

APEX BUILDING COMPANY, LLC

EMPLOYEE ACKNOWLEDGEMENT

I have received and read the Apex Building Company, LLC ("Company") Work Rules. I understand that the Work Rules do not constitute a contract between the Company and myself and that the work rules do not give rise to express or implied contractual obligations. I understand that the Company reserves the right to change, amend, or delete any provisions of the work rules at any time. I understand that the Company or myself may terminate my employment at any time for any reasons which is not lawful, and that any oral or written statements to the contrary are not to be relied upon by myself.

NAME _____
DATE _____

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APEX BUILDING COMPANY LLC

WORK RULES

FIELD WORK HOURS

- A. At the scheduled starting time, all employees will be at the place where they pickup Tools and/or receive instructions from their supervisor. They shall remain at there Assigned work place under the supervision of the supervisor until the scheduled Quitting time.
- B. The lunch period is 30 minutes from the time you leave your workstation to the time you return to your workstation.
- C. A 15-minute break taken at the workstation in the morning at a time designated by the supervisor. If you leave the workstation the 15 minutes is from the time you leave the workstation until you return to workstation.
- D. Tardiness will be enforced at 30-minute intervals. Any employee who is repeatedly late for starting work without substantial reason may be terminated for absenteeism. This applies to lunch and break.
- E. Employees will be expected to work until the end of the shift, which includes 10 minutes clean up in the work area and putting tools away.
- F. Whenever an employee leaves the project at other than normal quitting time, it is the employee's responsibility to notify his/her supervisor.
- G. All employees entering or leaving the project after starting time or before quitting time, including any overtime workers, will report to their supervisor.
- H. Any employee who is absent for three (3) consecutive days without personally notifying his/her employer's timekeeper or designated field office representative may be terminated.

DRUG-FREE WORK PLACE POLICY

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Company's workplace and during working hours.

As a condition of employment, employees will abide by the terms of this statement. Employees are required to notify the Company of any criminal drug statute conviction for a violation occurring in the workplace or during work hours no later than five (5) days after such conviction.

The following actions may be taken against employees for violation of this policy:

- 1. Appropriate personnel action, up to and including termination;
- 2. Required participation in drug abuse assistance program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

SEE DRUG-FREE WORKPLACE POLICY FOR FURTHER DISCLOSURE

PERSONNEL RECORDS

Any change in marital status, address, phone number or number of family dependents should be brought to the attention of the employee's Supervisor and Personnel Department so that records for income tax, social security, insurance, etc. can be updated.

This also enables the Company to contact an employee or employee's family in case of emergency.

STANDARDS OF CONDUCT AND DISCIPLINARY ACTION

The Company retains the right to discharge or discipline employees at any time for inadequate work performance, behavior that significantly impairs the efficiency or productivity of the Company, or behavior towards the public, which could damage the Company's reputation or effectiveness. In addition, there are certain kinds of activities, which may have no direct relation to the performance of the employee on his job, which may result in discharge or disciplinary action. These rules provide minimum standards of conduct for all employees.

A. Actions That Result in Discharge.

Certain kinds of activities cannot be permitted to occur because of their unfair impact on the employees and the Company. These offenses may warrant discharge on the first occurrence. Some examples of such offenses are as follows;

1. Physically fighting.
2. Theft of property.
3. Absenteeism for three or more days without notification or permission, including overstaying a leave of absence.
4. Having possession of, distributing, dispensing or being under the influence of alcohol or drugs, not prescribed by a doctor while on the job.
5. Concealing defective work.
6. Sabotage or intentional destruction of Company or customer's property.
7. Gross or willful neglect of duty.
8. Disclosure of confidential information.
9. Sleeping on the job.
10. Falsification of time cards.
11. Soliciting, requesting, or demanding sexual favors from a subordinate or from any employee over whom any power is exercised to control or direct work or affect his/her advancement or continued employment with the Company.
12. Willful violation of safety/work rules.

GENERAL DISCIPLINARY ACTION

The following disciplinary actions may be taken: First violation may result in a warning or termination. The Second violation may result in a minimum three (3) day work suspension without pay or termination, and a Third violation of a similar safety/work rule may result in termination.

Nothing in this policy prohibits the immediate dismissal or removal from the jobsite of any employee whose conduct constitutes a serious violation of the Safety requirement, which could cause serious danger to the employee, co-workers, property, equipment, or the employees of the client and/or other contractors.

All employees may be subject to disciplinary action, including discharge, for, but not limited to, any of the following on-site actions in which they are directly involved:

1. Destroying or removing, without written authorized permission, any property belonging to the Owner, the Employer, Employees or other Contractors. This includes items furnished by the company, i.e. defacement of hard hats, damage, misuse, or unauthorized use of materials, tools, or equipment, either willfully or through carelessness.
2. Creating an unsafe disturbance, or horseplay.
3. Leaving the assigned work area without authorization.
4. Failure to allow vehicle, parcel or lunch box inspection while on the project site.
5. Refusing to accept work assignments, except when an unsafe condition exists according to OSHA standards.
6. Insubordination.
7. Possession of permitted or non-permitted firearms or other deadly weapons on the jobsite.
8. Smoking in prohibited areas.
9. Falsely stating and/or making claims of injury.
10. Failure to immediately report a personal injury to his/her foreman.
11. Falsifying employer reports involving personnel, absence, sickness or termination.
12. Loitering or roaming, which includes leaving the assigned work place or the jobsite without authorization.
13. Sale of food, beverages or other merchandise by the employee.
14. Unauthorized sale of tickets, raffles, etc.
15. Unauthorized work breaks.
16. Unauthorized use of Owner's facilities.
17. Posting of unauthorized signs.
18. Posting of pornographic material.
19. Failure to use gender-assigned toilets. (Violation may result in immediate termination)
20. Failure to abide by the posted project traffic safety and parking regulations.
21. Misuse of any safety or fire prevention equipment.
22. Unauthorized use of project communication systems, including paging systems, Radios, and/or telephones.
23. Unauthorized removal of safety tags and locks or deliberate violation of safety procedures.
24. Unauthorized departure from jobsite with company vehicles.
25. Use/Misuse of radios per job-site policy/requirements.
26. Harassment and/or discrimination against other employees based on or related to age, race, sex, religion, sexual orientation, or national origin.
27. Throwing or dropping any material from windows, doors, platforms, rooftops other elevated areas.
28. Failure to wear seat belts by vehicle operator and passengers and use of unauthorized equipment.
29. Failure to comply with the company Fall Protection Program.
30. Use of cell phones for personal calls during work hours.

GENERAL REQUIREMENTS AND PROCEDURES

Trial Period

All new persons are employed on the basis of a ninety (90) day trial period during which the individual will have the opportunity to decide if he/she wants to become a regular employee of the Company. This also gives the Company an opportunity to judge the quality of work, attitude, and etc. toward the Company and make an initial determination whether the person and the job suit one another. At the end of this period, the Company may continue the person's employment or elect to terminate the person's employment at that time, without further notice or obligation by either party. This trial period in no way implies any restriction on the Company's right to discharge, or the employee's right to resign, the person's employment after the 90-day period has passed.

Jury Duty

Employees will be allowed to serve upon Notice. Hourly employees will receive no compensation from the Company for time away from work.

Owner/Client Premises

The Owner's/Client's telephones, toilet facilities and vending machines are off limits for all construction personnel unless obtaining approval from their management representatives.

Employee Quitting

Employees who terminate themselves from employment on the jobsite will have their final paychecks mailed to them on the normal payday.

Smoking Regulations

Smoking is not permitted on the jobsite except in designated SMOKING areas.

Fire Lane Regulations

As directed, all job site personnel shall maintain a clear Fire Lane(s) at all times.

First Aid/Emergency Action Plan

All injuries, however minor, must be reported the day of the injury to the employee's supervisor and/or the designated safety representative so that proper treatment can be given and required accident details recorded. A written report will be forwarded to the safety department.

Inspections

Before you begin your workday, you must inspect your work area and work tools. Visually check your work area for housekeeping problems, defective tools, defective equipment, and fire protection within your area. All deficiencies are to be reported to your supervisor.

Safety Meetings

All employees will regularly attend scheduled Safety Meetings. Safety topics will contain pertinent material to the jobsite activities.

Tools and Materials

1. Employees shall furnish, maintain, and always have available, their screw guns, extension cords, hand tools and power actuated tools in sale working condition. Employer may repair screw guns and power actuated tools that are used consistently on employers' jobs.
2. Employees shall be responsible for all tools and equipment issued to them by the company. All company tools and equipment not in use shall be promptly returned to the shop.
3. All materials remain the property of the company or the customer. Employees shall make reasonable efforts to prevent the damage, theft, or waste of such materials.

Equal Employment Opportunity

1. It is the policy of this Company to afford equal employment opportunity to all employees and applicants for employment regardless of their race, religion, sex, age, color or national origin.
2. Employees shall maintain a working environment that is free from discrimination, harassment and intimidation. Any employee who believes he/she is being subjected to such harassment should report it to the Company President immediately.

APEX BUILDING COMPANY LLC - SAFETY POLICY

INTRODUCTION

Apex Building Company LLC (hereafter referred to as Apex), management is committed to the safety of its employees. To this end, we will use this safety program in our daily activities. Construction, by nature, is a very hazardous business. It is necessary, therefore, that Apex management establishes safety rules and regulations, which each person employed by Apex, must observe.

The purpose of providing each employee with safety orientation training at the onset of employment and additional safety training throughout employment is to aid in performing daily work in a professional, safe, healthy and efficient manner.

Supervisory personnel's field decisions are guided by this company's commitment to safety. Should a hazardous situation/condition exist and you must decide between safety and production, **always choose safety**.

On any company project, an employee will encounter duties, which if performed properly, pose no threat to health or safety. However, an employee's lack of training or irresponsible attitude toward regulations concerning health hazards could cause a threat to the health of the employee and their fellow workers. It is the responsibility of each employee who observes any act which could result in serious injury or death to take the steps necessary to correct the unsafe situation or condition promptly. We take this opportunity at the onset of employment to inform you that the company will not tolerate violations of any regulations which affect the health or safety of our employees.

Michael Fitzgerald Jr
President

SAFETY AND HEALTH RESPONSIBILITY

Safety and Health Orientation

Workplace safety and health orientation begins on the first date of initial employment or job transfer. Each employee has access to a copy of this safety manual, through his or her supervisor, for review and future reference, and will be given a personal copy of the safety rules, policies, and procedures pertaining to his or her job. Supervisors will ask questions of employees and answer employees' questions to ensure knowledge and understanding of safety rules, policies, and job specific procedures described in our workplace safety program manual. Their supervisors will instruct all employees that compliance with the safety rules described in the workplace safety manual is required.

Job-Specific Responsibilities

Management

Safety begins with Upper Management accepting responsibility to provide support and involvement by:

- Assigning safety responsibilities to individuals.
- Communicating a clear goal for the safety program.
- Commit the necessary personnel with enforcement authority and resources to ensure employee safety.
- Authorize the budget and expenditures for safety.
- Hold executives, department supervisors and job supervisors accountable for a high level of performance towards safety.
- Set the proper example for safety.

Safety Coordinator

The Safety Coordinator is responsible for the following:

- Implementing the program into action.
- Assisting with program setups.
- Coordinating periodically safety meetings both with management and employees.
- Maintaining current knowledge of federal, state and local regulations and maintain outside professional contacts. Review all accidents and injury reports and maintain accident data.
- Make analysis of statistical data. Identify problem areas and make recommendations for solutions.
- Prepare and distribute regular reports on the status of safety to Top Management.

Superintendent

The Superintendent is responsible for the following:

- Initially training employees on how to perform assigned job tasks safely.
- Carefully reviewing with each employee the specific safety rules, policies, and procedures that are applicable and that are described in the workplace safety manual.
- Giving employees verbal instructions and specific directions on how to do the work safely.
- Observing employees performing the work. If necessary the supervisor will provide a demonstration using safe work practices, or remedial instruction to

- correct training deficiencies before an employee is permitted to do the work without supervision.
- Providing all employees with safe operating instructions on seldom-used or new equipment before using the equipment.
 - Reviewing safe work practices with employees before permitting the performance of new, non-routine, or specialized procedures.

Employees

Employees are responsible for the following:

- Preventing injury to themselves, other persons, or damage to equipment or property.
- Reporting to their supervisors any hazardous conditions or procedures that affect themselves, their fellow workers, or their work area
- Reading and understanding policies set forth in this manual.
- Using the required safety devices and proper personal protective equipment.
- Assisting in making the job as safe as possible.
- Reporting any suggestion to your supervisor or the safety director.

Periodic Re-training of Employees

All employees will be re-trained periodically on safety rules, policies and procedures, and when changes are made to the workplace safety manual.

Individual employees will be retrained after the occurrence of a work-related injury caused by an unsafe act or work practice, and when a supervisor observes employees displaying unsafe acts, practices, or behaviors.

SAFETY RULES, REGULATION, AND POLICIES

PERSONAL PROTECTIVE EQUIPMENT

A. Hard Hats

While on site, all employees and visitors are required to wear hard hats, which meet OSHA/ANSI specifications. It's recommended that hard hats be worn with the brim forward except when welding, using optics, performing scope of work or when connecting or dismantling steel and/or equipment at elevated levels. While installing acoustical ceilings hardhats must be kept on scaffold and worn once you leave the scaffold. If hard hats are company issued they must be returned to the company when the employee permanently leaves the job or employment.

B. Eyes/ Face and Skin

- 1.) When operations present potential eye or face injury, ANSI-approved eye/face protection shall be worn. Full face shields are required to be worn over eye protection during grinding, concrete/metal cutting or similar type operations.
- 2.) Welding hoods/goggles are required for all welding operations and burning goggles/shields are required for torch cutting. The filter lens must be the recommended density for the welding or cutting process (refer to Exhibit 16). Glasses are to be worn under the welding hood.

C. Hearing Protection

You must wear the provided hearing protection any time you are exposed 85 decibels of noise, which is the case when using chop saws, circular saws, chipping hammers and the like. If you are in doubt of the noise level use the hearing protection provided.

D. Hand Protection

When handling chemicals and solvents, suitable gloves, such as rubber or plastic, should be worn. Cut resistant "Kevlar" gloves should be worn when a cut hazard exist. The determination whether glove use poses more of a hazard during an operation must be determined by the supervisor.

E. Clothing

Suitable clothing such as long pants and a shirt that covers the entire midsection of the body and four inch sleeves past the shoulders are a minimum requirement. Torn or loose-fitting clothing around machinery is not permitted.

F. Footwear

Acceptable shoes will have a hard sole and leather uppers in good condition. The use of tennis shoes and "street" shoes is not permitted.

Manual Material Handling

1. About 1/3 of on-the-job injuries affect the back. Twice as many back injuries occur off the job. Moving things the wrong way can cause pain in the back. People who are out of shape and overweight are especially at risk. When attempting to lift.....
 - a) Plan a route that is free from tripping and slipping hazards. Know where the object will be unloaded and plan "rest stops" along the way.

- b) Examine the object, determine its weight, and look for sharp edges.
- c) Follow these simple lift procedures:
 1. STAND as close to the load as possible, feet spread apart with one foot slightly ahead of the other.
 2. BEND at the knees, keeping your back straight and stomach tucked in.
 3. GRASP the load firmly. Use gloves if object has sharp or jagged edges.
 4. LIFT smoothly with your legs.
 5. HOLD the load close to the center of your body.
- 2. Avoid twisting your body. If you must change your direction, move your feet instead.
- 3. Get help with heavy and/or bulky materials to avoid dropping the load or getting thrown off balance.
- 4. Only one person giving commands when team-lifting big loads.
- 5. Utilize mechanical equipment when feasible.

TOOLS

1. Check all tools every day before use.
2. Every tool is designed to do a certain job. Keep tools, sharp, clean, oiled and dressed as appropriate. Worn or damaged tools are dangerous; repair or replace them immediately.
3. Use the proper tool for the job. Do not force tools beyond their capacity. Do not use "cheaters" to increase a tool's capacity.
4. Know how to operate a tool before use.
5. Always use the proper personal protective equipment for the task being performed. E.g., eye, face, ear, head and foot protection.
6. Check to make sure the tool is in good operating condition and all guards are in position.
7. When using portable power tools, have good footing and use two hands. Watch for jamming of circular motion in tools such as drills, impact wrenches, saws, etc., which results in strong twisting force.
8. Do not override or disconnect any safety switches or devices and/or exceed safe operating weights, speeds, pressure, etc.
9. Before making any adjustments/repairs or changing blades, always shut off the power. Unplugging the power cord or using lockout/tagout procedures may achieve this.
10. Guards must be in place prior to starting. Remove cranks, keys, or wrenches used in service work. Guards must also be readjusted to prevent accidental contact with the moving parts. Tool rest must be within 1/8" of the wheel and the tongue guard must be within 1/4" of the wheel-bench/table grinders.
11. Check to make sure replacement parts are of the proper size and fit.
12. Never wear loose-fitting clothing, gloves, rings and/or jewelry around operating machines. Long hair must be contained under the hardhat.
13. Use a clamp or vise to hold stock down and never use your hands.
14. Defective tools are not permitted. Tag all defective tools and remove them from service.
15. When using grinding wheels or disks, insure that they meet or exceed the rated

- RPM on the tool.
16. Employees using Powder Actuated tools must be certified for use on that type of tool.

EMPLOYEE PERSONAL TOOLS

Employee is to provide extension cords during drywall operations and power actuated tools. Employer may repair screw guns as employer sees necessary. Faulty plugs on extension cords and tools not in compliance with TOSHA must be removed from the job.

EQUIPMENT

A. Ladders

1. All employees are obligated to see that ladders are free from defects prior to use. Report all defects to your immediate supervisor and tag the item "CAUTION-DO NOT USE."
2. Use only ladders that are free from cracks, painted surfaces, broken rungs, etc. Safety feet must be in good condition to eliminate slipping.
3. Ladders shall reach a minimum of three (3) feet above landing for easy access.
4. Always face the ladder when climbing and use both hands. A hand-line or material hoist is to be used to lift loads or personal items. (e.g. tools, equipment.) Never work from the top three rungs of an extension ladder.
5. Portable metal ladders are not permitted.
6. Angle out the base $\frac{1}{4}$ of ladder's working length.
7. Keep area around ladder clear of debris to eliminate a tripping or fall hazard.
8. Stepladders are to be used on a firm and level base. Always open to full position so spreaders will lock themselves. Never work from the top two steps. When used in a closed position, the ladder must extend 3' beyond landing and be tied off

B. Scaffolding

1. Only authorized personnel will be permitted to erect scaffolding and must be under the direct supervision of a competent person.
2. Erection crews must check each scaffold member during erection. Defective parts are not to be used for scaffold fabrication.
3. Scaffolds shall be provided with proper top rails, mid rails and on all open sides and ends of platforms ten (10) feet or more above lower levels.
4. Toe boards are required when personnel may be exposed to falling objects below the scaffold platform.
5. Planks must be free of defects and shall extend over the end supports not less than 6 inches or more than 12 inches. Use of cleats is required on both ends if plank overhang is less than 6 inches. When overlapping planks, they must overlap at least 12 inches.
6. Tube and frame scaffolds must be tied to the structure at intervals of 30 feet horizontally and 26 feet vertically. Scaffolds less than 3 feet wide must be tied every 20 feet vertically.
7. The height of mobile scaffolds shall not exceed four (4) times the minimum base dimension.
8. All tools and materials on scaffold deck should be secured or removed

before moving the scaffold.

9. Rolling scaffolds are to be used only on level, smooth surfaces.
10. Take notice of overhead clearance needed when moving the scaffolding.
11. Notify supervisor of defective scaffolding parts immediately.
12. Do not alter any scaffold member by welding, cutting, burning, bending, etc.
13. "X" braces are not to be used as fall protection, access or egress.
14. Unstable objects such as barrels, boxes, loose bricks, or concreted blocks shall not be used to support scaffolding, planks, or screw jacks.
15. Refer to OSHA 1926.452(p) regarding safety specifications on swinging scaffolds (two-point suspension).
16. Scaffolds and their components are to be capable of supporting without failure four times the maximum intended load. Never overload a scaffold.
17. Maintain safe clearances from energized electrical lines and apparatus (see chart in ELECTRICAL section)
18. Scaffolds must be fully decked/planked to allow no more than one inch between planks unless there is an obstruction, in which case there should be no more than 9-1/2 inches between planks.
18. The front edge of all scaffold platforms shall not be more than 14 inches ITC the face of the work.
19. Scaffolds over 35 feet high must have rest platforms at vertical intervals not exceeding 35 feet.

C. Material Hoist and Rigging

Whenever possible, mechanical means should be used to move material in order to avoid employee injuries such as muscle sprains, strains, and pains. In addition, many loads are too heavy and bulky to be moved safely. Therefore, various types of equipment have been specifically designed to aid in the movement of materials. They include cranes, derricks, powered industrial trucks, and conveyors.

1. Hoisting ropes and lines must be checked frequently and must not be subjected to abuse.
2. Always leave a minimum of four wraps of line on the drum when the line or block is extended to its fullest working length.
3. The use of grayed or kinked chokers and slings is prohibited.
4. Report any running line, which appears, damaged or shows excessive wear.
5. When using cable clamps to form eyes, always use the recommended number of clamps and proper spacing for the size line being used.
6. When the operation of job requires the use of a suspended work platform, notify the superintendent regarding the policies and procedures in the use of suspended personnel platforms.
7. Wire rope shall be taken out of service when one of the following conditions exist:
 - a. In running ropes, 6 random distributed broken wires in one lay or 3 broken wires in one strand in one lay.
 - b. When the surface wires are worn by one third or more of their diameter.

- c. Kinking, crushing, hoist, caging, heat damage, or any other damage resulting in distortion of the rope structure.
 - d. In standing ropes, more than 2 broken wires in one lay in section beyond end connections, or more than one broken wire at an end connection.
- 8. Never swing loads over workers. Sound a warning signal to clear the area.
 - 9. When making a lift, the operator must take signals from designated persons only, except for an emergency stop. Only one person is to give signals to the operator. Always follow the internationally recognized crane hand signals.
 - 10. Maintain safe clearances from all energized electrical lines and apparatus.
- D. Hot Work Operations:
- A standard 250 cubic foot cylinder pressurized to 2500 psi can become a rocket obtaining a speed of 34 mph in one tenth of a second after venting from a broken cylinder. If safety rules are not followed, accidents will happen.
- 1. When welding, cutting, or burning operations are such that normal fire prevention precautions are not sufficient, a fire watch is required while work is being performed and for a sufficient period of time after work is completed and/or when leaving the area (minimum 30 minutes) to insure that no possibility of fire exists.
 - 2. Any welding, cutting or burning operations to be performed in atmospheres containing combustible, flammable or explosive dust, gases, mists, fumes or vapors shall comply with confined space entry procedures.
 - 3. Always clean area below cutting or welding operations. Flag off area and/or use fire watch.
 - 4. Use leak-proof welding helmets and burning goggles for eye protection and to prevent flash burns.
 - 5. Use only manual electrode holders specifically designed for arc welding.
 - 6. Make sure that all parts subject to electrical current are fully insulated against the maximum voltage encountered to ground.
 - 7. A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding unit that it services.
 - 8. Welding cables, leads, connections and hoses are to be placed so they do not present a tripping hazard (e.g., walkways, stairways, etc.) or become damaged (vehicular traffic, pinched in doorways, etc).
 - 9. Shield all arc welding and cutting operations with noncombustible or flame resistant screens, wherever practical.
 - 10. A fire extinguisher rated not less than 10 ABC shall be located within the immediate area of any welding, cutting, or burning operation.
 - 11. Be sure that proper ventilation is provided whenever welding, cutting or heating is performed in a confined space.
 - 12. Before handling cylinders or apparatus, be sure there is no oil or grease on your hands or gloves. Oxygen under pressure reacts violently with grease or oil.
 - 13. Use a friction lighter to light your torch. Do NOT light torches using

- matches, butane lighters, fluid cigarette lighters, or from hot work.
14. Never use oxygen as a substitute for compressed air as a source of pressure or ventilation.
 15. Never tighten a leaky connection between the cylinder and the regulator without first closing the cylinder valve.
 16. Do not force connections that do not fit. Check thread directions before connecting.
 17. Gas cylinders whether empty or full shall be secured in an upright position during use or in storage. Separate oxygen cylinders from fuel-gas cylinders by twenty (20) feet or more and maintain the safety valve caps in place when the cylinders are not in use.
 18. Check hoses, fittings, and valves, for leaks by brushing a soapy water solution onto the connections.
 19. Oxygen or compressed flammable gas cylinders found to have leaking fittings which closing of the valve will not stop, should be taken into the open, away from any source of ignition, and slowly drained.
 20. Open compressed gas cylinders slowly to avoid valve damage.
 21. Always close cylinder valves when work is finished or when leaving the operation for extended periods.
 22. When a cylinder is empty, close the valve, replace the protecting cap, mark the cylinder "MT" (empty) and return cylinder to its rack.
 23. Cylinders must not be lifted by a crane or hoist unless they are in a cradle or substantial stand and have protective caps in place. A cylinder should never be lifted by the cap.
 24. Cylinders must never be used for any other purpose other than what is intended.
 25. At the time of completed building construction, permits will be issued for work involving welding, burning, and cutting. Employees shall be notified when the permit policy takes effect.

NEVER USE OXYGEN AS A SUBSTITUTE FOR COMPRESSED AIR

- E. Compressed Air
1. Check hoses and couplings before each use. Only use hoses, which are designed to handle compressed air.
 2. All hose couplings must have a positive locking device.
 3. Compressed air used for cleaning purposes is to be reduced to less than 30 pounds per square inch (psi). The exception would be during the cleaning of concrete forms, mill scale and similar cleaning operations. Safety glasses and a face shield must be worn during this type of operation.
 4. Route all air hoses overhead or clear of passageways.
 5. All hoses exceeding 1/2 inch inside diameter are to have a safety device at the source of supply or branch line to reduce pressure in case of base failure.

NEVER USE COMPRESSED AIR TO CLEAN YOUR BODY OR CLOTHES

- F. Motor Vehicles and Power Industrial Trucks (Forklifts)

1. All vehicles and/or power equipment are to be checked at the beginning of each shift to ensure that all parts, equipment, and accessories that affect safe operations are in proper operating condition and free from defects. All defects are to be corrected before the vehicle or power equipment is placed in service. For forklifts, complete the Forklift Inspection Report prior to utilizing the equipment.
 2. All motor vehicles and power equipment are to be operated by authorized personnel. The driver has the overall responsibility for the safety of passengers and for the stability of the load.
 3. Wear seat belts at all times.
 4. Operators are not to use motor equipment having an obstructed view unless:
 - a. The vehicle has a reverse signal alarm distinguishable for the surrounding noise level, or
 - b. The vehicle is backed up only when an observer signals that it is safe to do so.
 5. Shut off motor and set brakes before leaving.
 6. Shut off motor to refuel.
 7. Passengers are not allowed in the bed of vehicles, which are hauling equipment or material.
 8. Passengers in the back of pickup trucks and flat beds are to sit on the floor or on benches designed for passengers. Sitting or standing on the tailgate or sides is prohibited.
 9. Drivers are to remain clear of the cab when a vehicle is being loaded by power equipment.
 10. Drivers must have a valid operator's license to operate any company vehicle.
 11. Any motor vehicles with material (equipment which overhangs the base of the vehicle by four feet must be equipped with a red flag or visible equivalent on the part extending beyond the base of the vehicle.
- G. Aerial Lifts (Scissors Lifts/Articulating Dooks)
1. All operators must be trained and receive proper instructions before operating aerial platforms.
 2. Know your aerial platform. Read and understand the manufacturer's operating manual before using the machine.
 3. Before using the aerial work platform, you must inspect your machines and complete the Aerial Work Platform Inspection Report. Do not operate until deficiencies are corrected.
 4. Check the work area for holes, obstacles, drop-offs or rough spots. Look for weak spots on ramps and/or floors covers (shall be capable of supporting a minimum of two times the intended load). Look for oils spills, wet spots, slippery surfaces, soft soil, and standing water.
 5. Clear away trash and debris. Pick up anything that might puncture a tire. Make sure aisles, ramps, doorways, and passages are clear.
 6. Check for overhead hazards. Assume all electrical parts and wiring are Energized. (See safe clearances for high voltage in Electrical section.).
 7. Charge batteries in a well ventilated area. Battery covers must be in place at all times.

8. All gates must be closed during use.
9. When on slopes or rough terrain, do not travel in the extended position. Lower the platform to travel.
10. Never use ladders, planks, steps or other devices to provide additional reach to gain greater height.
11. Do not lean over, sit or climb on the platform railing. Keep both feet on the platform floor at all times.
12. Never tie off to an adjacent structure when working from an aerial platform.
13. In the use of telescoping and articulating boom platforms, the employee is to wear a full body harness and lanyard affixed to the attachment point in the basket.
14. In the event the individual must leave the work platform to perform the work, the individual is to be tied off to the structure by means of a body harness and lanyard or a combination of other fall arrest devices.
15. Covers are to be capable of supporting a minimum two times the intended load, secured to prevent displacement, and labeled with the work "Hole" or "Cover".

FIRE PROTECTION

- A. General Requirements
 1. Report all fires, regardless how small, immediately to your supervisor
 2. Equipment must not be refueled while running or when hot.
 3. Smoke only in designated areas and at designated times. Extinguish your smoking materials in a proper manner.
 4. Combustible materials (wood, cardboard, etc.) must not be stored within ten (10) feet of any building.
- B. Fire Extinguishers
 1. Extinguishers are to be ABC-rated, dry chemical of not less than 10-pound capacity.
 2. Know the location of fire fighting equipment in work area and have knowledge of its use and application. Use these devices only in case of a fire.
 3. A fire extinguisher is to be provided for each 3,000 square feet and travel distance to any fire extinguisher must not exceed 100 feet.
 4. A fire extinguisher must be placed not less than 25 feet and not more than 75 feet from flammable or combustible liquids being stored indoors and/or outdoors.
 5. One or more fire extinguishers must be provided on each floor of a multi-story building adjacent to the stairway.
 6. Store fire-extinguisher(s) in conspicuous location. Do not store material in front of a fire extinguisher to prohibit access.
 7. Turn in all fire extinguishers for recharge after each use. Inspect periodically when not in use.
 8. Have a fire extinguisher within 35 feet of all heat-producing equipment.
- C. Flammable/Combustible Liquids
 1. Admittance of flammable or combustible liquids for use by all field

personnel must be cleared with the Apex supervisor.

2. All approved metal safety containers will be equipped with a spout which shall be used each time the contents are poured from that container to another as when pouring fuel from the can to a fuel tank on portable equipment or vehicles. The spouts shall contain flash-arresting screens. The container shall also be equipped with self-closing lids.

D. LP Gas/Propane

1. Storage of LP gas/propane cylinders within buildings is prohibited.
2. Tanks shall be on a flat surface or otherwise secured to prevent displacement (tip over).
3. Storage of LP gas/propane cylinders located outside buildings awaiting use, shall be located the following distances from the nearest building(s).

<u>Quantity</u>	<u>Distance</u>
500 lbs or less	0
501 lbs to 6,000	10
6,001 lbs to 10,000	20
over 10,000 lbs	2

ELECTRICAL

A. Equipment - Power Lines

Check for overhead hazards. Assume all electrical parts and wiring are Energized. Keep Clear of Overhead Lines. The following clearances shall be maintained when utilizing equipment around high voltage power lines:

<u>Line Voltage</u>	<u>Clearance Limits</u>
Up to 50,000 volts	10 feet
50,000 to 200,000 volts	15 feet
200,000 to 350,000 volts	20 feet
350,000 to 500,000 volts	25 feet
500,000 to 750,000 volts*	35 feet

*Notify the Power company for safe distances of voltage over 750,000 volts

B. Electrical Power

Each contractor shall use approved ground fault circuit interrupters (GFCIs) on all 15 and 20 ampere, 120 volt receptacle outlets in all wet locations and shall establish and implement an assured equipment grounding conductor program on the jobsite.

C. Electric Load Centers (MCC)

Only authorized personnel are allowed to enter and/or work in electric load centers. Under no circumstances are electric load centers to be used for walkways or passageways.

FALL PROTECTION

100% Fall protection will be provided and must be worn when employees are exposed to a potential fall of six (6) feet or more. This shall include, but is not limited to, walking/working surfaces with unprotected sides and edges, leading edges, hoist areas, holes,

form excavations, dangerous equipment, roofing work, precast concrete erection and wall openings.

Employees are to be protected from falling through openings, including skylights, by all fall arrest systems, covers, or guardrail systems.

A. Guardrail Systems

1. The top edge height of the top rails should be 42 inches, plus minus three (3) inches, above the walking/working surface and must be capable of withstanding a side and top load of 200 pounds.
2. Midrail located at half the distance must be capable of withstanding a side and top load of 150 pounds.
3. Four inch (4) toeboards, with 1/4" maximum clearance between working surfaces and bottom of toeboard, must be capable withstanding a side load of 50 pounds.
4. Guardrails are to be designed to protect against punctures and lacerations and to prevent clothing from being snagged.
5. When cable guardrail is used, it must not deflect more than three (3) inches in any direction, be equipped with three (3) cable clamps, and the top rail must be marked every six (6) feet with high visible markings.

B. Fall Arrest Systems

1. Body belts are not acceptable as part of a fall arrest system
2. Snap hooks shall be a locking type to prevent disengagement
3. Lanyards and vertical lifelines are to have a minimum breaking strength of 5,000 pounds. Lifelines shall be protected against being cut or abraded.
4. When vertical lifelines are used, each employee shall be attached a separate lifeline.
5. Self-retracting lifelines and lanyards that automatically limit free falls to two (2) feet or less must sustain a minimum anchorage point of 3,000 pounds. Devices that do not limit free fall to this distance must sustain a minimum anchorage point of 5,000 pounds.
6. Personal fall arrest systems shall limit maximum arresting force (an employee to 1,800 pounds and be positioned such that an employee can neither free fall more than six (6) feet nor contact any lower level.
7. Personal fall arrest systems shall be used for employee protection only, and not to hoist materials.
8. Personal fall arrest systems shall be inspected prior to each use for wear and/or damage. Deterioration and defective equipment shall be taken out of service.
9. Personal fall arrest systems shall not be attached to guardrail systems.
10. Positioning devices shall be secured to an anchorage capable of supporting twice the intended load or 3,000 pounds, whichever is greater. Positioning devices shall be rigged such that an employee cannot free fall more than two feet.

C. Decking Roofing

1. Warning lines shall be erected around all sides of the roof work area not less than six feet from the roof's edge (10 feet when mechanical equipment is used).
2. Points of access shall be connected to work area (warning line area) by an

- access path formed by two warning lines. When the path to point of access is not in use, a rope, wire, chain, or other barricade, equivalent in strength and height to the warning line, shall be placed across the path at the point where the path intersects the working line erected around the work area, or offset such that an employee cannot walk directly to the edge or hole.
3. Warning line shall consist of rope, wire, or chain with a minimum tensile strength of 500 pounds and flagged with high visibility material at intervals not to exceed 6 feet.
 4. The warning line shall be supported in such a way that its lowest point (including sag) is no less than 34 inches and its highest point no more than 39 inches from the walking/working surface.
 5. NOTE: Notify the Safety Department for special requirements for decking/roofing.
 6. Stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds.
 7. The line shall be attached at each stanchion in such a way that pulling on one section of the line does not result in slack taken up from adjoining sections.

HOUSEKEEPING

1. Good housekeeping practices shall be maintained at all times on the jobsite. Storage areas, aisles and walkways shall be kept clean. Materials shall be neatly piled and stacked.
2. Nails are to be removed or bent over as soon as lumber is disassembled.
3. Electrical cords, leads, hoses, etc. should be placed to avoid tripping hazards or prevent damage.
4. Scrap lumber, waste material and rubbish shall be removed from the immediate work area as work progresses.
5. Refuse piles must be removed as soon as possible.
6. Spills must be cleaned up immediately. Spills, which contain hazardous materials, should be contained. Notify your supervisor immediately of a hazardous material spill.
7. Materials shall not be placed in front of items used for fire protection (extinguishers, hose assemblies, sprinkle heads). Electrical panels must also remain clear so immediate access is available.
8. Material stored inside buildings under construction shall not be placed within six (6) feet of any hoistway or inside floor openings, nor within ten (10) feet of an exterior wall, which doesn't extend above the top of the material stored.

HAZARD COMMUNICATION PROGRAM COMPANY POLICY

The Company's policy is attached. To ensure that information about the dangers of all hazardous chemicals used by Apex Building Company LLC are known by all affected employees, the following hazardous information program has been established.

CONTAINER LABELING

The person responsible for purchases will verify that all inventory materials will be clearly labeled as to the contents, note the appropriate hazard warning and list the name and address of the manufacturer.

The job superintendent or in his absence, the job foreman, will ensure that all job site containers are labeled with either an extra copy of the original manufacturer's label or with labels that have the identity and the appropriate hazard warning. For help with labeling, see the Field Superintendent.

The Field Superintendent will review the company labeling procedures from time to time as required.

MATERIAL SAFETY DATA SHEETS (MSDS)

Apex Building Company LLC Field Superintendent and/or Safety Coordinator are responsible for establishing and monitoring the company MSDS program. He/she will make sure procedures are developed to obtain the necessary MSDS and will review incoming MSDS for new or significant health safety information. He/she will see that any new information is passed on to affected employees. Note the Field Superintendent is responsible for the field, and Safety Coordinator for the office and warehouse employees. Copies of MSDS for all hazardous chemicals in use will be kept in corporate office and other locations as may be required by OSHA. MSDS will be available to all employees during each shift. If an MSDS is not available, immediately contact the Field Superintendent.

EMPLOYEE TRAINING AND INFORMATION

The Field Superintendent (for the field) and the Safety Coordinator (for office and warehouse employees) is responsible for the company employee-training program. He/she will ensure that all program elements specified below are carried out.

Each new employee of Apex Building Company LLC will attend a health and safety orientation that includes such information as the following:

- An overview of the requirements contained in the Hazard Communication Standard.
- Hazardous chemicals present in his/her workplaces.

- Physical and health risks of the hazardous chemicals.
- How to reduce or prevent exposure to hazardous chemicals through the use of control procedures, work practices and personal protective equipment.
- How to read labels and review MSDS to obtain hazard information.
- Location of the MSDS file and written hazard communication program.

HAZARDOUS NON-ROUTINE TASKS

Prior to starting work on any hazardous non-routine project, each affected employee will be provided information by the Field Superintendent/Safety Coordinator about the hazardous chemicals he or she may encounter during such activity. This information will include specific chemical hazards, protective and safety measures the employees can use, and steps the company is using to reduce the hazards, including ventilation, respirators, presence of another employee and emergency procedures.

INFORMING SUBCONTRACTORS

It is the responsibility of the Field Superintendent or Project Manager or in their absence, the job foreman, to provide subcontractors with the information about hazardous chemicals their employees may be exposed to on a jobsite and suggested precautions for the subcontractor's employees.

LIST OF HAZARDOUS CHEMICAL

See the MSDS listing for list of hazardous chemicals that may be used by our employees.

HAZARDOUS COMMUNICATION TRAINING PROGRAM

INTRODUCTION

In August 1987 OSHA expanded its standard to non-manufacturing employers including those in the construction industry as a result of evident it had studied indicating that some employees in every SIC code were being exposed to hazardous chemicals.

The expanded OSHA Communication Standard requires:

- Non-manufacturing employers to establish a hazard communication program.
- To inform their employees by means of material safety data sheets, labels on containers, and training programs about the hazards of chemicals they come in contact with.
- Chemical manufacturers, distributors and importers to provide MSDS to all non-manufacturing employers or distributors.

OSHA's expanded stand preempts state laws covering hazard communication in states that do not have OSHA state plans. It requires OSHA approval for state hazard communication where employers are obligated under the Emergency Planning and Community Right to Know Act of 1986, those employers included under the Hazards Communication Standard will be required to submit chemical hazard information to state and local governments and the surrounding communities.

EMPLOYEE INFORMATION AND TRAINING

All employees shall be informed that Apex Building Company LLC is required by law to have a chemical hazard communications program.

All employees shall be informed of the details of the company's chemical hazard communication program. The detailed information shall include:

- The location and ready availability of a list of all hazardous chemicals used by the company.
- A list of all chemicals used or stored at Apex Building Company LLC's workplaces will be assembled and maintained and will be updated in a timely fashion to reflect the chemicals actually in use or stores. These lists will be maintained in a central file and will be available to the employees upon request.
- Copies of MSDS for all hazardous chemicals provided by the employer to which employees may be exposed will be kept in a binder in the workplace. MSDS will be available for review to all employees.
- Specific questions or tasks in the employee's' work areas that use hazardous chemicals.

Additionally, all employees shall receive the following training:

- Employees shall be trained in how to detect the presence of hazardous chemicals.
- Employees shall be trained in the specific physical and health hazards of hazardous chemical for employees in work areas.
- Employees shall be trained in protective measures including specific work procedures implemented by Apex Building Company LLC and the use of personal protective equipment.
- Employees shall be trained in understanding, interpreting, and using hazardous information and data provided on chemical labels and MSDS.

Training and Assignment and Responsibility

- The Field Superintendent/Safety Coordinator or his/her designated representative will train all new employees in the hazard communication program as specified above. This training will be a part of the new employee's general orientation.
- Additionally, the Field Superintendent/Safety Coordinator or his/her designated representative will train existing employees whenever new hazardous chemicals are introduced into the workplace, or existing employees are reassigned to new positions where they may be working near new hazardous chemicals.
- All employees will be trained in the issues identified above.

MATERIAL SAFETY DATA SHEETS

The material safety data sheets (MSDS) for each hazardous chemical explain how to use, handle and store the chemical in a safe manner.

Most MSDS have nine (9) basic sections. The following is an overview of the material safety data sheet information, by section.

SECTION I – Chemical Identification

The first section of the MSDS helps you identify the chemical by listing its name, any trade names, and the chemical manufacturer's name and address. There is usually a section for an emergency telephone number.

SECTION II – Hazardous Product Ingredients

This section identifies the ingredients in the chemical that can harm you. It also lists the concentration levels of the chemical to which you can be safely exposed. This is often identified as the permissible exposure level (PEL) or threshold limit value (TLV).

SECTION III – Physical Data

The chemical's appearance, odor and other physical characteristics are described in this section. A chemical's physical characteristics and limits may help identify what special personal protective equipment needs to be used to work safely with the product.

SECTION IV – Fire and Explosion Data

Listed here is the temperature at which the chemical ignites (flash point). If a chemical is flammable it ignites below 100F. If it is combustible it ignites at 100F or above. This section also lists items that will put the fire out safely (extinguishing media) and any special fire fighting procedures.

SECTION V – Health Hazards

This section lists symptoms of overexposure such as headache, dizziness, skin rash or burn. It also details first aid and emergency procedures in case of overexposure.

This section may also tell you what medical conditions may be aggravated by exposure to the chemical and identify chronic health effects, if any.

SECTION VI – Reactivity Data

This section will tell you whether the chemical reacts with materials or conditions. "Incompatibility" lists the materials such as water or other chemicals that cause the chemical to burn, explode or release dangerous gases.

"Instability" lists the environmental conditions such as heat or direct sunlight that cause a dangerous reaction.

SECTION VII – Spill or Leak Procedures

This section tells you what to use to clean up an accidental spill or leak. Before cleaning up a chemical spill you may need to wear personal protective equipment.

This section may also include notes on how to dispose of the chemical safely (waste management.)

SECTION VIII – Special Protective Information

In this section, you will find a listing of any personal protective equipment (respiratory protection, gloves, eye protection) you will need to work safely with the chemical. If protective equipment is needed, this section may list specific types that are recommended.

SECTION IX – Special Precautions

This section will list any other special precautions to follow when handling the chemical. This may include what safety signs to post near the chemical or what to have nearby to respond to a spill or leak. This section will also list any other health and safety information not covered in other parts of the MSDS.

LABELS AND OTHER FORMS OF WARNING

Under the Hazard Communication regulations, an employer is required to ensure that each container of hazardous materials is labeled or marked with information giving the identity of the hazardous chemical and appropriate warnings. There are various types of labels. Most labels will contain information on basic warnings, first aid, fire, spills, handling and storage and disposal.

Basic Warnings – This section of the warning label identified the chemical by name, its hazardous ingredients and the name and address of the manufacturer. It may also list basic hazard warnings such as to avoid skin contact, etc.

First Aid – The label may explain what steps to take if the hazardous chemical is splashed in your eyes or on your skin.

Fire – This section will describe what action to take if an accidental fire involving the hazardous chemical is started. It should identify which of the four types of fire extinguishers (water spray, carbon dioxide, dry chemical or Halon) to use in putting out the fire.

Spills – The label may indicate methods to handle spills including what protective equipment is needed to respond to a spill. Employees should be cautioned to contact their superior immediately in the event of a spill.

Handling and Storage – This section of the label may identify the personal protective equipment to handle the hazardous chemical safely (e.g. glass safety goggles, or respirators.) It also may contain the need to store the chemical away from other chemicals which may react with it, or identify specific ventilation requirements.

Disposal – The label may inform you on how to dispose of empty containers. Often empty containers hold the residues of the hazardous chemical and should be treated as if they are full.

Hazardous chemical containers that are not labeled or where the label is torn or not legible should not be handled. Supervisory or management personnel should be advised immediately of these conditions.

When hazardous chemicals are moved from their primary container to a transfer container, that transfer container needs to be identified with a proper label or other form of warning. Exceptions to this rule are made for very small containers filled by the person using the chemical which must be used/emptied by that person during the same shift. Such containers need not be labeled.

Hazard Determination

It is the chemical manufacturer's and importer's responsibility to evaluate chemicals produced or imported by them to determine if they are hazardous. This determination of a hazardous chemical is communicated to non-manufacturing firms by way of Material Safety Data Sheets and appropriate chemical container labeling. Under OSHA,

employers are not required to evaluate chemicals unless they make a determination not to rely on the evaluation of the manufacturer or importer.

Some physical hazards pertain to chemicals and how they react under certain conditions. Physical hazards include chemicals that are combustible liquids, compressed gases, explosives, flammable, organic peroxides, oxidizers, pyrophorics (ignite spontaneously) and water reactive.

Health hazards pertain to how a chemical hurts or can hurt your body. In some instances your body reacts quickly when exposed to a hazardous chemical – i.e. Acute or in other instances the reaction can take place over a long period of exposure – Chronic.

Common Terms and Definitions

Corrosives: Corrosives are chemicals or materials that can burn or damage on contact with the body, or in close proximity with the eyes. Corrosives can also damage the lungs if inhaled. Common corrosives are cleaners, acids and caustics.

Flammables: Most common flammables are liquids that emit vapors than can ignite and materials that burn. Flammables can also be gases or solids.

Reactives: Reactives are materials that when mixed with certain other materials can react explosively or violently. The reaction can cause fire or toxic vapors of gases.

Toxins: Toxic materials can poison the body and cause harmful effects under improper exposure. The effects can result from immediate or long-term overexposure.

Acute Exposure: Acute exposure to a chemical pertains to a single exposure to a chemical over a short period of time.

Chronic Exposure: Chronic exposure pertains to repeated exposures to a chemical over a long period of time.

Inhalation: A chemical can enter a body through inhalation by breathing the substance into the body. Vapors and dusts can also be inhaled causing damage to the breathing passes and lungs.

Ingestions: Ingestion is the act of swallowing and is an infrequent route of toxic chemicals to the body.

Absorption: The entry of chemical substance through the skin is known as absorption.

Apex Building Company LLC may amend the project work/safety rules as necessary.

January 1, 2009

TO ALL EMPLOYEES

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. This Company is committed to creating and maintaining a workplace free of substance abuse without jeopardizing valued employees' job security.

To address this problem, our Company has developed a policy regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interest of all employees. Our policy formally and clearly states that the illegal use of drugs or the abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining our policy, we have implemented pre-employment and active employee substance abuse testing. This policy was signed with two basic objectives in mind: (1) employees deserve a work environment that is free from the negative effects of drugs and alcohol and the problems associated with their abuse, and (2) this Company has a responsibility to maintain a healthy and safe workplace.

To assist us in providing a safe and healthy workplace, we maintain a resource file of information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file. A copy for your confidential use is attached to this letter. In addition, we will distribute this information to employees for their confidential use.

An employee whose conduct violates this Company's Substance Abuse Policy will be subject to discipline up to and including termination.

I believe it is important that we all work together to make this Company a drug-free workplace as part of our continual efforts to provide a safer and more rewarding place to work.

Sincerely,

Michael Fitzgerald Jr
President

SUBSTANCE ABUSE POLICY

January 1, 2009

Apex Building Company LLC (referred to as the Company from this point forward) is committed to providing a safe work environment and to foster the well-being and health of its employees. That commitment is jeopardized when any Apex employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, Apex has established the following policy, pursuant to T.C.A. Section 50-9-100 et. Seq.:

1. It is a violation of company policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of company policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.
3. It is a violation of company policy for any employee to report to work under the influence of or impaired by alcohol.
4. It is a violation of the company policy for any employee to use prescription drugs that have not been illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the company's supervisors to identify changes in performance or behavior that suggests an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at Apex Building Company LLC

As a condition of employment, employees must abide by the terms of this policy and must notify the Company in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

The Company offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs.

Employees are encouraged to use this resource file: a copy of which is located at the back of this policy statement. Additional copies are available upon request.

General Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative—depending on the determination of the observed impairment—and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

Opportunity to Contest or Explain Test Results

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the Company; a person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

Job Applicant Drug Testing

All job applicants at this Company will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by this Company, and by signing a consent agreement will release this Company from liability.

If the physician, official, or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for employment.

This Company will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that this Company will not tolerate.

Employee Drug Testing

This Company has adopted testing practices to identify employees who illegally use

drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances.

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. 'Reasonable suspicion' is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:
 - (A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms of manifestations of being impaired due to substance abuse;
 - (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - (C) A report of substance abuse provided by a reliable and credible source;
 - (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;
 - (E) Information that an employee has caused or contributed to an accident while at work;
 - (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer will send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to company property occurs.
3. As part of a follow-up program to treatment for drug abuse.
4. Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the covered employer's established policy, or one that is scheduled routinely for all members of an employment classification group.
5. Random drug testing may be implemented at company discretion.

Alcohol Testing

The consumption or possession of alcoholic beverages on this Company's premises is prohibited. (Company sponsored activities which may include the serving of alcoholic beverages are not included in this provision.) An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level test .10% by weight for non-safety sensitive positions, or .04% for safety sensitive positions, while on duty/ company business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

Refusal to Submit

Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination.

Important Information for Job Applicants and Employees.

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has positive confirmed test result a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and nonprescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA Section 50-9-100 et. Seq., Drug-Free Workplace Programs.

The provisions of this policy include the right of appeal to the applicable court.

Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs:

Alcohol: (not required for job applicant testing) Any "Alcoholic Beverage", all liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example: Vicks Nyquil is 25% (50 proof) and Listerine is 26.9% (54 proof) alcohol.

Amphetamines: "speed", "uppers", etc.

Cannabinoids: THC, marijuana, hashish, "pot, grass, hash", etc.

Cocaine: "coke, crack", etc.

Phencyclidine: PCP, "angel dust."

Opiates: Narcotics, Heroin, Codeine, Morphine, "smack, dope, etc."

TENNESSEE DRUG-FREE WORKPLACE

National Institute on Drug Abuse
1-800-662-HELP

National Council on Alcoholism
1-800-NCA-HELP

Cocaine Helpline
1-800-COCAINE

Center for Substance Abuse Workplace Helpline
1-800-WORKPLACE
1-800-662-HELP

National Clearinghouse for Alcohol and Drug Information
1-800-729-6686

Tennessee Department of Health
Alcohol and Drug Abuse Service
615-741-1921

Tennessee Alcohol and Drug Association Clearinghouse
1-800-889-9789

Tennessee Drug-Free Workplace Program
1-800-332-2667

Active Employee Certificate of Agreement
DRUG-FREE WORKPLACE PROGRAM

APEX BUILDING COMPANY LLC
2047 Kefauver Drive - P.O. Box 945
Milan, Tennessee 38358
(901) 414-2739 (901) 414-2750 (fax)

I do hereby certify that I have received and read the Apex Building Company LLC substance abuse and testing policy and have had the drug-free workplace program explained to me. I understand that if my performance indicates it is necessary, I will submit to a drug and/or alcohol test. I also understand that failure to comply with a drug and/or alcohol testing request or a positive confirmed result for the illegal use of drugs and/or alcohol may lead to discipline up to and including termination of employment and/or loss of workers' compensation benefits.*

I further agree to and hereby authorize the release of results.

*(Pursuant to T.C.A. Section 50-9-100 et. Seq.)

I understand that this certificate becomes part of the active employee's personnel file.

Employee:
Print Name _____

Signature _____

Date _____

Revised 01-01-2009