

# REHABILITATION SPORTS THERAPY & ORTHOPAEDIC EXERCISE

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PHYSICAL THERAPY

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## POLICIES AND PROCEDURES MANUAL

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**Introduction**

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**Letter from the  
President**

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Welcome to RESTORE Physical Therapy!

We are pleased to have you as an employee of RESTORE and hope that you find your association with the company to be an enriching and engaging work experience.

This manual is your guide to our policies. Of course, this manual cannot cover every eventuality that may arise. Its purpose is to summarize or highlight current policies and practices for staff members. All policies are subject to change. If you have questions or would like more information, your supervisor/manager is your most immediate source.

We invite you to share with us your questions and thoughts about work life at RESTORE. Please feel free to call upon either your supervisor or myself to assist you in any matter that concerns you and your job at RESTORE.

Sincerely,

Steven L. Braverman, PT CEAS  
President

## **Company History**

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RESTORE Physical Therapy was founded in 1993 by Steven L. Braverman, PT. The company started with one physical therapist, Mr. Braverman, along with one part time receptionist. The company now employs multiple physical therapists, physical therapy assistants, physical therapy aides and ancillary staff. RESTORE has developed a niche in the physical therapy industry arena by specializing in the evaluation and treatment of orthopaedic, sports and spinal injuries both surgical and non-surgical in nature. Our dedication to patient care and working in a team environment has allowed the company to enjoy profitable operations for every year of its existence.

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## **Company Objectives/Mission**

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RESTORE Physical Therapy will seek to be the communities preeminent physical therapy institution; to provide the highest quality care and service for all people in preventing, evaluating and treating human illnesses; to attract employees with the highest character and greatest skill and to provide facilities and amenities that promote the highest quality care.

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## **Statement of Commitment to Employees**

---

RESTORE recognizes that its staff is its most important strength and therefore is committed to providing an excellent work environment, opportunities for self-development and growth, and monetary and non-monetary rewards for hard work and commitment to RESTORE. RESTORE employee benefits have been designed to promote loyalty and longevity and the company's philosophy is to "promote from within" whenever possible.

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## **Continuity of Policies - Right to Change or Discontinue**

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The policies and procedures in this manual are not intended to be contractual commitments by RESTORE and employees shall not construe them as such. They are intended to be guides to management and merely descriptive of suggested procedures to be followed.

RESTORE reserves the right to revoke, change, or supplement guidelines at any time without notice. No policy is intended as a guarantee of continuity of benefits or rights. No permanent employment or employment for any term is intended or can be implied by statements in this book.

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## **Acknowledging Receipt of Policy Manual**

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I have received my copy of the RESTORE Policy Manual that outlines the policies, practices, and benefit guidelines of the company, and I have read and I understand the information contained in the manual.

Since the information in this manual is necessarily subject to change as situations warrant, it is understood that changes in the manual may supercede, revise, or eliminate one or more of the policies in this manual. These changes will be communicated to me by my supervisor/manager or through official notices. I accept responsibility for keeping informed of these changes.

I further acknowledge my understanding that my employment with RESTORE may be terminated at any time with or without cause.

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Employee's Signature	Date
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Name [Please Print]

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Name [Please Print]

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## EMPLOYMENT POLICIES

### Recruitment

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RESTORE provides equal employment opportunity to all applicants on the basis of demonstrated ability, experience, and training.

As positions become available within the company, prior to outside recruitment, the hiring manager shall determine the availability of qualified candidates within the company. Recruitment may be conducted through schools, employment agencies, and company advertising.

This policy excludes those employed through temporary agencies or “job shops.”

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### Employment Eligibility Verification — Form I-9

#### Immigration Law Compliance

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RESTORE is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with RESTORE within the past three years, or if their previous I-9 is no longer retained or valid.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

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### Equal Opportunity

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Equal Opportunity is RESTORE policy. It is our policy to select the best-qualified person for each position in the organization.

No employee of the company will discriminate against an applicant for employment or a fellow employee because of race, creed, color, religion, sex, national origin, ancestry, age, or other physical or mental disability. No employee of the company will discriminate against any applicant or fellow employee because of the person's veteran status.

This policy applies to all employment practices and personnel actions including advertising, recruitment, testing, screening, hiring, selection for training, upgrading, transfer, demotion, layoff, termination, rates of pay, and other forms of compensation or overtime.

RESTORE has adopted an affirmative action policy which essentially means that the company will aggressively seek out, hire, develop, and promote qualified members of protected groups — defined as racial minorities, women, physically or mentally disabled, disabled

veterans, veterans of the Vietnam era, and persons ages of 40 and over.

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## **New Hire**

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The Office Manager is responsible for having the new employee fill out all pre-employment forms, benefit applications, and enrollment forms; providing basic information on pay and leave policies, benefits, and working hours, on the employee's first day of work;

Within the first week of employment, the Office Manager will conduct a new employee orientation.

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## **Rehire**

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Applications received from former employees will be processed using the same procedures and standards that govern all direct applications. The hiring supervisor/manager will review the former employee's performance records and the circumstances surrounding termination of previous employment with the company. This information will be provided to the staff responsible for screening and interviewing applicants. RESTORE is under no obligation to rehire former employees.

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## **Relatives**

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RESTORE permits the hiring of relatives of current employees, if the applicant is qualified and selected by the hiring supervisor/ manager. The primary consideration for placement is the proximity of the relatives' work areas to each other. Only in extraordinary circumstances, with management approval, should a relative directly or indirectly supervise an employee. A relative is defined as any person related to the employee by blood, marriage, or adoption.

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## **Return to Work after Serious Injury or Illness**

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As a joint protection to the employee and the company, employees who have been absent from work because of serious illness or injury are required to obtain a doctor's release specifically stating that the employee is capable of performing his or her normal duties or assignments. A serious injury or illness is defined as one that results in the employee being absent from work for more than two consecutive weeks or one which may limit the employee's future performance of regular duties or assignments.

RESTORE management shall ensure that employees who return to work after a serious injury or illness are physically capable of performing their duties or assignments without risk of re-injury or relapse.

If the cause of the employee's illness or injury was job-related, the employee's supervisor/manager will make every reasonable effort to assign the returning employee to assignments consistent with the instructions of the employee's doctor until the employee is fully

recovered. A doctor's written release is required before recovery can be assumed.

I have read and understand this policy and procedure.

---

Employee's Signature

Date

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## **Employee Orientation**

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All new employees will be provided with an orientation briefing which will be held within their first week of employment with the company.

The employee orientation goals are:

1. To establish good employee-employer communication;
1. To reduce the anxieties of a new environment and new responsibilities;
2. To build a spirit of teamwork;
3. To inform the employee of the company's achievements;
4. To provide the employee with information about the company benefit package and to explain the participation eligibility dates for the various plans available;
5. To assist the employee in learning the assigned job and the skills required for efficient job performance.

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## **Confidentiality of Company Information**

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All employees are asked to sign the following statement at the time of employment:

"In consideration of my employment with RESTORE, I will be exposed to information and materials which are confidential and proprietary and of vital importance to the economic well-being of RESTORE. I will not at any time disclose or use, either during or subsequent to my employment, any information, knowledge, or data which I receive or develop during my employment which is considered proprietary by RESTORE or which relates to the trade secrets of RESTORE. Such information, knowledge, or data includes the following which is by example only: billing procedures, processes, know-how, designs, drawings, diagrams, formulas, test data, accounting or financial data, pricing or salary data, marketing data, business plans and strategies, negotiations and contracts, research, customer or vendor lists, inventions, and discoveries ['trade secrets'].

I further agree that upon termination of my employment with RESTORE, I shall promptly return any and all documents containing the above information, knowledge, or data, or relating thereto, to RESTORE. This agreement shall be binding upon my successors, heirs, assigns, and personal representatives and shall be for the benefit of the successors and assigns of RESTORE. In the event that a dispute arises concerning this agreement and a lawsuit is filed, the prevailing party shall be entitled to reasonable legal fees and costs from the other party.

I acknowledge that the proprietary information and trade secrets are created at substantial cost and expense to RESTORE and that unauthorized use or disclosure would cause irreparable injury to RESTORE. I hereby consent to the order of an immediate injunction, without bond, from any court of competent jurisdiction, enjoining and restraining me from violating or threatening to violate this provision.

I understand that my continued employment with RESTORE is contingent upon my compliance with this agreement.”

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Employee's Signature

Date

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## **Conflict of Interest**

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No employee of RESTORE shall maintain an outside business or financial interest, or engage in any outside business or financial activity, whether as an officer, director, shareholder [other than the holder of less than five percent of a publicly-traded company], partner or otherwise, which conflicts with the interests of the company, or which interferes with his or her ability to fully perform job responsibilities.

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## **Medical Evaluations and Interviews**

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Once an employee has been hired, medical interviews may be conducted by a health professional chosen by the company to determine the employee's ability to fulfill job-related requirements. Physicals may be authorized for employees, if a job has special physical demands or when an employee's ability to meet the physical demands is reasonably in question.

Only the personnel manager may authorize such interviews or physicals. All costs for required medical interviews or physicals will be borne by RESTORE if health care coverage is otherwise not in effect. The employee must sign a written release of this information to the company. A copy of any written report received from the health professional respecting the interview will be provided to the employee and employer.

All information received will be deemed confidential. An employee's continued employment with RESTORE is conditioned upon successful completion of the medical interview.

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## **Disability Accommodation**

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RESTORE is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position.

RESTORE will provide reasonable accommodation to the known disabilities of any employee, if such accommodation is required in order for the employee to perform the essential functions of the employee's job and the accommodation would not cause undue hardship. All employment decisions are based on the merit of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as equal treatment in job assignments, classifications, organizational structures, position descriptions, and lines of progression. Leave of all types will be available to all employees on an equal basis.

RESTORE is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. RESTORE will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. RESTORE is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

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## **Outside Employment**

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Full time employees are expected to be working solely for RESTORE. To further employee safety and well being, no exceptions to this policy will be permitted.

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## **Grievance Procedure**

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An employee may express a verbal grievance to his or her immediate supervisor/manager. If the concern is not resolved to the employee's satisfaction within one week, the employee may put in writing the details of his or her grievance and submit the grievance to the immediate supervisor/manager.

The President, who will appoint a person to decide the matter, will review the written statement. The employee and his or her supervisor/manager will request a hearing with the appointed person for resolution of the problem. The problem will be discussed in the presence of the employee and supervisor/manager. Final resolution of the grievance will be made by the appointed person and discussed with the employee and supervisor/manager.

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## **Gratuities to Government Employees or Officials**

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RESTORE strictly forbids any form of a business gift to federal, state, or municipal employees. Management is charged with the responsibility of informing all employees of this policy and maintaining adherence to it.

Violation of this policy will be treated as a major violation and, depending on the circumstances, may be grounds for immediate termination or other appropriate action.

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## Gratuities to Customer or Supplier Representation

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RESTORE employees [including management] shall not solicit, accept, or offer entertainment, gifts, or gratuities that have the appearance or effect of influencing the judgment of the recipient in the performance of their duties.

Business decisions must be made impartially and on the basis of such factors as price, quality, service, financial responsibility, and the maintenance of reliable sources of supply. Employees must ensure that any business courtesy offered or received does not influence or appear to influence, business decisions.

Alcoholic beverages are not allowed on any property owned by RESTORE. Suppliers are reminded not to bring alcohol onto company property, even if the alcoholic beverage is covered by a promotional box or wrapping.

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## Inventions and Patents

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Employees are asked to read and sign the following agreement at the time of employment:

“As an employee of RESTORE, I acknowledge that I am expected to make contributions of value to RESTORE. Such contributions shall include, among other things, all processes, inventions, patents, discoveries, copyrights, and other intangible rights developed or conceived by me during my employment. Such contributions shall be the sole property of RESTORE. I will be entitled to no other compensation for them other than my normal salary and benefits. I agree to disclose such contributions promptly to RESTORE, to assign them to RESTORE, and to assist RESTORE in obtaining patent or copyright protection. I understand that this agreement covers contributions conceived or made not only by me but with others as well, while I am employed at RESTORE.”

---

Employee's Signature

Date

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## Anniversary Date and Reinstatement

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An employee's anniversary date is defined as his or her first day on the job with the company.

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## Reinstatement

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Employees who are re-employed by the company after termination will lose their original anniversary date for all purposes and be assigned a new date corresponding to their first day on the job after re-employment. This policy shall not apply to layoffs or to an employee who was erroneously terminated for cause and later reinstated.

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## Employment Classifications

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There are three classifications of employees:

**Regular Full Time** - An employee who works a normal 40-hour workweek on a regularly scheduled basis.

**Limited Full Time** - An employee who works a 35+-hour workweek on a regularly scheduled basis.

**Regular Part Time** - An employee who works less than a normal workweek, on either a regularly scheduled basis or on an irregular basis.

**Temporary** - An employee hired for a position for which the scheduled workweek can range from less than 20 to 40 hours, but the position is required for only a specific, known duration, usually less than six months.

Temporary employees do not qualify for regular company benefits.

Provisions in the Fair Labor Standards Act divide all employees into two categories, exempt and non-exempt, with respect to eligibility for overtime payment. They shall be defined as:

**Exempt** - An employee considered to be managerial, administrative, professional or outside sales.

**Non exempt** - An employee who devotes most of his or her hours in activities that are not managerial, administrative, professional or outside sales.

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## Access to Personnel Files

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The access to and use of personnel files is governed by current federal and state regulations pertaining to the confidentiality of personnel records. Upon reasonable notice to the file custodian, employees may review their personnel records at least two times per year. Additional reviews are at the discretion of the custodian. The file custodian may require written notice of a request to review the records. Employees will be granted access to their personnel records

within seven (7) working days of making the request. Employees may copy or receive a copy of their personnel records information. Under no circumstance shall an individual have the right to remove the file from the office. The employer may charge a fee for providing copies not to exceed the cost of making the copies.

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## Consent to Release Information

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I authorize RESTORE to release information to prospective employers of mine who identify themselves to you as such. This authorization is unconditional and permits disclosure of the complete content of my personnel file.

I hereby release and agree to hold harmless RESTORE, its directors, officers, shareholders, employees, successors, and assigns from any and all claims, cost, liability or expense, of any kind or nature whatsoever; including, without limitation, reasonable legal costs, arising out of or resulting from the release of information respecting the undersigned by.

This authorization shall permit the release and disclosure of information for a period of 90 days following the date indicated below. The release and hold harmless shall remain in full force and effect with respect to all disclosures made within this time period.

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Employee's Signature

Date

---

Social Security Number

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## Background Checks

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RESTORE desires to provide its staff and customers with a reasonably safe and secure environment and to provide reasonable protection for the financial and material assets of the company.

As a condition of employment, applicants offered sensitive positions and current employees transferring into sensitive positions are required to sign release of information forms authorizing RESTORE to make a thorough background check. This information is necessary to determine that the applicant or employee has the required skills or competencies, has a history of safe driving and/or has no relevant criminal history or offenses that may jeopardize the safety or welfare of the company's operations, employees, or customers.

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## Authorization to Provide Information

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I authorize RESTORE to conduct a complete background investigation in order to assess my eligibility for a position requiring a high level of reliability and trustworthiness. I authorize all persons who may have information relevant to this investigation including, without limitation, prior employers, doctors, landlords, creditors and others to disclose it [including photocopies where requested] to RESTORE or

their agents. I hereby release and hold harmless from liability all persons on account of such disclosure. I understand that the investigation may include verification of past employment, review of personnel records maintained by any prior employer, education, and opinions of references.

This authorization shall be valid for a period of time not to exceed one year following the date indicated below or until employment is terminated, whichever occurs first. The release and hold harmless contained herein shall remain in full force and effect with respect to all disclosures provided within this time period.

I authorize that a photocopy of my signature below may be used to obtain information regarding the investigation.

---

Employee's Signature

Date

---

Social Security Number

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## Performance Improvement

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Performance improvement may be suggested whenever company management believes that an employee's performance is less than satisfactory and can be resolved through adequate counseling. Corrective counseling is completely at the discretion of company management. The company desires to protect its investment of time and expense devoted to employee orientation and training whenever that goal is in the company's best interests. The company expressly reserves the right to discharge "at will." Even if corrective counseling is implemented, it may be terminated at any step at the discretion of management. Management, in its sole discretion, may warn, reassign, suspend, or discharge any employee at will, whichever it chooses and at any time.

The supervisor/manager will determine the course of action best suited to the circumstances. The steps in performance improvement are as follows:

**Verbal counseling** - As the first step in correcting unacceptable performance or behavior, the supervisor/manager should review pertinent job requirements with the employee to ensure his or her understanding of them. The supervisor/manager should consider the severity of the problem, the employee's previous performance appraisals and all of the circumstances surrounding the particular case. Stating that a written warning, probation, or possible termination could result if the problem is not resolved should indicate the seriousness of the performance or misconduct. The employee should be asked to review what has been discussed to ensure his or her understanding of the seriousness of the problem and the corrective action necessary. The supervisor/manager should document the verbal counseling for future reference immediately following the review.

**Written counseling** - If the unacceptable performance or behavior continues, the next step should be a written warning. Certain circumstances, such as violation of a widely known policy or safety

requirement, may justify a written warning without first using verbal counseling. The written warning defines the problem and how it may be corrected. The seriousness of the problem is again emphasized, and the written warning shall indicate that probation or termination may result if improvement is not observed. Written counseling becomes part of the employee's personnel file, although the supervisor/manager may direct that the written warning be removed after a period of time, under appropriate circumstances.

**Probation** - If the problem has not been resolved through written counseling or the circumstances warrant it, the individual should be placed on probation. Probation is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within the probationary period. The Personnel Director, after review of the employee's corrective counseling documentation, will determine the length of probation. Typically, the probation period should be at least two weeks and no longer than 60 days, depending on the circumstances. A written probationary notice to the employee is prepared by the supervisor/manager.

The letter should include a statement of the following:

- The specific unsatisfactory situation;
- A review of oral and written warnings;
- The length of probation;
- The specific behavior modification or acceptable level of performance;
- Suggestions for improvement;
- A scheduled counseling session or sessions during the probationary period; and
- A statement that further action, including termination, may result if defined improvement or behavior modification does not result during probation. "Further action" may include, but is not limited to reassignment, reduction in pay, grade, or demotion.

The supervisor/manager should personally meet with the employee to discuss the probationary letter and answer any questions. The employee should acknowledge receipt by signing the letter. If the employee should refuse to sign, the supervisor/manager may sign attesting that it was delivered to the employee and identifying the date of delivery. The probationary letter becomes part of the employee's personnel file.

**Involuntary Termination** - The involuntary terminations notice is prepared by the supervisor/manager with concurrence of, and review by, the personnel department. The employee is notified of the termination by the supervisor/manager and will be directed to report to the personnel department for debriefing and completion of termination documentation. Involuntary termination is reserved for those cases that cannot be resolved by corrective counseling or in those cases where a major violation has occurred which cannot be tolerated.

The following definitions and classification of violations, for which corrective counseling, performance improvement, or other disciplinary action may be taken, are merely illustrative and not limited to these examples. A particular violation may be major or minor, depending on the surrounding facts or circumstances.

**Minor violations** - Less serious violations that have some effect on the continuity, efficiency of work, safety, and harmony within the company. They typically lead to corrective counseling unless repeated or when unrelated incidents occur in rapid succession. Here are some examples of minor violations:

- Excessive tardiness;
- Unsatisfactory job performance;
- Defacing company property;
- Interfering with another employee's job performance;
- Excessive absenteeism;
- Failure to observe working hours, such as the schedule of starting time, quitting time, rest and meal periods;
- Performing unauthorized personal work on company time;
- Failure to notify the supervisor/manager of intended absence either before or within one hour after the start of a shift;
- Unauthorized use of the company telephone, Internet, or equipment for personal business.

**Major violations** - These more serious violations would include any deliberate or willful infraction of company rules and may preclude continued employment of an employee. Here are some examples of major violations:

- Fighting on company premises;
- Repeated occurrences of related or unrelated minor violations, depending upon the severity of the violation and the circumstances;
- Any act which might endanger the safety or lives of others;
- Departing company premises during working hours for personal reasons without the permission of the supervisor/manager;
- Bringing firearms or weapons onto the company premises;
- Deliberately stealing, destroying, abusing, or damaging company property, tools, or equipment, or the property of another employee or visitor;
- Disclosure of confidential company information or trade secrets to unauthorized persons;
- Willfully disregarding company policies or procedures;
- Willfully falsifying any company records;
- Failing to report to work without excuse or approval of management for three consecutive days;
- Bringing software into the company and installing it on company computers without authorization;
- Violating the terms set out in the e-Policy.

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## Job Descriptions

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The purpose of job descriptions at RESTORE is to define the duties and set requirements for filling the job. Within three months after every employee has filled a position, a personalized job description detailing the unique features of the job and establishing the employee's job objectives will be prepared by each

supervisor/manager using input from the employee. The previous job description will be used as a model in defining the present employee's position. A supervisor/manager shall review an employee's job description when he or she requests it.

All job descriptions shall include the following information:

1. Title of position;
2. Assigned organizational unit [e.g., payroll, marketing];
3. Position classification number;
4. Job summary or overview;
5. Position qualifications [essential qualifications including job experience, skills, and education];
6. Major duties and responsibilities.

These position descriptions are used to compare our positions with the positions of other companies for salary surveys. Position descriptions are also one of the factors used in setting the pay scale of positions within our company.

Management shall review all position descriptions annually to ensure equity and consistency within and across job families and functional lines.

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## **Equal Pay**

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RESTORE will not pay wages to any employee at a rate less than the company pays employees of the opposite sex for work that is substantially equivalent requiring comparable skills.

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## EMPLOYEE BENEFITS

### Vacation

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Vacation benefits are based on the employee's next anniversary date that occurs in the current calendar year. The schedule is as follows:

<b>Anniversary Date in Calendar Year</b>	<b>Vacation Entitlement as of January 1 of Calendar Year</b>
1st through 5 <sup>th</sup>	2 weeks
6th through 10 <sup>th</sup>	3 weeks

To be eligible to take vacation, the employee must be in active pay status. Vacation is not vested, and a terminating employee will not be paid for vacation not taken. Vacation not taken during the calendar year is forfeited.

New employees become eligible to take vacation after they have worked three consecutive months. Those reporting on the first working day in January are entitled to two weeks of paid vacation. Those reporting after the first working day in January through the first working day in July are entitled to one week of paid vacation. New employees reporting for work after the first working day in July are not entitled to paid vacation until the following year. Part-time employees are not entitled to paid vacation. Employees who are not entitled to paid vacation may request permission from their supervisor/manager to take up to one week of unpaid vacation time.

The employee's supervisor/manager is responsible for scheduling vacations. Vacation entitlement is administered by the Personnel Department. Employees are responsible for planning ahead for vacation and working out their schedule with their supervisor/manager. Normally, four-weeks advance notice of vacation is expected and necessary to ensure appropriate scheduling of work. Employees who desire to take more than three weeks of vacation at one time should give their supervisor/manager more than four weeks advance notice.

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### Child Care

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RESTORE recognizes that due to childcare limitations and emergencies, there are circumstances when children of employees should be allowed on the premises during business hours. Children, as with any other visitor, can present safety risks to the company. To minimize these risks, we ask that our employees agree to the following when their children are on the premises:

Obtain prior approval from their department manager.

1. Ensure that their children enter and exit through the main entrance to the building.
2. Ensure that their children sign in and out with the Company receptionist.
3. Ensure that their children do not enter restricted highly trafficked areas without prior approval of the department manager in case of an emergency.

4. Ensure that their children remain in the break room area, except when they are in the restrooms. The children need to refrain from making excess noise, running around, and wandering in the lobby and office areas. (It is suggested that parents have their children bring something to read or provide some other quiet activity while they are waiting.)
5. Ensure that their children do not use the company telephone.
6. Ensure that the break room area is clean when the children leave.

It is important that employees who take advantage of having their children visit the premises during work hours agree and follow these rules. Parents are fully responsible for cleaning up after their children prior to leaving the premises. By doing so, RESTORE will be able to continue this privilege for our working parents.

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## Holidays

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RESTORE provides eight (8) paid holidays each year. The company is officially closed on these days:

January 1*	New Year's Day
May 31	Memorial Day
July 4	Independence Day
September 6	Labor Day
November 25	Thanksgiving Day
November 26	Day after Thanksgiving
December 25**	Christmas
December 31**	New Year's Eve

\* If these holidays fall on Saturday, the proceeding Friday will be a holiday. If they fall on Sunday, the following Monday will be a holiday.

\*\*If these holidays fall on weekends, one-half day off will be observed on the last workday proceeding the holiday.

### Eligibility for Holiday Pay

Employees must work the last scheduled day before a holiday and the first scheduled working day following the holiday to be eligible for holiday pay unless time off on these days has been excused with pay [e.g. vacation and sick leave]. Only regular full time employees are eligible for full holiday pay. Temporary employees are not eligible for holiday pay.

If a designated holiday falls within an employee's vacation period, the holiday is not considered a vacation day. Employees may take religious holidays not designated as a company holiday either as a floating holiday or without pay. Prior approval in advance must be obtained from the employee's supervisor/manager.

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## Workers' Compensation Insurance

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RESTORE insures all employees against accidental injuries occurring on the job, in accordance with the New York State Workers' Compensation Law. Coverage begins on date of employment and

covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Employees must report all accidents immediately to their supervisor or department manager, and the supervisor/manager must notify the Office Manager within 24 hours. No matter how minor an on-the-job injury may appear, it is important that it is reported immediately. This procedure will enable an eligible employee to qualify for coverage, in a timely manner.

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## **Sick or Personal Leave**

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A regular full-time employee will receive 48 hours of combination sick / personal leave after six months of continuous employment. A regular part-time employee will be credited with an appropriate prorated number of hours. After the first six months of employment, sick / personal leave is accrued monthly at a rate of 6.67 hours for a full-time employee and at a prorated amount for a part-time employee. Sick / personal leave is accrued on the last workday of the month. Employees must be in an active pay status on the last day of the month to accrue sick / personal leave for that month.

It is in the best interests of an employee who is ill or injured to not go to or remain at work. It is the supervisor/manager's responsibility to send the employee home if the employee is incapacitated. If it is deemed that the employee should not have attempted to come to work in the first place then it is in the management's discretion to deduct a sick / personal day from the employee's benefit package.

Time for routine doctor or dentist appointments is not to be charged to sick leave. Employees are encouraged to make such appointments before arriving for work or after leaving work for the day, if possible. If time off is required for such appointments, arrangements should be made in advance with the employee's supervisor/manager. The employee must use accumulated sick / personal leave in conjunction with income protection plans or other sources of disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings.

An employee is expected to notify his or her supervisor/manager at the beginning of each workday during illness or injury. Exceptions to this include a serious accidental injury, hospitalization, and when it is known in advance that the employee will be absent for a certain period of time.

A Medical Release Statement is to be submitted to the employee's supervisor/manager for review before the employee returns to work in the following situations:

- Five or more consecutive workdays of absence due to illness or injury;
- In all cases of work-related injury when the employee has been unable to work after the time of the injury;
- When returning from medical or maternity leaves of absence.

In the case of a work-related accident or injury, the company will compensate an employee for any lost work hours beginning on the date of the accident or injury and for the next eight hours of scheduled work time lost or as deemed appropriate by management as a result of that accident or injury. The employee's sick / personal leave is not to be used for this purpose. The employee must then use

accumulated sick leave in conjunction with workers' compensation or other disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings.

Unused sick / personal leave will be forfeited upon termination. No employee will be allowed to overdraw sick leave beyond allotted hours without approval in writing from the Personnel Director. Such approval will only be granted on the condition, in writing and signed by the employee, that overdrawn sick leave will be deducted from the employee's final paycheck upon termination.

Sick leave is not earned while an employee is on a leave of absence.

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## **Weather or Other Forced Closings**

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RESTORE puts an emphasis on employee safety. In the event that the office must close due to inclement weather or any other forced closing, an available personal, vacation or sick day will be deducted from all full-time staff members available time. In the event that no days are available a days pay for each closing will be deducted from the employee's salary. All closings are at the discretion of management.

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## **Voting**

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RESTORE encourages all employees to vote. Employees are encouraged to take advantage of polling hours prior to the beginning or following the end of your workday.

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## **Jury Duty**

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Time off for mandatory jury duty or court appearances required as a result of a valid subpoena or court order is excused and paid at full salary, provided that proof of duty is verified by the employee's supervisor/manager.

There will be no adjustment in the employee's salary for receipt of jury duty pay, witness fees, or expenses. The employee is expected to report for work when it does not conflict with court obligations.

Any and all monetary remuneration issued to the employee in exchange for jury duty service will be deducted from the employee's earnings, as income during routine working days cannot exceed customary wages.

It is the employee's responsibility to keep his or her supervisor/manager periodically informed about the amount of time required for jury duty or court appearances.

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## **Bereavement Leave**

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The company will pay for time off in the event of death of the following immediate family members:

Spouse	Grandparent	Father-in-law
Parent	Brother	Sister
Child or Stepchild	Grandchild	Mother-in-law

The employee and supervisor/manager will determine the amount of time the employee will be absent from work. The maximum paid leave is 3 (three) days, in addition to all other paid leave. Leave for attendance at the funeral of a non-immediate family member or person with an especially close relationship may be granted without pay. The employee's supervisor/manager will make determination after consultation with upper management.

## Conferences and Meetings

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Our company encourages employees to increase their job-related skills and knowledge through participation in professional conferences and meetings. Employees must submit a request to their immediate supervisor/manager for approval to attend such conferences or meetings. The request must identify the subject matter of the presentation, how it is job-related, and an estimate of the expenses.

If the request is approved, the company will reimburse the employee on a case-by-case manner of his or her conference-related expenses.

The time off for employee's attendance will be paid at the employee's normal rate of pay.

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## Professional Memberships

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Employees are encouraged to participate in and continue their professional development while employed by our company.

## Health Insurance

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RESTORE provides health insurance to employees and their dependents with access to medical and prescription benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

Regular full-time employees.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the company and the health insurance company. You have a [30]-day period from the date of hire or the date of a qualifying event to enroll or change your coverage. Coverage begins after a 90-day probationary period from the first date of employment.

Employees will contribute a percentage of the insurance premium which will be deducted from the employee's wages or salary.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Since health insurance is a very complex employee benefit, employees should consult the plan summary document given to all eligible employees.

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## **Health Benefits Continuation (COBRA)**

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The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the company's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the company's group rates plus an administration fee. RESTORE provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the company's health insurance plan. The notice contains important information about the employee's rights and obligations.

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## **Employee-Incurred Expenses and Reimbursement**

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RESTORE will consider payment for all actual and reasonable business-related expenses incurred by employees in the performance of their job responsibilities. His or her manager must approve all such expenses incurred by an employee before the accounting department will make payment.

Expense reports are to be submitted and supported by evidence of proof of purchase, e.g., receipts. Expense reports are due in the Accounting Department on the last working day of each month.

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## **Break Room**

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RESTORE provides a break room for the benefit of its employees. Employees shall be responsible for the general clean up of the area, including the washing of personal dishes and utensils.

All trash should be disposed of in the trash container. Any empty aluminum cans or glass bottles shall be disposed of in the trash container marked "Aluminum Cans Only" or "Glass Bottles Only," whichever is applicable.

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## PAYROLL

### Payroll Deductions

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The following mandatory deductions will be made from every employee's gross wages: federal income tax, Social Security FICA tax, and applicable city and state taxes.

Every employee must fill out and sign a federal withholding allowance certificate, IRS Form W-4, on or before his or her first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new W-4 at anytime when his or her circumstances change. Employees who paid no federal income tax for the preceding year and who expect to pay no income tax for the current year may fill out an Exemption from Withholding Certificate, IRS Form W-4E. Employees are expected to comply with the instructions on Form W-4. Questions regarding the propriety of claimed deductions may be referred to the IRS in certain circumstances.

Other optional deductions include the portion of group health insurance not paid by the company, which is deducted from each payroll check. Other voluntary contributions, such as credit union and pension plan, are also deducted each pay period.

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**Note:** Every employee will receive an annual Wage and Tax Statement, IRS Form W-2, for the preceding year on or before January 31. Any employee, who believes that his or her deductions are incorrect for any pay period, or on his or her W-2, should check with the PAYROLL DEPARTMENT immediately. Your supervisor/manager will give you time to do this during the workday.

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### Timekeeping

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Accurate record keeping of time worked is the responsibility of every RESTORE employee. Federal and state laws require the company to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are to clock-in no later than 5 (five) minutes prior to their scheduled work time and are to clock-out immediately after they complete their work even if they will remain in the office for any reason.

Non-exempt employees should accurately record the time they begin and end their work. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. This information should be transferred to their timesheet for submission to Payroll.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Non-exempt employees should report to work no more than fifteen minutes prior to their scheduled starting time nor stay more than fifteen minutes after their scheduled stop time without expressed, prior authorization from their supervisor/manager.

The supervisor/manager will review all time records and make appropriate corrections before submitting it for payroll processing.

Overtime work must always be approved by the supervisor/manager before it is performed.

Exempt employees are required to keep accurate records of the number of hours worked as well as time used for vacation and sickness. This information should be reported via time sheets and submitted to payroll by the deadlines set by the payroll department.

It is the responsibility of each employee to safeguard his or her time card. Any card that is lost or damaged will be subject to a \$10.00 replacement fee.

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## Payday

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Our employees are paid every two weeks, 26 times annually, through Direct Deposit. Payday falls on the appropriate Thursday unless a holiday prevents a bank from making these transactions. Such instances are beyond the control of RESTORE and, in such an event, deposits will occur on the next open banking business day after the holiday.

Pay is for the two workweeks preceding the payday.

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## Pay Deductions

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The law requires that the company make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The company also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The company matches the amount of Social Security taxes paid by each employee.

RESTORE offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

If you have questions concerning why deductions were made from your paycheck or how they were calculated contact the Payroll Department or the Office of Human Resources.

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## Pay Advances

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An employee pay advance is a temporary cash advance of an amount no more than \$500.00, repayable within 30 days. The pay advance is interest free and is granted only in the event of an employee emergency. The determination to grant or reject an advance request is made at the sole discretion of RESTORE. The advance is obtained by filling out a payroll advance request and submitting it through the employee's supervisor/manager to the payroll department for processing. Requests for additional advances will be processed only after the initial advance is repaid.

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## Overtime Compensation

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Non-exempt salaried employees will be paid at the rate of one and one-half times their regular hourly rate of pay for all time worked in excess of 40 hours in any one workweek.

Overtime is never at the employee's discretion. It shall only be incurred and paid at the request of the company through the employee's supervisor/manager. Supervisors/managers shall ensure that no unauthorized overtime hours are worked.

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## Termination

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Terminations are to be treated in a confidential, professional manner by all concerned. The supervisor, department manager, and personnel department must assure thorough, consistent, and evenhanded termination procedures. This policy and its administration will be implemented in accordance with the company equal opportunity statement.

Terminating employees are entitled to receive all earned pay, excluding unused vacation and sick / personal pay.

Employment with the company is normally terminated through one of the following actions:

**Resignation** - voluntary termination by the employee;

**Dismissal** - involuntary termination for substandard performance or misconduct; or

**Layoff** - termination due to reduction of the work force or elimination of a position

### **Resignation:**

An employee who wants to terminate employment, regardless of employee classification, is expected to give as much advance notice as possible. Two weeks or ten working days is generally considered to be sufficient notice time. If an employee resigns to join a competitor, if there is any other conflict of interest, or if the employee refuses to reveal the circumstances of his or her resignation and the future employer, the manager may require the employee to leave the company immediately rather than work during the notice period. This is not to be construed as a reflection upon the employee's integrity but an action in the best interests of business practice. When immediate voluntary termination occurs for the above reasons, the employee will receive pay "in lieu of notice," the maximum being two weeks of pay based upon a 40-hour workweek at the employee's straight-time rate or salary.

### **Dismissal:**

**Substandard Performance** - An employee may be discharged if his or her performance is unacceptable. The supervisor/manager shall have counseled the employee concerning performance deficiencies, provided direction for improvement, and warned the employee of possible termination if performance did not improve within a defined period of time. The supervisor/manager is expected to be alert to any underlying reasons for performance deficiencies such as personal problems or substance abuse. The PERSONNEL DIRECTOR must

concur in advance of advising the employee of discharge action. Documentation to be prepared by the supervisor/manager shall include reason for separation, performance history, corrective efforts taken, alternatives explored, and any additional pertinent information.

**Misconduct** - An employee found to be engaged in activities such as, but not limited to, theft of company property, insubordination, conflict of interest, or any other activities showing willful disregard of company interests or policies, will be terminated as soon as the supervisor/manager and personnel director have concurred with the action.

Termination resulting from misconduct shall be entered into the employee's personnel file. The employee shall be provided with a written summary of the reason for termination. No salary continuance or severance pay will be allowed.

**Layoff** - When a reduction in force is necessary or if one or more positions are eliminated, employees will be identified for layoff after evaluating the following factors:

1. Company work requirements;
2. Employee's abilities, experience, and skill;
3. Employee's potential for reassignment within the organization;
4. Length of service.

The immediate supervisor/manager will personally notify employees of a layoff. After explaining the layoff procedure, the employee will be given a letter describing the conditions of the layoff. Such as the effect the layoff will have on his or her anniversary date at time of call-back — the procedure to be followed if time off to seek other employment is granted — and the company's role in assisting employees to find other work. The employee and the personnel director, after consultation with the employee's supervisor/manager, will follow one of the following procedures:

The employee will receive at least two weeks advance notice of termination date.

### **Termination Processing Procedures**

The supervisor/manager must immediately notify the PERSONNEL DEPARTMENT of the termination so that a termination checklist can be initiated. The PERSONNEL DEPARTMENT will direct and coordinate the termination procedure.

All outstanding advances charged to the terminating employee will be deducted from the final paycheck by the payroll department.

On the final day of employment, the PERSONNEL DEPARTMENT must receive all keys, ID cards, and company property from the employee.

The PERSONNEL DEPARTMENT shall conduct an exit interview with the employee.

The employee will receive his or her final payroll check from the in the usual direct deposit manner. The final check shall include all earned pay and any expenses due the employee.

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## WORKPLACE GUIDELINES

### Spoken Language

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As a requisite for employment at RESTORE all employees are required to speak English. In order to prevent misunderstandings among staff and patients, all staff must speak English at all times when in any office area. The only exception to this policy is when an employee is speaking to a patient who cannot communicate in English.

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### Front Desk Policy

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- There is to be no food at the front desk.
- There will be no discussion of personal matters.
- The only discussion regarding patients is restricted to patient care.
- All patients are to be greeted with a courteous welcome upon arrival at front desk.
- All patients to be asked to sign in.
- All new patients are to fill out paperwork and present necessary insurance information before treatment is given.
- Verify/update insurance information of all returning patients and obtain new insurance cards if applicable.
- All copays are to be collected on the day the service is rendered unless otherwise specified by the director.

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### Office Phone Policy

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- Phones are to be used for business related calls only.
- Any audit of phone records demonstrating phone calls to personal residences will be deducted from salary.
- No long distance personal phone calls may be made.
- All staff should answer all phone lines as follows: "Good morning (afternoon or evening), RESTORE Physical Therapy, \_\_\_\_\_ speaking."
- All lines to be answered as quickly as possible.
- Any caller who asks, "Where are you located?" is most likely a patient who may need therapy but does not know our exact location. The response is to be: "We are located on the corner of 34th Street at Seventh Avenue, right next to Penn Station, how can I help you?"
- Calls should not be put on "hold" unnecessarily.
- If a call must be put on "hold," get back to the call as soon as possible.

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### Patient Phone Call Policy

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- All phone encounters that involve medical information (e.g. reporting MRI results, advising patients of treatments as recommended by the physical therapist) whether handled by the staff or the therapist should be documented in the chart and signed by the staff that is recording the information.
- Office staff is only permitted to relay information to the patient as per the physical therapist. No staff member is permitted to make medical decisions and give this information to the patient.
- All phone messages from patients intended for a physical therapist should either be recorded on paper and put on the therapist's desk or be sent electronically to the therapists computer via Post It Notes.

- All faxed messages intended for a physical therapist should be attached to the patient chart and placed on the therapist's desk.

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## Reimbursement/Overpayment Policy

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1. Any insurance overpayment shall be handed as follows:
  - A copy of the check to be returned is made.
  - The insurance company involved must be notified.
  - A letter to the insurance company explaining why the check is being returned is written.
  - A copy of this letter is made.
  - The check and letter is sent back to the insurance company.
  - The copies of the check and letter are attached to the superbill and EOB.
2. Any patient overpayment shall be handled as follows:
  - The check is endorsed over to the patient.
  - A copy of the check is made
  - The patient is called and notified of the impending return
  - The copy of the check is attached to the superbill an EOB.

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## Security Policy

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- 24-hour security cameras are in place during and after routine office hours.
- Sprinkler system
- The only staff that holds a key is the director and any staff who opens or closes the office.
- All employees are required to return office keys upon termination. If employee does not cooperate with such request then locks are changed.
- Each employee has their own logon password, a list of passwords are filed with director.
- Office staff must logoff when finished with the computer.
- Patient charts are stored in cabinets and locked nightly.
- Data is backed up nightly. A backup disc is stored in a fireproof safe.
- Patient charts are never to be removed from office without written authorization from the director.

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## Billing Policies and Procedures

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- All fees and copays are to be entered on a daily basis.
- The appropriate HCFA form is to be completed and mailed promptly.
- All payments are to be entered promptly.
- Any claims greater than 90 days, the patient must become involved.
- Patients are to be billed immediately for services not covered by their insurance plan.
- Failure to pay a bill after 90 days results in 10-day notice and ultimately collections.

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## Chart Policy

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- A patient's chart is a private document and their privacy must be respected at all times.

- Release of any of the patient's documented information without the patient's consent is prohibited except for billing requirements.
- Fax transmission of any part of the patients chart without written consent from the patient is prohibited.
- Discussion of patient's information with other office staff is prohibited.
- Any information in a patients chart from another facility or specialist showing results of diagnostic tests are not considered our property. We may not give out this part of the chart if medical information is requested from our office without the patient's consent. However, any information required for billing purposes reflecting medical necessity may be used in accordance with the Notice of Privacy Practices.
- Any information which has been requested and authorized by the patient must be noted in the patient's chart and a copy of the signed authorization is to be filed in insurance chart.
- All charts are to be retained for at least ten years.
- All "active" charts must be kept active for up to three months of the current year. Older charts are to be pulled to the "inactive" file.
- All "inactive" charts are to be retained for an additional three years after which they may be filed in box files.
- All charts are to be evaluated and cleared to the appropriate file on a quarterly basis.

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## **Documentation Policy**

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- All office visits, patient inquiries concerning medical problems or patient phone calls concerning medical problems must be documented in the patient's chart, dated and signed.
- Any error of documentation must be "X"ed out, initialed and dated.
- "White Out" or any similar product should never be used to correct a documentation error.

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## **General Office Cleaning Policy**

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- The office is to be cleaned by a professional cleaning service. All carpets are vacuumed and the bathrooms cleaned.
- Physical Therapy Aides are responsible for emptying wastebaskets and maintaining general cleanup throughout the day.
- At the end of the business day all garbage pails are to be emptied and taken to the third floor garbage room and towels are to be removed from all bins. On the next business day these towels are to be washed, dried, folded and put away.

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## **Gym/Equipment Maintenance Policy**

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- All equipment is to be cleaned with disinfectant Sani-Cloth or similar agent after each use.
- Equipment is professionally serviced quarterly. Staff is to look for signs of wear and tear as well as possible damage to any unit and report these issues to the supervisor.
- Ultrasound units are calibrated yearly.

- Ultrasound units are to be cleaned by the physical therapist and physical therapy assistant after each use with Cavi-Cide or similar agent after each use.
- Hydrocollators are to be drained, cleaned and refilled on at least a monthly basis by the physical therapy aide.

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## Office Compliance Measures

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- The director will periodically review charts for appropriate documentation. One-on-one meetings with any therapist needing improvement in documentation skills will take place in a reasonable time frame thereafter.
- All new office staff is required to review the Office Policy and Procedure Manual.
- Policies and procedures may change without notice. All existing staff is required to request and review this Office Policy Manual every six months.

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## Record Retention

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Business records are an important history of your businesses' transactions with customers, vendors, creditors, and employees. Each employee who works records must become familiar with this policy. Record retention policy should be guided by legal requirements, potential relevance of records in litigation, and by the needs of the organization. These records should be maintained and available to resolve questions that may arise in the future.

Records should be easily accessible to authorized personnel in your business. Records must be maintained in accordance with the below recommended periods. Certain circumstances involving pending or potential litigation may require an extension of time for record retention. Legal counsel should be consulted prior to discarding documents that may be subject to an extended retention period.

<b>ACCOUNTING</b>	<b>RETENTION PERIODS</b>
Accounts Payable Ledger	7 years
Accounts Receivable Ledgers	7 years
Audit Reports	Permanent
Bank Deposits & Statements	3 years
Bank Deposit Tickets - duplicate	1 year
Bank Reconciliation's	3 years
Chart of Accounts	Permanent
Check Register	7 years
Cancelled Checks (important payments)	Permanent
Cancelled Checks (unimportant payments)	7 years
Credit History	Permanent
Expense Reports	7 years
Financial Statements	Permanent

General Ledgers	Permanent
Internal Audit Reports	5 years
Inventories (of products, materials, and supplies)	7 years
Invoices: Customers & Vendors	7 years
Journals	Permanent
Payroll Records	7 years
Petty Cash Records	3 years
Equipment Cost Ledgers	7 years
Profit & Loss Statements	Permanent
Sales Records	7 years
Tax Returns	Permanent
Travel Expense Reports	3 years

<b>CORPORATE RECORDS</b>	<b>RETENTION PERIODS</b>
Annual Reports	Permanent
Cancelled Stock & Bond Certificates	7 years
Capital Stock & Bond Records	Permanent
Charters, Constitutions, By-Laws, Minutes	Permanent
Contracts, Leases and Agreements	Permanent
Copyrights & Trademark Registrations	Permanent
Correspondence – General	3 years
Correspondence - Legal & Tax	Permanent
Deeds, Mortgages & Easements	Permanent
Expired Option Records	7 years
Incorporation Records	Permanent
Labor Contracts	Permanent
Patents	Permanent

<b>GRANTS</b>	<b>RETENTION PERIODS</b>
Grantee Award Records	3 years
Grantor Award Records	3 years

<b>INSURANCE</b>	<b>RETENTION PERIODS</b>
Insurance Policies	3 years
Insurance Records: Claims & Policies	Permanent
Insurance Safety Reports: Fire & OSHA	7 years

<b>PERSONNEL</b>	<b>RETENTION PERIODS</b>
Accident Reports, Claims and Statements	Permanent
Disability & Illness Reports	3 years
Employee Application & Promotion Records	3 years
Employee Termination Documentation	3 years
Employee Time Records	7 years

Retirement & Pension Records	Permanent
Training Manuals	Permanent
W-2's	Permanent
<b>PURCHASING</b>	<b>RETENTION PERIODS</b>
Purchase Orders	3 years
Requisitions	3 years
Scrap & Salvage Records	7 years
<b>RECEIVING &amp; SHIPPING</b>	<b>RETENTION PERIODS</b>
Bills of Lading	3 years
Bills of Sale (important purchases)	Permanent
Freight Bills	3 years
Postal Records	1 year
Receiving Documents	3 years
Shipping Documents	3 years

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## Employer Security

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To promote a safe and healthful workplace environment for all and to protect company property and confidential or proprietary information, RESTORE shall require that all employees wear at all times during working hours an identification outfit which shall contain an employee's name.

The company expressly reserves the right to search from time to time without prior warning or notice all persons and/or property of any kind or nature found upon, brought onto, or taken from company property including, without limitation to, lockers, desks, tool boxes, lunch boxes, duffel bags, briefcases, and similar items. Items found during a search shall be confiscated if management reasonably and in good faith believes those items violate any law or regulation, endanger company or employee safety and welfare, or otherwise violates company policy.

Confiscated items will be surrendered to government authorities where appropriate, returned to proper owners, if necessary, or returned to the searched employee within 2 business days following the search.

Security or supervisory personnel conducting a search shall prepare a detailed report setting forth the time, date, and place of search; the name, address, telephone number, and job description of person[s] whose person or property has been searched; inventory of items, if any, found and confiscated; and the disposition of items confiscated.

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## Employee Safety

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RESTORE strives to provide its employees with a safe and healthy workplace environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety.

The company, through its supervisory personnel, shall develop and implement safety rules and regulations. This process will be ongoing and will require periodic safety audits. Safety audits will be undertaken to determine the necessity and feasibility of providing protective clothing, devices, or safeguards to make the workplace safe and healthy. The company shall also undertake the responsibility to educate employees as to hazards of the workplace and to train employees as to such hazards and the proper and safe method to perform job tasks.

Safety hazards include wet floors, equipment left unattended, defective or broken equipment, defective electrical outlets and appliances, etc. Policies relating to safety are available for review within each department of the company.

Employees shall devote their full time skill and attention to the performance of their job responsibilities utilizing the highest standard of care and good judgment. Employees will follow all safety rules and regulations at all times including the use of protective clothing, devices, or equipment, attendance at all training sessions related to employee's job description, and follow the directions of warning signs or signals or the commands or directions of supervisory personnel.

Finally, all job-related injuries or illnesses are to be reported to your supervisor/manager immediately, regardless of severity. In the case of serious injury, an employee's reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may preclude or delay the payment of any benefits to the employee and could subject RESTORE to fines and penalties.

Safety rules and regulations will be issued or modified from time to time and shall be effective immediately. Rules and regulations will be distributed to employees and posted on the employee bulletin board. Safety first!

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## Employee Privacy

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RESTORE recognizes our employees' rights to privacy. In achieving this goal, the company adopts these basic principles:

1. The collection of employee information will be limited to that which the company needs for business and legal purposes.
2. The confidentiality of all personal information in our records will be protected.
3. All in-house employees involved in record keeping will be required to adhere to these policies and practices. Violations of this policy will result in disciplinary action.
4. Internal access to employee records will be limited to those employees having an authorized, business-related need-to-know. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena.
5. The company will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so.

Employees are permitted to see the personal information maintained about them in the company records. They may correct inaccurate factual information or submit written comments in disagreement with any material contained in their company records.

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## Workday

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A workday consists of an eight-hour cycle with one hour off for lunch. Each workweek consists of 40 hours, and generally includes work performed Monday through Friday.

However, the nature of our business sometimes demands workday or workweek hours different than those set forth above. Variation to the schedule will be made or approved by department managers.

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## Smoking

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No smoking will be allowed in any office area at any time. This policy is for the health and safety of all employees.

Your cooperation is requested, as this policy must be rigidly enforced to comply with company health and safety requirements and to maintain proper insurance coverage for our building.

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## Emergency Closings

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Except for regularly scheduled holidays, RESTORE will be open for business on Mondays through Fridays during normal business hours. The company recognizes that circumstances beyond its control, such as inclement weather, national crisis, or other emergency, do occur. On such occasions, the company may close for all or part of a regularly scheduled workday.

In such event, the company will endeavor to notify all supervisory personnel for the purpose of contacting employees. Employees may also contact their supervisor/manager or company offices. Any closing longer than one full work shift shall be assessed against employee's sick / personal leave or vacation time, whichever may be applicable and, if none, the closing shall be regarded as unpaid personal leave.

Decisions to close the company will be made by the president or other authorized personnel. The appropriate announcements will be made via:

Telephone Answering Machine and Web Site

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## Telecommuting

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### Definition:

Telecommuting is a work arrangement in which the employee works from home or other remote work site away from the primary traditional work place for a portion of the workday or the workweek (pay period). While working away from the primary traditional work site, the employee may send work to or communicate with the office or customer via computer, telephone, fax, or other machine.

**Eligibility:**

Any full-time or part-time permanent employee who has been in his or her position for at least one year may request participation in a telecommuting agreement. All requests must be approved by the employee's supervisor/manager and department head. The decision of the department head to deny participation in or require withdrawal from a telecommuting agreement is final and cannot be subject to appeal.

**Application Procedure:**

The employee completes the attached position screening form, and submits it, along with an application, to the employee's supervisor/manager.

**Number of Days an Employee May Telecommute:**

An employee may request any number of days to telecommute with the approval of his or her supervisor/manager; however it is RESTORE's decision as to the amount of days, if any, to be granted.

**Meeting with clients or Coworkers:**

In order to minimize RESTORE's exposure to worker's compensation claims, telecommuters may not conduct meetings in their homes. If a meeting is scheduled on your telecommuting day, you must go to the office to attend the meeting or make other arrangements (such as using a speaker phone for teleconferencing).

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## Telephone Use

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The company requests your cooperation in limiting outgoing or incoming personal calls to an absolute minimum. Please instruct your friends and family not to call at work except in emergencies.

Personal calls of short duration, i.e., one or two minutes, may be received and made at your desk or workstation but is strongly frowned upon by the company. No long distance calls will be tolerated unless prior permission to make such a call is received from a supervisor/manager, and the necessity is apparent, e.g., an emergency. Personal telephone call privileges are subject to change or termination at any time. For instance, and not to be limiting, if the company telephone lines become overloaded with calls or an employee is found spending more than just limited time on personal calls, this privilege will be revoked either generally or specifically as to the offending employee.

Personal long distance calls should not be made from company telephones and charged to the Company. You may make a personal long distance call if you charge it to a personal credit card or to a third party non-company number. In the case of an emergency, a personal long distance call may be made but you must reimburse the cost of the call per your department procedures. Calls to 1-900 numbers are prohibited. Violation of this policy will result in disciplinary action and may be cause for termination.

At the discretion of management, fees for personal phone call use will be deducted from wages.

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## Personal Cell Phone Use

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Use of personal cell phones during working hours is against company policy at all times. The use of cell phones is limited to break time and is to be done in the staff office or outside of the RESTORE office area. All cell phones are to be either turned off or are to be turned on to VIBRATE MODE so as not to interfere with daily business function.

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## Medical Leave of Absence

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Upon written application by an employee who has at least twelve months of continuous service with the company, RESTORE will grant to the employee for an appropriate period of time a leave of absence without pay for illness or pregnancy subject to the requirements set forth below. The company reserves the right to request a certificate or statement from the employee's physician establishing the employee's physical need for the leave of absence. An employee returning to work from a leave of absence in the case of illness or pregnancy will present a certificate or statement from the employee's physician indicating that the employee is able to return to work.

An employee need not apply for an illness or pregnancy leave of absence if the absence will not exceed five working days. However, the employee must notify his or her department manager no later than the day of such absence.

The following requirements will be applicable to employees on all types of leaves of absence:

- An employee on any leave of absence shall not return to work prior to the expiration of his or her leave without the prior written consent of the company.
- An employee who does not return to work at the end of his or her leave of absence will be considered to have voluntarily resigned from employment with RESTORE.
- If an employee returns to work within eight weeks after the leave of absence begins, the company will return the employee to employee's previous job, if the job exists and if the employee remains qualified and able to perform the work in such job.
- If an employee returns to work more than eight weeks after the leave of absence begins, the company shall not be required to return the employee to any job within the company.
- An employee who accepts other employment while on any leave will be deemed to have voluntarily resigned his or her employment with the company.
- Group insurance participation for employees on a leave of absence will continue during the leave but will terminate the first day after the day on which the leave of absence ends, but in no event later than eight weeks following the date of commencement of the leave, if the employee has not returned to full time employment by that date.

The time that an employee is on leave of absence will be counted as time worked for determining whether or not the employee is entitled to other company benefits, subject, of course, to the specific provisions of any health insurance policy, retirement plan, or other benefit

package. Similarly, an employee's length of service will continue to increase while the employee is on a leave of absence.

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## **Family Leave, Parental Leave and Pregnant Employees**

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The company provides unpaid families medical leave for up to twelve weeks within a two-year period subject to the following terms and conditions. For purposes of this policy, a "year" is determined by looking back twelve months from the date the leave is requested to determine how much leave has been taken in that period.

Employees taking a family medical leave of absence shall make a reasonable effort to schedule medical treatment or supervision so as to minimize any disruption to company operations. If a serious health condition is anticipated, employee shall provide at least 30 days written notice, prior to taking leave, explaining the reason for the leave. If a serious health condition is not anticipated, employee should make an oral request for leave at least 3 days prior to the leave.

For the purposes of this policy "serious health condition" means:

- An illness of a child of the employee requiring home care; or
- An injury, disease or condition that according to the medical judgment of the treating physician
- Poses an eminent danger of death;
- Terminal in prognosis with a reasonable possibility of death in the near future;
- Any medical or physical condition requiring constant care.

RESTORE may require certification from a health care provider as to the need for the leave. Employees may choose to use accumulated vacation or sick leave time. For any serious health condition that is not life threatening or terminal, no family medical leave is allowed during any period of time when another family member is taking family medical leave or is otherwise available to care for the family member.

During the leave, the regular position of the employee shall be considered vacant for the period of the leave, and the employee will not be removed or discharged as a consequence of the leave. Benefits do not continue or accrue during the leave period. However, the company will continue health care coverage for the employee during the leave.

At the conclusion of the leave period, the employee shall be restored to his or her former position or an equivalent job without loss of seniority or service credits accruing under any benefit plan as of the date the leave commenced. If the company is unable to restore the employee to his or her former job or an equivalent due to the company's circumstances, the employee shall be reinstated to any position that is available and suitable. The company is not required to discharge any other employee in order to reinstate the employee.

Family leave provisions are not applicable to employees who have not worked at least one year and who have not worked at least 1,250 hours, or 25 hours a week, in the previous twelve months.

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# Family Leave

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**Applicability** - This policy shall apply to all eligible employees of the RESTORE.

**Family and Medical Leave** - In accordance with the Family and Medical Leave Act of 1993 ("FMLA"), employees of the Company are entitled to up to 12 weeks of unpaid leave during any calendar year. Leave may be granted for any of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for an employee's spouse, child, or parent with a serious health condition;
- The employee's own serious health condition that makes the employee unable to perform the functions of the job.

Leaves covered by this policy will be referred to as "FMLA" leave. Any leave taken by an eligible employee for any of the reasons covered by this policy will be considered FMLA leave and will be credited as such in RESTORE records, even if the employee does not specifically identify it as FMLA leave.

**Eligibility** - To be eligible, employees must have been employed by the Company for at least 12 months and have worked at least 1250 hours during the 12-month period immediately before the commencement of the leave.

**Duration** - FMLA leave may last for a total of up to 12 weeks during any calendar year. Alternatively, leave taken for the serious health condition of a spouse, child, parent, or of the employee may be taken intermittently or on a reduced schedule, if medically necessary. This means, where appropriate, taking leave in blocks of time, or by reducing the normal weekly or daily work schedule, so long as FMLA leave does not exceed a total of 12 weeks during the calendar year. Leave for the birth, adoption, or placement of a child may be taken on an intermittent basis only by prior arrangement with the Company.

An employee and spouse both working for the Company who are eligible for FMLA leave are permitted to take only a combined total of 12 weeks if the leave is for the birth, adoption, or placement for foster care of a child or to care for a parent with a serious health condition.

**Covered Health Conditions** - In accordance with the FMLA, a "serious health condition" means one of the following conditions affecting the employee or the employee's child, spouse, or parent:

- An illness, injury, impairment, or physical or mental condition involving inpatient care in a hospital, hospice, or residential medical-care facility;
- Any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities for a condition that also requires continuing treatment (that is, being treated two or more times, or one treatment resulting in a regimen of continuing medication or therapy) under the supervision of a health care provider (i.e. doctor, dentist, clinical psychologist);
- Continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 calendar days; or

- Prenatal care.

**Leave Arrangements** - Employees should submit a leave application to their immediate supervisor/manager, who will forward it to Human Resources.

In instances where leave is foreseeable, employees must provide 30 calendar days advance notice of the leave request. In cases of planned medical treatment, the employee should consult with the immediate supervisor/manager in an attempt to schedule the leave so as not to disrupt unduly the Company's operations. Where leave is not foreseeable, such as during a medical emergency, notice must be given as soon as practicable, and ordinarily within one or two business days of when the employee learns of the need for the leave.

Where the leave is for the serious medical condition of the employee or the employee's spouse, child, or parent, the employee must submit a medical certification form supporting the need for the leave. This form will be provided by the Human Resources Department and will be filled in by the employee's health care provider. In certain instances, a second or third medical certification may be required at the Company's expense. An employee will not be permitted to commence or remain on a FMLA leave unless a valid medical certification form (fitness for duty report to return to work) is provided.

In the case of a foreseeable intermittent leave for planned medical treatment or during a period of recovery from a serious health condition, the Company may require an employee to transfer temporarily to an available alternative position, at the equivalent pay and benefits, for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

**Pay During Leave** - Except as provided in this paragraph, all FMLA days are without pay. However, an employee may use accrued vacation and personal days for any covered FMLA leave, may utilize accrued sick days for FMLA leaves due to the employee's own serious health condition, and may use family sick leave for the illness of a spouse, child or parent. The Company may, in its discretion, based on the needs of the campus, require an employee to utilize accrued vacation, personal, or sick days during a covered leave. The Human Resources Office will notify the employee if the Company is going to require the use of accrued time during a covered leave.

**Benefits during Leave** - The Company will maintain group health insurance coverage during a covered FMLA leave on the same terms as if the employee had continued to work. Employees will be advised by the [Human Resources] department about the amount and method of payment of their portion of the health insurance premium.

In the event an employee does not return from a covered FMLA leave, except if the reason is due to the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the control of the employee, the Company will recover any health insurance premiums it paid during the unpaid portion of any leave by deducting any such amounts from amounts due the employee, if any, or by otherwise seeking recovery of the premium through the legal process.

The Company will maintain other benefits, such as life and disability insurance, in effect during the paid portion of a covered FMLA leave, and, during any unpaid portion of a covered FMLA leave upon timely payment of the full premium by the employee, as specified by the [Human Resources] department.

**Communication By Employee During the Leave** - The Company may require the employee to submit medical re-certifications during a leave at 30 calendar day intervals, and it may require an employee to report periodically on their status and intent to return to work. In the case of leaves due to the employee's own serious health condition which exceed 60 calendar days, employees must establish their fitness to return to duty in accordance with procedures in effect.

**Reinstatement Following Leave** - Employees who return from covered FMLA leaves will be reinstated to their same or equivalent job with equivalent pay, benefits, and other employment terms and conditions.

**Coordination with other Statutes** - The FMLA does not supersede any provision of state law that provides greater family or medical leave rights than the rights established under the federal law. Leave entitlements under state law and the FMLA run concurrently where both laws cover the same type of leave. For example, state law provides maternity/adoptive leave; time spent on such leave will simultaneously be counted toward FMLA leave eligibility.

**Family and Medical Leave Act (FMLA) Poster** - All covered employers are required to display and keep displayed a poster prepared by the Department of Labor summarizing the major provisions of The Family and Medical Leave Act (FMLA) and telling employees how to file a complaint. The poster must be displayed in a conspicuous place where employees and applicants for employment can see it. A poster must be displayed at all locations even if there are no eligible employees.

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## **Pregnant Employees**

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In addition to the family leave policy, pregnant employees may request, if reasonably necessary, a temporary transfer to a less strenuous or hazardous position for the duration of the pregnancy. The company may require a medical opinion regarding the need for transfer.

Pregnant employees may also take a leave of absence on account of pregnancy for a reasonable period of time if the leave is reasonably necessary, the employee requests the leave in writing, and the company can reasonably accommodate the request. Pregnant employees may also use any accrued vacation time or other compensatory time off.

Upon return, any pregnant employee shall be entitled to any seniority, vacation credits, or other benefits, which have accrued as of the date of the leave and were not used in conjunction with the leave. No employee benefits accrue during the leave. Upon return, the company will endeavor to return the employee to her former job or its equivalent.

If company's circumstances have so changed that the employee cannot be reinstated to the former or an equivalent job, the employee shall be reinstated to any position which is available and suitable. However, the company is not required to discharge any employee in order to reinstate the employee to any other job other than her former job. If any issue arises as to the employee's physical capacity to return to work, the company may request a medical opinion.

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# Leave of Absence and Military Leave

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A leave of absence is time off in a non-pay status. An employee must submit a request for a leave of absence in writing to his or her supervisor/manager. Managers will forward the request for final approval to the PERSONNEL DEPARTMENT accompanied by the supervisor's/manager's recommendation. The employee is expected to request a leave of absence with as much advance notice as possible. Leaves of absence will not be granted for periods less than two weeks in duration. Vacation or sick leave should be used for such absences.

The reason for leave should fall into one of the following categories:

1. Medical [including pregnancy-related]
2. Military
3. Personal

The employee has the responsibility to keep the PERSONNEL DEPARTMENT advised of the leave situation and to contact his or her supervisor/manager at least two weeks before the expiration of the approved leave to discuss his or her return to work.

If the employee desires voluntary termination, this should be reported as soon as possible. The company will make a reasonable effort, consistent with good business practices and company needs, to reinstate an employee to the same position he or she previously occupied, or to a similar position, following a leave of absence.

However, in the case of leaves over three months, the company cannot guarantee that the same or a similar position will be available at the time an employee desires to return to work, or thereafter. If this situation occurs, the company reserves the right to offer the employee a lower-level position, if one is available at the appropriate salary for such a position.

An exception to this rule occurs when an employee is guaranteed re-employment rights under federal or state laws.

## **How to Determine Benefits:**

**Holidays** - To be paid for a holiday, an employee must be in active pay status the day before and the day after the holiday. Employees are not eligible to receive pay for any holiday during the leave period.

**Vacation** - No vacation hours are earned during the leave period. Employees requesting a leave of absence for medical or military reasons may choose to use all earned vacation before beginning the leave of absence. Employees requesting a personal leave of absence must use all earned vacation before beginning the leave of absence.

**Sick or Personal** - No sick or personal hours are accumulated during the leave period. Permissive or mandatory use of accumulated sick or personal leave is governed by the rules in paragraph 2, above.

**Insurance** - The Company will continue the employee's insurance benefits while on a leave of absence approved for medical reasons only. In the case of military leaves, insurance benefits will be continued for up to ten working days per year, starting with the day military leave begins.

**Profit Sharing (if applicable)** - An otherwise eligible employee will be entitled to profit sharing while on a leave of absence in accordance

with the rules of the profit sharing plan and related policy. If the leave began before eligibility was established, eligibility will be postponed until the employee returns to work.

Notwithstanding the above, an employee on a leave of absence who fails to return to work will be terminated effective on his or her last day of work or paid leave [vacation, sick, or personal], whichever is later.

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## Visitors

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Non-customer visitors present safety and security risks to the company. To minimize these risks, visitors are not allowed on company property without prior written approval of the supervisor/manager or in the case of emergency.

Visitors may drop off employees at the beginning of a work shift or pick up employees at the end as long as the drop-off/pick-up occurs within designated areas. Law enforcement or government officials, including health or fire inspectors, shall be directed immediately to the President, who shall determine proper governmental authority, review court orders or subpoenas, and assist the law enforcement or government officials in a manner which provides full cooperation with minimal disruption to company operations.

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## Recreational Activities–Sponsorships

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RESTORE encourages its employees to engage in social, recreational, community service, and cultural activities during non-working hours. Recognizing that the decision to engage in such activities is a purely personal one and further recognizing the need of employees to enjoy quality time with family and friends, the company has determined not to provide financial assistance or facilities for the promotion of these activities.

Such activities are indeed commendable but are to be undertaken solely on an individual basis by employees.

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## Code of Conduct

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One essential goal of RESTORE is to uphold ethical standards in all our company activities. The purpose of this Code of Conduct is to strengthen the Company's ethical climate and to provide basic guidelines to all employees for many situations that may arise. However, standards of conduct cannot provide guidelines for every situation that occurs and when in doubt, discuss your ethical issues with the appropriate parties within the company.

RESTORE strives to do business with customers and suppliers of sound business character and reputation. This company will not knowingly support any public or private organization which practices discriminatory policies or practices. All employees of RESTORE are expected to perform their work with honesty, objectivity, truthfulness and integrity.

It is the policy of this Company to comply with all applicable laws, including, without limitation, employment, discrimination, health, safety, antitrust, securities, and environmental laws.

Each employee of RESTORE is responsible for compliance with this Code of Conduct. If any employee has questions about any section of this Code of Conduct, he or she should direct all questions to his or her immediate supervisor/manager, the Compliance Officer, Human Resources, or the Legal Department.

#### **Conflicts of Interest:**

A conflict of interest may arise in any situation in which an employee's loyalties are divided between business interests that, to some degree, are incompatible with the interests of the company. All such conflicts should be avoided. The company demands absolute integrity from all its employees and will not tolerate any conduct that falls short of that standard. The company expects that no employee will knowingly place himself or herself in a position that would have the appearance of being, or could be construed to be, in conflict with the interests of the company. Managers of RESTORE have a responsibility to inform subordinates as appropriate, regarding the confidentiality of information acquired in the course of their work and monitor their activities to assure the maintenance of that confidentiality.

Some of the more sensitive areas of conflicts of interest and the company's related guidelines are as follows:

#### **Accepting Gifts and Entertainment:**

The company's aim is to deter givers of gifts from seeking or receiving special favors from company employees. (For guidelines concerning the giving of gifts to, or entertainment of, customers and others by company employees, employees are referred to paragraph F., below) Accepting any gift of more than nominal value or entertainment that is more than a routine social amenity can appear to be an attempt to influence the recipient into favoring a particular customer, vendor, consultant, or the like. To avoid the reality and the appearance of improper relations with current or prospective customers, vendors and consultants, employees should observe the following guidelines when deciding whether or not to accept gifts or entertainment:

#### **Gifts:**

Gifts such as merchandise or products, as well as personal services or favors may not be accepted unless they have a value of less than \$50. This dollar limit is intended to serve as a guideline, and employees are urged to consult with the Compliance Officer before accepting any gifts of more than nominal value. Gifts of any amount may never be solicited. A gift of cash or securities may never be accepted.

In some international business transactions, it is customary and lawful for business leaders in a host country to give gifts to Company employees. These gifts may be of more than nominal value and under the circumstances returning the gifts or paying for them may be an affront to the giver. In such a situation, the gift must be reported to the employee's supervisor/manager. In all other instances where gifts cannot be returned and offering to pay for them would adversely affect continuing business relationships, supervisors/managers must be notified. In some cases, the gift may be retained by the Company, at its sole discretion, and not the individual.

#### **Entertainment:**

Normal business entertainment such as lunch, dinner, theater, a sporting event, and the like, is appropriate if of a reasonable nature and in the course of a meeting or another occasion, the purpose of

which is to hold bona fide business discussions or to foster better business relations. All such entertainment should be reported (in advance, if practical) by the employee to his or her supervisor/manager. No employee may accept tickets or invitations to entertainment when the prospective host will not be present at the event with the employee.

#### **Outside Activities:**

It is the policy of the Company that no employee is to have a "free-lance" or "moonlighting" activity that will materially encroach on the time or attention which should be devoted to the employee's duties; adversely affect the quality of work performed; compete with the Company's activities; imply sponsorship or support by the Company of the outside employment or organization; or adversely affect the good name of the Company. All free-lance or moonlighting activities require the prior written approval of the employee's supervisor/manager. Employees who free-lance or moonlight may not use Company time, facilities, resources, or supplies for such work.

#### **Interests in Other Businesses:**

Unless approved in advance by an employee's supervisor/manager, neither an employee nor his or her spouse, domestic partner, or any other member of the employee's immediate family may directly or indirectly have a financial interest (whether as an investor, lender, employee, or other service provider) in a competitor, or in a customer or supplier if that employee or his or her subordinates deal directly or indirectly with that customer or supplier in the course of his or her job with the company.

#### **Use of Company Property and Information:**

All employees are responsible for the proper use of the company's physical resources and property, as well as its proprietary and other confidential information. Unless otherwise prohibited by an employee's supervisor/manager, reasonable incidental use of a Company telephone, computer, or other equipment is permitted.

#### **Company Properties and Facilities:**

Company property, facilities, or physical resources may not be used for solicitation or distribution activities which are not related to an employee's services to the Company, except for charitable activities that have been approved in writing in advance by the Company. Employees may not solicit any other employee during working time, nor may employees distribute literature in work areas at any time. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time. Persons not employed by the Company may not solicit Company employees for any purposes on Company premises.

Any employee found to be engaging in, or attempting, theft of any property of the Company, including documents, equipment, intellectual property, personal property of other employees, cash or any other items of value will be liable to immediate summary dismissal and possible criminal proceedings against them. All employees have a responsibility to report any theft or attempted theft to the Company's management.

#### **Company Proprietary and Other Confidential Information:**

The Company operates in many different and extremely competitive markets. Every employee should be aware that in any competitive

environment, proprietary information and trade secrets must be safeguarded in the same way that all other important Company assets are protected. All employees of RESTORE must refrain from using or appearing to use confidential information acquired in the course of their work for unethical or illegal advantage either personally or through third parties.

Information concerning pricing, products and services that are being developed, and other such trade secrets, including information pertaining to any prospective Company acquisition or divestiture, must be held in the strictest confidence, and reasonable prudence and care should be exercised in dealing with such information in order to avoid inadvertent inappropriate disclosure. This information must not be used in any way other than as required in performing employment duties. All files, records, and reports acquired or created in the course of employment are the property of the Company. Originals or copies of such documents may be removed from the Company's offices for the sole purpose of performing the employee's duties to the Company and must be returned at any time upon request. Employees must also abide by the provisions of the Company's Confidential and Proprietary Information Policy.

#### **Trademarks, Service Marks and Copyrights:**

Trademarks and service marks - words, slogans, symbols, logos, or other devices used to identify a particular source of goods or services - are important business tools and valuable assets which require care in their use and treatment. No employee may negotiate or enter into any agreement respecting the Company's trademarks, service marks, or logos without first consulting the Legal Department. The Company also respects the trademark rights of others and any proposed name of a new product, financial instrument, or service intended to be sold or rendered to customers must be submitted to the Legal Department for clearance prior to its adoption and use. Similarly, using the trademark or service mark of another company, even one with whom our Company has a business relationship, always requires clearance or approval by our Legal Department, to ensure that the use of that other Company's mark is proper.

Employees must avoid the unauthorized use of copyrighted materials of others and should confer with the Legal Department if they have any questions regarding the permissibility of photocopying, excerpting, electronically copying, or otherwise using copyrighted materials. In addition, simply because material is available for copying, such as matter downloaded from the Internet, does not mean that it is automatically permissible to copy or re-circulate (by, for example, email or posting to an intranet facility). All copies of work that is authorized to be made available for ultimate distribution to the public, including all machine-readable works such as computer software, must bear the prescribed form of copyright notice.

The Company is legally entitled to all rights in ideas, inventions, and works of authorship relating to its business that are made by employees during the scope of their employment with the Company or using the resources of the Company ("Employee Developments"). As a condition of employment, employees are required to promptly disclose all Employee Ideas to their supervisor/manager, and to execute the necessary documentation to transfer all Employee Developments to the Company to evidence their ownership, or to obtain legal protection for them.

#### **Company Political Involvement:**

Employees are free to exercise the right to make political contributions within legal limits, unless such a contribution is otherwise prohibited by other policies of the Company. The Company will not reimburse any employee for political contributions, and employees should not attempt to receive or facilitate such reimbursements. Generally, no contribution may be made with the expectation of favorable government treatment in return. In any event, all contributions, by whoever made, are subject to a series of complex and sometimes inconsistent sets of rules governing, among other things, the amount of, and manner in which, contributions may be made. Any questions about compliance should be directed to the Compliance Officer or Legal Department. In addition, any political activity or contribution by an employee which might appear to constitute an endorsement or contribution by the Company must be approved in advance by the Compliance Officer or Legal Department.

#### **Relationships with Public Officials:**

Some employees do business with federal, state, or local government agencies. All employees engaged in business with a governmental body or agency must know and abide by the specific rules and regulations covering relations with public agencies. Such employees must also conduct themselves in a manner that avoids any dealings which might be perceived as attempts to influence public officials in the performance of their official duties.

#### **Bribery, Kickback and Fraud:**

No funds or assets of the Company shall be paid, loaned, or otherwise disbursed as bribes, "kickbacks", or other payments designed to influence or compromise the conduct of the recipient; and no employee of the Company shall accept any funds or other assets (including those provided as preferential treatment to the employee for fulfilling their responsibilities), for assisting in obtaining business or for securing special concessions from the Company.

Company employees should conduct their business affairs in such a manner that the Company's reputation will not be impugned if the details of their dealings should become a matter of public discussion.

Employees must not engage in any activity, which degrades the reputation or integrity of the Company.

To illustrate the strict ethical standard the Company expects every employee to maintain, the following conduct is expressly prohibited:

- Payment or receipt of money, gifts, loans, or other favors which may tend to influence business decisions or compromise independent judgment;
- Payment or receipt of rebates or "kickbacks" for obtaining business for or from the company;
- Payment of bribes to government officials to obtain favorable rulings;
- Any other activity that would similarly degrade the reputation or integrity of the company.

Any employee found to be receiving, accepting, or condoning a bribe, kickback, or other unlawful payment, or attempting to initiate such activities, will be liable to termination and possible criminal proceedings against them. Any employee found to be attempting fraud or engaging in fraud will be liable to termination and possible criminal proceedings against them. All employees have a

responsibility to report any actual or attempted bribery, kickback, or fraud to the company.

### **Employment Policies:**

The company is committed to fostering a work environment in which all individuals are treated with respect and dignity. Each individual should be permitted to work in a business-like atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the company expects that all relationships among persons in the workplace will be business-like and free of unlawful bias, prejudice, and harassment. It is the company's policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, national origin, religion, sex, age, disability, or any other status protected by law.

It is the Company's policy to comply with all applicable wage and hour laws and other statutes regulating the employer-employee relationship and the workplace environment. To the extent the Company deals with labor unions, it is illegal under federal and state law for the Company or any of its employees or agents to pay to or receive anything of value from any labor organization.

No Company employee may interfere with or retaliate against another employee who seeks to invoke his or her rights under the laws governing labor and employee relations. If any employee has questions about the laws or Company policies governing labor and employee relations, he or she should consult the divisional intranet, employee handbook, or contact the Human Resources Department, Compliance Officer, or the Legal Department.

The Company is committed to providing a safe workplace for all employees. In addition, several laws and regulations impose responsibility on the Company to safeguard against safety and health hazards. For that reason, and to protect the safety of themselves and others, employees and other persons who are present at Company facilities are required to follow carefully all safety instructions and procedures that the Company adopts. Questions about possible health and safety hazards at any Company facility should be directed immediately to the employee's supervisor/manager.

### **COMPLIANCE WITH THE CODE OF CONDUCT**

All employees have a responsibility to understand and follow the Code of Conduct. In addition, all employees are expected to perform their work with honesty and integrity in any areas not specifically addressed by the Code of Conduct. A violation of this Code of Conduct may result in appropriate disciplinary action including the possible termination from employment with the Company, without additional warning.

The Company strongly encourages dialogue among employees and their supervisors/managers to make everyone aware of situations that give rise to ethical questions and to articulate acceptable ways of handling those situations. In addition, each officer and supervisory employee of the Company has an obligation to annually certify that he or she has read and reviewed this Code of Conduct with his or her subordinates, and every employee must certify that he or she has read this Code of Conduct and to the best of his or her knowledge is in compliance with all its provisions.

The Code of Conduct reflects general principles to guide employees in making ethical decisions and cannot and is not intended to address

every specific situation. As such, nothing in this Code of Conduct prohibits or restricts the company from taking any disciplinary action on any matters pertaining to employee conduct, whether or not they are expressly discussed in this code. The Code of Conduct is not intended to create any expressed or implied contract with any employee or third party. In particular, nothing in this document creates any employment contract between the company and any of its employees.

When faced with significant ethical issues, employees should always refer to these standards. However, if these standards do not resolve the ethical conflict, the following steps should be followed:

- Discuss such problems with the immediate superior except when it appears that the superior is involved, in which case the problem should be presented initially to the next higher managerial level. If a satisfactory resolution cannot be achieved when the problem is initially presented, submit the issues to the next higher managerial level. If the immediate superior is the chief executive officer, or equivalent, the acceptable reviewing authority may be a group such as the audit committee, executive committee, board of directors, board of trustees, or owners. Contact with levels above the immediate superior should be initiated only with the superior's knowledge, assuming the superior is not involved. Except where legally prescribed, communication of such problems to authorities or individuals not employed or engaged by the organization is not considered appropriate.
- Clarify relevant ethical issues by confidential discussion with an objective advisor. If legal issues are involved, consult your own attorney as to legal obligations and rights concerning the ethical conflict.
- If the ethical conflict still exists after exhausting all levels of internal review, there may be no other recourse on significant matters than to resign from the organization and to submit an informative memorandum to an appropriate representative of the organization. After resignation, depending on the nature of the ethical conflict, it may also be appropriate to notify other parties.

Please indicate that you have received, read, and will abide by this statement of policy by signing your name and dating the attached acknowledgment and returning it promptly to your supervisor/manager.

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## Acknowledgment

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I certify that I have received and read and that I will abide by the Company Code of Conduct distributed to me on this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

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Signature

Date

Name: [Please Print]

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# Substance Abuse

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RESTORE recognizes that individuals, sometimes to an extent that their abilities and senses are impaired, use substances such as alcohol and drugs. Our position regarding substance abuse is the same whether alcohol, marijuana, illegal drugs, prescription drugs, or controlled substances are involved ["substances"].

This policy is implemented because we believe that the impairment of any RESTORE employee due to his or her use of substances is likely to result in the risk of injury to other employees, the impaired employee, or to third parties, such as customers or business guests. Moreover, substance abuse adversely affects employee moral and productivity.

"Impairment" or "being impaired" means that an employee's normal physical or mental abilities, or faculties, while at work have been detrimentally affected by the use of substances.

The employee who begins work while impaired or who becomes impaired while at work is guilty of a major violation of company rules and is subject to severe disciplinary action. Severe disciplinary action can include suspension, dismissal, or any other penalty appropriate under the circumstances. Likewise, the use, possession, transfer, or sale of any substance on company premises or in any RESTORE parking lot, storage area, or job site is prohibited. Violations are subject to severe disciplinary action. In all instances, the disciplinary action to be administered shall be at the sole discretion and determination of the company.

Employees who are taking prescription drugs shall report this to their supervisor/manager. This is for the protection of the employee and for safety purposes in case of an adverse reaction to the drug while at work, so the employee is not falsely accused of taking an illegal substance.

When an employee is involved in the use, possession, transfer, or sale of a substance in violation of this policy, the company may notify appropriate authorities. Such notice will be given only after such an incident has been investigated and reviewed by the employee's supervisor/manager, the personnel director, and the PRESIDENT. RESTORE is aware that substance abuse is a complex health problem that has both a physical impact and an emotional impact on the employee, his or her family, and social relationships. A substance abuser is a person who uses substances, as defined above, for non-medical reasons, and this use detrimentally affects job performance or interferes with normal social adjustments at work. Substance abuse is both a management and a medical problem.

A supervisor/manager who suspects a substance abuse case should discuss the situation immediately with his or her supervisor/manager. Because each case is usually different, the handling and referral of the case must be coordinated with the supervisor/manager and the personnel director.

We have resources available to assist an employee who requests help with substance abuse. The employee must ask for help. The company will not require it. Should disciplinary action be pending against an employee who asks for help, the company will assist to the extent of its resources assuming that the employee remains employed. Nonetheless, regular disciplinary action will proceed. If the employee is terminated, the company will be unable to continue any program. Voluntary, successful participation in a recovery or

rehabilitative program by an employee may be a mitigating factor in any disciplinary action, depending on the facts and circumstances of each individual case. In some cases, disciplinary action may be suspended, or the employee placed on probation pending a successful completion of a recovery program.

Employees who are placed on a rehabilitation program because of performance or behavior problems due to substance abuse are subject to dismissal for failure to successfully complete the program or change their performance or behavior.

Applicants who have a past history of substance abuse and who have demonstrated an ability to abstain from the substance, or who can provide medical assurance of acceptable control, may be considered for employment as long as they are otherwise qualified for the position for which they are applying.

Management has chosen to adopt an alcoholic beverage policy in keeping with the concern for and the risks associated with alcohol use. Alcoholic beverages shall not be served or used on RESTORE premises at any time. Alcoholic beverages have no part in and shall not be used in conjunction with any company business meeting.

Social activities held off-premises and paid for on a personal basis are not affected by this policy. If management considers it appropriate, light alcoholic beverages may be served at company-sponsored events held off premises and for purely social reasons. The service must be managed in good taste and with good judgment. No alcoholic beverages should be served at any company event where children are present.

The company is concerned with its employee's privacy, especially when matters regarding medical and personal information are involved. As long as the information is not needed for police or security purposes, the company shall maintain employee medical and personal information in confidence and release this information to authorized company personnel on a "need to know" basis. An exception to this policy is when the employee signs a release for the transfer of such information on forms acceptable to the company to designated persons or agencies.

Nothing contained in this section shall eliminate or modify the company's right to terminate any employee at any time for any reason.

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## **Drug and Alcohol Policy**

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RESTORE strives to provide a safe work environment and encourages personal health. Concerning this, the company considers the abuse of drugs or alcohol on the job to be an unsafe and counter productive work practice. It is, therefore, company policy that an employee found with the presence of alcohol or illegal drugs in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs or alcohol during working hours, will be subject to disciplinary action including discharge. (Company sponsored activities which may include the service of alcoholic beverages are not included in this provision. Discretion should be exercised by the employee to not overindulge in the consumption of alcohol.) Substance Abuse includes possession, use, purchase, or sale of drugs or alcohol on company premises, (including the parking lots). It also includes reporting to work under the influence of drugs or

alcohol. An employee reporting for work visibly impaired is unable to properly perform required duties and will not be allowed to work. If possible, the supervisor/manager should first seek another supervisor's/manager's opinion of the employee's status. Then the supervisor/manager should consult privately with the employee with the observation, to rule out any problems that may have been caused by prescription drugs. If, in the opinion of the supervisor/manager, the employee is considered impaired, the employee should be sent home or to a medical facility by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor/manager or another employee, if necessary. An impaired employee should not be allowed to drive.

Prescription drugs prescribed by the employee's physician may be taken during work hours. The employee should notify the supervisor/manager if the use of properly prescription drugs will affect the employee's work performance. Abuse of prescription drugs will not be tolerated. It is the responsibility of the company's supervisor/manager to counsel with an employee whenever they see changes in performance that suggests an employee problem.

Employees will be required to submit to drug and/or alcohol testing at a laboratory chosen by the company if there is a cause for reasonable suspicion of substance abuse. Whenever possible, the supervisor/manager should have the employee observed by a second supervisor/manager before requiring testing. Employees who refuse substance testing under these circumstances will be terminated. Circumstances that could be indicators of a substance abuse problem and considered reasonable suspicion are:

- Observed alcohol or drug abuse during work hours on company premises.
- Apparent physical state of impairment.
- Incoherent mental state.
- Marked changes in personal behavior that is otherwise unexplainable.
- Deteriorating work performance that is not attributed to other factors.
- Accidents or other actions that provide reasonable cause to believe the employee may be under the influence.
- As required by any government programs such as the US Department of Transportation.

If the test results are positive then termination will result. Employees who refuse substance testing under these circumstances will be terminated.

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## Drug Testing

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RESTORE is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, certain job applicants may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol.

Employees and applicants who operate company owned vehicles, equipment, and machinery may be required to demonstrate that they are drug and alcohol free.

Employees involved in work related accidents that involve vehicles may also be subject to drug or alcohol tests.

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## Attendance

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Any employee who fails to report to work for [2] consecutive days without notice to his or her supervisor/manager will be assumed to have resigned and abandoned the job. In such case, the employee will be terminated.

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## Dress Code

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Since fashion and mode of dress change continually, it is natural that you may want to change your style of dress to meet the custom of the times. [COMPANY] asks that you do so in moderation and in good taste. Radical departure from conventional dress or grooming is not permitted. Dress that is a distraction to other employees or results in disruption of the work will not be permitted. The following personal appearance guidelines should be adhered to:

- Skirt lengths must be conservative.
- Faded and/or tattered/torn jeans are not considered appropriate attire. Jeans should not be worn except on workdays designated as casual days
- Warm-up suits and sweat pants are not permitted.
- Work Boots and non-professional Athletic type footwear is not appropriate professional attire.
- Tank tops, tube, and halter-tops may not be worn under any circumstances. Clothing with spaghetti straps; clothing revealing bare backs, midriffs, or shoulders; or any revealing or provocative clothing.
- T-Shirts displaying advertising or writing.
- Faded overalls.

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## Sexual Harassment

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Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can take two distinct forms: quid pro quo and hostile work environment. One, quid pro quo harassment occurs when submission to sexual conduct is made a condition of employment or employment benefits. Two, a hostile work

environment occurs when sexual conduct unreasonably interferes with an employee's work performance or creates an intimidating, abusive, or offensive work environment.

Sexual harassment includes verbal harassment, such as epithets, derogatory comments, or slurs; physical harassment, such as assault, impeding or blocking movement, or any physical interference with normal work conduct; and visual harassment, such as derogatory posters, cartoons, or drawings.

Incidents of alleged sexual harassment will be taken seriously by the Company, with follow-up, investigation, and appropriate corrective action if necessary.

Any individual who believes he or she is subject to sexual harassment, or believes sexual harassment may be taking place whether or not it directly affects that individual, must report the circumstances as soon as possible to any one of the following: immediate Supervisor/manager, Human Resource Administrator, Officer of the Company, or any person designated in the Employee Handbook ("the Contact Person").

When a claim is raised, the Contact Person will prepare a written record of the complainant's factual allegations that the complainant will have an opportunity to review and sign. Complainants are encouraged to prepare their own written notes promptly after such events occur, describing the date, time, and specific actions of the alleged harasser that the complainant considers offensive.

The Contact Person has the responsibility of taking the necessary steps for initiating a timely investigation.

With respect to this policy, it is also important to keep in mind:

- Although we encourage and expect prompt reporting of claims so that rapid responses and appropriate action may be taken, no limited time frame will be instituted for reporting such claims. The late reporting of a claim will not in and of itself preclude the Company from taking remedial action.
- The Company will not in any way retaliate against an individual who makes a report of sexual harassment; nor will it permit any employee to do so. Retaliation is a serious violation of the Company's sexual harassment policy and should be reported immediately.
- Any allegation of sexual harassment raised with a Contact Person will be promptly investigated in a confidential manner so as to protect, to the extent possible, the privacy of the persons involved.

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## **Workplace Violence**

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RESTORE is committed to maintaining a safe environment for all staff and customers and will not tolerate any form of workplace violence committed by or against its employees. Any observed or reported form of workplace violence will be taken seriously and thoroughly investigated. Any confirmed offenders will be dealt with through the current Company disciplinary process, and local law enforcement procedures, as appropriate.

Workplace violence includes, but is not limited to, the following: harassment; stalking; physical violence; the use of weapons of any

kind; the direct or implied threat of physical violence toward any member of the staff or customers of RESTORE.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited by this policy:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Committing acts motivated by, or related to sexual harassment or domestic violence.
- Any potentially dangerous situation must be reported immediately to a supervisor/manager, company safety office, or the Director of Human Resources. Reports or incidents warranting confidentiality will be handled appropriately and confidentiality will be maintained to the extent possible.

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## **Political Activities**

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In recognition of its responsibilities as a business citizen, RESTORE encourages its employees to accept the personal responsibility of good citizenship, including participation in civic and political activities, in accordance with their interests and abilities.

RESTORE accepts without reservation the basic democratic principle that all employees are free to make their own individual decisions in civic and political matters. Therefore, no employee's status with the company will be affected, in any way, whatsoever, because of participation or non-participation in lawful civic and political activities.

Participation in civic and political activities is considered to be a personal matter and, as such, is generally to be carried on outside of normal working hours. No political activities or solicitations will be carried on within company premises.

Political activities are defined for purposes of this policy as activities in support of any partisan political issue or activities in support of a particular candidate for political office. The definition includes employees who are or may be candidates for political office.

The company reserves the right to deny time off for political activity where the activities, in the opinion of the company, would unduly interfere with the employee's fulfillment of any obligations to the company. When an employee's full time is required for political activity, however, a leave of absence without pay may be granted.

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### General Principles

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This policy makes it clear that RESTORE owns and controls all workplace technology and therefore all communications and activity conducted over it. Authorized use of RESTORE-owned or operated computing and network resources shall be consistent with the mission of RESTORE and consistent with this policy. Underlying this policy is the idea that each employee has a responsibility to use the company's information technology resources in a manner that increases productivity, enhances the Company's public image, and is respectful of other employees.

#### **Information Technology Resources Defined:**

Information technology resources consist of all electronic devices, software, and means of electronic communication including, but not limited to, the following: personal computers and workstations; lap top computers; mini and mainframe computers; computer hardware such as disk drives and tape drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cellular phones; pagers; and voicemail systems.

#### **Permitted General Access:**

Generally, employees are given access to the company's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the company's information technology resources will be given access to the necessary technology. Additionally, employees must successfully complete company-approved training before being given access to the company's information technology resources. Authorized users of RESTORE computing and network resources include those who may not work for the company, but whose access has been authorized by management. Access, passwords, and e-mail accounts are granted by management of RESTORE and therefore access to the systems can also be denied by management.

Employees agree to allow their likeness to be posted on the company web site for marketing purposes. Such representation will be removed within 30 days from the time of termination of employment.

This policy does define in detail the acceptable usage of the information technology resources of the company by its employees. Generally, the resources should be used for business related functions; however, there are a few exceptions:

- To send and receive necessary and occasional personal communications;
- To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner;
- To use the telephone system for brief and necessary personal calls; and
- To access the Internet for brief personal searches and inquiries during meal times or other breaks, or outside of work hours, provided that employees adhere to all other usage policies.

In subsequent sections, this policy defines unacceptable uses of the information technology resources of the company in more detail. The Company reserves the right, upon reasonable cause for suspicion, to access all aspects of its computing systems and networks, including individual login sessions to determine if a user is violating this policy or state or federal laws.

## **User Responsibilities**

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### **Privacy:**

No user should view, copy, alter, or destroy another's personal electronic files without permission (unless authorized or required to do so by law or regulation). In addition, users should not have an expectation of privacy. The information technology system belongs to the company. Users expressly waive any right of privacy in anything they create, store, send, or receive on the company information technology system.

### **Copyright:**

Written permission from the copyright holder is required to duplicate any copyrighted material. This includes duplication of audio tapes, videotapes, photographs, illustrations, computer software, and all other information for any purpose. Most software that resides on RESTORE computing network(s) is owned by RESTORE, or third parties, and is protected by copyright and other laws, together with licenses and other contractual agreements. Users are required to respect and abide by the terms and conditions of software use and redistribution licenses. Such restrictions may include prohibitions against copying programs or data for use on RESTORE computing network(s) or for distribution outside the company; against the resale of data or programs, or the use of them for financial gain; and against public disclosure of information about programs (e.g., source code) without the owner's authorization.

### **Harassment, Libel, and Slander:**

No user may, under any circumstances, use computers or networks to libel, slander, or harass any other person.

## **Access to Information Technology Resources**

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### **Sharing of Access:**

Computer accounts, passwords, and other types of authorization are assigned to individual users and should not be shared with others. You are responsible for any use of your account. If an account is shared or the password divulged, the holder of the account will lose all account privileges and be held personally responsible for any actions that arise from the misuse of the account.

### **Permitting Unauthorized Access:**

You may not run or otherwise configure software or hardware to intentionally allow access by unauthorized users.

### **Termination of Access:**

When you cease being an employee of RESTORE or if you are assigned a new position and/or responsibilities, your access authorization must be reviewed. You must not use facilities, accounts,

access codes, privileges, or information for which you are not authorized in your new circumstances.

**Circumventing Security:**

Users are prohibited from attempting to circumvent or subvert any system's security measures. Users are prohibited from using any computer program or device to intercept or decode passwords or similar access control information.

**Breaching Security:**

Deliberate attempts to degrade the performance of a computer system or network or to deprive authorized personnel of resources or access to any RESTORE computer or network is prohibited. Breaches of security include, but are not limited to, the following: creating or propagating viruses, hacking, and password grabbing.

## **Abuse of Information Technology Resources**

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Abuse of RESTORE computer resources is prohibited and includes, but is not limited to:

**Illegal Activity:**

An employee cannot use the company's computer facilities to knowingly break any laws and regulations of the United States or any other country. Use of the Internet for illegal purposes will be grounds for termination.

**Game Playing:**

Computing and network services are not to be used for recreational game playing. Game playing on company time is counter productive.

**Chain Letters:**

The propagation of chain letters is considered an unacceptable practice by RESTORE and is prohibited. If a chain letter is received by an employee, the company prohibits the forwarding of the email to anyone.

**Faxing:**

Using the company fax machine or computer faxing capabilities for non-company related activities is strictly prohibited. The company prohibits the use of any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine unless authorized by management.

**Harassing, Discriminatory, and Defamatory use:**

Employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. The company does not tolerate discrimination or harassment based on gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, veteran status, or any other status protected by state and federal laws. Under no circumstances may employees use the company's information technology resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory

in any way (e.g., sexually explicit or racial messages, jokes, cartoons).

**Gambling:**

The use of company computers and networks to gamble is strictly prohibited.

**Online Shopping:**

The use of the company computers and the Internet to conduct personal online shopping is prohibited.

**Unauthorized Monitoring:**

A user may not use computing resources for unauthorized monitoring of electronic communications. However, the company has the right, but not the duty, to monitor any aspects of its computer system including monitoring sites visited by employees, chat groups, newsgroups, and downloading and uploading of files.

**Flooding or Spamming:**

Posting a message to multiple list servers or news groups with the intention of reaching as many users as possible is prohibited. Spamming email addresses within or outside the company is also prohibited.

**Private Commercial Purposes:**

The computing resources of RESTORE shall not be used for personal or private commercial purposes or for financial gain.

**Political Advertising and Campaigning:**

The use of RESTORE computers and networks shall not be used for political purposes.

**Software Piracy:**

Access to the Internet enables users to download a wide variety of software products for a fee as shareware or for free. You are required to fulfill all license and copyright obligations of software that you download for your own use. These software downloads become the property of the company. Any employee who knowingly violates this software piracy rule is subject to termination.

**Use of Unlicensed Software:**

The use of unlicensed software on company computers is strictly prohibited. All software in use on the company's information technology resources must be officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the company's computers, by any means of transmission, unless authorized in writing in advance by [Name] [specify, e.g., Technology Coordinator, Chief Information Officer, etc.]. Authorization for loading software onto the company's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

**Software for Home Use:**

Although some software licenses allow software to be used on portable computers and home computers in addition to office

computers, before transferring or copying any software from a company information technology resource to another computer, employees must request permission and receive written authorization. Authorization should be obtained from the President.

**Pornography:**

Employees are not allowed to visit sites that are considered "obscene". The company may maintain a system to monitor Internet usage. In the event that an employee disregards this policy and continually visits "unauthorized" sites, it will be grounds for termination after a warning has been issued to the employee. The company has the right to view private files that have been downloaded to check for the propriety of these downloads. The company also prohibits using company computer resources to send sexually oriented images or messages.

**Guest Books, Newsgroups, and Bulletin Boards:**

Additionally, employees must not sign "guest books" at Web sites or post messages to Internet news groups or discussion groups at Web sites. These actions will generate junk electronic mail and may expose the company to liability or unwanted attention because of comments that employees may make. The company strongly encourages employees who wish to access the Internet for non-work related activities to get their own personal Internet access accounts. Employees may subscribe to newsgroups providing they involve work-related topics such as local events, groups, or educational issues, however, even the use of those information resources via the company's information technology resources should be approved by management.

**Chat and Instant Messaging:**

Employees are not permitted to use the company's information technology resources for chat or instant messaging unless approved for a work purpose by management.

**Other Prohibited Uses:**

Employees may not use any of the company's information technology resources for any illegal purpose, violation of any company policy, in a manner contrary to the best interests of the company, in any way that discloses confidential or proprietary information of the company or third parties, or for personal gain.

## **Unauthorized Use and Sanctions**

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**Unauthorized Use:**

The issuance of a password or other means of access is to assure appropriate confidentiality of RESTORE files and information and does not guarantee privacy for personal or improper use of company equipment or facilities.

RESTORE provides reasonable security against intrusion and damage to files stored on the central facilities. RESTORE also provides some facilities for archiving and retrieving files specified by users, and for recovering files after accidental loss of data. However, RESTORE is not responsible for unauthorized access by other users or for loss due to power failure, fire, floods, etc. RESTORE makes no warranties with respect to Internet services, and it specifically assumes no responsibilities for the content of any advice or

information received by a user through the use of the company's computer network.

Users should be aware that RESTORE computer systems and networks may be subject to unauthorized access or tampering. In addition, computer records, including e-mail, are considered "records" which may be accessible to the public under the law.

**Sanctions:**

Violators of this policy will be subject to the existing employee disciplinary procedures of RESTORE. Sanctions may include the loss of computing privileges. Illegal acts involving RESTORE computing resources may also subject users to prosecution by state and federal authorities.

## **Management Access to Technology Resources**

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**Information is Company Property:**

All messages sent and received, including personal messages, and all data and information stored on the company's electronic mail system, voicemail system, or computer systems are company property regardless of the content. As such, the company reserves the right to access all of its information technology resources including its computers, voicemail, and electronic mail systems, at any time, at its sole discretion.

**Employee Privacy:**

Although the company does not wish to examine personal information of its employees, on occasion, the company may need to access its information technology resources including computer files, electronic mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the company's technology resources, including personal information or messages. The company may, at its discretion, inspect all files or messages on its information technology resources at any time for any reason. The company may also monitor its information technology resources at any time in order to determine compliance with these policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

Employees should assume that any communication - whether business related or personal - that they create, send, receive, or store on the company's information technology resources may be read or heard by someone other than the intended recipient. In particular, highly confidential or sensitive information should not be sent through e-mail, the Internet, or the World Wide Web.

The company reserves the right to keep an employee's e-mail address active for a reasonable period of time following an employee's departure from the company to ensure that important business communications reach the company. [COMPANY] will review such communications and send any appropriate personal communications to the former employee if forwarding information is provided at termination.

**Monitoring:**

RESTORE has the right to monitor any and all usage of its computer systems including (but not limited to) sites visited by users on the Internet, chat groups, and newsgroups, and downloaded or uploaded

software. All employees must be aware that the company may use automated software to monitor documents created, stored, sent, or received.

**Passwords:**

Some of the company's information technology resources can be accessed only by entering a password. Passwords are intended to prevent unauthorized access to information. Passwords do not confer any right of privacy upon any employee of the company. Thus, even though employees may maintain passwords for accessing information technology resources, employees must not expect that any information maintained on the information technology resources, including electronic mail and voicemail messages, are private. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

**Data Collection by the Company:**

The best way to guarantee the privacy of personal information is not to store or transmit it on the company's information technology resources. To ensure that employees understand the extent to which information is collected and stored, below are examples of information maintained by the company. The company may, however, at its sole discretion, and at any time, alter the amount and type of information that it retains.

**Telephone Use and Voicemail:** Records are kept of all calls made from and to a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.

**Electronic Mail:** All incoming email is screened. Electronic mail is backed up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.

**Desktop Facsimile Use:** Copies of all facsimile transmissions sent and received are maintained in the facsimile server.

**Document Use:** Each document stored on the company computers has a history, which shows which users have accessed the document for any purpose.

**Internet Use:** Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.

**Deleted Information:**

Deleting or erasing information, documents, or messages maintained on the company's information technology resources is, in most cases, ineffective. All employees should understand that any information kept on the information technology resources may be electronically recovered regardless of whether it may have been "deleted" or "erased" by an employee. Because the company periodically backs up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

# E-mail Policies

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## **Acceptable e-mail Usage:**

In the operation of this company, e-mail is a business tool. The use of e-mail is reserved primarily for business use. However, under some circumstances, RESTORE's e-mail systems can be used to send and receive messages to and from children, spouses, domestic partners, and immediate family, however, the time involved in such activity should be limited to no more than [15] minutes per day.

## **E-mail Passwords:**

Only authorized employees issued e-mail passwords are permitted to use passwords to access their own e-mail accounts. Only authorized employees are permitted to use the password of another employee to access that employee's e-mail account. Misuse of passwords and the unauthorized sharing of passwords will result in disciplinary action, up to and including termination.

## **Forwarding e-mails:**

Users may not forward e-mail to others without the express permission of the sender. The express permission is necessary since frequently e-mail contains confidential, proprietary, and trade secrets. All employees must consider that e-mail messages meant for a single reader may not be meant for widespread distribution.

## **Chain Letters:**

Employees are prohibited from initiating or forwarding chain letters via e-mail. A chain letter is a message sent to a number of people asking each recipient to send copies with the same request to a specified number of others.

## **Accurate Communication via e-mail:**

All employees should make every attempt to communicate truthfully, accurately, and clearly via e-mail. Employees should use the same due care in drafting e-mail as they would for any other company communication.

## **Spamming:**

Employees are prohibited, without the expressed consent of their supervisor/manager and the recipient, from sending spam (unsolicited e-mail). Employees are prohibited from sending company-wide e-mail messages to all employees without the approval of an appropriate supervisor/manager.

## **Spoofing:**

Employees are prohibited from hiding their identity (spoofing) when sending e-mail. Any anonymous or pseudonymous e-mail messages are prohibited.

## **Communication of Confidential and Sensitive Information via e-mail:**

Sending via e-mail proprietary information, trade secrets, or other confidential information of the company is strictly prohibited. This type of information is a valuable asset of the company. Unauthorized dissemination of this type of information may result in civil liability as well as criminal penalties. E-mail messages are like paper

documents. Client-related e-mail messages should be carefully guarded and protected. Before sending an e-mail message every employee should think about how a third party to the message might interpret the message.

#### **Blind ‘Carbon Copies’:**

Due care must be exercised when sending blind carbon copies (blind cc) of e-mail messages. All employees using “blind cc” must ensure that the addressee’s privacy is not violated.

#### **E-mail Ownership Policy:**

All e-mail messages you create, receive, and use in the course of business is the property of RESTORE. It does not belong to you or other employees or to any third party. At management’s request, employees must make available any or all company records (including e-mails). The law gives the management of RESTORE the right of access to all employee messages sent or received via company systems. With regards to e-mail, employees have no expectation of privacy.

#### **E-mail Retention:**

E-mail is a generic term and does not refer to any particular type of record, however, most e-mail is typically considered to be correspondence. Records in e-mail systems include not only the messages sent and received, but also the transmission and receipt data as well.

Since e-mail is considered a type of correspondence, e-mail retention periods should agree with company records retention policy. If you have determined that the e-mail message is not correspondence, but it is another type of record, then review the appropriate retention schedule to determine the applicable retention / disposition period.

Certain e-mail messages may be considered non-records. Examples of such non-records include:

- Non-business Listserv messages
- Courtesy copies (duplicates) of messages.
- Minor, non-policy announcements or reminders, i.e., blood drives, company fund raising activities, etc.

All employees are responsible for retaining e-mails. Employees are also responsible for deleting drafts and non-business e-mail messages once they are no longer needed. Don’t assume that even though you have deleted e-mail messages that they cannot be recovered.

## **Internet Usage Policy**

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RESTORE has made substantial investments to make it possible for you to electronically communicate with fellow employees and customers as well as to seek information from the worldwide web. The purpose of these investments is to help you do your job in a more efficient manner. The company’s facilities that make this possible include costs for telecommunications, networking, additional software, and mass storage. This policy is designed to define expectations for what is acceptable and what is not when it comes to using these resources wisely.

To reiterate, Internet usage at RESTORE is provided to you as a result of a significant investment and it is expected that you use these resources for business purposes. Examples of appropriate usage include the following:

- Communicating with fellow employees, customers, prospects, and suppliers.
- Researching topics that are relevant to your specific job requirements.
- Conducting other business activities such as working with the manager who manages the company web site (e.g. posting job opportunities, describing company products, etc.)

Under no circumstances are employees permitted to use the Internet to access, download, or contribute to the following:

- Gross, indecent, or sexually oriented materials
- Sports sites
- Job search sites
- Entertainment sites
- Gambling sites
- Games, humor
- Illegal drug oriented sites
- Personal pages of individuals
- Politically oriented sites

#### **Confidentiality and the Internet:**

Issues of confidentiality take on critical importance when it comes to the Internet. See related sections on Public Forums. The Internet provides a new level of communication enabling all levels of company employees to make statements for the company. When a company employee sends a message or communicates through a public forum as an employee, it is natural for the recipient of that message or communication to understand it to be a company position or message. In fact, as will often be the case, it may just be a personal opinion.

Under no circumstances should employees disseminate company confidential information over the Internet to anyone that is not covered by a confidential disclosure agreement. Great care must be taken even when sending confidential information to individuals who are covered by CDAs (Confidential Disclosure Agreements). It is very easy to make a mistake when messages are sent to inadvertently include wrong addresses or the wrong file for that matter. Security and confidentiality need to be extremely high concerns for all company employees.

When confidential files are sent over the Internet, users must take great care in disseminating them. It is strongly recommended that files be encrypted before file transmissions.

#### **Sexual Harassment:**

Displaying sexually explicit images on company property is a violation of the company's policy on sexual harassment. The employee is not allowed to download, archive, edit, or manipulate sexually explicit material while using company resources. If an employee receives material from the outside that is sexually explicit, it is wise to destroy it and advise the sender of the material that you do not wish to receive

any additional material of this nature. If the originator of this material is another company employee, you should warn the employee of the company policy about sexual harassment. If the employee persists in sending the material, you should report the incident to your personnel department.

#### **Bad Judgment/Taste:**

It is a violation of company policy to store, view, or print graphic files that are not directly related to an employee's job or the business activity of the company. Examples of these misuses might include downloading games, jokes, audio files, animations, or movie segments.

If you receive messages from fellow employees or outsiders that are in bad taste, it is recommended that you ask them to stop sending such material. Fellow employees should be warned to stop. If it continues, employees are encouraged to disclose this information to Human Resources so a formal warning can be issued.

#### **Honest Disclosure:**

Company employees are expected to honestly disclose who they are when they send e-mail, register accounts, or when conducting other Internet transactions. Attempting to subvert these disclosure policies is a serious offense.

#### **Excessive Resource Requirements:**

Employees are reminded to make prudent use of the Internet to avoid any degradation of the overall company computing resources. Therefore, it is recommended that employees refrain from excessive downloads that might constrain computing resources.

#### **Public Forums:**

Employees are allowed to enter public forums when it makes business sense to do so. Only those employees that are authorized to speak on behalf of the company may do so in the name of the company in any newsgroup, public forum, or chat rooms. Employees that do not have this authorization cannot make statements as an individual on behalf of the company. Therefore it is necessary to identify yourself as an individual (not as a company spokesperson) when you enter any public forum. If asked whether your comments can be construed as a company statement, you can only make this claim if you are an authorized person to do so. All confidentiality matters apply to public forums. It is important to reiterate that you should make no comments about confidential information (e.g. new product information, trade secrets).

#### **Guest Books, Newsgroups, and Bulletin Boards:**

Additionally, employees must not sign "guest books" at Web sites or post messages to Internet news groups or discussion groups at Web sites. These actions will generate junk electronic mail and may expose the company to liability or unwanted attention because of comments that employees may make. The company strongly encourages employees who wish to access the Internet for non work related activities to get their own personal Internet access accounts. Employees may subscribe to newsgroups providing they involve work-related topics such as local events, groups, or educational issues, however, even the use of those information resources via the company's information technology resources should be approved by management.

### **Chat and Instant Messaging:**

Employees are not permitted to use the company's information technology resources for chat or instant messaging unless approved for a work purpose by management.

### **Financial Matters – Public Stock Questions:**

The Internet is a hotbed for individuals who seek to glean the most trivial of data so they can derive insider information that could help in their assessment of the company. It is inappropriate even as an individual to make comments regarding the market for the company's products, its profitability, or product margins. It is also inappropriate to comment on matters that could substantially affect the company's valuation. Examples of this could include:

- comments on product reliability
- personnel changes
- any type of sales information
- product availability or exact shipment dates unless you are authorized to do this
- inventory issues

Individuals will piece together what seems to be harmless information and compose a message about the company that might be misleading or just plain false and it could materially affect the valuation of the company.

### **Private Internet Use:**

If you use the Internet at home on your own account, your privileges and privacy are assured. However, all confidentiality clauses remain – i.e., you may not make statements as a company employee. You can represent yourself as a company employee but make sure that your comments are your personal opinion. In all cases refrain from making statements or opinions that could affect the company's valuation, confidentiality, or image.

## **Internet Access and Administration**

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The company reserves the right to limit access to the Internet for those employees who are required to use it.

The company also reserves the right to monitor the usage of the Internet. This includes the following:

- The blocking of certain sites that have been deemed offensive. Trying to subvert this blocking will be grounds for termination.
- Monitoring the usage rates of the Internet by all employees and individual usage. The company reserves the right to publish this information on an internal basis.
- Monitoring the specific sites that each employee visits, and the length of each visit.
- All file transfers and e-mail deliveries will also be monitored.

All of your communications and Internet visits made during business hours are not considered to be private. Therefore treat all of your activities as such. The company reserves the right to inspect files and communications that you make to assure compliance with this policy.

## Making Company Purchases over the Internet

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Employees who have budgetary approval may use their company credit cards to purchase products over the Internet.

## Internet Security

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The Internet provides great benefits and great risks. As never before, the company's resources can be severely impaired or damaged when proper procedures are not adhered to.

### **Passwords:**

Company employees will be assigned passwords and User Ids to access the Internet. Employees must keep this information confidential. You are not allowed to share these Ids with other employees.

### **Virus, Trojan Horses, etc.:**

All files that are downloaded must be first scanned for possible infection. Any employee who knowingly tries to propagate the Internet or internal resources with infected viruses or Trojan Horses will be subject to termination.

### **Firewalls, Security Systems:**

The company has installed a variety of systems to thwart intrusion by outside hackers. It is extremely important that system integrity be maintained. Any user who tries to over ride these security measures will be subject to termination.

### **Use of Modems:**

Because independent modems can be infiltrated by outside users, all computers that are authorized with this usage must be separate from the networking facilities of other company computers.

## Internet Miscellaneous

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### **Signed, Written Acknowledgement of Internet Policy:**

It is advisable that your users sign a statement that they understand the terms of the Company Internet Policy. A sample acknowledgement letter is presented below.

I acknowledge the Company Internet Usage Policy. I have read the policy in full and fully agree to abide by all its terms. I understand that the company may monitor my personal use of the Internet and that my communications are not considered private. All communications may be recorded and stored for archival retrieval. I understand that if I violate the terms of this policy that my employment could be subject to termination or even civil prosecution.

---

Employee's Signature

Date

# SUMMARY OF POLICY & PROCEDURE ACKNOWLEDGEMENTS

(To be signed by employee)

## Acknowledging Receipt of Policy Manual

I have received my copy of the RESTORE Policy Manual that outlines the policies, practices, and benefit guidelines of the company, and I have read and I understand the information contained in the manual.

Since the information in this manual is necessarily subject to change as situations warrant, it is understood that changes in the manual may supercede, revise, or eliminate one or more of the policies in this manual. These changes will be communicated to me by my supervisor/manager or through official notices. I accept responsibility for keeping informed of these changes.

I further acknowledge my understanding that my employment with RESTORE may be terminated at any time with or without cause.

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Employee's Signature

Date

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Name [Please Print]

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Name [Please Print]

## Return to Work after Serious Injury or Illness

As a joint protection to the employee and the company, employees who have been absent from work because of serious illness or injury are required to obtain a doctor's release specifically stating that the employee is capable of performing his or her normal duties or assignments. A serious injury or illness is defined as one that results in the employee being absent from work for more than two consecutive weeks or one which may limit the employee's future performance of regular duties or assignments.

RESTORE management shall ensure that employees who return to work after a serious injury or illness are physically capable of performing their duties or assignments without risk of re-injury or relapse.

If the cause of the employee's illness or injury was job-related, the employee's supervisor/manager will make every reasonable effort to assign the returning employee to assignments consistent with the instructions of the employee's doctor until the employee is fully recovered. A doctor's written release is required before recovery can be assumed.

I have read and understand this policy and procedure.

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Employee's Signature

Date

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## Confidentiality of Company Information

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All employees are asked to sign the following statement at the time of employment:

"In consideration of my employment with RESTORE, I will be exposed to information and materials which are confidential and proprietary and of vital importance to the economic well-being of RESTORE. I will not at any time disclose or use, either during or subsequent to my employment, any information, knowledge, or data which I receive or develop during my employment which is considered proprietary by RESTORE or which relates to the trade secrets of RESTORE. Such information, knowledge, or data includes the following which is by example only: billing procedures, processes, know-how, designs, drawings, diagrams, formulas, test data, accounting or financial data, pricing or salary data, marketing data, business plans and strategies, negotiations and contracts, research, customer or vendor lists, inventions, and discoveries ['trade secrets'].

I further agree that upon termination of my employment with RESTORE, I shall promptly return any and all documents containing the above information, knowledge, or data, or relating thereto, to RESTORE. This agreement shall be binding upon my successors, heirs, assigns, and personal representatives and shall be for the benefit of the successors and assigns of RESTORE. In the event that a dispute arises concerning this agreement and a lawsuit is filed, the prevailing party shall be entitled to reasonable legal fees and costs from the other party.

I acknowledge that the proprietary information and trade secrets are created at substantial cost and expense to RESTORE and that unauthorized use or disclosure would cause irreparable injury to RESTORE. I hereby consent to the order of an immediate injunction, without bond, from any court of competent jurisdiction, enjoining and restraining me from violating or threatening to violate this provision.

I understand that my continued employment with RESTORE is contingent upon my compliance with this agreement."

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Employee's Signature

Date

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## Inventions and Patents

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Employees are asked to read and sign the following agreement at the time of employment:

"As an employee of RESTORE, I acknowledge that I am expected to make contributions of value to RESTORE. Such contributions shall include, among other things, all processes, inventions, patents, discoveries, copyrights, and other intangible rights developed or conceived by me during my employment. Such contributions shall be the sole property of RESTORE. I will be entitled to no other

compensation for them other than my normal salary and benefits. I agree to disclose such contributions promptly to RESTORE, to assign them to RESTORE, and to assist RESTORE in obtaining patent or copyright protection. I understand that this agreement covers contributions conceived or made not only by me but with others as well, while I am employed at RESTORE.”

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Employee's Signature

Date

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## Consent to Release Information

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I authorize RESTORE to release information to prospective employers of mine who identify themselves to you as such. This authorization is unconditional and permits disclosure of the complete content of my personnel file.

I hereby release and agree to hold harmless RESTORE, its directors, officers, shareholders, employees, successors, and assigns from any and all claims, cost, liability or expense, of any kind or nature whatsoever; including, without limitation, reasonable legal costs, arising out of or resulting from the release of information respecting the undersigned by.

This authorization shall permit the release and disclosure of information for a period of 90 days following the date indicated below. The release and hold harmless shall remain in full force and effect with respect to all disclosures made within this time period.

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Employee's Signature

Date

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Social Security Number

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## Authorization to Provide Information

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I authorize RESTORE to conduct a complete background investigation in order to assess my eligibility for a position requiring a high level of reliability and trustworthiness. I authorize all persons who may have information relevant to this investigation including, without limitation, prior employers, doctors, landlords, creditors and others to disclose it [including photocopies where requested] to RESTORE or their agents. I hereby release and hold harmless from liability all persons on account of such disclosure. I understand that the investigation may include verification of past employment, review of personnel records maintained by any prior employer, education, and opinions of references.

This authorization shall be valid for a period of time not to exceed one year following the date indicated below or until employment is terminated, whichever occurs first. The release and hold harmless contained herein shall remain in full force and effect with respect to all disclosures provided within this time period.

I authorize that a photocopy of my signature below may be used to obtain information regarding the investigation.

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Employee's Signature

Date

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Social Security Number

## Acknowledgment

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I certify that I have received and read and that I will abide by the Company Code of Conduct distributed to me on this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

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Signature

Date

Name: [Please Print]

## Internet Miscellaneous

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### **Signed, Written Acknowledgement of Internet Policy:**

It is advisable that your users sign a statement that they understand the terms of the Company Internet Policy. A sample acknowledgement letter is presented below.

I acknowledge the Company Internet Usage Policy. I have read the policy in full and fully agree to abide by all its terms. I understand that the company may monitor my personal use of the Internet and that my communications are not considered private. All communications may be recorded and stored for archival retrieval. I understand that if I violate the terms of this policy that my employment could be subject to termination or even civil prosecution.

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Employee's Signature

Date