
General Safety & Health Policies & Procedures



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Incident Policy and Reporting Procedure

The purpose of the Incident Policy is to ensure the proper notification of all incidents. Each team member is responsible for reporting any incident to their direct supervisor immediately. Supervisors/Foreman are responsible for notifying their Supervisor & the Safety Director immediately for all incidents requiring medical attention or damages and making sure the incident report is turned into the office within 24 hours. This policy is to be available upon request it is also to be placed in a conspicuous manner in all offices and shops.

If an accident/injury is life threatening or an emergency dial 911. The Safety Director, Superintendents and Managers are to be available 24 hours a day 365 days a year to handle safety issues, accidents or other incidents. In the event you can't get ahold of your supervisor or the Safety Director you must notify Sally Miskavige, Gary Opp or Shaylee Brien. No matter what location you are in, you MUST notify someone immediately for all incidents requiring medical attention or damages:

Contacts

Dave Opp – Safety Director GF	701-739-0188
Greg Schroeder – Safety Director FGO	701-730-6512
Sally Miskavige – Vice President	701-740-7026
Shaylee Brien – HR Manager	701-740-5429
Gary Opp – Business Manager	701-730-6500

All accidents/injuries/near misses must be documented immediately. Incident Reports must be completed by the direct supervisor and turned into the office in a timely manner. Photographs of incident/damage should be text to (209) OPP SAFE or (209) 677-7233. Incident Report Booklets can be picked up at all offices & should be kept on site.

The Safety Director will direct a follow-up investigation by the Incident Review Board to determine the root cause and decide on a course of preventive action for all incidents requiring medical attention, damages over \$5,000 and as determined on a case by case basis. Depending on circumstances, immediate reasonable suspicion testing may occur. The Incident Report/Investigation system will be reviewed annually by the safety director to validate compliance, accountability and for continuous improvement. Reasonable Suspicion Drug Testing can be performed at Global Safety. They have 24/7 service and can be reached at (701) 792-9808.

Greg Opp – President

Safety Policy

Opp Construction is committed to providing all team members with a safe and healthy working environment. It is a matter of company policy to provide our employees with information about hazards that are present at the workplace. This written policy is to be available upon request and is to be placed in a conspicuous manner in all offices and shops.

All team members are responsible for analyzing the worksite and notifying supervisors of any hazards as well as cooperating with management in our efforts to reduce claims cost. Hazard Recognition procedures at Opp Construction are outlined in the Hazard Recognition Program which is to be on file with the Human Resource Manager. All employees must also attend all safety meetings and understand and follow all safety programs implemented by Opp Construction.

Foremen are responsible for the safety of their crew. Foremen are required to participate in the continuing education of their crew by conducting weekly tool box talks and participating in management programs that are developed throughout the season.

Foremen are also responsible for on-site training of equipment use for all employees new to the jobsite or equipment being used and to make sure their crew is following all applicable safety regulations according to the operator's manual, company policy and the law. Please refer to the Equipment Training Procedure for guidance.

Supervisors and managers need to monitor the progress of the foreman and help the foreman with the proper documentation of near miss/incident and accident investigations and oral/written warnings for all safety violations. All employees and sub-contractors should be familiar with our accident/near miss procedure. A copy of this is to be posted in conspicuous places within our office and on file with the Human Resource Manager. All reporting paperwork should be turned into the Grand Forks or Fargo offices as soon as possible so the correct actions can be taken.

The Safety Director will review the Safety Policy annually to evaluate the effectiveness of the program.

Greg Opp – President

January 20th, 2020

Cell Phone Policy

The purpose of the Cell Phone Policy is to ensure that hazards created by using and being distracted by a cell phone are eliminated. Cell phones should not be used while performing safety sensitive functions. Incidents of distracted work related accidents can be directly related to the use and distraction of a cell phone.

Effective immediately cell phone use during working hours is for business purposes only.

Texting or talking on your phone while driving is prohibited, the use of a hands free device is allowed.

Talking or texting on your cell phone during working hours for personal reasons is a distraction and a safety violation. Supervisors are authorized to take your phone away from you if you are caught talking or texting at work.

Each team member will be evaluated on the compliance of this policy. Supervisors, foreman, and managers are expected to enforce this policy in all cases.

The Chief Safety Director will review this policy annually for any changes that may be needed.

January 20th, 2020

Drug Free Workplace Policy

Opp Construction values the safety and welfare of every team member. The purpose of the Drug-Free Workplace Policy is to maintain an environment which is free from alcohol and drugs. In doing so we hope to achieve a safe and productive environment that will reduce the incidence of accidental injury to person or property, reduce absenteeism, tardiness and personal time off.

The management of Opp Construction is vitally concerned about the well being of its team members, our most valuable asset. Alcohol and drug abuse have an adverse effect on job performance, create dangerous situations, and serve to undermine our customers' and the community's confidence in our company while posing significant threats to our goals. Opp Construction encourages team members to voluntarily seek help with drug and alcohol dependencies.

Any individual who conducts business for Opp Construction, is applying for a position or is conducting business on Opp Construction property or Job Site is bound by our Drug Free Workplace Policy. Our policy includes, but is not limited to executive management, managers,

supervisors, full-time team members, seasonal team members, part-time team members, off-site team members, contractors, interns, and applicants which will be all referred to in the following paragraphs as team members. This policy applies during all working hours, whenever conducting business or representing the organization and while on organization property. It is a violation of our Drug Free Workplace Policy to use, possess, sell, trade and/or offer for sale alcohol, illegal drugs or intoxicants. Team members engaged in off-the-job drug or alcohol usage may be considered to be in violation of the company substance abuse policy.

Team members are required to be concerned about working in a safe environment, support fellow workers in seeking help and reporting any and all dangerous behavior to their supervisor. Supervisors are responsible for informing team members of the drug-free workplace policy, observing team member performance, investigating reports of dangerous practices, documenting negative changes and problems in performance, counsel team members as to expected performance improvements and clearly stating consequences of policy violations.

To ensure compliance with Opp Construction's prohibition concerning drugs and alcohol, team members are required, as a prerequisite to employment and as a condition of continuing employment, to cooperate in substance abuse testing procedures. *A team member may be tested for opium, alcohol, cocaine, amphetamines, phencyclidine, ecstasy, and marijuana.*

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test, a confirmation test, the opportunity for a split sample, review by a Medical Review Officer, and a documented chain of custody. Team members who test positive have the opportunity to provide a legitimate medical explanation, such as a physician's prescription for the positive result.

All drug-testing information will be maintained in separate confidential records. Tests will be administered as follows:

Pre-employment – Any offer of employment that may be extended to an applicant is conditioned upon the applicant's successful completion of a pre-employment screening test for illegal substances. If the medical facility cannot provide test results prior to the scheduled reporting date, the scheduled reporting date will be adjusted until the results are known.

Reasonable Suspicion of Fitness for Duty – Tests for illegal substances and alcohol will be administered when a Foreman or Supervisor, who has been trained in reasonable suspicion training through Opp Construction, has a reasonable suspicion that any team member is intoxicated, using or under the influence of alcohol or illegal substances or otherwise unfit for duty. "Reasonable suspicion" is a belief based on objective or known facts sufficient to lead a prudent supervisor to suspect the team member is using alcohol or illegal substances.

Pre-employment DOT - Any team member who passes the written and driving test for a Commercial Drivers License (CDL) must pass the Department of Transportation (DOT) regulated drug test before they are allowed to drive any CDL required vehicle. All team members with CDL's are subject to the DOT regulations as documented in the Federal Motor Carrier Safety

Regulations (FMCSR), as well as the company's DOT Substance Abuse Policy and Opp Construction's drug and alcohol policy. The Human Resource Department has the DOT Substance Abuse Policy available for review during normal business hours.

DOT - Random Testing – Each quarter, Opp Construction receives names of team members that fall under the DOT regulations that are randomly selected by a third party administrator, who are required to submit to tests for illegal substances and/or alcohol. These tests must be completed within two hours of the team member being notified. Refusal or failure to submit to a test within the two hour time frame will have the same repercussions as a positive test as indicated in the DOT Substance Abuse Policy which is available for review from the Human Resource Manager.

Non DOT- Random Testing – Each month, Opp Construction receives names of team members that fall under the Non DOT regulations that are randomly selected by a third party administrator, who are required to submit to tests for illegal substances and/or alcohol. These tests must be completed within two hours of the team member being notified. Refusal or failure to submit to a test within the two hour time frame will have the same repercussions as a positive test as indicated below.

PROCEDURE:

Testing for the presence of alcohol will be conducted by analysis of breath and testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Any person who refuses to provide a specimen or who is unable to produce a specimen within two hours will be subject to the same disciplinary action as a positive test up to or including termination. If the test is DOT regulated, the team member must follow the regulations as documented in the most current FMCSR. The DOT Substance Abuse Policy outlines this further and can be obtained by request from the Human Resource Manager, Shaylee Brien.

Any team member who adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test will be subject to the same consequences as a positive test.

Testing Positive or Refusal to Test in 2 Hour Time Limit

Any team member who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow up-testing for a period of 24 months and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement. DOT team members must follow the DOT Substance Abuse Policy. An alcohol test is considered a positive test if the level of alcohol is .02 BAC or higher.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply but if a second offer of employment is granted, they must pay for the cost of the pre-employment drug screen. This condition also applies to a previous employee who was terminated under Opp Construction's Drug-Free Workplace Policy and is now reapplying for employment.

Should no recommendation for treatment be prescribed by the substance abuse counselor or professional, the team member must take a return to duty test. This test must be negative in order to return to work. The team member must also agree to and sign to a "Return to Work Agreement" with Opp where the team member shall be subject to 6 random follow-up drug tests during the next 24 months, paid for by the team member. Should the team member test positive during the 24 month period s/he will be subject to disciplinary action up to and including termination.

If rehabilitation is chosen, the team member may take a leave of absence, which may be deemed as Family Medical Leave. The team member may be required to use any vacation time available to him/her. If outpatient treatment is recommended, the team member will be required to work his/her regularly scheduled hours, unless the substance abuse professional or doctor states otherwise. If the team member is not able to work his/her regularly scheduled hours, the team member must submit a written statement from his/her substance abuse provider or licensed medical provider to Human Resource Manager with a copy forwarded to the team member's supervisor.

The team member must also provide the following:

A written notice from a certified Substance Abuse Counselor, or for a DOT occurrence, a Substance Abuse Professional (SAP) confirming the following has occurred:

A face-to-face initial evaluation has been conducted that includes an in-depth drug and alcohol use history; associated health, work, family, personal and interpersonal problems; and a current mental status.

A diagnosis, initial treatment recommendations and a treatment plan have been defined and successfully completed prior to the team member becoming eligible for follow-up evaluation and consideration for return to work.

A follow-up evaluation has been conducted that gauges the team member's success in meeting the requirements of the initial evaluation's recommended treatment plan.

Any additional counseling, treatment, aftercare, education, or support group services have been completed to assist the team member in maintaining sobriety or abstinence;

A "negative" test result on a subsequent test for alcohol and illegal substances, an agreement by the team member to abide by and sign a "Return to Work Agreement" that provides for 6 unannounced tests, paid for by the team member for a period of up to two years and an agreement to participate in any follow-up treatment and/or counseling as may be recommended by a counselor or the SAP.

Reasonable Suspicion

Reasonable suspicion testing must be documented by using the Observed Behavior-Reasonable Cause Record form, signed by the next level of management, and forwarded to Human Resources within 24 hours of the observance of the team member. Reasonable suspicion may be indicated by, but not limited to, dilated/constricted pupils, bloodshot eyes, inappropriate wearing of sunglasses, slurred speech, confusion, lack of coordination, paranoia, disorientation, and/or staggering. Depending on circumstances, immediate testing may be required. A team member required to take a drug screen test due to reasonable suspicion may be required to give a blood and/or urine sample for testing purposes.

Any team member required to take a drug screen test and who refuses to do so, shall be considered insubordinate, there shall be documentation of refusal, the test results shall be considered positive and the team member shall be subject to disciplinary action including termination. If the reason for the drug screen is a worker's compensation related issue, a positive result or refusal to take the drug and alcohol test may result in the loss of worker's compensation benefits.

When there is reasonable suspicion that requires a team member to be drug screen tested, a representative of Opp will arrange transportation. A designated management representative will accompany the team member to Global Safety for testing. Where available evidence warrants, Opp will bring matters of illegal drug or alcohol use to the attention of appropriate law enforcement authorities.

Any team member who has taken a drug screen test may be suspended without pay, pending Opp's receipt of drug test results. The team member may not elect to use vacation hours they may have available until they become actively enrolled and actively participate in an Opp approved rehabilitation program. If test results are negative, Opp may, in its sole discretion, reimburse the team member his/her pay.

A confidential conference with the team member, Human Resource Manager or his/her designated representative will take place concerning the results of the drug-screening test. At the team member's request, a Medical Review Officer will be available for interpretation and explanation of the test result. Each test result, counseling information, and rehabilitation information shall be held in confidence by Human Resources. Only those persons "needing to know" will be made aware of such information.

Any team member, whose test results are negative, is required to meet with his/her supervisor and/or Human Resource Manager to address the performance and/or behavior issues, which led to the reasonable suspicion testing. The team member may have a representative at the meeting.

Any team member whose test results are positive shall be removed immediately from work and will be subject to disciplinary action up to or including termination. The team member shall be given the opportunity to explain the positive test result and to request a confirmatory retest, which shall be at the expense of the team member.

A positively tested team member shall meet with a substance abuse counselor for recommendations and/or referral for treatment. The positively tested team member shall sign an informational release so that Opp will have notification of the meeting. Depending upon the substance abuse professional's recommendation; the team member may be required to enroll in a rehabilitation program as a condition of continued employment. A team member may be eligible for medical benefits under his/her health insurance plan for rehabilitation purposes. Costs of treatment and/or rehabilitation programs not paid for by the team member health insurance shall be the sole responsibility of the team member.

Opp prohibits the illegal and inappropriate use of prescription drugs. Nothing in this policy precludes the appropriate use of legally prescribed medications. Any team member, who is using a healthcare provider prescribed medication that may affect job performance and safety, must notify their supervisor.

Entering Opp Construction's property or Job Site constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy he or she may be asked to submit to a search or inspection at any time. Opp Construction reserves the right to, at its sole discretion reviews the contents of desks, files, clothing, personal belongings and/or any area within the confines of any company building, property, structure, work site, or vehicle.

Each Opp Construction team member agrees, as a condition of employment, and in accordance with the Drug Free Workplace Act of 1988, not to violate the provisions of this policy. Each team member also agrees to notify Opp of any criminal drug statute conviction no later than five (5) days after conviction. Opp will notify any federal contracting or granting agency of the same within ten (10) days of learning of the conviction.

Implementation of this policy will be subject to applicable state and federal laws. Each team member shall be informed of this policy. Any questions regarding this policy, drug testing program, and any materials associated with the drug testing program should be addressed to Marissa Taylor, Human Resource Manger, who has been designated to be the company's drug and alcohol free workplace program manager. A complete copy of this Drug and Alcohol Policy will be available during regular business hours in the Human Resource Department.

VOLUNTARY COUNSELING PROGRAM

Any team member, who feels that they or their family member has developed an addiction to, dependence upon or problems with alcohol or drugs, legal or illegal, is encouraged to seek counseling. Counseling may be sought by seeking professional help by one of our SAP's or another professional or writing in confidence or asking for a personal appointment with the Safety Director or the Human Resources Manager.

No disciplinary action will be issued against any team member whose violations are not otherwise known or revealed and who requests counseling assistance from Opp prior to Opp learning of a violation of this Policy. Opp, at its sole discretion, may grant any team member

unpaid leave in accordance with the provisions of this Policy to allow the team member to obtain substance abuse rehabilitation. Team members that undergo voluntary counseling or treatment and continue working, at the option of Opp, must meet all established standards of conduct and job performance. Each request for counseling will be treated as confidential. Only those persons with “a need to know” will be made aware of such requests.

Opp Constructions Human Resource Department has information about local and area consultants offering alcohol or drug treatment programs two are listed below for reference.

The Village Family Service Center

Grand Forks

1726 S Washington St #33A

Grand Forks, ND 58201

(701) 746-4584

Fargo

1201 25th St S

Fargo, ND 58102

1(800) 627-8220

To get a referral to a counselor through our Blue Cross Blue Shield call **1-800-854-1446**

The cost of substance abuse counseling and treatment programs are not paid by Opp Construction. Any team member seeking medical attention or rehabilitation for alcohol or drug addiction should examine the benefits available under their health insurance plans to determine the extent of insurance coverage, if any.

Return to Work Policy

Opp Construction is committed to accommodating injured workers and getting back to their intended positions as quickly as possible. Opp Construction makes this possible via this Return to Work Policy and a commitment to temporary transitional duties. There are a team of people responsible for assisting injured workers in making the transition. They and their duties and responsibilities are as follows:

Upper Management: Responsible for making decisions regarding injured employee's case if alternatives seem unclear.

Safety Director: (*Dave Opp/Greg Schroeder*): Will assist with incident investigation and ensure proper care is given. They will assist with the follow-up investigation and determining the root cause of the incident. They will also assist with re-training to injured employee if necessary.

Supervisors: Responsible for ensuring that injured workers performing modified work and transitional work duties are complying with the restrictions of their injury. They will also complete an incident investigation, follow-up investigation and re-training to the injured employee.

Employees: Responsible for complying with the restrictions of their injury. Also must keep in contact with Opp Construction Return to work Coordinator to inform company of progress. They will also assist with incident investigation, follow-up investigation and re-training to the injured employee.

Return-to-work Coordinator: *Shaylee Brien*- Will act as a liaison between all parties, will present transitional job offer, will communicate with employee and DMP regularly to monitor progress. Will contact supervisors and inform of work restrictions.

Designated Medical Provider: Is responsible providing prompt and appropriate care for injured employees. Additionally, for keeping in contact with Return to Work Coordinators and giving accurate information. Our DMP has been made aware that Opp Construction provides modified work to employees who are unable to perform their regular duties.

Prior to the designation of transitional work duties, employees and employers will have gone through all the avenues of our Incident Policy and Reporting Procedures.

Once the incident has been recorded, the appropriate documentation has been submitted to management and appropriate medical care has been given, the assignment of transitional work procedure can begin. The follow-up investigation and any retraining deemed necessary can occur simultaneously with the transitional work assignment.

After the injured employee has received his medical attention, The Return to Work Coordinator will send the DMP the injured employee's job description. The DMP will then fill out a workability report, based on the job description and decide which duties the employee will be

able to perform. The physical demands of the job are assessed for modified duty jobs to ensure they can be performed safely by the injured employee. If modified work duties (ex. lightened loads to lift) in the same position are unavailable, the DMP will work with the Return to Work Coordinator and alternative transitional work duties will be determined at this time and a transitional job offer will be developed.

The Return to Work Coordinator will present the transitional job offer to the injured employee at this time. He or she will have 3 days to either accept or decline the transitional job offer. If the injured employee declines the transitional job offer this employee is not entitled to disability or vocational rehabilitation benefits during the limitation of income or refusal to accept employment unless otherwise justified by Opp Construction. If the injured employee accepts the transitional job offer, the transitional work duties can be assigned at this time.

Once the decision has been made to offer either modified or transitional work the Return to Work Coordinator must contact the original supervisor and inform them of the modified work restrictions or contact the new supervisor and inform them of the transitional work restrictions.

After the injured employee begins the work assignment – the Return to Work Coordinator will work with the employee and record a schedule of follow up visits and/or meetings to discuss progress. After each follow up visit the Return to Work Coordinator is responsible for speaking with either the DMP or getting a workability report from the injured employee to determine if progress has been made. After each follow up visit or progress meeting the Return to Work Coordinator will work with the DMP to determine if the injured employee can move from transitional work to modified work or even return to his or her original position. Once the injured employee is back at his or her position without restrictions the Return to Work Coordinator is responsible for contacting the DMP and the Case Manager to inform them.

Tracking and monitoring of the aforementioned process will be done by the Return to Work Coordinators at Opp Construction and will comply with any HIPPA, ADA or other federal or state Human Resources laws.

In order to properly understand this procedure – we must insure the understanding of the difference between Modified Duties and Transitional Duties.

Modified Duties: These are the same work duties as are assigned in the original job description but modified to accommodate the injured worker. These are temporary duties. Examples are lightened loads to lift and being assigned equipment to lessen physical burden. These will vary by division. Modified Duties are consistent with restrictions provided by the DMP.

Transitional Duties: These are temporary and the work restrictions must be accommodated on and off the job site. These are commonly receptionist type duties such as answering phone, filing paperwork, filling envelopes, etc. These will remain the same across the division if modified duties are not available. Transitional Duties are consistent with restrictions provided by the DMP.

Statement of Confidentiality: All employee injury cases will be handled quickly and promptly as we have getting the injured worker getting back to his original position as the main priority. All cases will be handled on a 'need to know' basis and all medical record laws and guidelines will be followed. Opp Construction will maintain all documentation related to the incident and they will be handled according to HIPPIA and all medical record laws and guidelines.

Employees will be trained on the Designated Medical Providers and on the Return to Work Program upon hire and annually before work begins in the spring. They will be trained on the benefits of the program, the roles and responsibilities listed above and of Opp Construction's specific Designated Medical Providers and alternative options.

Opp Construction's Vice President will review this policy and procedure annually with the supervision of the safety director. Opp Construction reserves the right to change or revoke this policy at any time.

All team members are required to notify Opp Construction in writing if they would like to be treated by a provider other than the designated medical provider in the event of an injury requiring medical attention. They must receive primary and follow up treatment only from the designated provider for the first 60 days after an injury unless notice of preference was given to Opp Construction before an injury. If the injured would like to change providers, notification must be in writing to both Opp Construction and Workforce Safety and Insurance

No treatment by the designated medical provider will be compensated until WSI approves the claim.

January 20th, 2020

Safety Equipment Policy

Safety Equipment must be worn in accordance to OSHA standards – all Foreman are required to have OSHA 10 hour & be aware of basic safety equipment requirements by OSHA such as hearing protection, safety glasses requirements, fall protection, confined space recognition, hard hat requirements, knee pad protection, clothing requirements, etc. Opp Construction exceeds OSHA standards in many areas such as requirements for Class II vests must be worn on all sites, regardless of hazards present. Employees under 90 days or who have not completed their mentorship must wear the 'safety 1st' orange vest to identify themselves in a mentee status except for Flaggers who must wear a safety green vest. Steel toe boots must be worn at all times on all sites regardless of hazards present. Mud boots must be worn anytime when stepping into concrete – inspect mud boots each time prior to use. When working for contractor clients who require safety equipment beyond those at Opp Construction all employees must comply with those requirements, you will be notified of these requirements prior to going on site.