

**ms Metal Sales<sup>TM</sup>**

# EMPLOYEE HANDBOOK

## Colorado



10/22/2020

# **ABOUT THIS HANDBOOK/DISCLAIMER**

We prepared this handbook to help employees find the answers to many questions that they may have regarding their employment with Metal Sales Manufacturing Corporation. Please take the necessary time to read it.

We do not expect this handbook to answer all questions. Supervisors, Managers, and Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. Metal Sales Manufacturing Corporation adheres to the policy of employment at will, which permits the Company or the employee to end the employment relationship at any time, with or without reason, or with or without notice.

No Company representative other than the Chairman and/or the CEO and/or Director of Human Resources may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate Company documents. These Company documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general Company guidelines. The Company may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and the Chairman and/or the CEO and/or Director of Human Resources.

This handbook supersedes all prior handbooks.

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## Section 1 - Governing Principles of Employment

### 1-1. Introduction

Dear Metal Sales Team Member:

First of all, congratulations and welcome to Metal Sales!

My hope is that you find your time here to be a challenging and rewarding experience. When I moved back to Louisville in 1998 and started my career with Interlock Industries (Metal Sales' parent company), I asked my Dad, Leo Mackin, what my role within the company would be. He responded, "No one told me exactly what to do when I bought the company back in 1982, but I encourage you to start by working hard to create value and continuously improve". As my father challenged me, I challenge you to create value in your actions everyday and to be better tomorrow than you were today.

Metal Sales has plans for growth in many areas. In your new position, your experience and knowledge will help fuel that growth. Growth isn't easily achieved. Along the way we will see some failures but also many successes. If you don't occasionally fail, you're not taking enough risks! Let's take chances, fail fast together, learn from our experiences, and use those to create wins the next time! I am certain that in the long run, our successes will far outweigh our failures.

In order for us to win together, we must provide you with the tools and support to learn, grow, and further develop your career every day. Working with your supervisor, you will craft a plan that will optimize your skills development ensuring you reach your full potential at Metal Sales.

Thank you, in advance, for taking the time to review the materials. I look forward to meeting you and always wish you and your family the best.

Craig Mackin, Chairman, Metal Sales

## History of Our Business

### *History*

It was the 1960s and the metal building component industry was transforming. Custom cut roofing and siding products were the future. Seeing opportunity, Metal Sales Manufacturing Corporation was formed in 1963 and a small manufacturing facility was opened in Louisville, Kentucky.

Metal Sales' goal was simply to manufacture the best products and to provide the best service. The mission and growth of Metal Sales started. We opened another plant just outside Nashville, Tennessee, in 1969.

During the 1970s, Metal Sales capitalized on its successful presence throughout our facilities and



production capacity expansions. Plants were added in Jacksonville, Florida; Spokane, Washington; Minnesota (Detroit Lakes and Rogers); Denver, Colorado; Kansas City, Kansas; and Jefferson, Ohio.

The 1980s brought a new identity and even more strategic expansions. We began selling our products in Canada, Mexico, the Caribbean, and other outlying areas. Plant openings soon followed, with Seattle, Washington in 1983; New Albany, Indiana in 1986; and Rock Island, Illinois, and Orwigsburg, Pennsylvania in 1988. The Kansas City plant relocated to Independence, MO that same year.

By the early 1990s, we began selling our products around the world and the Louisville facility and corporate office relocated to Sellersburg, IN. In 1996 a plant was opened in Temple, Texas and another in Woodland, California in 1999. By 2004, 5 more plants were added, which include Fontana, CA, Anchorage, AK, and Bay City, MI.

Now, we have grown to 21 locations with the additions in Mocksville, NC, Fort Smith, AR, and Sioux Falls, SD and have the largest sales force in the industry, Metal Sales Manufacturing has truly grown into an international leader in the industry. Growth will continue through facility expansions as well as advancements in product technology and application.

### ***Our Business***

Metal Sales is the nation's largest manufacturer of metal roofing, wall and building systems.

Founded in 1963, Metal Sales operates manufacturing facilities in 21 locations throughout the contiguous United States and Alaska. Metal Sales has the largest sales force and the broadest product lineup of metal roof and wall panels in the industry. Our metal building products and systems are used in all building markets including: agricultural, commercial and residential. Metal Sales is firmly committed to helping build and re-build America's infrastructure with truly innovative, higher quality, longer lasting and more environmentally sensible products.

### ***Our Process***

Metal Sales processes over 17,000 tons of steel a month into our complete line of metal roof, wall, and fascia panel systems. We offer over 75 profiles with a wide selection of widths, colors, and gauges to meet our customers' new construction, retrofit and remodeling needs in the commercial, agricultural and residential markets. Metal Sales crafts our metal panels in a quality-focused environment utilizing the most current and dependable rollform technology. Steel coils weighing up to 10,000 pounds are rolled through precision dies to form high-performance profiles. Utilizing the most modern metal forming equipment, we produce trim accessories of various shapes. Our products are packaged and loaded onto flatbed trailers for shipment to our customers. In addition, we offer a complete line of matching color-coated, galvanized, and Galvalume® trims and accessories ideal for finishing any Metal Sales project.

### ***Our Customers***

Metal Sales partners with the most innovative and successful players in the building materials and construction industries. We sell to roofing distributors, retailers, lumberyards, specialty metal distributors and large commercial contractors. Our distribution customers sell directly to roofing contractors who install our products on a diverse range of modern structures including military bases, educational institutions, office buildings, large poultry and hog barns, pole barns, vacation homes



and high-end single family residential structures, all of which share the common goals of longevity, value and durability.

Metal Sales offers more than just a high-quality product built to stand the test of time under the most rigorous of conditions. We offer the service and support that make our customers successful. We deliver the right product to the right place at the right time. Through our combination of the best product and the best service, we create value for our customers enabling us to become the largest single brand in the metal panel industry. As an employee of Metal Sales, you play a huge part in creating value for our customers each and every day.

## 1-2. Equal Employment Opportunity

Metal Sales Manufacturing Corporation is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state or local laws and ordinances. Metal Sales Manufacturing Corporation's management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs and general treatment during employment.

The Company will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's: physical or mental disability; sincerely held religious beliefs and practices; and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the Company's business operations.

Any applicant or employee who needs an accommodation in order to perform the essential functions of the job should contact Corporate Human Resources to request such an accommodation. The individual should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The Company then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made. The Company will evaluate requested accommodations, and as appropriate, identify other possible accommodations, if any. The individual will be notified of The Company's decision regarding the request within a reasonable period. The Company treats all medical information submitted as part of the accommodation process in a confidential manner.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Corporate Human Resources. The Company will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact Corporate Human Resources. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

### 1-3. Pregnancy Accommodations

In compliance with Colorado law, Metal Sales Manufacturing Corporation will not discriminate against employees because of pregnancy, childbirth or related conditions. If employees request reasonable accommodation due to health conditions related to pregnancy or the physical recovery from childbirth, the Company will endeavor to provide a reasonable accommodation to enable applicants and employees to perform the essential functions of the job, unless the accommodation would impose an undue hardship on the operation of the business. The Company will engage in a timely, good faith, and interactive process with the employee to determine effective, reasonable accommodations for conditions related to pregnancy, physical recovery from childbirth or a related condition.

Reasonable accommodations may include, but are not limited to: more frequent or longer break periods; more frequent restroom, food and water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy; job restructuring; light duty, if available; assistance with manual labor; or modified work schedules.

The Company will not require employees affected by pregnancy, physical recovery from childbirth or a related condition to accept an accommodation that they choose not to accept if they did not request an accommodation or if the accommodation is not necessary for the employees to perform the essential functions of the job, nor will the Company require a pregnant employee to take leave if another reasonable accommodation is available which will permit the employee to continue working.

The Company reserves the right to require employees to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

The Company will not take adverse action against pregnant employees who request or use a reasonable accommodation related to pregnancy, physical recovery from childbirth or a related condition. The Company will not deny employment opportunities to employees based on the need to make a reasonable accommodation related to pregnancy, physical recovery from childbirth or a related condition.

If employees have any questions about this policy or would like to request a reasonable accommodation, they should contact Corporate Human Resources.

### 1-4. Non-Harassment

It is Metal Sales Manufacturing Corporation's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or



mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by Metal Sales Manufacturing Corporation.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on Company premises, while on Company business (whether or not on Company premises) or while representing the Company. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;

3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

### **Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Manager. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact Corporate Human Resources. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

### **Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

### **Retaliation Prohibited**

In addition, the Company will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

## **1-5. Drug-Free and Alcohol-Free Workplace**

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Company property, and to ensure efficient operations, Metal Sales Manufacturing Corporation has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the Company.



The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on Company premises, while on Company business (whether or not on Company premises) or while representing the Company, is strictly prohibited. Employees and other individuals who work for the Company also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law.

Violation of this policy will result in disciplinary action, up to and including discharge.

The Company maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any Company employee, including themselves.

Employees must notify the Company within five calendar days if they are convicted of a criminal drug violation in the workplace. Within ten (10) days of such notification or other actual notice, the Company will advise the contracting agency of such conviction.

All employees are hereby advised that full compliance with the foregoing policy shall be a condition of employment at the Company.

Any employee who violates the foregoing drug-free workplace policy described above shall be subject to discipline up to and including immediate discharge.

In the discretion of the Company, any employee who violates the drug-free workplace policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to the Company's satisfaction in an approved drug assistance or rehabilitation program.

In order to maintain a drug-free workplace, the Company has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, our drug-free workplace policy, the availability of any drug-free counseling, rehabilitation and employee assistance programs and the penalties that may be imposed for violations of our drug-free workplace policy. (Such education may include: (1) distribution of our drug-free workplace policy at the employment interview; (2) a discussion of our policy at the new employee orientation session; (3) distribution of a list of approved drug assistance agencies, organizations and clinics; (4) distribution of published educational materials regarding the dangers of drug abuse; (5) reorientation of all involved employees in cases in which a drug-related accident or incident occurs; (6) inclusion of the policy in employee handbooks and any other personnel policy publications; (7) lectures or training by local drug abuse assistance experts; (8) discussion by the Company's safety experts on the hazards associated with drug abuse; and (9) video tape presentations on the hazards of drug abuse.)

## 1-6. Workplace Violence

Metal Sales Manufacturing Corporation is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Company and personal property.

Metal Sales Manufacturing Corporation does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, Metal Sales Manufacturing Corporation specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, Metal Sales Manufacturing Corporation does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Company policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

### **Prohibited Conduct**

Threats, threatening language or any other acts of aggression or violence made toward or by any Company employee **WILL NOT BE TOLERATED**. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Company premises.

### **Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede Metal Sales Manufacturing Corporation's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Company determines, after an appropriate good faith investigation, that someone has violated this policy, the Company will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the

steps detailed in this section. It is important for the Company to be aware of any potential danger in its locations. Indeed, the Company wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

### 1-7. Federal Contractors: Pay Transparency

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is: 1) in response to a formal complaint or charge; 2) in furtherance of an investigation, proceeding, hearing or action, including an investigation conducted by the employer; or 3) consistent with the contractor's legal duty to furnish information.

### 1-8. Employment-at-will

Employment at Metal Sales Manufacturing Corporation is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the President of the company.

This means that either the employee or the company may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Metal Sales Manufacturing Corporation's employees have the right to engage in or refrain from such activities.

## Section 2 - Operational Policies

### 2-1. Employee Classifications

For purposes of this handbook, all employees fall within one of the classifications below.

**Full-time Employee:** A full-time employee is one who is routinely scheduled to work 30 or more hours per week who were not hired on a short-term basis. Full-time employees meeting length-of-service requirements are eligible for company offered benefits.

**Part-time Employee:** A part-time employee is one who is routinely scheduled to work fewer than 30 hours per week who were not hired on a short-term basis. Part-time employees are not eligible for benefits, unless for benefits specified by local or state paid leave ordinances and the ACA.

**Temporary Employee:** A temporary employee is one who is hired for special projects or short-term periods of time. A temporary employee may work any number of hours a week. Temporary employees are not eligible for employee benefits.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

### 2-2. Introductory Period

**The first three months** of employees' employment is an introductory period. This is an opportunity for Metal Sales Manufacturing Corporation to evaluate the employee's performance. It also is an opportunity for employees to decide whether they are happy being employed by the Company. The Company may extend the introductory period if it desires. Completion of the introductory period does not alter the employee's at-will status.

### 2-3. Your Employment Records

In order to obtain their position, employees have provided personal information, such as address and telephone number. This information is contained in their personnel file.

Employees should keep their personnel file up to date by informing Corporate Human Resources of any changes. Employees also should inform Corporate Human Resources of any specialized training or skills they acquire, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem.

## 2-4. Working Hours and Schedule

Metal Sales Manufacturing Corporation normally is open for business from 8:00 am to 5:00 pm, Sunday through Saturday.

Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of the business, at some point Metal Sales Manufacturing Corporation may need to change individual work schedules on either a short-term or long-term basis.

Employees will be provided meal and rest periods as required by law. A supervisor will provide further details.

## 2-5. Timekeeping Procedures

Employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, on forms as prescribed by management.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Exempt employees are required to record their daily work attendance and report full days of absence from work for reasons such as leaves of absence, sick leave or personal business.

Non-exempt employees may not start work until their scheduled starting time. Your time is recorded in the electronic time card system.

It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

Non-exempt (hourly) employees are required to record their hours using a time clock or portal clocking method. Hourly employees who work away from the shop area and cannot clock in or out on the time clock, must accurately record their time manually on the time sheet and provide it to their supervisor.

Employees may not clock in more than three minutes before their scheduled starting time. No employee will begin work prior to start of their assigned shift unless they are authorized to do so by their supervisor. Once clocked in you are not allowed to leave company property while on the clock unless you are authorized to do so by management.

Employees are responsible for accurately reporting time worked. Do not clock in another employee and do not allow another employee to clock you in.

Employees are not permitted to conduct personal business while on company time.

## 2-6. Overtime

Non-exempt Colorado employees are entitled to overtime pay at one and one-half times (1.5) their regular rate of pay for all hours worked in excess of 12 hours in a day, 12 hours consecutively (without regard to the starting and ending time of the workday), or 40 hours per workweek, whichever calculation results in the greater payment of wages. Time paid but not worked, such as sick time or paid time off (PTO), will not be counted as hours worked in calculating hours worked for purposes of determining if overtime pay is due.

## 2-7. Travel Time for Non-Exempt Employees

Non-exempt employees who are required to travel to a location other than their assigned Metal Sales branch for company business will be paid at their normal hourly rate. Travel time will be paid at the same rate as standard work time. All applicable straight time and overtime rates will apply in accordance with standard company policy and applicable State Employment Laws.

### **Commuting Time**

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near his/her home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

### **Local Travel**

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when an employee goes directly home from his/her final job site, unless it is much longer than his/her regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

### **Out-of-Town Trips for One Day**

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: (i) time spent traveling between the employee's home and the local railroad, bus or plane terminal; and (ii) meal periods.

### **Overnight, Out-of-Town Trips**

Non-exempt employees will be paid for any time spent performing job duties and will be compensated for time spent traveling (except for meal periods) during their normal work schedule. If driving, drive time will be compensable. Time spent traveling as a passenger in any type of transportation (i.e. vehicle, airplane, bus, etc.) outside of the normal work schedule will not be



compensated. If an exception is to be made to compensation for travel time outside of normal work schedule, it must be approved by the Regional Vice President of Operations.

Overnight travel must be approved by the General Manager and Regional Vice President of Operations and should be limited.

To the extent that applicable state law provides greater benefits, state law applies.

## 2-8. Safe Harbor Policy for Exempt Employees

It is Metal Sales Manufacturing Corporation's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for Metal Sales Manufacturing Corporation. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;

- an absence because the Company has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact Director of Human Resources or any other supervisor in Metal Sales Manufacturing Corporation with whom the employee feels comfortable.

## 2-9. Your Paycheck

Employees will be paid bi-weekly for all the time worked during the past pay period. Check dates are on Friday following the end of the two-week pay period.

Payroll stubs itemize deductions made from gross earnings. By law, Metal Sales Manufacturing Corporation is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in any employee's pay, the employee should bring the matter to the attention of your Supervisor immediately so the Company can resolve the matter quickly and amicably.

Paychecks will be available online, unless the employee requests that they be mailed or authorizes in writing that another person may accept the check.

## 2-10. Direct Deposit/Pay Card

Metal Sales Manufacturing Corporation strongly encourages employees to use direct deposit or enroll in a pay card. Authorization forms for direct deposit and pay cards are available from Payroll Manager.

## 2-11. Salary Advances

Metal Sales Manufacturing Corporation does not permit advances on paychecks or against accrued paid time off.

## 2-12. Performance Review

Depending on the employee's position and classification, Metal Sales Manufacturing Corporation endeavors to review performance annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

For all hourly employees a performance appraisal will be conducted after 90 days of employment, then annually on or about the anniversary date of the employee.

All exempt salaried employees will be reviewed every year following the conclusion the fiscal year for Metal Sales. Metal Sales Manufacturing Corporation fiscal year currently ends on December 31.

In addition to these formal performance evaluations, the Company encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

## 2-13. Record Retention

Metal Sales Manufacturing Corporation acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Company and its employees and possible disciplinary action against responsible individuals (up to and including discharge of the employee). Each employee has an obligation to contact the President to inform them of potential or actual litigation, external audit, investigation or similar proceeding involving the Company that may have an impact on record retention protocols.

## 2-14. Job Postings

Metal Sales Manufacturing Corporation is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. This policy outlines the on-line job posting program which is in place for all employees. To be eligible to apply for an open position, employees must meet the following requirements:

- be a current, regular, full-time or part-time employee;
- have been in current position for at least six (6) months;
- maintain a performance rating of satisfactory or above;
- not be on conduct/performance-related probation or warning;
- meet the job qualifications listed on the job posting; and
- provide their current manager with notice prior to applying for the position.

If employees find a position of interest on the job posting website and they meet the eligibility requirements, an on-line job posting application must be completed in order to be considered for the position. Not all positions are guaranteed to be posted. The Company reserves the right to seek



applicants solely from outside sources or to post positions internally and externally simultaneously.  
For more specific information about the program, please contact the Human Resources Department.

## Section 3 - Benefits

### 3-1. Benefits Overview

In addition to good working conditions and competitive pay, it is Metal Sales Manufacturing Corporation's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs Metal Sales Manufacturing Corporation provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from Human Resources Generalist. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, Metal Sales Manufacturing Corporation (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the Company intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Corporate Human Resources Generalist.

#### ***Health Insurance***

Full-time employees are eligible to participate in Metal Sales' group health insurance plan. Eligible employees may apply for coverage in the group plan for themselves, their eligible spouses and their dependent children. Metal Sales will deduct a co-premium from the employee's individual pay. Contact Corporate Human Resources or your local Administrative Manager for detailed information about our benefits.

#### ***Continuation of Health Insurance***

An active employee, an employee's eligible spouse, former eligible spouse, and dependent children,



and a former employee may be entitled to continue healthcare coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA) in Metal Sales' group health insurance plan if coverage is lost or about to end due to one of the following events:

- Death of the employee covered under the plan.
- Termination of the employee.
- The reduction in the employee's work hours.
- The permanent layoff of the employee.
- The employee is divorced; the employee's marriage is dissolved or annulled, or the employee and the employee's spouse are legally separated.
- The employee's dependent child ceases to be a dependent.
- The employee becomes eligible for Medicare.
- The Employer files for Chapter 11 bankruptcy.

The employee, or the employee's eligible spouse, former eligible spouse or dependents have the responsibility to notify Metal Sales or the group insurance carrier of the above qualifying event and of the decision to continue insurance coverage.

The maximum length of continuation of coverage is 18 or 36 months, depending on the qualifying event. The employee, or the employee's eligible spouse, former eligible spouse or dependents will be responsible for paying the premium for the continued insurance coverage. The premium will be no more than 102% of the normal group rate. (The premium may be 150% of the normal group rate for disabled former employees choosing COBRA coverage for an additional 11 months beyond the first 18 months of coverage.)

Employees and other individuals who otherwise qualify for continuation of coverage will become disqualified if: Metal Sales ceases to provide any group health plan to any employee, the covered individual fails to make timely premium payments, the covered individual becomes covered under another group health plan, or the covered individual becomes entitled to Medicare.

This policy statement is not intended to conflict with provisions of any applicable federal or state law. If there is a conflict, the provisions of applicable federal or state law apply. Further information about your rights under federal and state continuation of insurance benefit laws (also called COBRA laws) is available from Human Resources.

***Other Benefits:***

- Dental
- Vision
- Life Insurance and AD&D
- Short-Term Disability (STD)
- Long-Term Disability (LTD)
- Other Voluntary Products

### 3-2. Paid Holidays

Full-time employees will be paid for the following holidays:

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

When holidays fall or are celebrated on a regular work day, eligible employees will receive one (1) day's pay at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive one (1) day's pay at their regular straight-time rate, and an additional payment of straight-time for the actual time they work that day.

When a holiday falls on Saturday or Sunday, Metal Sales will determine if the preceding Friday or the following Monday will be observed as the holiday.

To receive holiday pay, non-exempt employees must work the last scheduled regular hours the day before the holiday and the first scheduled day after the holiday, unless the employee has pre-approved PTO or management sends employees home due to lack of work.

Human Resources will send out a Holiday notice announcement annually identifying the specific dates of the company Holiday schedule.

### 3-3. Paid Time Off

We know how hard employees work and recognize the importance of providing time for rest and relaxation. We fully encourage employees to get this rest by taking paid time off. Time off under this policy includes extended time off, such as for a vacation, and incidental time due to sickness or to handle personal affairs.

PTO time is a benefit for all full time employees to use for personal paid time away from work. Below are the guidelines for PTO.

#### **Full Time Non-Exempt (Hourly) Employee:**

- Upon hire, non-exempt employee will begin to earn PTO time each paycheck beginning with the first paycheck. The time earned is added to the eligible employee's PTO bank. The accrual rate of PTO time is based upon the employee's length of employment. The rate schedule per paycheck is as follows:

<b>Years Employed</b>	<b>Accrual Rate per Paycheck</b>	<b>Equivalent To</b>
Date of Hire to 1st anniversary	1.538	40 hours/5 days
1st anniversary to 2nd anniversary	2.4616	64 hours/8 days
2 <sup>nd</sup> anniversary to 8 <sup>th</sup> anniversary	4.00	104 hours/13 days
8 <sup>th</sup> anniversary	5.5385	144 hours/18 days

**Full Time Exempt (Salaried) Employee:**

- Upon hire, exempt employees would begin to earn PTO time each paycheck beginning with the first paycheck. The time earned is added to the employee's PTO bank. The accrual rate of PTO time is based upon the employee's length of employment. The rate schedule per paycheck is as follows:

<b>Years Employed</b>	<b>Accrual Rate per Paycheck</b>	<b>Equivalent To</b>
Date of Hire to 1st anniversary	3.077	80 hours/10 days
1st anniversary to 5th anniversary	4.00	104 hours/13 days
5th anniversary onward	5.5385	144 hours/18 days

PTO accrual balances can accumulate time up to 125% of the annualized PTO accrual. Once an employee reaches the maximum PTO balance, PTO accruals will stop until the employee uses PTO time and the accrual balance falls below 125%. Once time is used accruals restart until the cap is reached.

Unused PTO accrual balances are paid out at the time any employee terminates employment.

If an employee wishes to use three (3) or more full days of paid time off consecutively, the employee must submit a request to his or her manager at least two (2) weeks in advance of the requested time off. Similar notice should be provided for planned time off of shorter duration. Every effort will be made to grant requests, consistent with our operating schedule. However, if too many people request the same period of time off, the Company reserves the right to choose who may take time off during that period. Individuals with the longest length of service generally will be given preference.

If an employee will be out of work due to illness or due any other emergency for which notice could not be provided, the employee must call in and notify his or her supervisor as early as possible, but at least by the start of the employee's workday. If an employee calls in sick for three (3) or more consecutive days, the employee may be required to provide his or her supervisor with a doctor's note on the day the employee returns to work.

### 3-4. Lactation Breaks

Metal Sales Manufacturing Corporation will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law.

The Company will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall to express milk in private. This location may be the employee's private office, if applicable. The Company may not be able to provide additional break time if doing so would seriously disrupt the Company's operations, subject to applicable law. Please consult Human Resources Generalist with questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### 3-5. Workers' Compensation

On-the-job injuries are covered by Metal Sales Manufacturing Corporation's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow Company procedures may affect the ability of employees to receive Workers Compensation benefits. Failure to report a work related injury within 24 hours may result in disciplinary action including termination. There will be no retaliation for reporting a workplace injury.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-6. Jury Duty

Metal Sales Manufacturing Corporation realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Employees on jury duty leave will be paid for their jury duty service in accordance with state law. Non-exempt employees will not be paid; however the employee may use PTO time if they have any accrued. Exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the Company during such week.

### 3-7. Bereavement Leave

We know the death of a family member is a time when employees wish to be with their families. If the employee is full-time and loses a close relative, the employee will be allowed paid time off of up to three (3) days to assist in attending to obligations and commitments. For the purposes of this policy, a close relative includes a spouse, domestic partner, child, parent, sibling or any other relation required by applicable law. Metal Sales will pay one (1) day leave (eight-hour workday) to attend to personal needs related to the death of the employee's grandparent, aunt, uncle, cousin, brother-in-law, sister-in-law, step brother/sister, step mother/father, grandchild, and niece/nephew. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. Employees must inform their Supervisors prior to commencing bereavement leave. Documentation of the deceased and/or services must be submitted to Human Resources before time off is excused.

### 3-8. Voting Leave

In the event employees do not have sufficient time outside of working hours to vote in a statewide election, if required by state law, the employee may take off enough working time to vote. Such time will be paid if required by state law. This time should be taken at the beginning or end of the regular work schedule. Where possible, supervisors should be notified at least two (2) days prior to the voting day.

### 3-9. Insurance Programs

Full-time employees may participate in the Company's insurance programs. Under these plans, eligible employees will receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

Upon becoming eligible to participate in these plans, you will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to speak to Human Resources if you have any further questions.

### 3-10. Long-Term Disability Benefits

Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between Metal Sales Manufacturing Corporation and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-11. Short Term Disability Benefits

Metal Sales Manufacturing Corporation offers enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by Metal Sales Manufacturing Corporation. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

### 3-12. Employee Assistance Program

Metal Sales Manufacturing Corporation provides the Employee Assistance Program, which offers qualified counselors to help employees cope with personal problems they may be facing. Further details can be obtained through Human Resources.

### 3-13. Retirement Plan

We encourage all employees to invest in their long-term financial security by participating in the Interlock Industries (parent company of Metal Sales) 401(k) Plan. Employees are eligible to participate in the Plan as follows:

- Employee is eligible to participate upon date of hire
- Employees self-enroll into plan via Empower website: [plan.empower-retirement.com](http://plan.empower-retirement.com)

Metal Sales currently provides a discretionary match for employees enrolled in and contributing to the 401K plan after 12 months of employment and completion of 1000 work hours. Metal Sales offers a discretionary match of .50 for every dollar the employee contributes up to 6%. Employees in the Plan must be employed on the last day of the Plan year in order to receive any employer match and must have worked 1000 hours in the fiscal year.

Under the plan employees are able to set aside part of their earnings for their retirement, before Federal and State income taxes are withheld.

Upon becoming eligible to participate in this plan, the employee will receive an SPD describing the plan in greater detail. Please refer to the SPD for detailed plan information. Of course, feel free to speak to Human Resources Generalist if there are any further questions.

### 3-14. Service Recognition and Incentive Programs

#### ***Service Recognition Awards***

Metal Sales recognizes the important impact employees have on our continued growth and success. Your dedication and commitment serve as a vital link in the chain, which drives our operation. In recognition of that commitment, we honor our employees who celebrate a significant milestone with the company through our service recognition awards program. Awards are presented when an employee has been with the company for 5, 10, 15, 20, 25, 30, and 35 years. Past 35 years awards will be given in five-year increments.

#### ***Incentive Program***

All employees not eligible for a Metal Sales commissioned incentive (sales), hourly bonus plan (production and admin), or driver incentive program are eligible for the company-wide incentive program. The program is based on the profitability and overall performance of Metal Sales. Specific plan details and updates will be communicated to employees on a regular basis.

## Section 4 - Leaves of Absence

### 4-1. Personal Leave

If employees are ineligible for any other Company leave of absence, Metal Sales Manufacturing Corporation, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of the leave. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence will be granted for a period of up to eight (8) weeks. However a personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to management and the request is granted. During the leave, employees will not earn PTO or sick days. PTO must be used prior to receiving no pay. Metal Sales Manufacturing Corporation will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the Company in a timely manner, subject to the terms of the plan documents.

When employees anticipate returning to work, they should notify management of the expected return date. This notification should be made at least one (1) week before the end of the leave.

Upon completion of the personal leave of absence, the Company will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the Company will be considered a voluntary resignation of employment.

Personal leave runs concurrently with any Company-provided Short-Term Disability Leave of Absence.

### 4-2. Military Leave

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for an

unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). They should give management as much advance notice of their need for military leave as possible so that Metal Sales Manufacturing Corporation can maintain proper coverage while employees are away.

## 4-3. Family and Medical Leave

### The Leave Policy

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact Human Resources Generalist.

### I. Eligibility

FMLA leave is available to "eligible employees." To be an "eligible employee," the employee must: 1) have been employed by the Company for at least 12 months (which need not be consecutive); 2) have been employed by the Company for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

### II. Entitlements

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

#### A. Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date an employee uses his/her FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that

involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents employees from performing the functions of their job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

### **B. Additional Military Family Leave Entitlement (Injured Servicemember Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

### **C. Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Qualifying exigency leave also may be taken on an intermittent basis.

### **D. No Work While on Leave**

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by law.

## **E. Protection of Group Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

## **F. Restoration of Employment and Benefits**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the Company substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Company will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

## **G. Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from the Company telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) Company's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Company may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the Company's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the Company and employee can mutually agree that leave be retroactively designated as FMLA leave.

## **III. Employee FMLA Leave Obligations**

### **A. Provide Notice of the Need for Leave**

Employees who take FMLA leave must timely notify the Company of their need for FMLA leave. The following describes the content and timing of such employee notices.

#### **1. Content of Employee Notice**

To trigger FMLA leave protections, employees must inform their Manager of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Company to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or

- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Company's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the Company has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

## **2. Timing of Employee Notice**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Company notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

### **B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with the Company and make a reasonable effort to schedule treatment so as not to unduly disrupt the Company's operations, subject to the approval of the employee's health care provider. Employees must consult with the Company prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the Company and the employees, subject to the approval of the employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Company may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the Company may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Company of the reason why such leave is medically necessary. In such instances, the Company and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Company's operations, subject to the approval of the employee's health care provider.

### **C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the Company with timely, complete and sufficient medical certifications. Whenever the Company requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the Company's request, unless it is not practicable to do so despite the employee's diligent, good faith efforts. The Company will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Company will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Company (through Corporate Human Resources) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the Company with authorization allowing it to clarify or authenticate certifications with health care providers, the Company may deny FMLA leave if certifications are unclear.

Whenever the Company deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

#### **1. Initial Medical Certifications**

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the Company has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the Company's expense. If the opinions of the initial and second health care providers differ, the Company may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Company and the employee.

#### **2. Medical Recertifications**

Depending on the circumstances and duration of FMLA leave, the Company may require employees to provide recertification of medical conditions giving rise to the need for leave. The Company will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

#### **3. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Company with medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The Company may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

#### **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the Company may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the Company may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the Company may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

#### **E. Substitute Paid Leave for Unpaid FMLA Leave**

Employees must use any accrued paid time while taking unpaid FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with the employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

#### **F. Pay Employee's Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Company notifies employees of other arrangements, whenever employees are receiving pay from the Company during FMLA leave, the Company will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a "pay-as-you-go" method.

The Company's obligation to maintain health care coverage ceases if the employee's premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the



Company will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave.

#### **IV. Questions and/or Complaints about FMLA Leave**

If you have questions regarding this FMLA policy, please contact Human Resources Generalist. The Company is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact Human Resources Generalist immediately. The Company will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

#### **V. Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Company's other leave policies in this handbook or contact Human Resources Generalist.

## Section 5 - General Standards of Conduct

### 5-1. Workplace Conduct

Metal Sales Manufacturing Corporation endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the Company's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing Metal Sales Manufacturing Corporation property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Violation of Metal Sales Manufacturing Corporation's Drug and Alcohol-Free Workplace Policy.
6. Fighting, threatening or disrupting the work of others or other violations of Metal Sales Manufacturing Corporation's Workplace Violence Policy.
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
10. Gambling on Company property.
11. Willful or careless destruction or damage to Company assets or to the equipment or possessions of another employee.
12. Wasting work materials.
13. Performing work of a personal nature during working time.
14. Violation of the Solicitation and Distribution Policy.
15. Violation of Metal Sales Manufacturing Corporation's Harassment or Equal Employment Opportunity Policies.
16. Violation of the Communication and Computer Systems Policy.
17. Unsatisfactory job performance.
18. Any other violation of Metal Sales Manufacturing Corporation policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and Metal Sales Manufacturing Corporation reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The Company will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, Metal Sales Manufacturing Corporation will endeavor to utilize progressive

discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

## 5-2. Punctuality and Attendance

Employees are hired to perform important functions at Metal Sales Manufacturing Corporation. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and Supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify Supervisors as early as possible, but no later than the start of the work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

Unreported absences of three (3) consecutive work days generally will be considered a voluntary resignation of employment with the Company.

### **Attendance Policy**

It is recognized that all employees have an occasional need to attend to personal business or are subject to occasional illness. The following guidelines provide a consistent manner of dealing with employee absences, attendance, and tardiness. This policy applies to all non-exempt employees.

### **Definitions**

**Tardy** - Clocking in more than five minutes late, but less than one-hundred twenty minutes past the required start time is considered a tardiness incident. Failure by any employee to clock in on time will be considered a tardiness incident. All tardiness incidents are considered unexcused and are weighted at 1 point.

**Early Departure** - Leaving anytime before the scheduled end of shift unless instructed to do so by management. Early departure incidents are weighted at 1 point.

**Absence** - Failure to clock in more than one-hundred twenty minutes past the required start time, or not at all during the scheduled shift. Absences with a doctor's excuse will count as one absence for the same condition regardless of the number of days missed, unless FMLA applies. Absence incidents are weighted at 2 points.

**Unexcused** - Unexcused incidents are absence incidents or tardy incidents occurring without prior notice and approval. Employees are required to contact their supervisor directly within a reasonable time frame if they are going to be tardy or absent from work. Calls to other employees or messages communicated to your direct supervisor through other employees are not acceptable notices and will

be considered unexcused.

Excused - Excused absence examples include:

1. Absence associated with Workers Compensation claims, with a valid healthcare provider's documentation.
2. Paid Time Off (PTO) to include vacation, sickness, appointments, meetings, etc. if at least 24 hours notice is given to the Supervisor (it will otherwise be considered unexcused).
3. No pay / No penalty days that have been previously arranged between an employee and their Supervisor. These days are intended to excuse a non-paid, prearranged absence and require a 7 day prior notice.
4. Days of absence required with respect to FMLA leave, or bereavement are also considered excused when adequate/reasonable notice is provided and protocol followed.

### **Attendance Management**

All incidents of an unexcused absence, early departure, or tardiness by an employee in any rolling twelve month period will be handled as follows:

1. 13 points - termination of employment
2. 12 points - final written warning
3. 10 points - written warning
4. 8 points - verbal warning (documented on form)

Any absence of three (3) consecutive days without notification is considered voluntary job abandonment, and employment may be terminated.

### **5-3. Use of Communications and Computer Systems**

Metal Sales Manufacturing Corporation's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other Company policy. This includes the voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the Metal Sales Manufacturing Corporation systems.

Metal Sales Manufacturing Corporation may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Company deems it appropriate to do so. The reasons for which the Company may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during the employee's absence.

Further, Metal Sales Manufacturing Corporation may review Internet usage to ensure that such use with Company property, or communications sent via the Internet with Company property, are



appropriate. The reasons for which the Company may review employees' use of the Internet with Company property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during the employee's absence.

The Company may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Company's policies prohibiting harassment, in their entirety, apply to the use of Company's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since the Company's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including termination.

## **Overview**

Metal Sales expects all of its employees to use electronic and computer equipment in a responsible manner. In response to any violations of the company's Information Technology (IT) policy or state or federal laws pertinent to the policy, the company may restrict the use of its computer and network systems. Specifically, the company reserves the right to limit access to its computers or mobile devices (phones, tablets, etc) to monitor or restrict the content or material accessed through the equipment; and to limit or remove access to material posted on all such equipment when copyright laws or state or federal laws are violated.

## **Purpose**

Metal Sales seeks to enforce this policy to safeguard the integrity of company-owned computers or mobile devices (phones, tablets, etc) and data; to protect the company against any legal consequences and comply with licensing requirements; to prevent use of any proprietary software or material in disregard of copyright laws; and to ensure that the use of all electronic communications complies with the code of conduct as per company rules and governmental laws.

## **Application**

This policy applies to all employees who have access to the company's electronic or computer systems (any company hardware, software, e-mail and Internet access) that reside at or belong to any Metal Sales facility, or have access to our network, either wirelessly or otherwise.

The policy also applies to non-employees who are visiting Metal Sales' facilities and using or accessing the company's network, either wirelessly or otherwise, for Internet or VPN usage.

## Policy Specifics

- It is a requirement that every company employee who accesses Metal Sales' IT systems must have an authorized user account for their exclusive use. If you do not have an account, please contact the IT Helpdesk team at [helpdesk@metalsales.us.com](mailto:helpdesk@metalsales.us.com) or 502-855-4315.
- Metal Sales IT systems - its network, computers, phones, cellular, printers, facsimile, copiers, and all other electronic or electro-mechanical equipment - are provided solely to support the company's business activities.
- Email addresses provided by Metal Sales are to be used strictly for business purposes. Any personal use of Metal Sales email address is strictly prohibited. Metal Sales email addresses are provided solely to support the company's business activities.
- For protection of the company, employees of Metal Sales may not bring their own computer or other information system device to work and use it for either personal or business purposes without prior written authorization from the corporate IT personnel.
- No computer hardware shall be purchased, moved, parts connected or disconnected, opened up, or repaired in any way without prior notification and written authorization of the IT department.
- All software purchases must be coordinated through the IT department. It is important that the IT department be aware of all software in use at Metal Sales. It may be illegal to have any unlicensed software on any company computer. All software must be legally owned and licensed by Metal Sales. Unlicensed software, including personal downloaded files, must be removed from company equipment. Copying software packages from one computer to another is prohibited. Sharing of data files, however, is an acceptable use of company systems.
- No employee may access another employee's computer, computer files, data, or emails without prior authorization from company management.
- Screen Saver and Wallpaper designs should be the standard options that are included with your computer operating system. Shareware, Freeware, or other software available via the Internet or by other means should not be installed without prior written authorization from the IT department.
- Metal Sales owns the rights to all data and files in any computer, network, or other technology used. The company reserves the right to monitor computer and e-mail usage, both as it occurs and in the form of account histories and their content. The company has the right to inspect any and all files stored in any areas of the network or on any types of computer storage media.
- Employees issued company provided laptops or other portable computer/electronic devices shall be responsible for all damage or loss not covered under existing warranty/insurance plans, except that which is due to normal wear and tear.
- Employees must also comply with all the requirements outlined in Metal Sales IT Security (Cyber-security) Policy.
- Employees must comply in a timely manner with all requests for cooperation issued by the Corporate IT team for system or software upgrades on devices used by employees for work purposes.
- Metal Sales expects all employees to use the company's IT resources in a responsible manner. Specific activities that constitute unacceptable use include but are not limited to:
  - Unreasonable use of IT equipment for activities not related to business or work (e.g.

- playing computer games or visiting non-work-related websites)
- Removal or transferring of data and information from the system to an employee's personal computer or that of a third party
- Use of IT equipment for recreational or personal use, e.g. e-mailing jokes, chain letters, or using company hardware or software for personal purposes, etc.
- Use of an individual's personally-owned computer or other electronic device on the company's wired or wireless network
- Use of unauthorized personal data storage devices, and the installation of personally owned software on company's hardware systems
- Deliberate, unauthorized access to IT equipment or systems or impersonation of another individual by the use of their login credentials, e-mail address or other means
- Deliberate, unauthorized corruption or destruction of IT equipment or resources (including deliberate introduction or propagation of computer viruses)
- Use of IT equipment, resources, or network to access, create, transmit or solicit material which is obscene, pornographic, defamatory, discriminatory or racist in nature, or likely to cause distress to some individuals
- Downloading or transmitting of files or material content not related to work or company's business, e.g. MP3 music files or spam e-mails
- Transmission or use or installation of material which infringes a copyright held by another person or organization
- Violation of software licensing agreements
- Use of IT systems to transmit or mass-email unsolicited commercial or advertising material
- Violation of the privacy of personal information relating to other individuals
- Unauthorized use of data or information obtained from the use of IT systems
- Unauthorized disclosure of confidential information
- Use of IT systems to harass or threaten other individuals
- Unauthorized attempts to identify or exploit weaknesses in the company's IT systems, or attempts to make the IT systems unavailable for use
- Use of company IT systems to gain unauthorized access to third party IT facilities

## IT Reference Guide

**Getting Help With Desk Phones** e.g. ordering new / replacement desk phone, re-assigning an existing desk phone to a different employee, change in branch call flow / voice prompt, updating branch Contact Information for West IPC, etc. Contact the West IPC Network Operations Center (NOC) to get a West IPC support ticket created :

- Call x5150 from any company desk phone
- Call (888) 728-0950 from any outside or cell phone

## Getting Help with an EDI Question

- Email [edisupport@metalsales.us.com](mailto:edisupport@metalsales.us.com)

### **For Any Other Metal Sales IT Issue : Create a Help Desk Ticket**

- Call x4315 from any company desk phone
- Call (502) 855-4315 from any outside or cell phone
- Go to <https://helpdesk.metalsales.us.com>

All requests for Metal Sales IT support (with the exception of EDI requests as noted above) must start with the creation of a Help Desk ticket.

The Help Desk site (<https://helpdesk.metalsales.us.com>) is the preferred way to initiate an IT support request, and the phone should be reserved for truly urgent assistance needs. All requests or inquiries about ideas for enhancements, projects, etc. should also start with the creation of a Help Desk ticket.

### **Escalation Process:**

To escalate issues as follows:

**Operations issues** (telecommunication, laptop, desktops, email, file share, etc.):IT Operations Manager

- Call x4359 from any company desk phone
- Call (502) 855-4359 from any outside or cell phone

**Business Apps issues** (AS400 / XA, RAPS, 24/7, EZ Estimator, etc.):Enterprise Apps Manager

- Call x4337 from any company desk phone
- Call (502) 855-4337 from any outside or cell phone

**For additional escalation, contact VP of IT:**

- Call x4323 from any company desk phone
- Call (502) 855-4323 from any outside or cell phone

## **5-4. Use of Social Media**

Metal Sales Manufacturing Corporation respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect Company interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking platform, such as Twitter or similar site, during work time or at any time with Company equipment or property.



All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.

Whether the employees are posting something on their own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the Company and also expresses either a political opinion or an opinion regarding the Company's actions that could pose an actual or potential conflict of interest with the Company, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the Company's position. This is necessary to preserve the Company's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden. Company policies apply equally to employee social media usage.

Metal Sales Manufacturing Corporation encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including termination.

## **Social Media Policy**

At Metal Sales, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all associates who work for Metal Sales.

**Guidelines:** In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Metal Sales, as well as any other form of electronic communication. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of Metal Sales or Metal Sales' legitimate business interests may result in disciplinary action up to and including termination.

**Know and follow the rules:** Carefully read the aforementioned policies: the Reporting of Financial Irregularities, the Use of Communications and Computer Systems Policy, the Anti-Harassment Policy, and the Workplace Violence Policy to ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

**Be respectful:** Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of Metal Sales. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

**Be honest and accurate:** Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Metal Sales, fellow associates, members, customers, suppliers, people working on behalf of Metal Sales, or competitors.

**Post only appropriate and respectful content:**

- Maintain the confidentiality of Metal Sales trade secrets and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site to a Metal Sales website without identifying yourself as a Metal Sales associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for Metal Sales. If Metal Sales is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Metal Sales, fellow associates, members, customers, suppliers or people working on behalf of Metal Sales. If you do publish a blog or post online related to the work you do or subjects associated with Metal Sales, make it clear that you are not speaking on behalf of Metal Sales.

**Retaliation is prohibited:** Metal Sales prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## 5-5. Personal and Company-Provided Portable Communication Devices

Company-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes as permitted the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal PCD also may subject to monitoring if sent through the Company's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a Company-provided or personal device, employees must comply with applicable Company guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a Company-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If an employee who uses a business provided PCD resigns or is terminated, the employee will be required to submit the device to the IT department for resetting on or before his or her last day of work.

Please note that whether employees use their personal PCD or a Company-issued device, the Company's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

### **Portable Communication Device Use While Driving**

Employees who drive on Company business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, and permitted by law, the employee must use a hands-free option and advise the caller that he/she is unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## 5-6. Inspections

Metal Sales Manufacturing Corporation reserves the right to require employees while on Company property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Company or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the Company or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

## 5-7. Tobacco Free Workplace

Metal Sales is committed to providing a safe and healthy workplace and to promoting the health and wellbeing of its employees. Motivated by our desire to provide a healthy work environment for our employees, the following policy has been adopted and shall apply to all employees of Metal Sales at all locations.

The use of all tobacco products is strictly prohibited on all company premises in order to provide and maintain a safe and healthy work environment for all employees. Tobacco products consist of cigarettes, cigars, pipes, smokeless tobacco, e-cigarettes and vaporized pens.

The Tobacco-Free Workplace policy applies to:

- . All employees of the company
- . All visitors (customers and vendors) to company premises
- . All contractors and consultants and/or their employees working on company premises
- . All temporary employees
- . All student interns

Tobacco products are not to be used in any building, parking lot, or other location on company property unless identified as a designated area. This includes company vehicles, and personal vehicles (if they are parked on company property).

## 5-8. Personal Visits and Telephone Calls

Disruptions during work time can lead to errors and delays. Therefore, personal telephone calls must be kept to a minimum, and only be made or received after working time, or during lunch or break time.

For safety and security reasons, employees are prohibited from having personal guests visit or accompanying them anywhere in Metal Sales Manufacturing Corporation facilities other than the reception areas.

## 5-9. Solicitation and Distribution

To avoid distractions, solicitation by the employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time the employee is engaged, or should be engaged, in performing his/her work tasks for Metal Sales Manufacturing Corporation. Solicitation of any kind by non-employees on Company premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the Company is prohibited at all times. Distribution of literature by non-employees on Company premises is prohibited at all times.

## 5-10. Bulletin Boards

Important notices and items of general interest are continually posted on Metal Sales Manufacturing Corporation bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at Metal Sales Manufacturing Corporation. To avoid confusion, employees should not post or remove any material from the bulletin board.

## 5-11. Confidential Company Information

During the course of work, employees may become aware of confidential information about Metal Sales Manufacturing Corporation's business, including but not limited to information regarding Company finances, pricing, products and new product development, software and computer programs, marketing strategies, suppliers and customers and potential customers. Employees also may become aware of similar confidential information belonging to the Company's clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to Metal Sales Manufacturing Corporation's competitors. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of the Company may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

All employees must protect the security of confidential information by keeping confidential information in locked files when not in use and protecting the security of computer files.

Nothing in this policy is intended to interfere with or discourage a good faith disclosure to any governmental entity related to a suspected violation of the law.

An employee cannot and will not be held criminally or civilly liable under any federal or state trade secret law for disclosing otherwise protected trade secrets and/or confidential or proprietary information as long as the disclosure is made in 1) confidence to a federal, state, or local government official, directly or indirectly, or to an attorney and solely for the purpose of reporting or investigating a suspected violation of the law; or 2) a complaint or other document filed in a lawsuit or other proceeding, as long as such filing is made under seal.

The company will not retaliate against the employee in any way for a disclosure made in accordance with the law. In the event a disclosure is made, and the employee files a lawsuit against the company alleging that the company retaliated against the employee because of this disclosure, the employee may disclose the relevant trade secret or confidential information to the employee's attorney and may use the same in the court proceeding only if 1) the employee ensures that any court filing that includes the trade secret or confidential information at issue is made under seal; and 2) the employee does not otherwise disclose the trade secret or confidential information except as required by court order.

## 5-12. Conflict of Interest and Business Ethics

It is Metal Sales Manufacturing Corporation's policy that all employees avoid any conflict between their personal interests and those of the Company. The purpose of this policy is to ensure that the Company's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the Company.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. soliciting gifts or gratuities of any kind from customers, vendors or fellow employees as an inducement to provide goods or services;
2. personally accepting gifts or gratuities of any value;
3. holding any interest in an organization that competes with the Company;
4. being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the Company or which competes with the Company; and/or
5. profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with the Company.

A conflict of interest would also exist when a member of the employee's immediate family is involved in situations such as those above.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee (and the employee's immediate family) and the Company.

### **Reporting of Financial Irregularities**

The following situations should be reported to the Chairman of Interlock Industries, Craig Mackin, at [CraigMackin@interlockindustries.com](mailto:CraigMackin@interlockindustries.com) or 502-569-2007.

- Any occurrence of fraud, theft, or embezzlement.
- Overbilling customers.
- An employee receiving kickbacks or gratuities from vendors or customers.
- Efforts to avoid standard review and control processes.

- Financial results that do not match the underlying performance.
- Lack of controls to protect physical assets from loss or impairment.
- Actions that could harm Metal Sales' reputation as an ethical company.

### 5-13. Use of Facilities, Equipment and Property, Including Intellectual Property

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss, damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the Company's intellectual property, such as audio and video tapes, print materials and software. During your employment you may receive or have access to certain proprietary information belonging to Metal Sales and/or its customers or vendors. Employees are prohibited to disclose any proprietary or confidential information without the express prior written consent of Metal Sales' President. At the completion of any employee's tenure with Metal Sales they must return all proprietary and customer information to their immediate supervisor. It is expected that even after the employment relationship is terminated, that former employees will not disclose any proprietary information or intellectual property to competitors or other persons or entities. Any breaches will be handled to the full extent of the law.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the Company is not responsible for any damage to employees' personal belongings unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

### 5-14. Health and Safety

The health and safety of employees and others on Company property are of critical concern to Metal Sales Manufacturing Corporation. The Company intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Company's premises, or in a product, facility, piece of equipment, process or business practice for which the Company is responsible should be brought to the attention of management immediately.

Periodically, the Company may issue rules and guidelines governing workplace safety and health. The Company may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident. Failure to report a work related injury within 24 hours may result in termination.

### 5-15. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, Metal Sales Manufacturing Corporation may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the Company. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The Company generally will attempt to identify other available positions, but if no alternate position is available, the Company retains the right to decide which employee will remain with the Company.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

### 5-16. Employee Dress and Personal Appearance

Employees are expected to report to work well groomed, clean, and dressed according to the requirements of their position. Some employees may be required to wear uniforms or safety equipment/clothing. Employees should contact their supervisor for specific information regarding acceptable attire for their position. If employees report to work dressed or groomed inappropriately, they may be prevented from working until they return to work well groomed and wearing the proper attire.

Personal appearance guidelines for employees are as follows:

Corporate Office Work Environment Dress: All employees working in the Metal Sales Corporate office (this includes Corporate office employees and other employees traveling to Corporate to conduct business) must comply with the following dress requirements: Monday - Thursday is business attire and Fridays are business casual.

The senior leadership is responsible for interpreting and enforcing the dress and grooming standards. Any employee whose appearance does not meet these standards will be counseled by their supervisor or manager. If the appearance is unduly distracting the employee may be sent home to change their attire. Repeated disregard for the dress and grooming policy may result in disciplinary action up to and including termination of employment.

For Facility Office/Branch Personnel: All employees working in Metal Sales Facility Office/Branch locations must comply with the following dress requirements: Monday - Friday is business casual. The GM at each facility will have final decision on the dress code within the Metal Sales facility office they manage.

The facility management team is responsible for interpreting and enforcing the dress and grooming standards. Any employee whose appearance does not meet these standards will be counseled by their supervisor or manager. If the appearance is unduly distracting the employee may be sent home to change their attire. Repeated disregard for this dress and grooming policy may result in disciplinary action up to and including termination of employment.

For Plant and Truck Driver Personnel: Work clothes must be clean, neat and in good condition so that they do not create a safety hazard.

Ragged or loose clothing, dangling chains, bracelets, earrings or dangling jewelry in general, tie belts and any other items that are considered a risk to your safety are not permitted.

Jeans and cords that are in good condition are acceptable. Shirts may be short-sleeved or long-sleeved, but may not be tank tops. Shorts or jogging suits are not permitted.

Steel-toed boots or shoes are required; thongs, sandals, platform shoes, cloth or canvas-covered tennis shoes or any other open-style footwear that leaves the foot unprotected are not permitted.

Sexually provocative clothing such as tight, torn or revealing jeans, shirts and blouses are not permitted. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest or buttocks areas in anyway. Clothing must be free of sexually related references, foul language, or suggest or promote the use of alcohol or illegal drugs.

Any employee whose appearance does not meet these standards will be counseled by their supervisor or manager. If the appearance is unduly distracting the employee will be sent home to change their attire. Repeated violations for this dress and grooming policy may result in disciplinary action up to and including termination of employment.

Managers and Supervisors are responsible for interpreting and enforcing dress and grooming standards.

## 5-17. Publicity/Statements to the Media

All media inquiries regarding the position of the Company as to any issues must be referred to the President. Only the President is authorized to make or approve public statements on behalf of the Company. No employees, unless specifically designated by the President, are authorized to make those statements on behalf of Company. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Company must first obtain approval from the President.

## 5-18. Operation of Vehicles

All employees authorized to drive Company-owned or leased vehicles or personal vehicles in conducting Company business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle off or on Company property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Company-owned or leased vehicles may be used only as authorized by management.

### **Portable Communication Device Use While Driving**

Employees who drive on Company business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employees are driving, and permitted by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

### **Vehicle Policy for Company Leased or Owned Passenger Vehicles**

The purpose of the policy is to establish standard policies and practices for Metal Sales Manufacturing Corporation (MSMC) with respect to automobile transportation required by employees in the fulfillment of their assigned responsibilities. The provision by MSMC of company-owned and/or leased vehicles is a privilege and not a right.

In addition, this policy has been instituted to promote safe driving by our employees of company vehicles, reduce the frequency and severity of losses associated with MSMC vehicle operations, and promotes positive customer and public relations.

It is MSMC policy to provide safe and reliable transportation for its authorized drivers and the

resources for proper maintenance. However, it is the drivers' responsibility to assure proper vehicle maintenance and to exercise defensive-driving practices at all times.

### General Policy

The company may in its sole discretion supply automobile transportation to certain employees for use in the discharge of their duties. It is the current policy for MSMC to lease and/or buy automobiles (subject to limitations in Paragraph 4) from various vendors. Employees that are provided with company cars will be charged according to IRS guidelines, which are based off the miles for personal use in addition to a separate charge for the fuel used for those miles.

### Automobile Selection and Reimbursement

1. Company provided automobiles: The Director of Transportation will advise employees of make(s) and model(s) available for selection. All vehicles will come with standard equipment selections as determined by the management. The President must approve in writing any exceptions to the current make(s) and model(s) and equipment available.
2. Personally owned automobiles: Employees driving personally owned automobiles may be reimbursed at the current company rate per mile in effect or a management approved negotiated rate while on company business with the approval of the branch General Manager, or in the case of corporate staff, their supervisor. For employees using their own personal vehicles for company business, in the event of an accident the employees personal insurance is the provider of primary coverage with MSMC non-owned auto coverage providing secondary coverage. Employees using their own automobiles full-time (ie. Territory Sales Manager using personal car full-time) on company business shall carry at their expense at least \$250,000 to \$500,000 bodily injury liability and \$100,000 property damage liability and must list MSMC as an additional insured on their policy and provide proof of coverage via a Certificate of Insurance to the Director of Transportation.
3. Rental automobiles: Employees authorized for company vehicles or on company business, with appropriate approval, may rent automobiles on a daily or short-term basis for company business. Employees are required to request compact cars and decline insurance coverage provided by the rental company. Preferred rental car providers are to be used in all circumstances and this provider(s) will be set up on the companies approved travel agency. Please keep in mind the goal is to minimize the cost of rentals and in circumstances where the current preferred provider is not the least expensive option employees are expected to go with the lower cost alternative. (See MSMC Intranet, Transportation Heading, Policies: Rental Car Policy and Rental Car Cheat Sheet)

### Replacement of Company Owned/Leased Vehicles

Replacement vehicles will be coordinated by the Director of Transportation who will obtain approval from the employee's General Manager and Regional Vice President prior to the order being placed.

1. Replacement Timing: Vehicles will be replaced in the 120,000 mile range. With this in mind the employee is required to notify the Director of Transportation when the vehicle reaches 115,000 miles. At that time approval for a replacement will be obtained and the replacement

vehicle will be ordered.

2. Car Disposal: At the time of disposal, vehicles may be made available for sale to the employees in the following order:
  1. Territory Sales Manager
  2. Local branch personnel
  3. MSMC employees outside of the local branch personnel
  4. Sold at auction or similar source
3. Sale price will be determined by the current automobile auction sales transactions of similar make and model vehicles with similar mileage. Determined price is non-negotiable and the buyer is responsible for any transportation costs associated with the delivery of the vehicle.

#### Personal Use of Company Cars

When a company car is not required for business use, it may be used for personal trips if driven by the employee only. It is MSMC policy that mileage from home to the office and back and other personal miles must be reported as personal driving. It is the responsibility of the employee's supervisor to ensure compliance with this policy. Use of a company vehicle by anyone other than a company employee is expressly prohibited.

#### Extra Equipment

It is company policy not to allow extra equipment at the time of purchase and/or a later date. Any exception to this policy must be in writing from the President.

#### Trailer Towing

Personal trailer towing is not allowed. On rare occasions towing of company owned trailers is permitted but only with the approval of the President.

#### Insurance

MSMC insures all company cars. Corporate Counsel is responsible for the selection of coverage. Counsel provides proof of insurance cards to Corporate Transportation office for distribution to individuals with company owned vehicles. Cards are to stay with vehicle at all times.

#### Quarterly Reporting

All drivers must submit a Quarterly Vehicle Report to the Director of Transportation based on IRS guidelines for calendar year running from November to October. Quarters will run November-January, February-April, May-July, and August-October. Quarterly reports are due the 10<sup>th</sup> of the month following the end of each quarter. Failure to submit this report or to improperly report personal mileage may cause the employee to lose use of a company vehicle.

#### Expenses and Operation

In the rare event where an expense requires payment by the driver via personal means the driver will be reimbursed for actual out-of-pocket expenses in connection with the operation of

their company car. ALL EXPENSES IN EXCESS OF \$100.00 MUST HAVE THE PRIOR APPROVAL OF THE DIRECTOR OF TRANSPORTATION.

#### License Renewals, Registration, Title and Personal Property Tax

On lease vehicles, the leasing company will handle title and registration of new cars. The leasing company will mail the annual registration papers for each vehicle or as vehicles are required to be moved from state to state. It is the responsibility of the driver to obtain the proper registration and inspections as necessary. On company owned cars, this paperwork will be coordinated through the Director of Transportation. On company owned vehicles all original titles will be housed at the Corporate office along with copies of yearly registrations. It is the responsibility of the driver to inform the Director of Transportation of upcoming needs to ensure the renewal is completed in a timely fashion. Expenses for licensing/registering of a company vehicle is to be paid by the individual and reimbursed through an expense report or a check request can be made through your local branch personnel.

#### Maintenance and Inspection

It is company policy for drivers to maintain company cars mechanically and cosmetically at all times to provide for safe operation and to promote positive customer and public relations. Maintenance is at company expense and efforts to manage this expense prudently are expected from every employee. Quarterly, the employee supervisor will inspect his/her company car, using the "Car Inspection and Quarterly Mileage Report" form. A copy of the inspection report will be sent to the Director of Transportation.

#### Repairs and Maintenance

All company vehicles are to be maintained according to the manufacturers suggested maintenance schedule with the following exceptions:

1. Oil and filter changes should be done based on manufacturers recommendations (see owners manual)
2. Air filters are to be replaced every 15,000 miles BY THE DRIVER and NOT BY AN OUTSIDE REPAIR SHOP. These filters are easily installed by hand and have a great impact on fuel economy.
3. Transmission fluid changed every 35,000 miles unless the transmission is a sealed unit and not to be serviced for extended periods of time according to the owner's manual.
4. Maintenance and repairs are to be coordinated through Enterprise maintenance by utilizing the Enterprise maintenance card and the approved repair facilities in this program. If needed the 800 number on the back of the card can be called to determine what facilities are approved in your area or in an area you may find yourself needing emergency service. The Enterprise maintenance card is issued to all TSM's at the time of car assignment.
5. Tire replacement is also handled through the Enterprise maintenance program. Tire rotations are to be done at every other oil and filter change. Wheel alignments are to be done with each new set of tires.
6. Fuel is to be purchased with the company provided fuel cards. Fuel for rental cars is to be purchased with your personal credit card and receipts are submitted with expense report. DO

NOT use your company provided fuel credit card for rental car fuel purchases.

Strict adherence to these procedures will help to ensure the quality and life of your company provided vehicle. Any repairs over \$100.00 require authorization from the Director of Transportation who coordinates with Enterprise maintenance on repairs exceeding this amount.

#### Accident/Incident or Damage (of any kind) and Theft Reporting

If a company provided vehicle is involved in an accident/incident, damaged (in any way regardless of fault), vandalized or stolen the incident must be reported immediately to your General Manager and Director of Transportation.

1. All vehicles are to have an "Motor Vehicle Accident Reporting Kit" (camera, forms, pen, etc.) as provided by the company. Drivers should familiarize themselves with all procedures and forms to assure appropriate action should an accident occur.
2. Post Accident/Incident or damage of any kind to the company vehicle is to be reported immediately to the Director of Transportation. A "white MSMC envelope/accident packet" is provided to all TSM's and these packets are to be kept in the company car at all times, along with a disposable (or digital) camera/phone to take thorough pictures of an accident (your vehicle, other vehicles, scene, etc).

#### Driver License Requirements

Maintenance of a valid operator's license for employees operating company vehicles is a condition of employment and operation of those vehicles. In addition, MSMC expects drivers to perform in accordance with the following objectives:

- Avoid vehicle accidents and traffic violations by driving defensively
- Avoid vehicle abuse by proper vehicle use, care and maintenance
- Avoid discourtesy to other drivers
- Never pick up hitchhikers
- Never drive under the influence of alcohol or drugs. Check with your doctor on possible adverse effects of prescription drugs
- Always use seat belts and ensure passengers do as well
- Always lock an unattended vehicle
- Do not leave valuables (radar detector, electronics, etc) in sight as this may encourage theft and vandalism. Should theft of personal items occur it is not responsibility of MSMC to neither replace nor pay for these items.

#### Driver Evaluation Program

Employees driving MSMC vehicles are expected to maintain acceptable driving records. To attempt to diminish MSMC potential losses resulting from employees with poor driving records, a driver evaluation program has been implemented and involves the following:

- All drivers of MSMC vehicles shall provide authorization for the Company to request a Motor Vehicle Record (MVR) prior to employment and from time to time. This authorization is provided by acceptance and receipt of this policy. In addition, annual MVR's will be run to ensure drivers do not fall below acceptable standards.
- No major violations as listed below:
  - Injury or property damage resulting from the operation of any vehicle involving conduct of unreasonable risk or a high degree of negligence
  - Driving under the influence of intoxicating liquor or illegal drugs
  - Failure to stop, report or comply with state statutes when involved in an accident
  - Any crime in which a car is used
- All moving violations are to be reported to the Director of Transportation *at the time of violation*. All violations, regardless of the vehicle being driven, are to be reported which includes violations received while driving outside business purposes.
- Acceptable Standards applicable to all vehicle use, not just company owned are defined as follows:

Pre-Hire:

- No more than three (3) moving violations in the past three calendar years.
- No more than one (1) moving violation in the prior calendar year.

Post-Hire:

(The post-hire policy is to run on a three (3) year rolling calendar basis as follows):

- First (1<sup>st</sup>) Violation            Oral Warning
- Second (2<sup>nd</sup>) Violation        Written Warning
- Third (3<sup>rd</sup>) Violation           Final Written Warning
- Fourth (4<sup>th</sup>) Violation        Termination
- In addition, receiving more than two (2) moving violations in a one (1) year rolling calendar year or receiving a reckless driving violation at any time will result in immediate termination of employment.

Territory Sales Managers hired with violations will be considered to be at the level of post-hire policy listed above. Example: TSM hired with two (2) violations in the past three (3) calendar years will be considered to be starting with a written warning. An additional ticket where the total violations is three (3), in the prior three (3) calendar years, would result in Final Written Warning and second violation during employment where the total violations is four (4), in the prior three (3) calendar years, would result in termination.

Failure to abide by any provision of this policy may lead to revocation of the right to use company vehicles or other actions including termination of employment.

***Company Owned Vehicle Use Policy***

*(Excludes Employees with Assigned Company Vehicle and Truck Drivers)*

The following policy has been established to encourage safe operation of company owned vehicles. All employees required to drive company vehicles must be qualified according to the following guidelines and will then be subject to an annual review of Motor Vehicle Driving Record (MVR). Management reserves the right to use its discretion in determining what is acceptable and what is unacceptable in an MVR. General Managers are encouraged to exercise caution in deciding who they choose to qualify for driving privileges and understand the cost associated with qualifying those individuals.

- Request for Driving Record form (see below) is to be filled out by the prospective employee seeking authorization to drive. This form must also be signed by the General Manager and Regional Vice President for plant personnel and by the Director of Transportation for corporate personnel. Once signed by the employee, General Manager, and Vice President, the form is to be submitted to the Director of Transportation who will then request the employees MVR.
- Driver Evaluation Program is based on the following criteria:
  - Driving record (MVR) must not contain the following major violations:
    - Injury or property damage resulting from the operation of any vehicle involving conduct of unreasonable risk or a high degree of negligence.
    - Driving under the influence of intoxicating liquor or illegal drugs.
    - Failure to stop, report or comply with state statutes when involved in an accident.
    - Careless driving.
    - Reckless driving.
  - Acceptable driving records ( MVR) are as follows:
    - No more than three (3) moving violations in the past three (3) years.
    - No more than one (1) moving violation in the past year.
- Annual Driving Review will be done on every driver requested to continue qualification to drive company owned vehicles. A list of existing qualified drivers will be submitted to the General Manager for plant employees and to the Director of Transportation for Corporate employees once a year for recertification. The Motor Vehicle Driver's Certification of Violations/Annual Review of Driving Record (see below) will then be completed and signed by the each employee, General Manager and Regional Vice President and submitted to the Director of Transportation who will request the MVR and will review for continued approval of driving privileges. For corporate personnel an approval signature is required from the Director of Transportation. Once all driving records are reviewed a list will be submitted to the General Manager of each plant.

## 5-19. Business Expense Reimbursement

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must have prior approval by the employee's Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to the employee's Supervisor along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their Supervisor in advance if they have any questions about whether an expense will be reimbursed.

The reimbursement limits are contained in the Expense Reporting Policies and Procedures on the MS Intranet site. You should review the travel policy prior to traveling.

## 5-20. References

Metal Sales Manufacturing Corporation will respond to reference requests through the Human Resources Department. The Company will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Work Number at [www.theworknumber.com](http://www.theworknumber.com) or Human Resources Department.

**Only the Human Resources Department may provide references.**

## 5-21. Termination of Employment

Employment with Metal Sales may end in the following ways:

1. Voluntary Resignation: When an employee voluntarily initiates their own termination for any reason.
2. Involuntary Resignation: When Metal Sales initiates an employee's termination due to lack of work, a change in the workforce, unsatisfactory performance, or any other reason other than misconduct.
3. Discharge: When Metal Sales terminates an employee for misconduct or violation of company policy.
4. Retirement: When an employee self-terminates employment for purposes of retiring.

Nothing contained in this section modifies or in any way changes employees' status as at-will employees.

Should an employee decide to leave the Company, we ask that he or she provide a Supervisor with at least two (2) weeks advance notice of departure. Thoughtfulness will be appreciated. The Company deserves the right to decline notice. All Company, property including, but not limited to,

keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned at separation. If lawful, failure to return items may result in a deduction from the employee's last paycheck for the cost to replace items. Employees also must return all of the Company's Confidential Information upon separation. To the extent permitted by law, non-exempt employees will be required to repay the Company, (through payroll deduction, if lawful) for any lost or damaged Company, property. As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

## 5-22. Exit Interviews

In the case of voluntary resignations, the immediate Supervisor (or a person designated by the Supervisor) will conduct a final interview with the employee. This provides the employee with an opportunity to ask any questions, to provide information relating to the reasons for leaving, and to finalize final pay status and payment of wages due.

## 5-23. A Few Closing Words

This handbook is intended to give employees a broad summary of things they should know about Metal Sales Manufacturing Corporation. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, Metal Sales Manufacturing Corporation, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about the Company or its personnel policies and practices.

## General Handbook Acknowledgment

This Employee Handbook is an important document intended to help employees become acquainted with Metal Sales Manufacturing Corporation. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Company's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

**I have received and read a copy of Metal Sales Manufacturing Corporation's Employees Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Company at any time.**

**I further understand that my employment is terminable at will, either by myself or the Company, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no representative of Metal Sales Manufacturing Corporation other than the Chairman and/or the CEO and/or Director of Human Resources may alter "at will" status and any such modification must be in a signed writing.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Company's Employee Handbook.**

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

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

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

## Receipt of Non-Harassment Policy

It is Metal Sales Manufacturing Corporation's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by Metal Sales Manufacturing Corporation.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on Company premises, while on Company business (whether or not on Company premises) or while representing the Company. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as

- the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

## **Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Manager. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact Corporate Human Resources. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

## **Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

## **Retaliation Prohibited**

In addition, the Company will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.



Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand Metal Sales Manufacturing Corporation's Non-Harassment Policy.

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

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

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.