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Memorandum

To: All Employees (Colorado, Florida & Minnesota)
From: Mike Murlowski, COO
Subject: Belair Safety Policy
Date: 2010-2011

The personal safety and health of each employee is of primary importance. To the greatest degree possible, BELAIR management will provide all mechanical and physical facilities required for personal safety and health, in keeping with the highest standards. No job is so important or urgent that we cannot take the time to perform it safely. Complete cooperation and commitment to the Belair Safety Program is a requirement of your position.

Inverse to your commitment and cooperation, Belair will maintain a safety, health and damage prevention program conforming to the best practices of companies of this type. To be successful, such a program must embody the proper attitudes toward injury and illness prevention on the part of both supervisors and employees. It also requires cooperation in all safety and health matters, not only between supervisors and employee, but also between each employee and his or her fellow workers. Only through such a cooperative effort can a safety program be established and maintained for the best interest of all. We want everyone at Belair to be able to work in a hazard free environment.

Our objective is a safety and health program that will reduce the number of disabling injuries and illnesses to a minimum not merely in keeping with, but surpassing, the best experience of other operations similar to ours. Our goal is ZERO accidents and injuries. Our safety and health program will include:

1. Providing mechanical and physical safeguards to the maximum extent that is possible.
2. Conducting a program of safety and health inspections to find and get rid of unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards for every job.
3. Training all employees in good safety practices.
4. Providing necessary personal protective equipment and instructions for its use and care.
5. Developing and enforcing safety and health rules, requiring that employees cooperate with these rules as a condition of employment.
6. Investigating every accident promptly and thoroughly to find out what caused it, and to correct the problem so that it won't happen again.
7. Setting up a system of recognition and awards for outstanding safety performance.

Furthermore, we recognize that the responsibilities for safety, health and damage prevention are shared:

1. As your employer we accept the responsibility for leadership of the safety and health program, for its effectiveness and improvement, and for providing the safeguards required to ensure safe conditions.
2. Our supervisors are responsible for developing the proper attitudes toward safety and health in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.
3. As employees, you are responsible for wholehearted, genuine cooperation with all aspects of the safety and health program, including compliance with all rules and regulations, and for continuously practicing safety while performing your duties.

As National Safety Director, Tom Ludwig is given the authority and responsibility to be sure that our company and employees are in compliance with any regulations effecting your health and well-being. Please give Tom your full cooperation. If you have any questions, please contact Tom at 651-717-3394.

**Belair Safety Program
Strategic Business Plan
5 June 06**

Vision Statement: To improve workplace safety and health for all employees, change workplace safety culture / awareness, and reduce overall risk exposure.

Mission: Belair Excavating will provide a place of employment that is free from recognized hazards that may cause death or serious physical harm.

AWAIR PROGRAM
A Workplace Accident and Injury Reduction Program

Applicable Standard Industrial Classification (SIC) Codes: 1794 (Excavation), 1623 (Water, Sewer, and Utility Lines), 1542 (Non-Residential Construction), and 1799 (Environmental).

Safety is at the top of the list of priorities at BELAIR. In order to implement a successful safety plan, a commitment is necessary on the part of both management and employees. At BELAIR, such a commitment is evident in the emphasis of ongoing training and regular safety meetings.

In line with this commitment, management will put into action the highest quality loss prevention program possible whether it be in the office or in the field. It is designed to protect workers and office personnel against any and all physical hazards that may occur. Workers are educated and trained before a calamity happens. All BELAIR supervisors are expected to be directly responsible for the employees under their charge. BELAIR procedures for accident prevention are closely monitored and enforced through our "unannounced" project safety checks.

Drug and alcohol abuse will not be tolerated at BELAIR. We believe that these dependencies are treatable, but BELAIR is firm in enforcing their Alcohol and Controlled Substance Plans (Parts 1 & 2). The BELAIR Alcohol and Controlled Substance Plans are found under separate cover. Please contact the Safety Office for more information about this plan.

METHODS USED TO IDENTIFY, ANALYZE AND CONTROL HAZARDS

BELAIR Safety Committees

National:

1) Composition

- a. (9) total employees representing management, field force, branch offices, full-time safety personnel (committee will elect a secretary from current members)—meet monthly
 - i. Management—(2) reps; VP-National Resources, HR Manager
 - ii. Field Force—(2) reps; rotate annually between the four states
 - iii. Satellite Branch Offices—(1) rep/branch—DOO or GM
 - iv. Full Time Safety Personnel—(2) reps; National Safety Director (Committee Chair), National Field Compliance Officer

2) Duties and Responsibilities

a. Leadership:

- i. Provide oversight for all national safety programs / incentives / actions
- ii. Publish an agenda; conduct formal committee meetings at least monthly

- iii. Establish national safety budgetary guidance; distribute to branches; review and approve Branch Safety Budgets (bottom up)
 - iv. Develop national guidance for new employee safety orientation
 - v. Research and apply for national safety awards on an annual basis
 - vi. Assist branch safety committees as needed
- b. Site Analysis:
- i. Establish national procedures for utility location / recording / back-up
- c. Accident / Record Analysis:
- i. Establish and distribute national guidelines for accident & incident investigation / reporting / disciplinary actions
 - ii. Manage appropriate legal / insurance actions relating to all accident & incident reports—Coordinate with Creative Risk Solutions legal
 - iii. Review the status of reserves currently carried by the insurance carrier on a quarterly basis
 - iv. Designate sub-committees as needed
 - v. Oversee all OSHA violation coordination / conferences / penalties
- d. Hazard Prevention / Control:
- i. Establish national guidance for site safety program / enforcement—provide oversight for safety consultants
 - ii. Establish Safety incentive program; national and branch levels
 - iii. Develop / implement / monitor national Alcohol and Drug program / policies
 - iv. Develop national guidance for Hazard analysis procedures / training / management
 - v. Review and update company Safety Manuals at least annually
- e. Emergency Response:
- i. Develop and implement procedures for Crisis Management / Predicable Surprises
 - ii. Establish requirements for CPR / 1st Aid / AED certification
- f. Training:
- i. Develop safety training programs; establish training requirements and frequencies

Branch:

1) Composition

- a. (9) total employees representing management, field force, administrative staff, and State Safety Coordinator (committee will elect a secretary from current members)—conduct meetings 2X monthly; submit meeting minutes to the National Committee
 - i. Management—(1) rep; DOO or GM

- ii. Field Force—(4) reps; 2 supervisors, 2 field laborers/operators (rotate annually)
- iii. Admin Staff—(3) reps; rotate within office annually
- iv. State Safety Coordinator—(1) rep (Committee Chair)

2) Duties and Responsibilities

a. Leadership:

- i. Provide oversight for all branch safety programs / incentives / actions
- ii. Publish an agenda; conduct formal committee meetings at least twice monthly; determine disciplinary / corrective actions associated with any accident or incident that has occurred since the last committee meeting
- iii. Establish branch safety budget; provide same to national committee
- iv. Enforce national guidance for new employee safety orientation at the branch level
- v. Implement national guidance for site safety program / enforcement at the branch level
- vi. Implement / monitor national Alcohol and Drug program / policies at the branch level

b. Site Analysis:

- i. Enforce national procedures for utility location / recording / back-up at the branch level

c. Accident / Record Analysis:

- i. Contact National Safety Director for appropriate legal / insurance actions relating to all accident & incident reports; Director will forward to HR Manager
- ii. Forward to National Committee all branch OSHA violation coordination / conferences / penalties

d. Hazard Prevention / Control:

- i. Enforce national guidelines for accident & incident investigation / reporting / disciplinary actions at the branch level
- ii. Enforce national guidance for Hazard analysis procedures / training / management at the branch level
- iii. Implement national safety incentive program at the branch level

e. Emergency:

- i. Implement procedures for Crisis Management at branch level
- ii. Conduct certification for CPR / 1st Aid / AED

f. Training:

- i. Implement national safety training programs; follow training requirements and frequencies at the branch level.

BELAIR Safety Staff:

Duties and Responsibilities:

- **Job Site Inspections**

- Check all job sites to determine if company safety standards and safety conditions are met.
- Complete a job-site survey sheet for each job visited.
 - Answer all questions completely.
 - Record unsafe conditions or practices and discuss with appropriate personnel.
 - Note supervisor's comments.
 - Follow up the next day to be sure corrective actions have been taken on noted unsafe conditions.
 - Report an uncorrected situation directly to the branch DOO or GM for disciplinary action.

Submit all reports detailing unsafe or noteworthy conditions to the Branch Safety Committee for review.

- **Accident Investigations (See 1.7-2 for flow chart)**

- Review accident with proper superintendent. Record his or her comments.
- Visit job site where injury occurred and record responses from both foreman and other personnel regarding the cause of the injury and preventative measures.
- Make sure the First Report of Injury form is prepared accurately, signed, and sent to the insurance company promptly.
- For lost time injuries, follow-up on a weekly basis with the insurance company for the first month.

- **Safety Education**

- Inform field personnel via monthly meetings of recent injuries, including the nature of the injury and recommended solution.
- Provide field personnel with safety policies and procedures.
- Provide field personnel with pertinent written material on safety procedures.
- Develop written procedures for safe construction of scaffolding.

- Develop written procedures on exercise and proper care of the back.
- Request the Safety Committee to schedule special safety meetings with job-site foreman.
- **Medical Procedures**
 - Maintain constant communication with the insurance company's claims department for the purpose of controlling costs on all claims.
 - Provide first aid, cardio-pulmonary (CPR), and supervisor emergency response training for all superintendents and applicable job-site foremen.

BELAIR Supervisory Personnel:

Duties and Responsibilities:

Superintendents:

- Know and practice BELAIR safety rules.
- Set an example for your operators and laborers by running safe job sites.
- Do not work your personnel in unsafe conditions.
- Survey your jobs on a daily basis for conformance to safety rules and regulations.
- Interview the applicable foreman when an accident has occurred, and return the report to the Safety Director.
- Interview each new employee, and provide all with safety rules and instructions.

Job-Site Foreman:

- Know and practice BELAIR Safety Rules.
- Set an example for your employees by running a safe job-site.
- Do not work your operators and laborers in unsafe conditions.
- Be aware of any apparent problems of your workers prior to the start of each day's work.
- Survey your job-site each day for conformance to safety rules and regulations.
- Record all accidents immediately, document all responses of injured employees.

- Check the site and circumstances of the accident.
- Discuss the accident with the injured employees.
- Evaluate the unsafe act or unsafe condition, and determine the cause of the accident.
- Record all pertinent data, and give reviewed report to the Superintendent.

Take five to ten minutes prior to commencing work on a new project to emphasize safety procedures.

Estimators:

- Know and practice BELAIR safety rules.
- Review project sites at the time of bidding for any unusual hazards relative to the project site, and incorporate the necessary costs for safety into bids.
- When visiting a Job site, survey the site for proper compliance with safety procedures, and report any deviation to the Safety Director for further investigation.
- If a subcontract is involved, insert a clause in the Subcontract Agreement insisting that the subcontractor agree to follow the Loss Prevention Program of BELAIR while performing work on the project.

Pre-job Safety Planning:

- Equipment needs: tools, personal protective equipment, etc.
- Structural safety: shoring, trenching, etc.
- Material handling problems.
- Hazardous material involved in a contract.
- Property damage control.
- Public traffic control.
- First aid.
- Local code requirements

METHODS FOR COMMUNICATING THE BELAIR SAFETY PLAN TO EMPLOYEES

- Posting the AWAIR Program on the Safety Bulletin Board in the Shop.
- Providing each employee with a copy of the condensed version and offer a full copy upon request.
- Keeping a copy of the plan in all company vehicles.

- Utilizing the BELAIR Safety Committees and Task Sub-Committees as needed.
- Distributing and posting safety meeting minutes.
- Conducting weekly Toolbox Safety Meetings to communicate key training and safety related issues.

Presenting other employee safety-related training programs as necessary.

WORK-REALTED ACCIDENT INVESTIGATION

- Use the BELAIR Accident, Incident, and Damage Report to report work-related accidents. Use the attached procedures format to ensure all safety aspects are addressed in the investigation.
- The Safety Director or State Safety Coordinator will investigate all accidents using the above report, as well as personal interviews and accident scene visits when necessary.
- After the investigation and upon consultation with the Safety Committee, determine when appropriate preventive and/or corrective measures will be taken.
- See the Safety Staff Duties and Responsibilities in section 1 for further information.

HOW SAFE WORKPLACE PRACTICES AND RULES WILL BE ENFORCED

Disciplinary Measures: To coincide with all BELAIR and Its Affiliate Guidelines, Policies and Directives, the following disciplinary action will be taken for breach of company guidelines. All Citations stand for two (2) years, unless changed by the director, committee, or Mark or Mike. These will be placed into the employee's personnel file, in a sealed envelope.

Discipline Tools: (A wakeup call for good employees)

- **First Violation:** The lowest level and least severe written discipline tool at Belair. This is meant to be quickly used at the job site. It covers minor infractions of policy such as a 1st hard hat or vest warning.
- **Second Violation:** Used similar to the above for a 2nd offence. Two (2) Violations automatically turn into one (1) Reprimand.
- **First Reprimand:** More sever than a Violation, but less than a Citation.
- **Second Reprimand:** Used similar to the above or a 2nd offense. Two (2) Reprimands automatically turn into a Citation.

A More Severe Discipline Tool: (Repeat and Severe Offenders)

- First Citation: The employee will receive a written warning and must execute that He or She was informed of the rule that was breached. The employee may also be responsible for a 3 minute Tool Box Safety Talk, depending upon Branch Safety Committee or Director ruling.
- Second Citation: The employee will receive a written warning and sign for the rule that was violated. It includes a five (5) suspension without pay. As a part of this warning, the employee will be informed that a third violation may result in His or Her dismissal.
- Third Citation: Termination. Three strikes and you're out.

Consult the BELAIR Employee Citation Form for more specific information.

All disciplinary measures will be placed into the employee's confidential file in a sealed enveloped marked, "**Confidential – Open by Mark M., Mike M., or Pete S. only.**"

Appeals Process: (Can be resolved at any level, and must start with the lowest step)

- Director – Step One
- Committee – Step Two
- Mark or Mike – Last Appeal

ANNUAL REVIEW OF THE BELAIR AWAIR PROGRAM

The BELAIR National Safety Committee conducts a thorough review of the Loss Prevention Plan annually, typically in April of each year. Each Committee Member is invited to make recommendations. Comments are incorporated in a revised plan by the Safety Director or Safety Associate.

In addition to the above, employees are informed that the BELAIR Loss Prevention Program is under review at the Tool Box Safety Talks and are invited to make suggestions.

Employees are encouraged to submit safety and health related suggestions to the Safety Office, or through other Safety Committee members, their supervisor, their foreman, etc., if they feel more comfortable. A suggestion envelope is posted on the Safety Bulletin board located in the shop.

Employees are encouraged to sign their suggestions in order to be eligible for a possible award for a beneficial suggestion. However, anonymous suggestions are also welcome.

SAFETY TRAINING PROGRAM

INTRODUCTION

The Belair Excavating Training Program is based on the policies, programs, and procedures presented in this Safety Manual. Through training, each employee is expected to acquire a basic understanding of the Company's Safety Policy and the program components.

Field Employees will be provided training in the jobsite safety procedures included in the Procedures for a Safe Workplace section of the manual (Chapter 3). OSHA often requires specific training in some of the topic areas covered in the procedure section.

Belair Excavating will provide specific training in these cases.

Base safety and health training will be provided for all jobsite supervisors and employees regarding the identification and control job site hazards. In addition, a copy of Keller's Official OSHA Construction Safety Handbook published by J.J. Keller & Associates, Inc. is provided for all supervisors and foremen.

Belair Excavating will provide safety and health training to all employees regarding identification and control of job site hazards. Training shall be provided as follows:

1. All employees shall be trained in job site safety and health issues and have an obligation to perform their job tasks in a safe manner. All employees shall receive site-specific hazard/safety training prior to beginning work.
2. All new employees shall be given the company's safety policies and have these reviewed with a company representative as part of their employment process.
3. All employees shall be trained in the safe working practices of their respective trade. This training is expected to be received as part of their training in their respective trade. Belair Excavating will provide for additional training as needed depending on job-specific requirements.
4. All company employees, including Management Supervisors and Foremen shall receive safety health training at scheduled safety training times.
5. Site-specific safety and health training will be provided to all affected employees on an as-needed basis.
6. **Weekly safety meetings are required for all jobs sites** and will be conducted by the job supervisor. Policy updates, pertinent safety concerns and issues, personal protective equipment and site/task specific safety issues shall be presented and discussed. There is a set agenda to cover at these meetings. See State Coordinator for safety meeting/toolbox talk schedule.

7. All training conducted for any safety and health topics shall be documented and copies will be distributed to personnel and the safety file.

NEW EMPLOYEE ORIENTATION PROGRAM

All new hires will go through employee orientation. The orientation should introduce each employee to the Belair Excavating safety policy and inform the new employees of their responsibilities. A completed & passed take home quiz must be turned in within a week of hire date as a condition of employment.

SAFETY MEETINGS

These meetings shall focus on safety issues at the job site. The meetings provide a forum to discuss:

- Various safety topics
- Company safety policy
- Enforcement of policy
- Review of accidents
- Job hazard analysis
- Compliance issues

Supervisors/Foremen will conduct weekly "Toolbox talks" to review and discuss current and planned projects, safety concerns and training requirements.

SUPERVISOR TRAINING

These meetings will occur as needed for supervisory personnel. The content will include:

- New policy update
- Update of regulations
- Refresher or new training
- Areas of improvement
- Review present safety program

OSHA 10 HOUR TRAINING

All supervisors must receive this training. The training will be scheduled throughout the year and will be conducted by OSHA certified instructors.

PROJECT SPECIFIC TRAINING

Certain jobs require specialized training because of safety hazards unique to them (confined space, sewers, trenching, excavating). This training is required by OSHA and will be documented as to content and who attended each session.

All training must be documented. The topic or agenda, content, attendees and presenter must be written down and filed for future reference.

Formal training sessions will provide employees with evaluations for each session. These questionnaires provide essential feedback as to the effectiveness of the training conducted.

SAFETY AUDITS AND INSPECTIONS

Project superintendents are required to conduct safety inspections on a weekly basis. The purpose of the inspections is to identify safety hazards and evaluate the job site for safety compliance.

The Safety Director and State Safety Coordinators will make periodic job site safety audits. Safety audits document and analyze unsafe conditions and work practices. Each audit will address compliance of Federal and State OSHA Safety and Health Regulations.

SAFETY MEETING GUIDELINES

All field employees are required to attend job site safety meetings. It is the responsibility of each field supervisor to ensure that meetings are conducted. To assist in the objective, the Safety Director will provide safety materials, which is appropriate. Guidelines for safety meetings are as follows:

1. Safety meetings are normally of the "stand up" or "on the job" type and are 10-15 minutes in duration. They should be held at least once each week.
2. Employees absent for sickness or leave are excused from the safety meetings. If necessary, additional safety meetings will be held for full coverage of assigned personnel. Employees who absence is short term will be given the information that was covered upon their return.
3. Superintendents shall discuss safety with their employees on a regular basis. Safety should be a part of every production meeting. Their foremen should then pass on the pertinent information to the trade employees. The focus of the meeting and who attended should be documented and forwarded to the Safety Director.
4. The Safety Director will provide topics for safety meetings. Policy updates, pertinent safety concerns and issues, site specific issues, and the use of personal protection equipment will be discussed. Additional safety information is available from the Minnesota Chapter, AGC, the insurance carrier, the fire department and the Department of Labor and Industry.
5. A job-wide Safety Meeting is required at least once per week. This meeting should be documented on the "Toolbox Safety Meeting" form (a copy of the form accompanies this section) and a copy submitted to the Safety Director.

SAFETY POLICY FOR SUBCONTRACTORS

All Belair Excavating subcontractors are required per the terms of the standard subcontract agreement to comply with Belair Excavating safety requirements, any specified project safety requirements, and all federal, state and local safety laws and regulations applicable to the work covered in the contract documents.

Subcontractor safety responsibilities include the following:

1. PRE-CONSTRUCTION ACTIVITIES

Providing safety related information to the Project Superintendent consisting of:

- Subcontractor's Company Safety Program to be kept on file at home office
- Hazard Specific Work Plan, if required
- MSDS Sheets and Hazcom program
- Designation of Subcontractor's Project Safety Coordinator
- Designation of Subcontractor's Personnel Trained in First Aid/CPR

****Attending the pre-construction safety meeting is required***

2. CONSTRUCTION PHASE ACTIVITIES

- Complying with:
 - Applicable local, state and federal safety standards
 - Project safety requirements
 - Owner's project safety requirements, if any
- Actively participating in project safety program and attending all required safety meetings.
- Maintaining a first aid kit on site.
- Maintaining and replacing safety protection systems damaged or removed by their operations.
- Submitting accident, injury and incident reports.
- Installing contractually required general conditions for safety (i.e. guardrail, fence, fall protection systems, floor opening covers, etc.).
- Conducting weekly employee safety toolbox meetings and providing copies of appropriate documentation to jobsite superintendent, as required.
- Conducting new employee orientation.

Each trade subcontractor will be responsible for the safety and security of employees and areas of work under their control. All subcontractors shall submit a copy of their company safety program to Belair Excavating prior to start up.

Failure to comply with the contract safety requirements will be considered as non-compliance with the contract and may result in remedial action including withholding of payment of any sums due to the subcontractor.

Additional Contract Safety Requirements

Each project shall be considered a hard hat job and all supervisors, employees and visitors shall be **100% required to wear an approved hard hat and safety glasses while on the project site, where applicable.**

It will be the responsibility of each subcontractor to ensure that all of their employees wear durable leather shoes and under no conditions shall tennis shoes or sandals be allowed. Other appropriate personal protective equipment shall be provided and worn as required.

Good housekeeping shall be observed at all times. Waste, debris, and garbage shall be removed daily and placed in appropriate waste containers. All materials, tools and equipment shall be stored in a safe and orderly fashion.

Each subcontractor will supply the proper equipment, take the necessary precautions to maintain the equipment according to current regulations and specifications and accept responsibility to assure that necessary safety equipment is supplied and used when required.

Each subcontractor will be responsible for supplying and maintaining and inspecting all fire extinguishers in their office, storage, and refueling area. In the event a fire extinguisher is discharged or damaged, it shall be removed from service and replaced with a charged unit.

Hazardous Materials

Each subcontractor will be responsible to have all materials labeled as to their content. Data sheets are to be provided and available for all hazardous materials. Hazardous materials must be stored and used in accordance with Material Safety Data Sheets. All hazardous wastes are to be disposed of in accordance with federal, state and local regulations.

SAFETY ORIENTATION FOR SUBCONTRACTORS' SUPERVISORS

All subcontractors shall have their site supervisors and/or safety representative attend the pre-construction meeting when requested to review and agree to the following:

- Safety procedures at the job site
- Safety Orientation Meetings for Trades People (schedule and methods to be used)
- Recordkeeping Requirements for Inspections, Violations and Variances
- Employee Complaints and Disciplinary Policy
- Accident Reporting and Emergency Procedures

The meeting will be documented and signed by the representatives from each company present.

Each subcontractor shall conduct work in a safe and practical manner in conformance with the Occupational Safety and Health Act of 1970 and the latest OSHA Safety and Health Regulations.

Each subcontractor shall observe all applicable Federal, State and Local laws and regulations pertaining to safety and health, pollution control, water supply, fire protection, sanitation facilities, waste disposal and other related items.

Each subcontractor shall cooperate fully with all other contractors in their respective safety and health programs.

Each subcontractor will maintain and provide to the general contractor written records for the following upon request:

Document	When Needed
• Site Specific Safety Program	Before Start of Work
• OSHA Injury Log	Monthly
• Accident Reports	Within 12 Hours of Occurrence
• Tool Box Safety Meeting/Self Inspection	Weekly

The subcontractor shall furnish all reasonable information concerning safety of their operations on the project as may be required by the Belair Excavating Project Manager or Superintendent.

The subcontractor ***shall notify Belair Excavating immediately*** of any severe injury or accident in which one or more persons may be hospitalized or property damage is estimated to exceed \$1,000.00.

Each subcontractor shall indoctrinate employees and subcontractors to the safety and health requirements of their operation and to enforce adherence to safe work procedures.

The subcontractor will designate an individual to act as a safety representative who will have the responsibility to resolve matters concerning safety and to act as a liaison among the subcontractors, Belair Excavating, and owner. This individual must have the authority necessary to immediately correct unsafe practices or hazardous conditions. This representative or an alternate is also required to attend periodic safety meetings as directed by Belair Excavating.

All subcontractors will give full cooperation to Belair Excavating and the owner's representatives, who may periodically visit the project.

The subcontractor will inform Belair Excavating of any Federal or State inspection prior to a site tour. Belair Excavating will receive copies of all Federal and State inspection reports, citations, penalties, abatement dates, etc.

Subcontractors or the employees or agents involved in unsafe acts or conditions may be directed to cease that activity until the condition is brought into compliance with the site safety procedures. The costs thereof will be borne by the non-complying subcontractor and no costs will be charged to the owner. In addition, if a subcontractor refuses to correct unsafe conditions, Belair Excavating may correct the situation using other employees and backcharge the subcontractor for the expenses incurred.

HAZARD ANALYSIS AND CONTROL

Several methods are utilized in the Belair Excavating Company Safety Program to identify, analyze and control hazards, conditions and operations. These include the following:

INSPECTIONS: Identification of hazards and conditions, an important aspect of any safety program, is most effectively accomplished through the use of inspections. There are a variety of inspections to identify hazards. These include:

- **Pre-job inspections:** These are done to identify potential hazards early in the process with the goal of eliminating the hazards through planning.
- **Periodic inspections:** These inspections are conducted by the Field Compliance Officer and the Field Superintendents on an ongoing basis to audit safety compliance at the project sites.
- **Special Purpose inspections:** These are done when changes in equipment, conditions or work force potentially create new hazards on the job sites.

Analysis of hazards after identification is important. Input from field supervisors and employees are sought in an effort to provide effective solutions.

CONTROLS: Controlling hazardous operations is accomplished through awareness. Hazards are classified and control prioritized based upon likelihood and severity of potential injury.

Methods used to control hazards include the following:

- Elimination of the hazard through planning, such as daily task awareness planning
- Training in procedures to deal with hazards that can't be eliminated
- Use of Personal Protective Equipment

No employee will be placed in or required to work on any process equipment or jobsite that places them in imminent danger.

ACCIDENT PREVENTION STATEMENT
ZERO INJURIES

- Based on our records, we find that most accidents are preventable.
- IF most accidents are preventable, there are few accidents and most are merely incidents.
- We also know that all incidents happen from hazards, and can be removed.
- Whereas not all hazards cause accidents, but all accidents come from hazards.
- Therefore, if we remove all hazards from the job site, no accident can occur, and we automatically lower our lost time accident record down towards.....

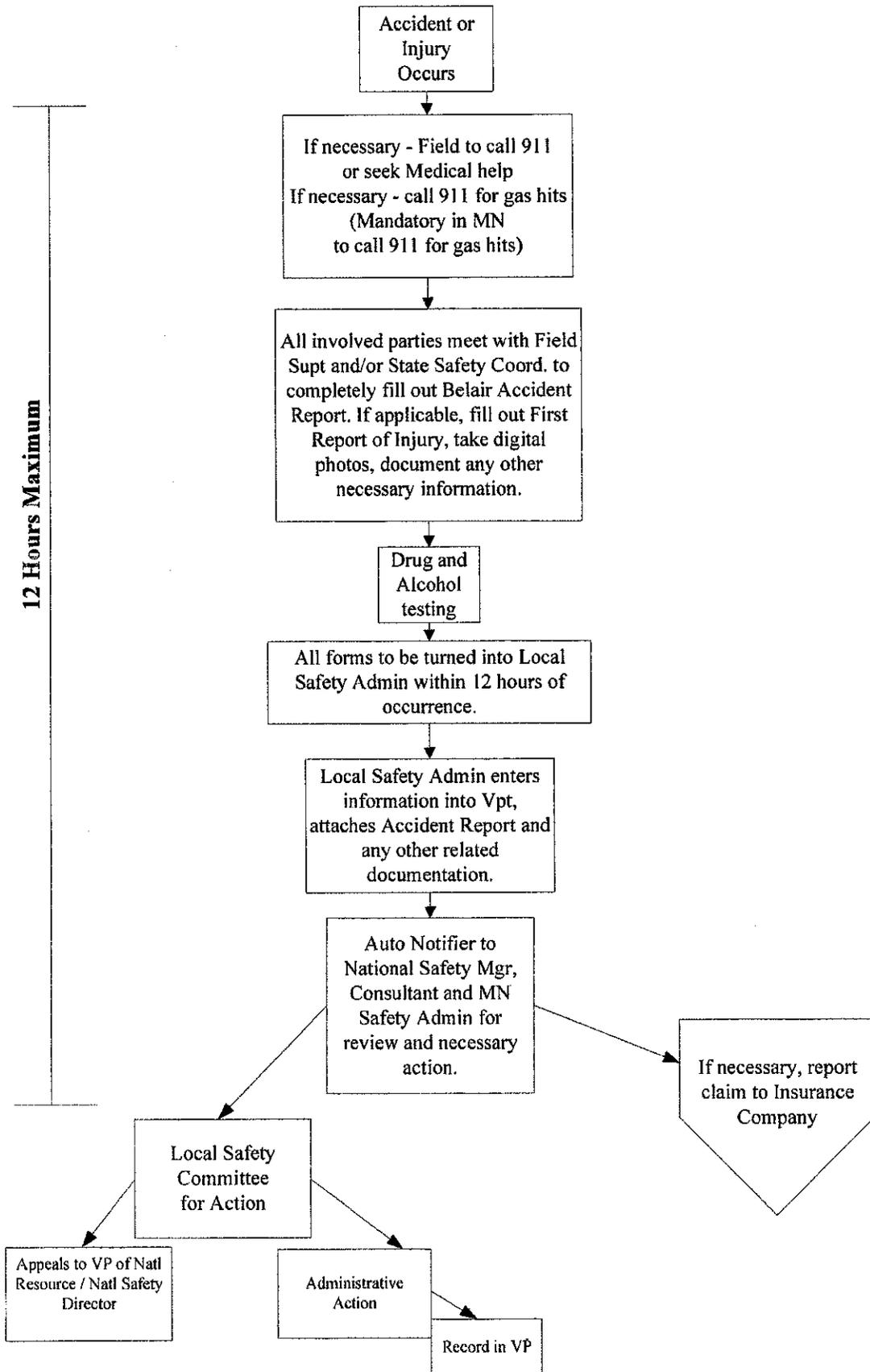
Zero

Accident / Incident Reporting Procedures

- All incidents, regardless of size, must be reported to the local safety team, within 12 hours of the incident.
- Copies of all A/I report, along with attachments and photos, need to be sent to MN for an fast 2nd look and placed into our common central library
- All will call 911 for all serious injuries and MN. Gas lines.
- The closest person involved in the incident, will start the A/I report process, along with his supervisor's assistance. Both parties must sign report, before sending it to the central library, in MN.
- All lines and sketch on the backside need to be completed in full, as well as an attempt made to complete the appropriate 1st report of injury, GL or Automobile claim form. John S.,(MN.) will complete all supplementary forms, record them in an accessible electronic file and deal with CSDZ and or Creative Risk Solutions.
- All States must turn in their A/I report to Dispatch, or the Safety Team, within 12 hours of incident.
- Local Safety Dept. will review completeness and do a farther investigation.
- Local Safety Committee does 2nd review of all reports and handles all administration and action internally. MN. will assist as desired.
- Local Safety Coordinators guide process in a timely fashion.
- Each State must keep a local file for all of their A/I reports, as well as on an electronic file.
- All copies will be sent to MN. for review of report completeness, accuracy, timeliness and filled into the central filing system. It will also be reported to our insurance carriers by MN.

Accident / Incident Process Flow Chart Claim Reporting/Tracking Flow Chart

Revised August 14, 2008



ACCIDENT INVESTIGATION PROCEDURES

Belair Excavating will investigate workplace accidents as follows:

1. The superintendent must inform the payroll supervisor and State Safety Coordinator, immediately by telephone. See State Coordinator for appropriate forms and where to take injured employees. The Superintendent must fill out the First Report of Injury form and the Supervisor's Report of Accident Investigation form and fax them into the office to the payroll supervisor. The Safety Director will review the initial report, add missing information to them and distribute that information to the Project Manager, Safety Director, Assistant Safety Director and the insurance contacts. Within seven days, the Safety Director will then follow up with a more thorough accident investigation report and provide copies to the superintendent, project manager, and assistant safety director.
2. If the Superintendent has to leave the jobsite to report an accident, he will delegate his authority to another employee.
3. If there is a serious accident, the Superintendent or an employee will neutralize any hazards that may harm other personnel (i.e., turn off electricity source, shut off a valve, etc.), secure the area (leave everything as it was after the accident), identify all witnesses and question them as soon as possible to find out what happened (taking notes to record the facts), identify if drugs or alcohol abuse were a contributing factor in the accident, redirect all personnel to another work area (avoid a long work stoppage), and inform the State Safety Coordinator immediately. The Supervisor will then wait for a safety investigator or further direction.
4. All corrective action needed to make the workplace safe will be taken immediately upon identification of a hazard. The jobsite supervisor has the authority to correct any deficiency.
5. The jobsite superintendent is responsible for filling out the First Report of Injury with the injured employee by the end of the day.
6. A serious accident (personal injury or high cost of damage) requires a drug and/or alcohol test of all individual involved. Consult the State Safety Coordinator for direction. The Belair Excavating alcohol and controlled substance abuse policy follows. (Chapter 1.10)
7. Close calls/near misses shall be investigated by the Superintendent and State Safety Coordinator in a timely manner to identify any corrective action necessary to prevent an accident or injury.
8. The State Safety Coordinator shall document and analyze all accidents and produce an analysis for management and employees indicating rates, lost-time, pertinent trends, etc.

BELAIR RETURN TO WORK POLICY

It is the goal of Belair Excavating to make every effort to assist an injured employee back to work as soon as practical. In pursuit of this goal, Belair Excavating agrees to:

- Offer a lateral position (when practical) to an employee prior to 100% recovery from a workman's compensation injury.
- Modify equipment (when practical) to allow an employee to return to his previous position.
- In the case of partial permanent disability, seek alternative jobs (when practical).

REMEMBER:

Our main goal is an **ACCIDENT FREE** workplace, so think before you act!

ALCOHOL AND CONTROLLED SUBSTANCE POLICY

I. Introduction and Policy Statement.

This policy applies to employees of Belair Excavating, Inc. and all references in the policy to "Employer" include both entities. A regulated employee is DOT & non-DOT personnel in a safety sensitive positions,

The use of controlled substances and alcohol abuse has harmful effects on individuals' health and personal lives. Employees must take steps on their own to address these problems at home and among family members. The Employer, however, must and will take the necessary steps to address illegal drug use and alcohol misuse which affect employment. Since the use of illegal drugs and the misuse of alcohol have also been demonstrated to impair essential job functions like coordination, judgment, concentration, and vision, to reduce operational efficiency and productivity, and to be a critical factor in workplace accidents, the Employer has no choice but to do so. Because of these employment related issues, federal laws and regulations prohibit regulated employees from using or being under the influence of alcohol and controlled substances while operating commercial motor vehicles or other safety-sensitive equipment and require testing of regulated employees for use of alcohol and illegal drugs. State law also authorizes the Employer to issue a written Policy, not limited to regulated employees, but covering all employees, which: (1) prohibits use of either alcohol or controlled substances in connection with employment, and (2) requires testing under specified circumstances.

In light of these safety and welfare concerns, and in order to comply with federal and state laws and regulations, the Employer has adopted this Policy to prohibit the use, possession, or distribution of controlled substances and alcohol in connection with employment, and to require its regulated employees and other employees, as a condition of employment, to undergo controlled substances and alcohol testing when provided in this Policy. Note that the provisions of this Policy represent a combination of federal and state requirements, as well as independent Employer policies. For example, although many of the Federal Motor Carriers Safety Administration (FMCSA) and the Research and Special Programs Administration (RSPA) testing and prohibited conduct requirements apply only to circumstances in which regulated employees are engaged in safety sensitive functions or are operating a commercial motor vehicle, the Policy applies these requirements also to circumstances in which regulated employees are engaged in any work tasks, are present on employer or customer premises, or are operating or riding in any vehicle in the Employer's service. Similarly, although FMCSA, RSPA and U.S. Department of Transportation (DOT) regulations apply primarily to regulated employees and regulated employee applicants, this Policy applies most testing and conduct requirements to all employees and applicants. Other provisions throughout the Policy contain similar combinations of federal and state laws and independent Employer policies.

Each regulated employee and every other employee is required to read, to acknowledge receipt of, and to abide by this Policy as a condition of employment. (This requirement does not constitute a guarantee of continued employment, and the Employer continues to be an "at-will" employer.) The Employer's specific prohibitions and testing procedures are set forth in the pages that follow. After you have had a chance to review them, and obtain answers to any questions you may have, you are asked to complete and sign the Acknowledgment Form at the end of the Policy document.

II. Definitions.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle—

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of which require the motor vehicle to be placarded.

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Controlled substances means marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, and phencyclidine (PCP).

Covered function means an operations, maintenance, or emergency-response function that is performed on a pipeline or on an LNG facility.

Regulated employee means either a driver or covered employee defined as follows:

- *Covered employee, employee, or individual to be tested* means a person who performs a covered function (as defined above), including persons employed by operators, contractors engaged by operators, and persons employed by such contractors.
- *Driver* means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Medical Review Officer (MRO) means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Substance Abuse Professional (SAP) means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Safety-sensitive position means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

III. Prohibited Conduct.

This Policy prohibits the following conduct:

- Employees, including but not limited to DOT regulated employees, who have an alcohol concentration of 0.04 percent or greater, cannot report for or remain on duty, perform any work tasks, enter or remain on the premises of the Employer or a customer, or operate or be transported in a commercial motor vehicle or any other vehicle in the service of the Employer (except to be transported home or to a testing or rehabilitation facility).
- Employees, including but not limited to DOT regulated employees, cannot possess, transfer or receive alcohol or controlled substances while on duty, while performing any

work tasks, while on the Employer's or a customer's premises, or while operating or being transported in a commercial motor vehicle, or any other vehicle used in the service of the Employer.

- Employees, including but not limited to regulated employees, cannot use alcohol while on duty, while performing any work tasks, while on the Employer's or a customer's premises, or while operating or being transported in a commercial motor vehicle, or any other vehicle used in the service of the Employer, or within the four-hour period preceding such occasions.
- Employees, including but not limited to regulated employees, who have used a controlled substance, cannot report for or remain on duty, perform any work tasks, enter or remain on the Employer's or a customer's premises, or operate or be transported in a commercial motor vehicle or any other vehicle used in the service of the Employer (except to be transported home or to a testing or rehabilitation facility).
- Employees, including but not limited to regulated employees, cannot refuse to submit to tests required under this Policy, must cooperate and refrain from interfering with such tests and, if required to take a post-accident or reasonable suspicion alcohol test, cannot use alcohol or controlled substances for a period of up to eight hours after notice that such a test must be taken and until the test has been performed.

IV. Tests Required.

Employees or applicants, including but not limited to regulated employees, must submit to the following types of tests:

- Pre-employment testing.

All applicants, including but not limited to regulated employees, must undergo testing for controlled substances, after a conditional offer of employment has been made, and the Employer must receive a verified negative test result before the first time they are placed on duty, perform any work tasks, enter or remain on the Employer's or a customer's premises (except to process an application), or operate or be transported in a commercial motor vehicle or any other vehicle used in the service of the Employer (except to be transported home or to a testing or rehabilitation site facility). DOT candidates must go to a clinic, whereas not-DOT candidates can submit to an "instant test".

- Post-accident testing.

As soon as possible after any work-related vehicular or other accident involving personal injury or property damage, a moving violation involving serious reckless driving, or a serious safety violation, the Employer will administer alcohol and controlled substances tests to each surviving regulated employee or other employee involved in the accident, irrespective of fault in connection with the accident.

Regulated employees and other employees subject to post-accident testing must remain readily available after the accident for testing or they will be deemed to have refused to submit to testing. In addition, regulated employees and other employees must refrain from using alcohol or controlled substances for a period of up to eight hours after the accident or until the post-accident test has been performed.

- Reasonable suspicion testing.

The Employer will conduct reasonable suspicion drug and/or alcohol tests if one or more supervisors, trained to detect suspected drug or alcohol use, witnesses suspicious

behavior on the part of the regulated employee or other employee to be tested. The decision to engage in reasonable suspicion testing will be based upon specific, articulable observations about the employee's appearance, behavior, speech, body odors, or other objective symptoms of the use or withdrawal effects of use of alcohol or controlled substances.

If a reasonable suspicion determination of drug or alcohol use is made, the DOT regulated employee or other employee will not be allowed to drive or perform any work duties until obtaining a negative result on a return to duty test.

- Return-to-Duty testing.

Once regulated employees or other employees have engaged in conduct prohibited by FMCSA or DOT drug and alcohol regulations or this Policy, including receiving a positive drug or alcohol test, refusing to test, adulterating or substituting a urine specimen, or otherwise failing to cooperate with testing procedures, they are subject to alcohol or controlled substances testing before returning to work. Return-to-duty tests will be administered after the SAP has determined that the regulated employee or other employee has successfully complied with prescribed education and/or treatment. In addition, in order to return to work, 24 hours must have elapsed since the positive test or other violation(s); alcohol tests must indicate an alcohol concentration of less than 0.02 and controlled substances tests must indicate a verified negative result for any use of controlled substances. In addition, before returning to work, employees who have tested positive are required to submit to a reemployment interview and confirmation procedure to be requalified for work.

- Follow-up testing.

Regulated employees or other employees who have previously tested positive for alcohol or controlled substances, have refused to test, adulterated or substituted a urine specimen, or have otherwise failed to cooperate with testing procedures, have otherwise violated FMCSA or DOT prohibitions on drug or alcohol use or this Policy, or have submitted to voluntary or other referral for assistance to resolve problems associated with alcohol misuse and/or use of controlled substances, are subject to unannounced follow-up alcohol and/or controlled substances tests.

Follow-up tests will be performed as directed by the Substance Abuse Professional involved, but will consist of a minimum of six tests in the first twelve months following the DOT regulated employee's or other employee's return to duty.

- Periodic Medical Examination Testing.

DOT regulated employees and other employees may be required to undergo drug and alcohol testing as part of routine physical examinations required under federal regulations or by the Employer's policies.

- Random testing.

All regulated employees and other employees in safety sensitive positions are subject to random testing for use of alcohol or controlled substances. Random tests will be unannounced, and may occur at any time throughout the calendar year. DOT & other regulated employees and other employees who are selected for random tests will be sent to the test site immediately upon selection and notification.

The percentage of the driver workforce which must undergo random tests is set by federal law and may vary from year to year. Currently, the Employer is required to test at least 50 percent of its drivers per year for controlled substances and at least 10 percent of its drivers per year for alcohol. Other employees subject to random testing are selected at the same rate for controlled substance testing as drivers regulated by federal law and will not participate in random alcohol testing. The Employer will pay drivers and other employees for the time they spend submitting to required random tests.

V. Procedures for Testing.

All testing procedures will be conducted in compliance with applicable federal and state laws and regulations, including specimen collection, laboratory testing, and communication of results. Laboratories utilized by the Employer shall be federally and/or state certified and otherwise comply with applicable federal and state regulations and standards. Relevant portions of these regulatory testing requirements are summarized below:

- Controlled substances testing.

When conducting controlled substances tests, the Employer, or its designated testing service provider, will test for marijuana, cocaine, opiates, amphetamines and phencyclidine, and may test for other controlled substances for which testing may be required or authorized under law. The Employer has designated one or more collection sites to collect, store and transport urine specimens. As required under federal regulations, the Employer will use a "split urine specimen" testing procedure.

Under this procedure, the specimen from a single test is divided into two portions. If the test on the first portion is positive, the employee can request (within five working days of notification of a positive test) that the second portion be tested for presence of the substance(s) found in the first specimen. The Employer may implement any actions required by federal regulations or this Policy while the second (confirmatory) test is being processed.

When the laboratory completes testing, it will report the test results to the Employer's Medical Review Officer (MRO) within an average of five working days of the laboratory's receipt of the specimen. The MRO will analyze the testing procedures and results and certify that the positive tests are due to use of prohibited drugs. Before making a final decision to verify a positive test result, the MRO will give the employee the opportunity to discuss the test results. If the MRO is unable to contact the employee to do so, a management official will attempt to contact the employee. If attempts to contact the employee are unsuccessful, the Employer may place the employee on temporary medical unqualified status or medical leave, or the MRO may verify the results without discussion with the employee. After verifying a positive result, the MRO will communicate this result to the Employer.

If laboratory test results indicate that the specimen has been adulterated or substituted, these results will also be reported to the MRO. Before verifying a report of adulterated or substituted specimen, the MRO will give the employee the opportunity to discuss the test results and to offer a legitimate medical explanation for the report. The MRO may then reject the explanation and verify the result as a refusal to test because of adulteration or substitution, or direct the employee to obtain, within five days, a medical evaluation by a licensed physician with expertise in the medical issues raised by the employee. If the employee's explanation is accepted, the MRO will cancel the test and notify the DOT. If not, the adulteration/substitution result is verified. Any such result is treated the same as a refusal to test (i.e., a Policy violation) under Section VIII of this Policy, for purposes of follow-up actions and discipline.

If laboratory test results indicate that a negative drug test was diluted, the Employer will direct the employee to take another test immediately.

- Alcohol testing.

Alcohol tests will be performed by Screening Test Technicians (STT's) and/or Breath Alcohol Technicians (BAT's), as required by federal regulations, with an Evidential Breath Testing Device (EBT), or Alcohol Screening Device (ASD).

Alcohol tests will be conducted in an area that affords privacy to employees, except in unusual circumstances which require tests to be performed in a less private location, such as the scene of an outside accident.

The BAT will conduct a confirmatory test, if required by federal or state requirements. If the results from the initial and confirmatory tests differ, the confirmatory test results will control.

VI. Limited Access to Results and Testing Records.

The testing laboratories and personnel that the Employer uses to perform drug and alcohol tests will limit access to testing records and results, as required by federal and state laws, except that the MRO and Employer and insurance company personnel and agents, with a need to know such information in the performance of their duties, will have access to such records and results. Disclosure may also be made as otherwise permitted or required by law.

VII. Notification of Test Results.

The Employer will notify employees and applicants of negative test results. The Medical Review Officer will notify employees and applicants of positive test results and their right to explain a positive test. Employees or applicants with positive results can then submit any information they believe will serve to explain that result or the reliability of that result (within three working days of notification); request a confirmatory retest of the original sample (within five working days of notification); or request a copy of the test result report.

VIII. Notice of No Expectation of Privacy in Connection with Employment Searches and Investigations.

The Employer reserves the right to investigate and to interview employees in the course of implementing and enforcing this Policy, and other policies of the Employer, to require truthful answers to inquiries in connection with such investigations and interviews, to conduct searches of employees' persons, vehicles, work stations and locations, clothing, purses, briefcases, luggage, personal items, other possessions, documents, and any and all other articles within their possession or control while employees are on duty, on Employer or customer property or while operating or being transported in a commercial motor vehicle or any other vehicle used, at that or any other time, in the service of the Employer, and to conduct the tests provided for in this Policy. The Employer may, in its sole discretion, seize any items which it deems to represent possible evidence of a violation of this Policy or other Employer policies or state or federal law. An employee's refusal to submit to such investigations, interviews, searches and seizures, or to required tests, may lead to disciplinary action up to and including discharge.

IX. Consequences of Engaging in Prohibited Conduct; Testing Positive For Alcohol or Controlled Substances; Receiving Low Level Alcohol Test Results; Being Under Reasonable Suspicion of Alcohol Use; and Refusing to Submit to Alcohol or Drug Tests.

- Prohibited conduct/positive test results.

DOT regulated employees and other employees committing violations under Section III of this Policy (including testing positive for controlled substances or receiving alcohol test results showing alcohol concentration of at least 0.04), will be removed from all driving and any other work duties.

After removal from driving and other work duties, such employees will be referred to a Substance Abuse Professional (SAP) and will be notified of resources to evaluate and resolve problems associated with controlled substances use and misuse of alcohol. The SAP will evaluate whether the employee needs assistance with alcohol or controlled substances problems and will prescribe and oversee any necessary rehabilitation programs. After referral to the SAP, regulated employees and other employees will not be allowed to return to duty until: (1) at least 24 hours have passed; (2) the regulated employee or other employee has passed a return-to-duty alcohol and/or controlled substances test; (3) the regulated employee or other employee has reported to the SAP, and has cooperated with and commenced any SAP referrals or treatment or rehabilitation recommendations to the Employer's satisfaction; and (4) appropriate discipline has been imposed. In addition, once back on duty, DOT regulated employees and other employees will be required to pass unannounced follow-up alcohol and/or controlled substances tests, consistent with the SAP's evaluation (See Section IV. of this Policy).

Regulated employees and other employees will bear the costs of referral, treatment or rehabilitation under this provision, unless such services are routinely (and without additional cost to the Employer) covered by existing insurance programs. Applicants who refuse to submit to or fail a pre-employment controlled substances test are not eligible for such referral, treatment or rehabilitation assistance.

In addition to the preceding consequences, any regulated employee or other employee who violates this Policy, tests positive for controlled substances, or shows alcohol concentrations of 0.04% or more, will be subject to disciplinary action up to and including discharge (subject to the following limitation), and will not be paid for any period he or she is removed from duty, as a consequence of such violation or positive test.

The Employer will discharge an employee based on the first positive drug or alcohol test for that regulated employee or other employee, in the absence of a prior record of other disciplinary violations, only if: (1) the regulated employee or other employee has been given a chance to participate, at the employee's expense, in an appropriate rehabilitation program; and (2) has either refused to participate in or has failed to successfully complete the program. For purposes of this provision, the Employer will determine the appropriate counseling or rehabilitation program after consultation with an appropriate chemical use counselor or specifically trained physician.

- Low Level Alcohol Test Results.

If a regulated employee's or other employee's alcohol test shows an alcohol concentration between 0.02 and 0.039 percent, the employee shall be removed immediately from driving, or any other safety sensitive duty, and placed on unpaid status for 24 hours. The employee will also be subject to additional disciplinary action if he or she has previously had low (or high) level positive alcohol test results or other drug or alcohol related policy violations, or if this result represents failure to adhere to a rehabilitation program.

- Suspected employee Impairment.

If the Employer suspects a regulated employee or other employee of controlled substance or alcohol use, the regulated employee or other employee shall be removed immediately from driving and from other work duties until a reasonable suspicion test is performed.

- Refusal to Submit To Alcohol or Controlled Substances Testing.

If a regulated employee or other employee refuses to submit to testing, a first refusal will be treated in the same manner as a violation of this Alcohol and Controlled Substances Policy for the purposes of follow-up actions and discipline. A second refusal will be treated as a resignation of employment.

A refusal or alleged inability to produce a full urine, breath or saliva sample for an alcohol or controlled substances test, in the absence of a legitimate and satisfactory medical explanation confirmed by a licensed physician (after applicable DOT procedures regarding insufficient urine, saliva and breath production for testing have been followed), is considered a refusal to submit to testing under this Policy, for purposes of follow-up actions and discipline.

A verified test result of specimen adulteration or substitution is considered a refusal to submit to testing under this Policy, for purposes of follow-up actions and discipline.

X. Employer Contact for Questions About Policy.

Pete Sargent has been designated by the Employer to answer regulated employee or other employee questions about this Policy and the Employer's drug and alcohol testing procedures.

XI. Release of Test Records.

The Employer will not release information regarding DOT regulated employee or other employee drug and alcohol tests, except as prescribed in Section V. Upon written request, a DOT regulated employee or other employee can obtain copies of records regarding his or her own violations, tests, discipline and follow-up actions under this Policy.

COPY A

**ACKNOWLEDGMENT OF RECEIPT, REVIEW AND UNDERSTANDING OF BELAIR
EXCAVATING, INC. ALCOHOL AND CONTROLLED SUBSTANCES POLICY**

I certify that I have received and reviewed a copy of the Employer's Alcohol and Controlled Substances Policy, and understand that the Employer requires its regulated employees and all other employees to work under and to abide by this Policy. I understand that the Employer and its agents may, in the course of implementation and enforcement of this Policy: (1) investigate and interview me; (2) search my person, my work locations and vehicles, and any property, documents or other articles in my possession or control; (3) administer to me urine and/or breath analysis tests for drugs or alcohol; and (4) use the results of such interviews, investigations, searches and tests, any refusal to submit to or cooperate in such interviews, investigations, searches and tests, as well as other relevant evidence, in determining whether to hire me as an employee, to refer me for evaluation or rehabilitation, or to discipline or discharge me as an employee of the Employer. In addition, I acknowledge that this Policy is not intended to confer third-party beneficiary status upon any third party and does not create any affirmative obligations or duties for the Employer aside from those expressly required by statute. I also acknowledge receipt of a copy of this signed Acknowledgment Form.

Employee/Applicant: _____
(Signature)

Name of Employee/Applicant: _____
(Printed)

Social Security Number: _____

Witness: _____ Dated: _____

***Copy A for Applicant/Employee
Copy B for Personnel File***

COPY B

**ACKNOWLEDGMENT OF RECEIPT, REVIEW AND UNDERSTANDING OF BELAIR
EXCAVATING, INC. ALCOHOL AND CONTROLLED SUBSTANCES POLICY**

I certify that I have received and reviewed a copy of the Employer's Alcohol and Controlled Substances Policy, and understand that the Employer requires its DOT & not DOT regulated employees and all other employees to work under and to abide by this Policy. I understand that the Employer and its agents may, in the course of implementation and enforcement of this Policy: (1) investigate and interview me; (2) search my person, my work locations and vehicles, and any property, documents or other articles in my possession or control; (3) administer to me urine and/or breath analysis tests for drugs or alcohol; and (4) use the results of such interviews, investigations, searches and tests, any refusal to submit to or cooperate in such interviews, investigations, searches and tests, as well as other relevant evidence, in determining whether to hire me as an employee, to refer me for evaluation or rehabilitation, or to discipline or discharge me as an employee of the Employer. In addition, I acknowledge that this Policy is not intended to confer third-party beneficiary status upon any third party and does not create any affirmative obligations or duties for the Employer aside from those expressly required by statute. I also acknowledge receipt of a copy of this signed Acknowledgment Form.

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(Signature)

Name of Employee/Applicant: _____
(Printed)

Social Security Number: _____

Witness: _____ Dated: _____

***Copy A for Applicant/Employee
Copy B for Personnel File***

DISCIPLINARY PROGRAM

INTRODUCTION

Safety requires daily attention from everyone. Each employee must comply with Belair Excavating's safety rules and regulations and the applicable local, state and federal requirements. Belair Excavating has developed a Disciplinary Program to enforce these safety rules and regulations.

PROGRAM ENFORCEMENT

If an employee is working in an unsafe manner, the Belair Excavating Field Supervisor will take action to immediately correct any unsafe condition. The seriousness of the violation and evidence of repeat unsafe behavior will dictate the extent of the disciplinary action. Belair Excavating will enforce this and all safety policies in the following manner. The notice of disciplinary action will be given as follows:

All employees & Belair affiliates, contracted with this plan, will fall under the following disciplinary policy for breaching this policy.

VIOLATION:

A documented low level warning, issued by a Belair State Safety Coordinator, Compliance Officer, or National Safety Director, without action or approval from the safety committee.

A field supervisor may issue a violation provided he or she works through the State Safety Coordinator, Compliance Officer, or National Safety Director. A violation remains in the employee's personnel file for one year.

CITATION:

Issued by the State Safety Coordinator, Compliance Officer or National Safety Director. The Belair Citation form will be used (see forms section), and corrective responses by the offender must be completed. Sign-offs must be done by employee's supervisor and a safety team member.

A citation will remain in an employee's file for two years. The timeline may be adjusted according to the severity of the offense. A citation is accumulative.

ON-SITE FUEL FACILITY USE POLICY

Competence Statement:

All Belair Employees and its Affiliates, shall be certified **by card** to state that they know and can apply the principles and practices of the use of our on-site facility including knowledge of: Spill Avoidance, spill containment, static electricity, fire handling, and security measures, signage requirements emergencies & the press well enough to safely use Belair's on-site facility at any time and become certified the pumps are authorized to be used.

Card Requirements:

One hour initial training.
One-half hour yearly updates.
A fuel card issuance.

Caution:

A **fuel card is required** in order to use these facilities. Pumps used by unauthorized personnel may lead up to termination.