGERS IN COMPANY-ISSUED VEHICLES*

Company vehicles are for company business only. The only passengers allowed in our company vehicles are MIDWEST employees. MIDWEST does not allow persons who are not employed by MIDWEST to ride in our vehicles or accompany our personnel on job sites. MIDWEST insurance does not cover the liabilities that may be incurred for non-employees. MIDWEST cannot accept the liability for individuals who are not employed by our company. Our customers will not accept this liability either. This includes the employee's spouse and/or children of employees. If circumstances occur that would nullify your compliance with this policy, you must obtain approval in advance from your supervisor or a member of the Management Team.

# 5 PERFORMANCE AND COMPENSATION RELATED INFORMATION

## *5.1 COMPENSATION*

In order to attract and retain a highly qualified and competent work force, MIDWEST has established a performance management program to compensate employees in a fair and equitable manner based upon demonstrated job performance, and in accordance with its Equal Employment Opportunity policy.

Compensation will be agreed upon at time of hiring. Consideration will be given to knowledge in the field of the position, pertinent skills, or other job-related experience in determining the salary of a new employee.

MIDWEST will pay base salaries that are in proper relationship to the value of the position itself and the skill with which the employee can/will perform the job. MIDWEST strives to maintain levels that are competitive within the industry.

MIDWEST considers the entire compensation package to include not only base salary but also medical benefits and assistance with premiums, retirement plan 401(K), workers compensation benefits, and paid time off, and any non-salaried prerequisites awarded by MIDWEST. ***See Benefits Section***

## *5.2 EMERGENCY RESPONSE POLICY*

The Emergency Response (ER) call-back program insures that the emergency spill needs of our clients are met in a reliable and timely way.

The following individuals are considered responders while operating under the call-back schedule:

- Project Supervisor
- Driver
- Technician

All staff working in any of these areas will be required to participate in the Emergency Response Call-back Program.

Scheduling

A rotating schedule of call-back participants will be maintained by the manager. The schedule will have the names and telephone numbers of all call-back personnel eligible.

Responder(s) will be assigned a monthly schedule starting at 7am on Monday and ending at 6:59am the following Monday. *(Subject to change due to scheduling).*

Compensation

*Emergency Response during business hours*. (6:00am – 4:00pm)

Employee(s) that respond to an emergency spill during business hours are eligible to receive an ER premium pay of **$2.00 per hour** for the hours worked on the incident, in addition to their regular rate of pay.

*Emergency Response call-back after business hours*. (4:01pm – 5:59am)

An emergency call-back after business hours is defined as an unscheduled request made by Management for emergency work after leaving the building or work location at the end of a regular shift and before the beginning of the next regular shift. Employee(s) that respond to an emergency spill call-back are eligible to receive an ER premium pay of **$5.00 per hour** for the hours worked on the incident, in addition to their regular rate of pay.

A responder that is asked to drive their personal vehicle to a response location will be paid at MIDWEST's current standard mileage rate (cents per mile) to and from their current location.

A responder that is called back to work will be paid for travel time to the office only; compensation will end when they return to their home office from the response. Emergency call-backs that occur during paid holiday leave will be considered overtime.

Responder(s) who is called back to work outside their normal work schedule will be paid for the time worked or a minimum of four (4) hours, whichever is greater.

Cancelation of an Emergency Spill.

In the event that a response is canceled by the client, the responder will be paid for their actual response time only, not a four (4) hour minimum (to include the time they left their current location until the incident is canceled and they return to their previous location).

Call-back Responsibility

Each responder is responsible for providing call-back coverage for the week assigned to them on the rotation schedule and are not allowed to switch their schedules without first notifying their manager.

Primary Response Team

While listed as the Primary Response Team, the individual must be prepared to come to work at all times. A reasonable maximum response time (between 45 and 60 minutes) has been established for each facility.

An employee, who requires time off in the form of vacation or for non-exempt employees, a pre-approved emergency personal day (PEP) during their assigned rotational schedule, must have written approval from their manager. Employees who do not obtain written approval from their manager will be subject to the Attendance Policy.

If an employee is scheduled for an Emergency Spill and either fails to report or reports after the scheduled start time, an occurrence will be charged. *(See Attendance Policy).*

Secondary Response Team

On occasion, Midwest may require the call-back of a secondary team to assist with an Emergency Spill. If secondary coverage is requested, the manager will notify the Project Supervisor to contact the team assigned to the secondary schedule.

If an employee is requested for a call-back while on the secondary response team and fails to report to a second request within a given month, a point will be charged.

Those who respond to Emergency Spills must adhere to all MIDWEST's policies, including Substance Abuse and Testing. Any variance from such policies may result in disciplinary action, up to and including termination.

## Call-in for a Scheduled Non-ER Work Order

Effective July 1, 2020- Midwest will pay a $5/hr premium to an employee called-in to work a job that they were not already scheduled to work. **NOTE:** This only applies to jobs **scheduled** after regular business hours and for employees that are **not** already scheduled to work that job that day. The $5/hr premium will only apply to hours worked on that specific job.

Pay for Scheduled work order call-in covers:

Monday-Friday 4:01pm-5:59am
Saturday and Sunday

This policy in separate from the current ER Policy, which will remain unchanged.

## *5.3 PAY PERIODS*

MIDWEST employees are paid bi-weekly. If a payday falls on a holiday, checks are issued on the last working day preceding the holiday.

MIDWEST is required by law to make certain deductions from all paychecks. These include: federal income tax, Social Security tax (FICA), Medicare, state mandated income tax, local income tax, and/or unemployment compensation tax.

Employees must authorize all other deductions and they will only be made if authorized in writing by the employee (as permitted by applicable law) or if required by court order. Any inquiries regarding payroll deductions should be brought to the attention of Human Resources/Payroll.

A statement of earnings is emailed to employee each pay period indicating:

Gross Pay

Statutory Deductions

Voluntary Deductions

The number of exemptions claimed on Form W-4, Employee's Withholding Allowance Certificate, affects the amount of Federal withholding. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to Payroll.

Upon resignation or termination, a final paycheck will be issued on the next regular payroll following the last day of employment.

## 5.4 *LOST, MISPLACED, AND MANUAL PAYCHECKS*

If there has been a miscalculation of hours, *those hours will be corrected on the following payroll*. The unpaid/overpaid hours will be entered in the correct column of the Weekly Time Sheet on the next payroll.

If an employee expresses concern over lost wages and requires immediate check disbursement, contact Human Resources.

### *5.5 MEAL BREAK*

Employees are provided a 30-minute unpaid meal break each workday, contingent on the business needs of the company. Managers are responsible for approving and scheduling this time. Meal breaks may not be used to make up time for tardiness. Overtime as a result of a missed break must also be approved by the manager.

### *5.6 WORK BREAKS*

Managers schedule work breaks in accordance with state wage and hour laws. Work breaks are considered time worked.

### *5.7 OVERTIME*

Depending on Company work needs, employees will be required to work overtime when requested to do so. Prior approval by a supervisor, however, is required before any non-exempt employee works overtime. Employees working overtime without approval will be subject to disciplinary action.

As a Non-Exempt full-time employee, you receive straight time pay for hours worked up to and including 40 hours per week (Monday – Friday). A workweek is seven consecutive twenty-four-hour days beginning at 12:01am Monday and ending at 12:00 midnight the following Sunday. Any hours worked in excess of 40 hours per week will be paid at one and half times your regular hourly rate. Hours worked on Saturday and/or Sunday will be paid at one and half times your regular hourly rate, also.

Overtime pay will be calculated based upon hours physically worked. Vacation, sick, or holiday pay will be excluded from this calculation. If an employee works on a holiday, he or she will be paid at an overtime rate. Supervisors are responsible for ensuring compliance with this policy when they approve the hours worked on the timecards.

The Company will attempt to rotate employees for overtime. If an employee expresses a desire to leave at the end of his/her shift, other employees trained appropriately will be asked to work. If no one can work the vacant shift, the employee who would normally work that job will be expected to stay.

Exempt employees are not eligible to receive overtime pay.

### *5.8 WEEKEND PREMIUM PAY*

Premium pay is both an incentive and financial reward for employees who are required to work weekends. Weekend premium pay is paid to eligible non-exempt (hourly) employees who work hours between 12:00am Saturday and 11:59pm Sunday. Employees will be compensated at a rate of 1.5 times their hourly rate of pay for each hour worked on Saturdays and double time for Sundays within the weekend time period.

## *5.9 MILEAGE EXPENSE FOR BUSINESS USE OF PERSONAL VEHICLE*

MIDWEST will reimburse an employee for the approved use of their personal vehicle in the fulfillment of company business, that is properly authorized.

### What is reimbursed

Midwest will reimburse employees at the approved $0.50 rate per mile available when a personal vehicle is used for a business. The traveler must document business miles using a travel log to determine the total mileage for the trip less the normal commute to and from work (see below). The business mileage rate covers all costs of operating the vehicle including gasoline, oil, insurance and repairs. Receipts for tolls and parking fees are reimbursed separately and not included in the business mileage rate.

### What is not reimbursed

Reimbursement will normally not include meals and lodging en-route or expenses in lieu of the approved mileage rate. Midwest will not reimburse individuals for the cost of auto insurance (see below) or for other expenses including but not limited to driving or parking violations, fines, gasoline, automobile repairs, vehicle damage or insurance deductibles as a result of an accident, break down, tow or resultant meals and lodging.

***Business mileage does not include the normal commute to and from work. When your business travel originates from home, subtract your normal commute from the total miles associated with the trip. Under IRS Reg. § 1.262-1(b) (5), costs of commuting to the place of business or employment are personal expenses. You cannot be reimbursed for commuting expenses even if you work during the commuting trip.***

### Insurance

Midwest will not reimburse individuals for the cost of insurance.

### How to request reimbursement

If mileage is incurred while conducting local business, the request for reimbursement is submitted on a internal Expense Report.

## *5.10 PER DIEM*

Employees may request the per diem allowance prior to the start of a project for the following reasons:

- Multi-day projects over 75 miles from your base that require an overnight stay, unless directed otherwise by your supervisor.
- Drivers who must stay overnight due to running out of hours

The current rate of reimbursement for each overnight stay is $25.00. This amount is intended to compensate the employee for food and miscellaneous expenses incurred.

No receipts are required for the $25.00 reimbursement.

Employees shall be fully responsible for the physical condition in which they leave a facility. The employee is to be responsible for the employee's conduct in and about a motel room and for any damage beyond ordinary wear and tear which may occur to the property arising from the employee's occupancy and/or use. Employees have financial responsibility for any and all claims, loss or damage arising out of the use of the motel room and will be expected to make restitution for any damages incurred during use of the facility. Failure of the employee to fulfil this obligation will be cause for disciplinary action, up to and including termination of employment, and may result in legal action.

### *5.11 TIME CARDS*

All non-exempt employees must record the time they arrived/departed each day and when they left for and returned from lunch through the Paylocity Timekeeping System. Time cards must be an accurate reflection of all hours worked. Employees must also document PEP Day, vacation and other hours missed. Partial time missed, and the reason must be listed on the time cards. These records are used to ensure that non-exempt employees are paid correctly for all hours worked and for all approved absences.

False or inaccurate reporting of time worked by an employee will be cause for discipline, up to and including termination of employment. Employees must not allow another employee to make time cards entries for him/her. Violations of this policy will result in disciplinary action, up to and including dismissal.

If an employee forgets to enter their arrival time on their time card, he or she must notify his or her manager immediately, so the time may be accurately recorded for payroll. Repeated failure to complete time cards will be considered a violation of rules and appropriate disciplinary action will be taken. Should an employee choose not to complete their time cards properly, MIDWEST cannot guarantee timely receipt of paychecks due to the lack of information.

An employee's manager must approve each overtime entry. Employees with overtime entries that do not have prior approval will be subject to disciplinary action.

Exempt employees are not required to sign in or out; however, vacation days must be recorded on the attendance sheet by Human Resources to monitor vacation time taken.

## *5.12 TRANSFERS AND PROMOTIONS*

***Transfers:***

MIDWEST encourages employees to assume higher-level positions or lateral transfers for which they qualify. Therefore, MIDWEST has a job-posting program that offers employees the opportunity to apply for certain positions within the company.

Transfer approvals are made by management and can be accepted or rejected at management discretion. We prefer that employees are in their job for at least one year before applying for a change in position. In addition, employees must have a good performance, attendance, and punctuality record.

1. Each employee requesting a transfer will be considered for the new position along with all other applicants.
2. Each transfer is judged on an individual basis, depending on the needs of both departments involved.
3. Management will make all final decisions regarding transfers, in conjunction with Human Resources.

An employee on a Performance Improvement Plan is not eligible for a transfer.

Employees who wish to apply for a transfer should discuss it first with their supervisor/manager and Human Resources so that it may be determined if their skills fit the requirements of the desired job. Employees should also feel free to discuss their career aspirations with their manager at any time. If an employee meets the qualifications for the position an interview will be scheduled with the hiring department's manager.

***Promotions:***

MIDWEST prefers to offer promotions to current employees with the necessary qualifications and skills. The company, however, reserves the right to seek candidates externally. Eligibility for promotion will be determined by the requirements of the new job, skills of the candidate, and, where appropriate, performance appraisals of the employees.

## *5.13 TRAINING AND DEVELOPMENT OPPORTUNITIES*

MIDWEST encourages professional development. If a training opportunity becomes available, employees should discuss it with their manager. Any workshops or seminar topics that may qualify for financial assistance from MIDWEST, must be related to the employee's current job or enhance their potential for future assignments. Approval for all seminars and workshops will be at the discretion of the manager and approved by the Management Team.

## *5.14 PERFORMANCE AND EVALUATION*

MIDWEST provides each employee with a job description that outlines their responsibilities, ensuring that the employee understands the company's expectations of their performance. If an employee does not have a job description, they

can obtain a copy from their immediate supervisor. Regardless of job description, employees may be expected to take on additional duties or otherwise assist, as needed, to meet business needs.

MIDWEST pays and advances employees on the basis of performance. This does not mean that employees are rewarded for performing their stated job. Merit salary increases are awarded based upon their ability to excel at their job. However, management does not award merit increases on an automatic basis or at any periodic interval and raises are also dependent upon the financial health of the company and other economic factors.

Employee performance is measured on contributing to the achievement of company goals, productivity in their department, accomplishment of their performance objectives set by their manager, as well as the following criteria:

- Quality of work and ability to service the customer professionally;
- Self-reliance, creativity, and displaying initiative in offering solutions to problems occurring within the department/team;
- Skills and abilities in current position;
- Effective communication and professional conduct with fellow employees, managers, and customers;
- Attendance; and
- The potential for advancement,

Employees will receive an annual performance evaluation from their supervisor. This evaluation will include a summary of strengths as well as areas that may need improvement. MIDWEST encourages all employees to take active participation in the review process and hopes they will use this opportunity to discuss the performance rating and address any areas of concern. The manager will also assist with identifying goals to enhance professional growth as well as giving guidelines on how these goals can be achieved.

Upon completion of the performance evaluation, it is then signed by the employee and manager and becomes part of the employee's permanent personnel file. After the initial orientation period, employees are reviewed annually.

Management reserves the right to conduct "unscheduled" performance reviews as required for the needs of the department, if an employee's job responsibilities change substantially during the year, or if an employee is exhibiting issues with performance that need addressing prior to the annual review.

Employees may request a performance evaluation at any time during the year. No employee will be denied an evaluation of their performance should they so request. MIDWEST encourages employees to discuss any questions or concerns about their career path with their manager on an ongoing basis.

## *5.15 POLICY*

MIDWEST is a service company, providing important services to our clients. In order to accomplish this mission, it is imperative that every employee is in attendance when scheduled to fulfill customer expectations.

MIDWEST offers its employees vacation, holiday and PEP days throughout the year. Vacation must be scheduled with one's supervisor in advance (at least 24 hours for one or two days; two weeks' notice for three or more consecutive days). In the case of an emergency or sudden illness, available PEP days must be used. However, if no PEP time is available, a point will be issued, and available vacation time will be charged.

This policy details how absences and tardiness are counted for the purposes of maintaining excellent customer service throughout the business day.

***No Occurrences:***

Absences due to the following will not incur occurrences under this Attendance Policy

- Jury duty
- Military leave
- Lack of work

***Absences and Tardiness:***

Prescheduled times away from work using accrued vacation or PEP days will not result in a point for the purpose of this policy.

An absence occurs when an employee misses more than three (3) hours of work within a normal workday.

A tardy is considered a late arrival to your schedule work time 7 minutes to 3 hours. A tardy is considered a ½ a point

Arrival and departure times will be determined by the time work schedule provided at each facility. An employee is considered late if he or she reports to work more than seven minutes after the scheduled starting time.

If an employee is scheduled to work overtime and/or an ER Spill Response and either fails to report or reports after the scheduled start time, a point will be charged as noted above.

## *5.16 REPORTING ABSENCES OR TARDY*

If you are unable to report to work on time or at all, notify your supervisor at least one hour prior to start of your absence or tardiness so that your work can be reassigned. Texting is not an acceptable means of calling in an absence.

Employees must timely call in each day of their absence unless they are on a prescheduled approved leave of absence. Our attendance policy states that failure to report to work or notify a Supervisor may result in a No Call/No Show and determined a termination. Final review and determination will be made by Human Resources.

Absences and tardiness will be counted together but are assigned different levels of severity. They will be calculated in a rolling forward calendar period.

| Attendance Point Assignment | |
|---|---|
| Tardy | .50 point |
| Unexcused Absence | 1 point |

***Step Discipline for Points***

| Points Warning Ladder | |
|---|---|
| 1 Point | Verbal Counseling |
| 2 Points | Verbal Warning |
| 3 Points | Written Warning |
| 4 Points | Job in Jeopardy (3 day unpaid suspension) |
| 5 Points | Termination |

***Verbal Counseling*** One point (absences and tardies combined) will be the basis for a coaching discussion between the employee and direct supervisor. The purpose of the coaching session is to make the employee aware that he/she has been absent or tardy frequently enough to draw attention and to be certain that the employee understands this policy and the consequences of violation. The coaching session will be documented to the employee's personnel file.

***Verbal Warning -*** Two points in the same period is cause for a verbal warning with documentation to the employee's file. The verbal warning, delivered by the employee's direct supervisor, serves to notify the employee that he/she is in violation of this company policy and that additional occurrences will result in further disciplinary action.

***Written Warning –*** Three points in the same period will trigger a Written Warning putting the employee on formal notice of violation as mentioned above.

***Job In Jeopardy –*** Four points to the above in the same period is cause for a final written warning with a three-day suspension (without pay). This is considered the final step in the disciplinary process regarding attendance and punctuality.

***Termination –*** Five points to the above steps in the same period is cause for termination of employment.

***Procedures:***

No disciplinary actions will be taken without the direct involvement of Human Resources as counsel to management. All warnings will be delivered by the direct supervisor or Human Resources, as circumstances require.

Management reserves the right to use its discretion in applying this policy under special or unique circumstances.

Although points will roll off an employee's record annually, habitual offenders (those who have established a pattern of absences, such as consistently having four or more points in any given period or routinely calling off on Mondays and/or Fridays) may trigger step discipline even though annual old infractions have fallen off, if the employee continues to incur points.

Management reserves the right to amend or discontinue this policy at any time without notice.

### *5.17 DIRECT DEPOSIT*

Direct deposit or direct reloadable debit at MIDWEST is mandatory. All employees have the ability to enroll in Direct Deposit at time of orientation, designating the financial institution of their choice. A completed deposit slip specifying the routing number and account number must be given to Human Resources. An email to employees will be sent out on pay day with a link to view their paycheck online.

To change your name, address, or direct deposit account, contact the Human Resources office.

### *5.18 ERRORS IN PAY*

Employees should promptly report any errors to Human Resources, so they can be investigated and corrected.

With specific respect to exempt employees, MIDWEST recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of our exempt employees. If you believe that any improper deduction has been made from your salary, please report the matter immediately to Human Resources Manager. If the deduction is deemed an error, you will be promptly reimbursed for the entire amount at issue and MIDWEST will make a good-faith commitment to avoiding any recurrence of the error.

# 6 BENEFITS

## 6.1 DESCRIPTION OF BENEFITS PROGRAMS

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

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

## 6.2 COMPANY-PROVIDED INSURANCES

**Medical, Dental & Vision Plans:**

Full-time employees working 30 hours or more per week are eligible for insurance following 30 days of service.

Remember that each year MIDWEST has open enrollment during which employees can reevaluate their health benefit needs and make changes if necessary. Changes to health benefit elections can be made during this period or within 30 days of a qualified event (*i.e.*, birth, marriage, divorce, death, etc.).

For more information on any of the benefit plans listed, please refer to the summary plan description associated with the particular benefit in question. The benefit plan documents supersede any of the information listed in this handbook.

### 6.3 *LIFE INSURANCE*

Midwest provides life insurance for full-time employees who work a minimum of 30 hours per week. Employees are eligible for this benefit on the first of the month following 30 days of service. The life benefit is equal to $15,000. The cost of this coverage is paid for in full by the company.

### 6.4 COBRA

Under the Congressional Omnibus Budget Reconciliation Act (COBRA), we are providecontinuation of group health insurance coverage to employees and dependents who are eligible for group health insurance coverage and who have lost coverage due to a "qualifying event". Under the law, a qualifying event would be an event that would ordinarily result in the loss of group health insurance coverage for an employee, spouse or dependent.

Qualifying events for an employee would be termination or reduction of work hours; qualifying events for spouses or dependents would be death of covered employee, divorce, or legal separation, as examples. Certain conditions will qualify an employee or dependent to elect continuation of coverage. Certain conditions will disqualify an employee or dependent from electing the continuation of coverage. Employees and dependents are responsible for notifying the Company immediately following a qualifying event.

The cost of continuation of coverage is generally no more than 102% of the full cost the Company pays for the coverage. In some cases, however, it could be higher. If an employee fails to pay his employee contribution within 30 days from the established due date, all coverage will be terminated.

Complete details concerning the continuation of coverage option are available from The Human Resources Department.

### *6.5 WORKERS' COMPENSATION*

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment. If an employee sustains a job-related injury or illness, it is important to notify the supervisor, Health & Safety Director and Human Resources immediately. The employee is expected to complete an injury report and return the form to the Health & Safety Director and Human Resources by the end of the day. This ensures that the Company can assist you in obtaining appropriate medical treatment. Failure to do so may jeopardize your coverage and right to benefits in connection with the injury or illness. Human Resources will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

Every work-related injury or illness will require the employee to submit to a drug test.

The Company pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job. Workers' Compensation insurance is provided by the Company to help pay for any medical expenses that may occur and for partial salary continuation. The amount of benefits and duration of payment will depend upon the nature of your injury. In general, however, all medical expenses incurred in connection with a job site injury or illness, are paid in full. Partial salary payments are provided beginning with the eighth consecutive day of your absence from work.

Employees on work-related medical disability leave shall provide a physician's statement to the Company when the leave begins and immediately following each visit to the physician. The physician's statement must include: the nature of the injury or illness, the date the leave commences, the expected duration of the leave, and an agreement to immediately notify the employer of any changes in the employee's status.

**The Workers' Compensation leave of absence ends when:**

1. On the day the attending physician certifies that the employee is physically able to return to-work on a full-or light duty basis, or
2. The Company receives notice that the employee is permanently unable to return to work, or
3. The employee indicates, either expressly or by implication that he or she does not intend to return to the work from which the leave has been granted. Accepting other employment during the leave shall be considered an indication that you do not intend to return to your job, or
4. The employee fails to return from the leave at the scheduled date and time without notice. The leave of absence does not cover the period beyond the date on which the employee becomes physically able to return to work on a full or limited (light duty or part time) basis.

The physician's certification must be presented upon returning from a disability leave of absence. It is the employee's responsibility to provide this certification to the employer. Failure to submit the physician's certification may delay or possibly prevent your return to work.

During your leave of absence, it is your responsibility to keep The Human Resources Department informed. Each week, you will be expected to contact your supervisor to report your status and current location and to confirm your expected date of return.

Failure to return to work on schedule or failure to keep the Company informed of your status each week will be considered job abandonment and a voluntary termination of employment, effective at 5:00 p.m. on the first day you fail to report to work. To protect your status with the Company, please follow all procedures for reporting back to work during and after your disability leave of absence.

### *6.6 401K PLAN*

Midwest recognizes the importance of saving for retirement and offers eligible employees a 401(k) and/or ROTH plan.

Eligibility, vesting, and all other matters relating to these plans are explained in the SPD that can be obtained from Human Resources.

### *6.7 HOLIDAYS*

All full-time employees are eligible for holiday pay. MIDWEST observes the following holidays:

| | |
|---|---|
| New Year's Day | Independence Day |
| Martin Luther King Day | Labor Day |
| Memorial Day | Thanksgiving Day |
| | Christmas Day |

Holiday pay will be calculated on the basis of (8) hours of pay at your regular rate. Employees who work on a holiday will be paid double time of their regular hourly rate in addition to the normal holiday pay.

***These holidays are subject to change yearly and are dependent on the state holiday schedule.***

Any employee who takes an unscheduled day off either the day before or the day after one of the holidays listed above will be ineligible for the holiday pay for that holiday. For example, if the 4th of July is on a Friday and an employee takes an unscheduled day off the Thursday before, (July 3rd) or the Monday after (July 6th), that employee will not be eligible for holiday pay for the 4th of July holiday.

If a holiday falls on a Saturday or Sunday, MIDWEST will operate on the schedule that is recognized nationally or an alternate day will be determined.

### *6.8 VACATION*

MIDWEST provides paid vacation time for all eligible employees. To qualify for vacation benefits a full-time employee must have completed ninety days of continuous employment. Employees may not take paid vacation until they actually have earned or accrued the vacation time. 40 hours can be carried over after 2 years of service. 80 hours can be carried over after 3+ years of service. 320 hours maximum available vacation time per year.

Employees should submit all requests for use of vacation time for approval by their supervisor at least two weeks in advance of the requested date(s) off. The supervisor has the authority to approve or deny vacation requests based on the staffing needs of the company. Where scheduling requires limitation of vacation requests, the supervisor has the responsibility to determine who receives the vacation time.

Paid vacation time is accrued according to the schedule below:

***Vacation Schedule:***

| | |
|---|---|
| 90 days | 5 days vacation = 1 week/40 hours |
| 1 year | 7 days vacation = 1.25weeks/56 hours |
| 2 years | 10 days vacation = 2 weeks/80 hours |
| 5 years | 15 days vacation = 3 weeks/120 hours |
| 10 years | 20 days vacation = 4 weeks/160 hours |
| 20 years | 25 days vacation = 5 weeks/200 hours |
| 30 years + | 30 days vacation = 6 weeks/240 hours |

### 6.9 *PERSONAL TIME*

MIDWEST recognizes employees' need for time away from the workplace and has established a Personal Time policy in order for our employees to balance their personal and work life. All non-exempt employees, after completion of their probationary period, will be eligible to take a pre-approved emergency personal day (PEP day). The purpose of giving this day is to provide employees personal time off in case of emergencies or personal business to help meet personal needs and assist in maintaining their attendance record.

All eligible non-exempt employees will be receive 4 paid PEP Days a year. PEP Days will be bought back at the beginning of the following year if not used. Employees can request to use a PEP Day at any time, which

includes requests phoned in to their supervisor or Human Resources before the start of a shift or requests made during the day.

**PEP days will be issued as follows:**
January 1st – 1 day (8 hours)
March 1st – 1 day (8 hours)
June 1st – 1 day (8 hours)
September 1st – 1 day (8 hours)

Employees can request and/or advise their supervisor in advance that they are going to take a PEP Day and then not call in for that day. Employees can use a PEP Day in 1 hour increments.

PEP Days **must** be pre-approved at least one day before a holiday. Holiday pay will be paid as long as the employee worked a minimum of 8 hours on the last scheduled workday before or the first scheduled workday after the PEP day. Employees who "call in" the day before or after a holiday, and did not receive pre-approval for the PEP Day, will get paid for the PEP Day but will not receive holiday pay.

Employees **must** take all paid time off (PEP Day(s) and Vacation) before going into unpaid status.

PEP days are not payable to employees who resign or are discharged unless laid off or their job is eliminated. Further, resigning employees are not permitted to use PEP Days during their notice period.

# 7 LEAVES OF ABSENCE

## *7.1 PERSONAL LEAVE OF ABSENCE*

It is the policy of the Company to permit employees to be absent from work on a short-term basis under certain circumstances, including sickness or injury. Such a request must be made in writing and submitted to The Human Resources Department prior to the leave if at all possible. Failure to do so may result in the employee being terminated. The employer reserves the right to grant a personal leave of absence in its sole and absolute discretion. The granting of a personal leave of absence is not an extension of an original leave and does not carry with it any of the rights and guarantees which may be associated with the original absence.

A personal leave of absence may also be granted to an employee who requires time away from work to tend to personal matters. Such a leave is granted at the sole and absolute discretion of the employer.

## *7.2 CONDITIONS FOR LEAVES OF ABSENCE*

Leaves of absence are subject to the following:

A) All leaves of absence are subject to the written approval from The Human Resources Department.

B) All leaves of absence are non-paid.

C) It is the responsibility of the employee to make arrangements with the employer for continuation of group health insurance coverage while on any leave of absence if so desired.

D) Vacation benefits shall not accrue during any leave of absence.

E) Any Holiday benefits that fall during a leave of absence shall not be paid.

F) Employees must use any accrued vacation time

G) Time spent on leave of absence shall not be considered as time employed in determining an employee's eligibility for benefits that accrue on the basis of length of employment (i.e. vacation).

J) Failure to return from an approved leave of absence on schedule or failure to report to work at the scheduled time will be considered as abandonment of their job and shall be considered a voluntary termination of employment, unless other arrangements have been made in advance, in writing and approved by the department head and/or The Human Resources Department.

## *7.3 REINSTATEMENT AFTER A LEAVE*

The Company shall make every effort to reinstate an employee returning from an approved leave of absence into the same or similar position unless business necessity restricts it from doing so. Occasionally, business necessity will prevent the employer from offering the same job upon return to work. Another position, however, may be

offered. Failure to accept the offered position will be considered a voluntary termination of employment, effective immediately.

As for all leaves of absence, if you:

1. Fail to request a leave of absence within 48 hours of the incident related to the leave of absence, or if unable, have someone else do so,
2. Fail to provide all of the necessary paperwork and documentation,
3. Fail to report to The Human Resources Department each week (or as scheduled) during the leave of absence,
4. Fail to return from the leave of absence as soon as you are physically able or on the next workday following the end of the leave, or
5. Accept or perform employment of any kind during the leave of absence,

It will be presumed you have abandoned your job and voluntarily terminated your employment, effective at 5:00 p.m. on the first day of unreported absence. To protect yourself, please follow the procedures for requesting, reporting and returning from a leave of absence.

### *7.4 FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA)*

Midwest does not meet the eligibility test, administered by the Wage and Hour Division (WHD), as we do not employ 50 or more employees within a 75-mile radius.

If you feel that you need a Personal Leave of Absence, please contact the Human Resources Department.

### 7.5 *JURY DUTY/COURT APPEARANCE*

The company supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Employees may use any accrued time off if required to serve more than 2 weeks on a jury.

If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that work day.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days will be used for this purpose.

### *7.6 MILITARY LEAVE – USERRA*

Military reservist employees and those volunteering for or called to active military duty are entitled to reemployment with MIDWEST upon their return from duty in full compliance with all applicable federal and state laws. Employees who request a military leave of absence may elect to use any accrued vacation pay in lieu of unpaid leave and may elect to continue healthcare benefits to the extent permitted by law, during their leave of absence. Employees may request complete details about USERRA from the Human Resources. Some of the basic guidelines below serve as an overview of USERRA MIDWEST policy:

1. Employees may elect to use unused accrued vacation and PEP Day hours for military leave.
2. Employees called for military duty should present military papers to management as soon as possible.
3. Employees called for military duty will be reinstated to their same position in accordance with the law.

There will be no break in service while the employee is on leave. The length of their leave of absence and active military status may affect PEP Day hour accruals.

### *7.7 BEREAVEMENT LEAVE*

Regular, full-time employees are allowed three (3) consecutive days of paid funeral leave to arrange and attend the funeral of a death in the immediate family. Immediate family members are defined as:

| | |
|---|---|
| Employee's spouse/Domestic Partner | Grandparent |
| Parents | Grandchild |
| Step Parents | Mother/Father-in-law |
| Siblings | Sister/Brother-in-law |
| Children | Daughter/Son-in-law |
| Step Children | |

Bereavement leave benefits will be paid at the employee's regular hourly rate, up to a maximum of eight hours per day. Bereavement does not apply to Saturday or Sunday. If the employee needs additional time, he/she may use PEP time, vacation, or take time off without pay. The length of time off without pay must be approved by their manager.

The company reserves the right to require documentation to support the need for bereavement leave. Falsifying information regarding the need for such leave or the relationship of the deceased is in violation of company policy and is subject to disciplinary action, up to and including termination of employment.

# 8 RESIGNATION AND REDUCTION IN WORKFORCE

## 8.1 SEPARATION OF EMPLOYMENT

Employees of MIDWEST are employed on an at-will basis, and the company retains the right to terminate an employee at any time. Although MIDWEST expects that our employment relationship will be successful and mutually beneficial, MIDWEST reserves the right to initiate discipline, up to and including dismissal, when in the sole judgment of the company an employee's performance or behavior warrants such action. Employees who are terminated may be ineligible to receive accrued benefits (based upon State mandate). Separation of employment within the organization can occur for several different reasons – a few of which follow below.

## 8.2 RESIGNATION

Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Employees are expected to write a letter of resignation to their immediate manager at least two (2) weeks prior to their termination date. Management level employees are expected to give four (4) weeks advance notice by writing a letter of resignation to their immediate manager. The termination date should be clearly stated, as well as the reason for resignation. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given. Unused PEP Days will not be paid to employees who resign or who are discharged (except if laid off or position is eliminated). Vacation time will be paid based upon State mandate.

## 8.3 RETIREMENT

Employees who wish to retire are required to notify their supervisor and the Human Resource department in writing at least one (1) month before the planned retirement date.

## 8.4 NO CALL/NO SHOW

Not reporting to work and not calling to report the absence is considered by Midwest to be classified as a no call/no show and is a serious matter. The first instance of a no call/no show will result in a Final Written Warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **Any no call/no show lasting two days will result in immediate termination of employment.** The supervisor shall notify the Human Resource department at the expiration of the third workday and initiate the paperwork to terminate the employee.

Employees who are separated due to no call/no show are ineligible to receive accrued benefits and are ineligible for rehire.

## *8.5 RETURN OF COMPANY PROPERTY*

The separating employee must return all company property at the time of separation, including uniforms, cell phones, keys, equipment and identification cards. Where permitted by applicable state law, failure to return some items may result in deductions from the final paycheck. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck where permitted by applicable state law.

Health insurance terminates the day of the termination. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided.

## *8.6 REDUCTION IN WORKFORCE*

Employees may be laid off because of lack of work or terminated because of temporary or permanent work force reductions within a department a job classification or due to a reduction in production on a customer's site. MIDWEST will make selections for layoff or reduction without regard to race, religion, color, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, marital, military or veteran status, genetic (including family medical history) information, or other legally protected status.

MIDWEST will use the following criteria, in the order presented, in selecting employees for layoff or reduction within a department or job classification:

1. Identification of departments/job classifications subject to layoff or reduction
2. Performance history
3. Disciplinary and attendance history
4. Length of service with Midwest Environmental Services

## *8.7 REHIRING*

Former employees who left MIDWEST in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from Human Resources prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure may not be considered in calculating longevity, leave accruals or any other benefits.

An applicant or employee who is terminated for violating policy, was a no call/no show, or who resigned in lieu of involuntary termination from employment will be ineligible for rehire.

### *8.8 RELEASE OF EMPLOYEE INFORMATION AND REFERENCES*

MIDWEST will not release information concerning current or former employees unless required by law. This information includes a current or former employee's address, home telephone number, salary, performance evaluation or reason for separation.

If an employee or former employee desires to have information released, the employee must provide written authorization, specifying the information that the company may provide and releasing the company from liability for this authorized disclosure. All requests for information regarding current or former employment must be forwarded to Human Resources.

MIDWEST does not provide letters of reference to former employees. Upon written request, however, we will confirm former employee's dates of employment, salary history and job title.

MIDWEST reserves the right not to respond to a request for information regarding a current or former employee.

### *8.9 EFFECT ON BENEFITS*

Benefits cancel as of the last day worked, unless otherwise specified in the plan document. An employee, unless dismissed for gross misconduct, has the option to continue Medical/Vision Benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations. Please refer to the appropriate benefit booklet or contact Human Resources for information.

### *8.10 FINAL PAYCHECK*

Employee's final paycheck will reflect compensation due for time worked up to their effective date of separation. A final paycheck will be deposited into the employees account on the first regular payday following their last workday, unless otherwise required by state law.

***Remove this page from your Handbook.***

***Return only this SIGNED single page copy to Human Resources.***

# EMPLOYEE HANDBOOK ACKNOWLEDGEMENT AND RECEIPT FORM

This Employee Handbook has been prepared for your information and understanding of the policies, philosophies and practices and benefits of MIDWEST. PLEASE READ IT CAREFULLY. Upon completion of your review of this Handbook, please sign the statement below and return to your manager by the due date indicated below. A reproduction of this acknowledgment appears at the back of this booklet for your records.

I, _____, have received and read a copy of the MIDWEST Employee Handbook, which outlines the goals, policies, benefits and expectations of MIDWEST, as well as my responsibilities as an employee.

I have familiarized myself, at least generally, with the contents of this Handbook. By my signature below, I acknowledge, understand, accept, and agree to comply with the information contained in the Employee Handbook provided to me by MIDWEST. I understand this Handbook is not intended to cover every situation that may arise during my employment, and is a guide to the goals, policies, practices, benefits and expectations of MIDWEST. I further understand that MIDWEST may modify any provisions of this Handbook in its sole discretion.

I understand that MIDWEST's Employee Handbook is not a contract of employment or a binding contract of any type but a set of guidelines for implementation of personnel policies. I understand that notwwithstanding any provisions of this Employee Handbook I am employed on an at-will basis, meaning my employment may be terminated at any time, either by me or MIDWEST, with or without cause, and that no manager or other representative of MIDWEST, unless designated by the Management Team, has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the at-will relationship.

_____

(PLEASE PRINT NAME)

_____

(EMPLOYEE SIGNATURE)

_____

(DATE)

**Please return to your Manager by: _____**

### *8.11 ACKNOWLEDGMENT OF RECEIPT AND AGREEMENT TO COMPLY WITH ALCOHOL AND DRUG AWARENESS POLICY*

**I hereby acknowledge having received a copy of MIDWEST's Alcohol and Drug Awareness Policy and Program.**

I agree, without reservation, to abide by the policy.

Date: _____

Employee's Signature: _____

Employee's Name (Printed): _____