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DISCLAIMER: Nothing in this Employee Manual constitutes a contract, express or implied. MBT, in its sole discretion, may modify, alter, delete, suspend, or discontinue any part or parts of the policies in this manual at any time, with or without prior notice to its employees. Unless otherwise specified, any such change to the Employee Manual shall apply to existing as well as future employees.

The Human Resources Department is responsible for developing and implementing personnel policies. Policies and procedures may change with approval of the appropriate Company Officer. No employee may rely on or otherwise interpret a statement or promise by a supervisor, manager, or department head as constituting a change in policy, nor will any such statement or promise constitute an agreement between the Company and an employee.

Unless otherwise covered by a written contract with fixed terms of employment, all MBT employees are what the law terms “at-will” employees, and nothing in this Employee Manual changes their “at will” employment status. An at-will employee may end his or her employment at any time, for any reason, with or without notice to MBT, with or without cause. Likewise, MBT may terminate an at-will employee at any time, with or without notice, for any reason, with or without cause. Further, an at-will employment relationship with MBT does not create an express or an implied agreement for continued employment for any period of time.

1. WELCOME TO MBT

Welcome to MBT and to what we hope will be a long, productive, and deeply satisfying career. This employee manual was prepared to help you become familiar with MBT and its standards and procedures. Please read it carefully. If you have questions or concerns, please speak with your supervisor, who should be able to answer most of your questions or direct you to someone who can. If you need further information or assistance, please contact our Human Resources Department at 702 940 7848. On behalf of MBT’ extended family, thank you for joining us. We look forward to working with you.

Sincerely yours,
Steve Laub

2. ABOUT YOUR EMPLOYEE MANUAL

The purpose of this Employee Manual is to provide employees with a ready source of information about MBT and the procedures and policies it has established. Although MBT has tried to be comprehensive, the manual does not, and cannot, include policies which address every situation that may arise. MBT has, and reserves, the right to adopt new procedures and policies, or modify, alter, change or cancel existing policies and procedures at any time. We are providing you with a copy of this manual for your reference; however, the official copy of all policies and procedures in this manual, including any that have been revised, are found in the Human Resources Office. The policies and procedures set forth in this manual apply to all employees, including student workers and volunteers. In addition, because student workers and volunteers do not receive fringe benefits, those sections in this manual do not apply to these workers.

An employee’s department may have additional specific procedures for many of the general policies stated in the manual. Each employee is expected to learn his/her department’s procedures and comply with them. In the event of any conflict between policies in this manual and departmental procedure, however, the policies in this manual supersede and control. Each employee is also expected to conform to the professional standards of his/her

occupation. Questions regarding this manual or any of the policies should be directed to your supervisor, department head, or to the Human Resources Department.

MBT's Human Resources Department operates as a strategic partner and internal consultant to the entire MBT community. It utilizes progressive human resource practices to foster positive change, anticipate needs and establish processes that will best serve its constituents. The Human Resources Department develops, promotes and provides a framework for ethical, consistent and fair treatment, constantly seeking to hire, retain and support a diverse and efficient work force.

The mission of the Human Resources Department is to sustain and advance the Company's goals through the attraction and retention of a quality workforce. The Human Resources Department accomplishes this mission by providing exceptional core services that are integrated and strategically aligned to the goals and social mission of the Company. Its benefits, payroll, compensation, employment, employee relations, organizational development, training, and labor relations services support organizational effectiveness and individual achievement. The Human Resources Department is committed to attracting, hiring, supporting, developing, and recognizing MBT's most valuable resource: its PEOPLE.

3. ABOUT MBT

MBT was started as a for profit company to recycle previously discarded materials into useful liquid products in an environmentally positive manner using proprietary new technologies and processes.

MBT is committed to fostering a pervasive culture of environmental responsibility throughout the Company. It is incorporating sustainability principles into the Company's strategic and operational priorities. The sustainability efforts will encompass a balanced approach that respects the environmental, economic, social and communal aspects of its choices to ensure that MBT designs forward-looking, practical and affordable programs for sustainability.

4. MBT COMMUNITY

4.1. EMPLOYEE CLASSIFICATIONS

MBT has developed classifications so that employees understand their employment status and benefit eligibility. These classifications, in and of themselves, do not guarantee employment for any specified period of time. Most MBT employees fall within one or more of two classifications:

Full-time, part-time, introductory/probationary or temporary

Exempt or non-exempt

There are also specialized classifications for some employees such as volunteers, student workers, interns. Each classification found within the MBT community is explained below.

4.2. FULL-TIME, PART-TIME, INTRODUCTORY/PROBATIONARY, AND TEMPORARY EMPLOYEES

FULL-TIME REGULAR. Full-time regular employees are those who are not in a temporary or introductory status and who are regularly scheduled to work MBT's full-time schedule. Generally, they are eligible for MBT's standard benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART -TIME REGULAR. Part-time regular employees are those who are not assigned to a temporary or introductory/probationary status and who are scheduled to work at least 20 hours per week but fewer than 35 hours per week. They receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance) and pro-rated sick and vacation time. They are not eligible for MBT' other benefit programs.

PART -TIME HOURLY. Part-time hourly employees are those who are not assigned to a temporary or introductory/probationary status and who are scheduled to work fewer than 20 hours per week. While part-time hourly employees receive all legally mandated benefits (such as Workers' Compensation insurance and Social Security), they are not eligible for any of MBT's other benefit programs.

INTRODUCTORY/PROBATIONARY. Introductory/probationary employees are those whose performance is being evaluated to determine whether further employment with MBT is appropriate. Employees who satisfactorily complete the introductory/probationary period will be notified of their new employment classification by their supervisor.

TEMPORARY. Temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status or any right to continued employment. Temporary employees retain that status unless and until notified in writing of a change. While temporary employees receive all legally-mandated benefits (such as Workers' Compensation insurance and Social Security), they are not eligible for any of MBT's other benefit programs.

4.3. EXEMPT & NON-EXEMPT EMPLOYEES

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws.

NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws mandating overtime pay.

In addition to one of the above categories, most MBT employees belong to one of the employment categories described below.

4.4. MANAGERIAL.

Managerial are members of management whose role is essential to the functions of the Company, including, but not limited to, the President, Vice Presidents, Managers, Supervisors. Managerial Personnel are those employees who provide leadership and professional services to MBT or who otherwise exercise supervisory responsibility over non-managerial personnel.

4.5. NON MANAGERIAL PERSONNEL.

Non-Managerial Personnel are those employees who work within various support functions at MBT including, but not limited to, clerical/secretarial, security, facilities, housekeeping, technical, research services, information and media services, financial services, laboratory services, and plant workers.

5. STARTING YOUR JOB

5.1. EMPLOYMENT APPLICATIONS AND OTHER FORMS

MBT relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. New employees are asked to complete the following forms and/or furnish to MBT the following items:

1. Employment Application
2. W-4 Employee's Withholding Allowance Certificate
3. I-9 Employment Eligibility Form

4. Personal Data Form
5. Acknowledgment of Receipt of Employee Manual and Safety Manual
6. Employee's Rights and Responsibilities Form
7. Education Transcript
8. Authorization for Direct Deposit
9. Applicable Healthcare/Benefit Forms
10. Confidentiality Acknowledgment Form
11. Drug Testing Consent Form

Current employees may be required to update or execute any of the above forms. Most of the forms are available electronically on the Company web site. Any employee who fails or refuses to complete the above forms or to provide MBT with requested documentation may be subject to discipline, up to and including discharge from employment.

5.2. BACKGROUND CHECKS AND PERSONAL HABITS

MBT conducts background checks for individuals recommended for hire in certain selected positions.

Background checks include, depending on the position, a criminal history check, a civil litigation check, a driving record check, a child abuse check, a credit/bankruptcy check and/or drug/alcohol screening. The results of any check will be considered in light of surrounding circumstances, including, and without limitation to, the nature and gravity of the incident(s) reported, the time that has passed since, remedial actions taken by the individual, and the nature of the position and the potential impact of the incident(s) on the person's ability to safely and appropriately perform the duties of the job.

Less than an Honorable Discharge from the Military or a felony conviction will generally eliminate any person from being considered for any type employment with MBT.

The Company will generally not hire individuals who smoke, or are overweight, or have body piercings or excessive tattoos.

5.3. ACCURACY OF PERSONNEL INFORMATION

All employees are expected to provide truthful and accurate information in connection with their employment and/or the employment of another employee by MBT. Any falsification or misrepresentation of information in connection with application materials is a serious offense and, therefore, is presumptively grounds for discharge from employment or non selection of an applicant. An employee has the burden of establishing an adequate basis for an exception. Company employees must notify the Human Resources Department within five days of a plea of guilty or nolo contendere or conviction for a felony, or any drug, alcohol, or sex related offense. Failure to disclose on an application or report any such conviction is likewise presumptively grounds for disciplinary action up to and including discharge from employment. Supervisors must notify the Human Resources Department immediately upon being informed of any such felony plea or conviction. Falsification of any information while an employee, including providing false or dishonest information regarding another employee, is presumptively grounds for discharge from employment. An employee has the burden of establishing an adequate basis for an exception.

5.4. PRE-EMPLOYMENT HEALTH ASSESSMENTS

After an employment offer has been made, MBT will require a pre-employment health assessment, including a drug screening or other blood or urine test as it deems appropriate. This pre-employment health assessment will be used to determine whether the applicant is capable of performing the essential functions of the position, with or without reasonable accommodation. Upon request by an applicant, MBT will make a reasonable accommodation for qualified individuals with disabilities. Jobs with exposure to lead, heavy metals, pesticides and/or chemicals may require baseline

blood or urine testing. Positions with potential exposure to asbestos or other airborne hazards may require respiratory tests and X-rays. Other jobs may require TB and blood borne pathogen immunization. All potential employees will require a baseline audiogram. The results of a pre-employment health assessment will be considered in the context of the essential functions of the job. However, the actual report will not become part of the official personnel file, will remain confidential, and will be maintained by the approved physician of record.

5.5. EMPLOYMENT ELIGIBILITY

The Immigration Reform and Control Act mandates that MBT verify the identity and work eligibility of all employees. Therefore, within three work days of the start of employment, all employees must provide the Human Resources Department with proof of employment eligibility and identity and sign the I-9 form. Any individual who fails to provide necessary, original documentation to Human Resources within three days of hire will be suspended without pay pending termination. In the event that an individual continues to provide services to MBT without providing the required documentation to the Human Resources Department, MBT will only compensate that individual at the federal minimum hourly wage rate for actual time worked, irrespective of the actual salary or hourly rate paid by the Company for the position, and the individual is not entitled to any Company benefits other than those mandated by law. If the documentation is produced after the three-day period, the individual is considered a new hire as of the date the documentation is produced. The Human Resources Department has a list of documents that establish identity and/or employment verification.

5.6. IDENTIFICATION CARDS

Future.

5.7. NEW EMPLOYEE ORIENTATION

During the first few weeks of employment, an employee must attend a benefits orientation program and a general orientation program conducted by the Human Resources Department. During orientation, each employee will receive information and training regarding Company policies, compensation and benefit programs, and other general information about the Company. Each employee must also complete all employment paperwork, such as retirement and insurance enrollment forms, beneficiary designation forms and appropriate federal and state tax withholding forms. The orientation program is a way to learn about the Company and applicable employment policies and benefits. Supervisors are required to permit employees to be excused from their regular job duties to attend these orientation programs. Departments are also expected to provide a new employee with a more specific orientation about the department and the specifics of each job assignment.

5.8. OFFICIAL COMPANY OFFICE HOURS

The standard Company workweek is defined as a seven-day period that begins at 12:01 a.m. Saturday and ends at 12:00 midnight, Friday. Standard hours of operation in most administrative office areas are from 8:00 a.m. until 5:00 p.m. The office hours of administrative offices that serve evening shifts may be expanded at the discretion of MBT.

5.8.1. REGULAR WORK SCHEDULES

MBT has a standard workweek of forty (40) hours per week, excluding time off for lunch or other personal breaks. Although the scheduled hours for employees may vary from department to department, all full-time, non-exempt employees generally work a variable shift schedule to accommodate operations 24 hours a day, seven days a week. Exempt employees have been hired to perform particular duties associated with a position, without regard to specified hours. As a result, exempt employees are expected to work the hours necessary to complete their assigned work to the satisfaction of their supervisor without regard to scheduled hours and without expectation of additional compensation. Exempt employees are expected to be at work during normal office hours, regardless of any other regular schedule. Schedules with fewer than 35 hours per week are considered part-time. Lunch periods must be taken, are unpaid, and

are not included in calculating the hours worked in a particular pay period. While a one-hour lunch period is recommended, the lunch period must be at least 30 minutes. Departments have the responsibility as well as the flexibility to determine the lunch schedule.

5.8.2.FLEXIBLE WORK SCHEDULES

MBT supports the principle of flexible scheduling for its employees in order to balance their needs with the service and workload demands of the department. A flexible work schedule is any alternative work schedule for employees who normally work the traditional five-day workweek. Flexible scheduling refers to a range of flexible formats, including varying start or stop times or varying the number of hours worked on a particular day. Flexible work scheduling is neither mandatory nor an entitlement. Any department and employee taking advantage of a flexible scheduling opportunity must ensure that the department can maintain satisfactory service to customers during all hours of the official workday, all work gets done, no weekly overtime other than what might normally be needed is performed, and weekly/monthly work time for each employee is tracked. An employee requesting a flexible work schedule should consult with his/her supervisor. The department head has final approval on any flexible work schedule.

5.9. ATTENDANCE AND PUNCTUALITY

MBT expects employees to be reliable and punctual in reporting for scheduled work. Unscheduled absenteeism and tardiness place a burden on other employees and on the Company. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. All employees are to be ready for work no later than their scheduled starting time. MBT recognizes that there are occasions when illness or other personal events result in an unscheduled absence from work. Accordingly, the Company has a sick leave policy that provides employees with paid time. Poor attendance and repeated tardiness are disruptive. Repeated tardiness and/or absences may lead to disciplinary action, up to and including discharge from employment. Absences that are approved under the Company's Family and Medical Leave Act ("FMLA") policy will not be considered in determining whether disciplinary action is appropriate. However, once employees have used all paid leave (sick, personal and vacation), any additional approved sick time or leave will be unpaid. Employees should contact the Human Resources Department in the event that they believe an absence or lateness is covered under the Company's FMLA policy.

5.10. HOLIDAYS

The Company recognizes the following paid holidays for all full-time employees:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

Two additional personal holidays, which may be scheduled in accordance with an employee's personal preference and prior department approval, are also provided to employees each year.

Employees are eligible for paid holidays from their date of hire; however, during an employee's first year with the Company, personal holidays are prorated in full day increments. Part-time employees regularly working 20 hours or more per week are eligible for pro-rated holiday pay. Any employee absent without pay the workday before or after the holiday is not entitled to holiday pay. It is the responsibility of the supervisor to ensure that the department is

adequately staffed in order to continue to provide effective services at all times. Employees who leave MBT during the year are not entitled to receive pay for any unused personal days or holidays.

5.11. VACATION

MBT grants paid vacation time each year to all eligible employees based on their length of service and their employment classification. The approval of the employee's supervisor is required before requests for vacation will be granted. Supervisors and employees have the responsibility to plan vacation schedules that do not interfere with the operational requirements of the particular office or department. Employees are required to verify that any time not worked is properly recorded as vacation time. The Company has the right to designate any time not worked by the employee as vacation time in the event the employee fails to do so.

5.12. NEW HIRES

During the entire introductory/probationary period, including any extensions, including the first year of employment, employees will accrue vacation at the rate of one day per month to a maximum of 10 days per year. At the completion of the second year of employment, employees will accrue vacation for the remainder of the year at the rate of 1.5 days per month to a maximum of 15 days per year. At the completion of the fourth year of employment, employees will accrue vacation for the remainder of the year at the rate of 2 days per month to a maximum of 20 days per year.

In the event an employee is not able to take his or her remaining vacation time by fiscal year end, the employee will be permitted to carry forward up to 5 vacation days. A formal request must be prepared by the employee's supervisor providing justification for the request and approved by the division Head.

Employees are required to provide at least two week notice of resignation. Employees who are terminated or employees who resign with appropriate notice will be entitled to receive pay for earned but unused vacation, provided that they have completed the probationary/introductory period and do not owe MBT reimbursement for days taken but not earned. At the time of employment separation, vacation time earned but not used will be paid out in an employee's final paycheck or no later than the next regularly scheduled payroll. If an employee has used more vacation time than he or she has earned when the employee's employment is terminated (for any reason), an adjustment for the overage will be made in the final paycheck, as permitted by law.

5.13. SICK LEAVE

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5.14. BEREAVEMENT LEAVE

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5.15. JURY DUTY/COURT APPEARANCE

Future.

5.16. LEAVE FAMILY AND MEDICAL

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5.17. COMPANY MEDICAL LEAVE

Future.

5.18. COMPANY PERSONAL LEAVE

Any full-time or part-time employee (20 hours or more) may apply in writing to the Human Resources Department for an unpaid Company leave for personal reasons if he/she has completed at least one year of continuous service for MBT and has used all accrued vacation time. The length of total leave time approved, including any paid time (such as vacation time) will not exceed one year. Approval of a request for a Company personal leave is a discretionary determination by the Company. If granted, a Company Personal Leave does not guarantee that an employee may return to his/her position. If the employee returns from the leave within a year from the date the leave started, the Company will make reasonable efforts to place the employee in an open position for which he/she is qualified. If no positions are available, the employment relationship will end. Vacation, personal holidays and paid sick time do not accrue during any unpaid Company Personal Leave. Benefits will be continued while an employee is on unpaid Company Personal Leave provided that the employee pays the entire cost of such coverage. The Company may terminate an employee's coverage

for failing to make premium contribution payments. Upon approval from the designated Company Officers (and the President in cases where the request is greater than one year), an employee may request a Company personal leave to pursue other personal opportunities for which compensation is received. In general, a request for a Company personal leave is for less than one year in duration. MBT, after careful and due consideration, shall grant or deny the request.

5.19. MILITARY LEAVE

MBT recognizes that National Guard and Reserve Component Forces may be called or ordered to active duty. Any employee who is called to or enlists for active duty in the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service commissioned corps, and the reserve components of these services and the National Guard, in response to call-ups to aid with our nation's security and defense needs, automatically shall be granted a leave of absence in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, for up to five years. This leave can be extended if the national emergency continues beyond that period. Except when required by military necessity or when it is otherwise impossible or unreasonable, an employee must give advance notice to his/her supervisor either orally or in writing of any need for a military leave of absence. A copy of the "official orders" must be submitted to the employee's supervisor as soon as possible after receipt by the employee.

An employee may use accumulated vacation days prior to beginning the military leave of absence. For employees whose active service is 31 days or more, the Company will continue the employee's health benefits coverage for a period of 30 days from the date military leave begins, after which time the employee will have the option of continuing such coverage at his/her own expense while on active military leave. With regard to employee pension benefit plans maintained by the Company, any person re-employed after military service under this policy will be treated as having no break in service for the period of military service. Time served in the military will be deemed to constitute service with the Company for vesting purposes.

Upon completion of active military duty, the employee shall be restored to his or her former position or one of equal status and pay without loss of service credit or seniority, provided he/she returns to work within 90 days after discharge from active military service. The individual's original hire date will be maintained for determining length of service, including vacation entitlement and seniority. Pay increases and other benefits that accrue while the employee is on leave will be granted upon reinstatement to active employment. In the event that an employee's position is eliminated as part of a scheduled reduction in force while the employee is on leave, MBT is obligated to reinstate the employee to an open equivalent position available at the time the employee is able to return to work and for which the employee is qualified.

6. BENEFITS

Benefit plan coverage is available to fulltime employees. Specific benefit plan eligibility is based on job classification, and the effective dates of coverage will vary depending on the type of benefit. Employees must complete the applicable enrollment process in order for coverage to be in effect. Employees should contact the Human Resources Department for detailed information about plans and costs.

6.1. NOTICE OF PRIVACY REGARDING PERSONAL HEALTH/MEDICAL INFORMATION

MBT values each employee, and the protection of employee privacy is very important. In conducting business, the Human Resources Department may create and maintain records that contain protected health information about an employee and the health care provided as a member of a benefit plan. "Protected Health Information" is personal information about an employee or his/her dependent(s) which can reasonably be used to identify the employee and that relates to the employee's past, present, or future medical condition, the provision of health care, or the payment for that health care. The Human Resources Department protects each employee's privacy by maintaining health related information separate from the main personnel file. Human Resources limits disclosure of this information to those on a need-to-know basis. The Company will produce this information to a third party upon receipt of a duly executed consent by the employee or a lawfully served subpoena or court order.

6.2. PERSONAL DATA CHANGES

Each employee must promptly notify the Human Resources Department in writing of any changes in his/her personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such information must be kept current and accurate at all times. In the event of a name change, a copy of the employee's new Social Security card must be submitted to the Human Resources Department to change the name on the payroll.

6.3. HEALTH INSURANCE BENEFITS-

The Company offers eligible employees medical insurance, which is effective after the 90 day probationary period, subject to the employee's completion of the enrollment process. For information regarding the choice of carriers available, please see the Human Resources Office. The Company offers certain dental insurance benefits, and vision care benefits as part of the employee benefit program.

Eligible employees may elect single coverage or may elect to cover their spouse and legally dependent children (biological, adopted, or step). The Company subsidizes the cost of the group medical coverage for single coverage, with employees contributing 10% of the total cost each month towards the premium.

6.4. LIFE AND DISABILITY BENEFITS

6.5. Future. RETIREMENT PLAN AND TAX DEFERRED 401(K) CONTRIBUTIONS

Future.

6.6. LOANS BENEFITS

Future.

6.7. TUITION REIMBURSEMENT

Future.

6.8. MATCHING CHARITIES

Future.

6.9. SEVERANCE

Future.

6.10. HEALTH BENEFITS UPON TERMINATION (COBRA)

Upon termination of employment for any reason other than discharge due to violation of MBT's Rules of Conduct, a qualified employee and any dependent enrolled in the Company's health and dental care plans may elect continuation of coverage known as "COBRA." Under COBRA, the employee or family member may extend coverage for an additional 18 months (or 36 months, if applicable) on a self-pay basis at 102 percent of the total coverage cost.

6.11. DOMESTIC PARTNER BENEFITS

MBT offers domestic partner benefits to all of its employees. To be eligible for any benefits under this policy, an eligible employee must certify that he/she is a member of a domestic partnership under the Company's domestic partnership policy. Information concerning the certification criteria and procedures is available in the Human Resources Office. Certified domestic partners are eligible for health insurance, dental insurance, and vision care. In addition, certified domestic partners are eligible for any benefit that would otherwise be available to/for a spouse under the Bereavement Leave Policy, Sick Leave Policy, Family and Medical Leave Policy, Health Benefits Upon Termination, and Payment of Outstanding Wages Upon Employee's Death. Children of certified domestic partners are eligible for benefits on the same basis as dependent step-children (i.e., the employee must demonstrate that the child is the legal dependent of the employee's certified domestic partner and that the employee has assumed financial responsibility for the child of his/her domestic partner). The premium charged to employees who are eligible for and elect insurance coverage for their certified domestic partner and/or dependent children of a certified domestic partner under this policy are the same co-pays charged to Company employees electing insurance coverage for their spouses and/or their covered children.

6.12. EMPLOYEE HOME OWNERSHIP PROGRAM

Future.

7. THE UNFORESEEN INJURY

7.1. WORKERS' COMPENSATION

All employees and supervisors must promptly and properly report Workers' Compensation incidents, and employees must receive appropriate medical treatment for work related injuries and/or illnesses. For the purposes of this policy, the following definitions apply:

1. Workers' Compensation Act: A law defining the liability of an employer to pay damages for injuries and/or illnesses received by an employee in the course and scope of employment,
2. Employee: Any salaried or hourly employee of MBT as defined by the law,
3. Panel: Refers to the posted list of at least six health care providers designated by MBT to be utilized by injured and/or ill employees during the first 90 days of medical care.

MBT strives to ensure that all employees who are injured on the job will receive proper medical treatment as required under the Workers' Compensation Act. Every occupational illness and/or injury must be reported, regardless of how minor. These reports will be investigated to ensure the receipt of medical and/or disability benefits due the employee. An employee must report any work related illness or injury to his or her supervisor so that the supervisor can arrange for immediate medical care if needed (including transportation), complete all required reports and documents in a timely and accurate manner, and report the incident to the Workers' Compensation Office in the Human Resources Department. The Workers' Compensation Office will provide direction and training to manage staff and coordinate claims administration. The State Workers' Compensation Act requires any employee who is injured on the job to:

1. Give notice to his/her immediate supervisor, as soon as he/she knows that the injury/illness is work related,
2. Complete an Incident Report, and
3. Seek treatment from one of the posted health care providers for a period of 90 days following the date of his/her first visit.

Referrals to non-panel health care providers prescribed by a panel health care provider will be covered. However, other treatment or services provided by non-panel health care providers will not be paid by MBT. Employees seeking treatment from a non-panel health care provider during the first 90 days will jeopardize reimbursement by MBT. If during the 90-day period an employee wishes to change health care providers, he/she may do so provided he/she visits another panel health care provider. After the 90-day period, an employee may choose to:

- Continue treatment from the posted physician or specialist to whom the employee was referred, or
- Seek treatment from another duly licensed health care provider, provided that the employee notifies the Claims Administrator within five (5) days of the first visit to the non-panel health care provider.

Employees certified as unable to return to work and/or with an indefinite return to work date, MUST remain in contact with their supervisor and the claims administrator. Employees and supervisors may contact the Workers' Compensation Office in the Human Resources Department.

7.2. INDEMNITY AND MEDICAL BENEFIT PAYMENT FOR EMPLOYEES COLLECTING WORKERS' COMPENSATION

MBT compensates any employee who sustains a work-related injury and/or illness in accordance with the Workers' Compensation Act. This payment is known as an "indemnity benefit" and is in addition to any medical benefits the injured worker may receive under the law. Indemnity benefits are not payable to an employee for the first seven calendar days, unless the disability equals or exceeds 14 calendar days.

During the first seven calendar days of absence due to a work-related injury or illness, the employee must use any sick days available, including sick bank days. If the work related absence equals or exceeds 14 calendar days, and payment for the first seven calendar days of disability is made to an injured and/or ill employee under the Workers' Compensation Act, the employee will be required to reimburse MBT for those sick days paid to the employee. The sick days will be added back to the employee's accrued sick leave. Medical payments are made directly to health care providers for services rendered with regard to an employee's work related injury and/or illness.

7.3. BENEFITS CONTINUANCE AND SENIORITY ACCRUAL FOR EMPLOYEES COLLECTING WORKERS' COMPENSATION

While collecting workers' compensation benefits, an employee accrues seniority but does not accrue sick or vacation time. Employment will be terminated for those employees who are absent for more than 12 months. The employee will continue to receive workers' compensation benefits until such benefits are terminated in accordance with the law.

If an employee is covered under the Company's insurance plans, medical, dental and other insurance benefits will continue for up to six months of any workers' compensation leave period, provided that employee continues to pay his/her share of the cost of such coverage. At the end of this period, the employee will receive notice of his or her right to continue benefits under COBRA.

7.4. POSITION RETENTION FOR EMPLOYEES COLLECTING WORKERS' COMPENSATION

When an employee is on workers' compensation-related leave, the Company holds open the employee's position for up to six (6) months (including any period covered by the FMLA). Employees who are medically cleared to return to work after six months of absence should notify the Human Resources Department. The employee will be reinstated to a

comparable position if available. If no position is available, the employee will be treated in accordance with MBT's reduction-in-force (RIF) policy for purposes of determining eligibility for reinstatement.

7.5. FAMILY AND MEDICAL LEAVE FOR EMPLOYEES COLLECTING WORKERS' COMPENSATION

Future.

7.6. RETURNING TO WORK FOR EMPLOYEES COLLECTING WORKERS' COMPENSATION

MBT will make every effort to place employees who are released to return to work, with or without medical restrictions, in an open position for which the employee is otherwise qualified. The Company reserves the right to assign employees with work restrictions to light duty assignments. As soon as an employee is medically cleared to return to work, with or without restrictions, the employee must present his or her release to the Human Resources Department. The department will then review appropriate and available open positions throughout The Company for a period of no less than 30 days and notify the employee in writing of job availability.

8. YOUR PAYCHECK AND EXPENSES

8.1. W-2s, 1042-Ss, AND W-4s

Federal, state, and local laws require the Company to withhold the applicable taxes from each payment made to an employee at the time it is actually or constructively paid, not when the wages are earned and become payable, and to issue W-2 and/or 1042-S forms. Upon hire, each employee is required to complete a W-4 form that specifies the number of tax exemptions claimed by the employee. MBT does not provide assistance in determining the number of tax exemptions an employee may claim.

8.2. PAYROLL SCHEDULES

MBT pays its employees on a bi-weekly basis. The bi-weekly payroll runs for a 14-day period, or in general, 26 times per year. The pay period begins on a Saturday at 12:01 a.m. and ends on the second Friday at 11:59 p.m. Employees on the bi-weekly payroll are paid on Thursday following the pay period end date. If a holiday falls on a Thursday then payroll will be direct deposited on Wednesday. Pre-printed time reports are generated for employees who are paid on a positive reporting basis and must be submitted electronically using the Company transmission system to Payroll Management by 12 noon on the first Monday following the pay period end date in order to receive payment for all hours worked during the pay period. Salaried employees are automatically paid a salary amount based on the information entered into the transmission system from the hiring documents.

Additional documentation is required to adjust the pay, for: 1. Reductions in pay, 2. Overtime, 3. Advance vacation pay, 4. Additional compensation, and 5. Retroactive pay adjustments.

8.3. TIME RECORDS

The automated time collection system is an electronic record used to record all hours worked including overtime and shift premiums, time off with pay (vacation and personal days), and time off without pay for all regular full- and part-time employees. It also tracks vacation usage and sick day occurrences for purposes of discipline, docking and FMLA absences.

Each department will designate the individual(s) who is/are responsible for recording attendance in the electronic collection system. Employees may not record their own attendance. The Company also reserves the right to use hand scanners or similar devices to record time by employees.

Employee attendance records must be kept completely, accurately, and in a confidential manner. The employee attendance records are subject to unannounced reviews to ensure proper use. Falsification of time records is a serious offense. Any employee who falsifies his or her own time record or who falsifies the time record of any other employee is subject to disciplinary action, up to and including discharge from employment. MBT also may report the incident to the proper authorities for investigation of theft of time for which the employee received monetary compensation.

8.4. DISTRIBUTION OF PAYCHECKS AND DIRECT DEPOSIT

The Company is responsible for paying employees for services performed. The Employee Statement of Earnings and Deductions (paystub) is produced and distributed electronically to Company employees each payday via E-mail.

The paystub documents payments for services performed and all deductions withheld from an employee's pay. An employee has the responsibility of notifying management immediately if there is a mistake in the amount of his/her pay.

Direct deposit is the Company's only method of payment for all employees paid by the Company, including but not limited to, all full-time and part-time employees. Direct deposit enables the Company to facilitate the distribution of pay to employees in a safe, secure, and timely manner. Employees without checking accounts can open an account with Wells Fargo, at no charge.

Regular full-time and part-time employees are permitted to have their pay deposited in up to five separate accounts at any bank and/or credit union of their choice within the United States as long as the financial institution is a member of the National Automated Clearing House Association and MBT is using that program. An employee agrees to permit the Company to remove funds deposited into a bank account in error. Ordinarily, Payroll Management will not release individual employee payments prior to the regularly scheduled payday.

Paystubs contain confidential information and, as such, any Company employee charged with the responsibility of handling this information must exercise extreme care when distributing pay-related documents to employees.

In the event that an employee is overpaid, he/she must notify payroll immediately and make arrangements for repayment. If no notification is received and overpayment is discovered, the Company will take steps to ensure reimbursement and disciplinary action may result.

8.5. DEDUCTIONS FROM WAGES (VOLUNTARY DEDUCTIONS)

Regular full- and part-time employees may voluntarily agree to have wage deductions withheld from their pay on a pay-period basis. These withholdings and deductions from an employee's pay are usually made in accordance with the terms of the program or type of deduction and documented on the respective enrollment form. The deductions are withheld and/or stopped at the employee's discretion by contacting the responsible office.

Only Company sponsored programs are eligible for voluntary payroll deductions.

8.6. GARNISHMENT AND WAGE ASSIGNMENTS (INVOLUNTARY DEDUCTIONS)

Involuntary deductions are those over which an employer or employee has no control. The Company is required by law to make the deduction from an employee's pay when served with a court approved withholding order to deduct a certain amount of an employee's pay and send it to a person or governmental agency to satisfy the employee's debt or obligation.

If an employee believes that the garnishment or withholding order was issued in error or is otherwise invalid, it is the employee's obligation to obtain an order from the appropriate agency or court directing MBT to cease the withholding. Until such time, the Company will make any withholding as required by the order.

Types of Involuntary Deductions for garnishments include:

1. Child support orders; 2. Tax levies; 3. Loan collections; 4. Bankruptcy orders; 5. Creditor garnishments; and 6. Employee loans.

These withholdings are administered and remitted by Payroll Management to the appropriate agency in accordance with the terms of the withholding order or garnishment. Any changes or release from the attachment must be authorized by the authorizing agency or court issuing the garnishment or wage assignment order. The Company will not discontinue an involuntary deduction without proper notice from the issuing agency or court. Payroll Management reserves the right to charge an administrative fee in accordance with the terms of state law and the terms of the garnishment.

8.7. OVERTIME

The Fair Labor Standards Act (FLSA) has established minimum standards governing the payment of overtime, minimum wage, equal pay, record keeping, and child labor provisions to nonexempt employees that the Company must follow.

Non-exempt, employees working in excess of their scheduled hours but fewer than 40 hours in a work week are to be paid, at a minimum, at the straight hourly regular rate of pay.

Non-exempt employees required to work by their supervisor for more hours than scheduled are to be paid at a minimum rate of 1.5 times their average straight-time hourly rate for all hours worked in excess of 40 hours in a single work week as established under the FLSA.

Exempt employees are not entitled to overtime compensation.

8.8. SUPPLEMENTAL PAYMENTS

To maintain strict compliance with Internal Revenue Service (IRS) regulations, the Company has determined that all payments received by an employee that are not regular wages are "supplemental wages" as defined by the Internal Revenue Service. Supplemental wages include but are not limited to the following types of payments:

- Retroactive pay, • Overtime pay, • Severance or dismissal pay, • Back pay awards, • Bonuses, • Unused annual leave, • Work during vacation, • Commissions, • Non-qualified moving expenses

The IRS has established the following specific regulations for withholding federal income tax from these payments:

1. The employer can combine the supplemental wages with the payment of regular wages in the payroll period.
2. The employer must withhold federal income tax as if the combined payment is a single wage payment for that payroll period
3. When the supplemental payments are paid separately from regular wages, federal income tax withholdings must be calculated at the flat supplemental rate as established by the IRS. The flat rate is applied without regard to withholding allowances or tax tables. All supplemental payments that are paid by the Company on a separate check will have federal income tax withheld using the supplemental rate as set by the IRS.

8.9. SALARY DOCKING OF EXEMPT EMPLOYEES

MBT complies with the provisions of the Fair Labor Standards Act and state and local wage laws. In accordance with these laws, and except as permitted by these laws, exempt employees generally are paid on a salaried basis, regardless of the number of hours they work in a given workweek. MBT prohibits any unauthorized deductions from the salary of such exempt employees. It is the Company's policy to make deductions from the salary of an exempt, salaried employee when he or she is absent from work only as follows:

1. When an exempt, salaried employee who is absent from work for one or more full days for personal reasons, other than sickness or disability, and has no paid time off available, the employee's salary for that week may be reduced for each day of his or her absence.
2. When an exempt, salaried employee is absent from work for one or more full days as a result of his or her own sickness or disability, including absences as a result of a work-related accident or injury, the employee will be compensated for this illness under the Company's sick leave, disability or workers compensation policies, as appropriate. If the employee has no sick time remaining and is not eligible for disability benefits, the employee's salary for that week may be reduced for each day of the employee's absence.
3. When an exempt, salaried employee takes unpaid leave under the Family and Medical Leave Act, including intermittent leave, the employee's salary may be reduced for each hour (or fraction of an hour) of unpaid leave taken.
4. When an exempt, salaried employee is suspended for violation of safety rules of major significance, the employee's salary will be reduced for the length of the suspension.
5. When an exempt, salaried employee is suspended for one or more full days for violation of one or more of the Company's workplace Rules of Conduct, the employee's salary will be reduced for each day of the suspension.

This policy addresses pay deductions from exempt, salaried employees based on the employee's absence from work. Salary deductions made as required by federal, state and local laws, deductions under the Company's benefit plans and any other voluntary deductions authorized by the employee are not covered by this policy.

An exempt, salaried employee, who believes that an improper deduction has been made from his or her salary, should report this deduction immediately to his/her manager and/or the Payroll Management Office. MBT will promptly investigate the employee's complaint. If an improper deduction has been made, the Company will reimburse the employee for the improper deduction.

8.10. DUPLICATE W-2 AND 1042-S FORMS

The Company currently retains approximately 4 prior calendar years of W-2 and 1042-S forms issued to employees. The Company reserves the right to limit the retention of tax documents to those required by the IRS. All requests for the issuance of duplicate W-2 and/or 1042-S forms must be in writing. No requests will be accepted over the telephone. This policy has been established to protect both the employee and the Company. Salary information is confidential in nature and will not be disclosed to anyone without written authorization.

A replacement tax document can be obtained by completing the Request for IRS Form W-2 and 1042-S in its entirety and submitting the form to Payroll Management in the Human Resources Department. The form, along with the procedures for completing the form, can be obtained from the Company Human Resources Department. A replacement fee will be charged in accordance with the established Payroll Management fee schedule. This fee can be deducted through payroll deduction for all active Company employees requesting a replacement. For former employees, the fee must be remitted at the same time of the request in order for the replacement document to be reissued.

8.11. CITY WAGE TAX REFUNDS

Currently, some cities allow MBT to reimburse employees for City wage taxes when they meet certain requirements. This accommodation is subject to the continuing approval and can change at any time.

8.12. TRAVEL EXPENSES

MBT maintains a travel expense policy to reimburse employees for Company-related expenses. Please see the most recent Travel Expense Policy.

9. YOUR CAREER AT MBT

9.1. CLASSIFICATION OF JOBS

MBT has established a position classification program that appropriately identifies and classifies employees' roles, responsibilities and accountabilities in a manner that is consistent and competitive. Positions are evaluated through the use of comparative analyses of similar positions. As a result of evaluation, positions that require similar skill levels, responsibility levels, effort, qualifications, and working conditions are assigned to the same position class.

The objectives of the classification plan are to:

1. Enable the organization to attract and retain competent employees,
2. Establish administrative policies and procedures that: • Employees can easily understand, • Are sufficiently flexible to meet changing internal conditions and outside influences, and • Ensure uniform and consistent treatment for all.
3. Establish a structure of salaries for all positions that is competitive with salaries paid for similar work in the appropriate labor market,
4. Establish a wage range for each position that accurately reflects the relative value of that position in comparison to all other positions in the organization,
5. Ensure compliance with all federal, state and local compensation statutes and regulations, and
6. Establish career ladders to help foster the development of employee skills and abilities.

The Human Resources Department maintains the classification structure and periodically evaluates and adds positions based on departmental needs and changes in the market environment. The Human Resources Department can provide detailed information on job classifications.

9.2. POSITION DESCRIPTIONS

Position descriptions ensure that all employees have well-defined, clear, and consistent information regarding their positions at MBT. The Human Resources Department has prepared and maintains generic descriptions by job family for every job. Each department is responsible for maintaining its specific position descriptions which identify the key responsibilities/duties of the position, the core competencies and the various role-related competencies.

Position descriptions will be found at the MBT Human Resources Department.

9.3. REVIEW OF CLASSIFICATION OF JOBS/POSITIONS

The Human Resources Department reviews positions to maintain the appropriate classification of jobs within the Company, without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, disability, marital status, or veteran status in employment or in any program. To initiate the classification or position review process, a supervisor or unit head submits a Role Comparison form or a job description to Human Resources. Human Resources may also initiate a review.

9.4. APPEAL OF CLASSIFICATION OF JOBS

The Human Resources Department will advise a supervisor or department head of the results of its review and proposed classification of the position. If the supervisor or department head disagrees with the classification, he/she may request

that Human Resources conduct a second review. Any employee who believes his/her job is misclassified should utilize the procedure outlined in Employee Dispute Resolution.

9.5. REVIEW OF EXEMPT OR NON-EXEMPT JOB STATUS

Any employee who believes he/she has been improperly classified as an exempt or non-exempt employee may initiate a review of his/her exempt or non-exempt status through his/her supervisor. The employee should state the basis for his/her belief that the classification is incorrect. The Department of Human Resources will notify the supervisor/employee within five business days of its decision and the basis for the classification.

9.6. WAGE/SALARY STRUCTURES FOR POSITIONS

Prior to the posting of any opening, the Human Resources Department evaluates the position to determine the appropriate classification and wage/salary structure. An employee responding to a posted position with a different wage structure than his/her current position can consult with the Human Resources Department to determine how the posted position would affect his/her compensation and/or benefit level. In the case of a promotion, the policy on Promotional Salary Adjustments for employees will apply. In the case of a lateral change, the policy on Salary Adjustments for Lateral Changes will apply.

9.7. PERFORMANCE DEVELOPMENT PLANS (PDPs)

MBT is committed to enhancing the performance and professional development of all employees through Performance Development Plans (PDPs). PDPs serve to reinforce the mission, goals, and objectives of the Company as a leader in its business and also maintains a strong community focus. PDPs create a consistent, Company-wide approach to performance management. All employees who work 20 hours or more per week, must have a PDP.

PDPs are designed to go beyond the traditional year-end performance appraisal practice. The PDP process includes year round performance planning, professional development, and year-end appraisal.

Major features include: • Position responsibilities/Essential Functions; • Goals/Projects; and • Competency Development.

Performance development and management begins with performance planning. It includes clearly defined and appropriately classified jobs. Semi-generic position descriptions have been prepared to help employees understand job functions and expectations. Using the semi-generic position description as a guide, supervisors are required to prepare more specific job descriptions to further detail the essential functions of a position. Supervisors must submit the more specific job descriptions to the Human Resources Department. It is the more specific descriptions of position responsibilities/essential functions and goals and projects that should be used on an employee's PDP. The Human Resources Department can provide assistance to supervisors.

Supervisors and/or their direct reports are required to create a PDP at the beginning of each fiscal year for existing employees and during the first month of employment for new hires. Throughout the fiscal year, supervisors provide periodic feedback on performance and coach, counsel, train, and mentor their employees as part of the Company's commitment to performance improvement and development. Supervisors should review performance with employees at least once every quarter and should record comments on PDPs to document progress, accomplishments, and problems. Throughout the fiscal year and especially at the end of the fiscal year, employees should update their PDP comments. Supervisors should review these comments, update their own comments, and accurately and fairly rate employees based on the documentation of their performance. If required in their department, the reviewer should then send the PDP to their supervisor to review. Finally, the supervisor should have an in-person meeting with the employee to review the unrated PDP before electronically sending the rated version to the employee for review.

During the end-of-the-year review meeting, performance planning also begins for the next fiscal year. While the end-of-the-year ratings should not be a surprise to employees, employees who believe their supervisors' evaluations are inaccurate may detail their concerns on the "Employee Comments" section of the Performance Development Plan. Employees should address their concerns first with their supervisor and then with the next level supervisor. If there is no resolution of their complaints, employees may then ask for the Human Resources Department to review their complaint.

9.8. THE MBT COMPETENCIES

MBT has identified 24 competencies that are critical for the Company's future growth. The competencies are divided into those 14 that are core and 10 that are role-related.

Core competencies are the essential values/skills/capabilities that every employee at MBT needs to perform effectively, regardless of role and organizational level. The role-related competencies are those values/skills/capabilities that are more essential in certain roles than others in developing performance. Employee job descriptions identify those role-related competencies that are especially emphasized in that position.

9.8.1. CORE COMPETENCIES

Accountability—takes personal responsibility for all work activities and personal actions, implementing decisions that have been agreed upon, and acknowledging mistakes and failures without blaming others.

Clear Communication—expresses oneself clearly and effectively when speaking and writing to individuals and groups, listens attentively and ensures communication is understood by all parties involved.

Client/Customer Service Orientation—focuses one's efforts on exceeding the customer's needs. Takes personal responsibility for dealing with and/or correcting customer service issues and concerns.

Continuous Improvement Orientation—strives to constantly enhance quality and streamline processes related to how work is completed.

Dependability—consistently produces high quality work with unfailing reliability. Can be counted on to get the job done and done well each time.

Efficiency—utilizes time effectively for maximum performance. Completes activities/projects on or before scheduled deadlines with minimal errors and takes full advantage of the resources available.

Ethics—demonstrates the ability to adhere to an appropriate and effective set of core values and beliefs and to act in line with those values.

Initiative—independently anticipates and identifies problems, obstacles and opportunities and takes decisive action to address them.

Interpersonal Skills—able to work effectively with others using empathy and self-regulation to manage interactions with others.

Policy Compliance—reads, completes required training programs, and complies with all Company policies, all employment policies including anti harassment/discrimination/retaliation policies, Conflict of Interest policies, falsification of data/information policies.

Problem Solving/Decision Making—generates successful approaches analyzing and resolving problems and makes good decisions based upon a mixture of wisdom, experience, and judgment.

Quality Assurance/Attention to Detail—accomplishes tasks through concern for all aspects of the job, no matter how small. Accurately checks processes and tasks and follows up.

Respect and Valuing Diversity—demonstrates the ability to recognize, understand, accept and appreciate the value of workplace diversity; respects the practices, values, and points of view of other individuals and groups.

Teamwork and Collaboration—works cooperatively with others, contributes to and accepts group opinion. Understands that organizational and team goals take precedence over individual goals.

9.8.2.ROLE-RELATED COMPETENCIES

Analytical Thinking—understands a situation, issue or problem by using a step-by-step process, applying basic rules and learned concepts.

Change Leadership—initiates, sponsors, implements, supports and leads others through organizational or departmental change efforts.

Creativity and Innovation—generates novel and imaginative contributions and solutions to problems, projects, processes and situations.

Developing Self—able to grow and apply one's expertise/knowledge with and across specialized technical/functional areas. Includes self assessment, soliciting performance related feedback and taking initiative to build one's own skills.

Developing Others/Supervision—works in partnership with staff to develop departmental, personal and professional goals, encourages staff growth, and maintains a cohesive work team.

Leadership—develops strategic plans and influences others so that they will strive willingly and enthusiastically toward the achievement of goals that support the mission of the department and the Company.

Organization/Planning—establishes work priorities, methods and project flow to accomplish objectives. Utilizes time effectively for maximum performance. Anticipates and prepares for future developments and deadlines.

Resilience and Adaptability—adjusts to changing circumstances by altering attitudes and behaviors. Displays resilience and flexibility in response to setbacks and stressful situations with energy and optimism.

Resource and Project Management—manages time and resources (material, financial and human) in order to accomplish project goals. Collects and analyzes data, develops and implements plans, integrates complex project elements and follows-up by monitoring results of delegations and assignments.

Technical/Professional Skills—achieves a proficient level of technical and professional skills/knowledge in job-related areas. Continues to grow with the changing requirements of the job. Involves continual assessment and skill development.

9.9. EXPECTATIONS FOR WORK-RELATED BEHAVIOR

MBT provides employees with many opportunities for professional and personal growth. All MBT employees are expected to:

1. Meet established expectations of job performance,
2. Comply with attendance policies,
3. Be responsible in the performance of job duties,

4. Meet stated standards of efficiency,
5. Respect the personal and property rights of MBT, other employees, customers, suppliers and visitors to the MBT community,
6. Support management's goals and objectives by following job instructions,
7. Observe all safety regulations, policies and procedures,
8. Follow specific Company and departmental rules,
9. Maintain a courteous and professional demeanor when dealing with co-workers, supervisors, visitors, and other customers, and
10. Engage in appropriate conduct in the performance of duties, during working hours or while on Company property.

Employees who do not adhere to these standards and/or fail to meet the stated expectations for their position are subject to disciplinary action up to and including discharge from employment, depending upon the nature of the conduct.

Examples of conduct that becomes more serious if repeated over time include:

1. Absenteeism, 2. Unscheduled lateness, 3. Inefficiency, and/or 4. Poor job performance.

A supervisor should consult with the Human Resources Department to determine the appropriate level of discipline. MBT deems some violations so serious as to warrant immediate discharge from employment. These violations include, but are not limited to:

1. Stealing, 2. Negligence, 3. Insubordination; 4. Harassing, abusive or threatening conduct of any kind (verbal, written, or physical), 5. Violence of any kind, 6. Destruction or defacing of Company property, 7. Criminal activities, 8. Falsification/Misrepresentation of information and/or documentation, 9. Disclosure of confidential personal information or proprietary business information.

The Human Resources Department must be consulted prior to the termination of any employee for any reason.

9.10. EMPLOYEE DISPUTE RESOLUTION

MBT strives to resolve misunderstandings, complaints and disputes arising from employment with the Company whenever possible. Misunderstandings, complaints, or disputes can arise out of actions taken by administration, supervisors, coworkers (including direct reports, part-time and temporary employees, consultants or other independent contractors) as well as actions taken by visitors to the MBT campus. Employees are strongly encouraged to avail themselves of one or more of the following options:

1. Discuss the problem with the supervisor, or 2. Discuss the problem with the unit manager or the next level supervisor, or 3. Consult with the Human Resources Department.

Supervisors/managers will consult with the Human Resources Department whenever the misunderstanding, complaint, or dispute involves a potential violation of any MBT policy. The employee should receive a verbal or written response to their complaint from the supervisor/manager within two business days. Any employee who does not receive a response within two business days should contact the Human Resources Department.

The Human Resources Department reviews in advance all termination decisions. The decision to terminate an introductory/probationary employee is not subject to the dispute resolution provisions in this section.

All employees who have complaints or disputes with Company staff should follow this process.

10. RECOGNITION OF PERFORMANCE

10.1. SALARY SCALES

MBT bases its salary scales on the market wages for various job levels. The Human Resources Department maintains and adjusts the scales as appropriate.

10.2. HIRING RATES

The salary structure for full-time employees consists of grades established based on market competitive data, and therefore, may periodically change.

Every grade has the following: 1. a recommended “new hire” range, 2. a “target” rate which approximates the “going” market rate, and 3. a “maximum” salary paid for that grade level.

10.3. ANNUAL INCREASES TO SALARY

The following provisions apply to annual salary increases for full-time employees. MBT may, in its sole discretion, provide for salary increases of employees. The amount of salary increases, as well as any eligibility standards shall be determined annually in MBT’s sole discretion. Annual salary increases will be based on performance.

10.4. PERFORMANCE-BASED PAY

MBT’s performance pay program recognizes both an employee’s performance and the employee’s position on the salary scale in order to reward an employee for performance and behavior that is valued by the Company. With the Performance Development System, MBT utilizes consistent resources, methods, and tools to evaluate individual contributions and results against stated goals and objectives.

Performance-based pay establishes the primary linkage between pay and recognition for contributions for employees and rewards for the prior year’s performance through differentiation of pay. Performance pay parameters are determined annually. Guidelines are presented to all managers to provide guidance on appropriate increases based on performance. Performance rewards for employees may vary depending on job performance and position in salary range. Employees who do not perform at a “satisfactory” level or above may be ineligible for a performance-based pay increase for the year. Employees who are at the maximum of their range are not eligible for a performance-based increase in base salary, but may receive their performance-based pay supplement in a one-time lump sum payment.

10.5. PERFORMANCE BONUSES

Performance bonuses are one time payments which may be awarded by management in accordance with established Company criteria. Performance bonuses are awarded annually based on the following criteria:

1. Overall performance is at the “proficient” level or better, and
2. The employee performs substantially above and beyond expectations on a specific goal or project, or
3. The employee makes a contribution that has significant impact on Company or department objectives, or
4. The employee goes above and beyond the normal responsibilities required for his/her position, or

5. The employee assumes added responsibilities in the short-term to rectify a situation in which there is a “gap” in the organization.

This program allows senior management to recognize documented efforts that result in identified cost savings and/or significant cost/benefit/quality improvement and/or revenue enhancement.

10.6. SALARY ADJUSTMENTS UPON RECLASSIFICATION

If a position reviewed by the Human Resources Department results in an upgraded classification, the Human Resources Department will conduct a salary analysis and determine an appropriate salary for the position within the classification system. In making the recommendation, the Human Resources Department will review the salaries paid by the department for other comparable positions as well as the “target” salary for the position.

When an employee has been reclassified to a lower-level position, the provisions of the policy on Position Downgrades will apply. When an employee has been reclassified to a position in the same grade level, the provisions of the policy on Salary Adjustments Without a Change in Grade apply.

10.7. SALARY ADJUSTMENTS WITHOUT A CHANGE IN GRADE

Under limited circumstances, the MBT Job Classification System enables managers to request that the Human Resources Department evaluate a full-time position for a salary adjustment in the absence of a change in grade. Such adjustments shall only be considered under the following circumstances:

An Internal Department Adjustment may be requested in cases where:

- an employee’s pay is below the market or “target” salary for the position, and
- below that of peers in the department who are performing a job with the identical grade, comparable duties, and responsibilities, and
- the employee has equal or greater seniority, capabilities, relevant job experience, and performance than such peers.

A Market Adjustment may be requested in cases where:

- Human Resources or the department head has identified hiring or retention issues associated with a particular discipline or skill set and such an adjustment is necessary to stay competitive.
- It is not sufficient to simply show that the salary paid an employee is less than the market or that may be available elsewhere. There must be a showing of a significant movement in the employment market for the skill set, or that the particular employee is likely to leave the Company’s employment to take a job with similar responsibilities at a greater salary.

10.8. SALARY ADJUSTMENTS FOR LATERAL CHANGES

A transfer is defined as a lateral move either within or outside the current job role. Employees moving from one position to another within the same classification group are not normally eligible for a salary increase as a result of this change. If a current employee is transferred to a position with a lower salary range, the employee will continue to be paid the same amount UNLESS it is above the maximum rate of the salary range, in which case a lower salary may be recommended.

10.9. SALARY ADJUSTMENT FOR PROMOTIONS

A promotion is defined as a change resulting from the advancement to a different position that requires activities of significantly increased complexity and is situated in a higher salary grade than that of the previous position. A promotion may also occur when an employee moves to a new classification. When an employee is promoted, a salary increase is usually appropriate at the time of the promotion.

The following promotional salary increase guidelines apply:

- If the promotion is by one salary grade, an increase ranging from 5-8 percent, but at least to the minimum of the next salary grade,
- If the promotion is by two salary grades, an increase ranging from 8-12 percent but at least to the minimum of the appropriate salary grade.

Promotional salary adjustments in excess of these standards must be based on special market considerations and must be approved by the Human Resources Department prior to the action occurring.

10.10. POSITION DOWNGRADES

A position downgrade occurs when an employee moves (voluntarily or involuntarily) to a position in a lower grade. When considering organizational changes which may result in a position downgrade, and in certain cases a transfer, the department head must consult with the Human Resources Department prior to initiating any changes to ensure Company compliance with MBT policies.

- If the position downgrade results from a restructuring or reorganization, a salary decrease is not recommended,
- If the position downgrade results from performance-related issues, a salary decrease consistent with the appropriate salary scale for the new grade is recommended,
- If the position downgrade results from a voluntary transfer into a lower level position, a decrease in salary appropriate with the new salary structure is recommended.

10.11. ADDITIONAL COMPENSATION

Employees may be entitled to additional compensation when performing services that are temporary in nature and beyond the scope of, and not part of, their regular responsibilities. Compensation for the additional services will be determined, in advance, through consultation between the Human Resources Department and the department head requesting the additional compensation. Where additional services are not temporary, Human Resources will review the position to ensure accurate classification.

MBT, at its discretion can pay every employee an annual profit sharing bonus up to 10% of the employees base pay. This bonus is totally discretionary and will vary by the performance of the Company.

11. A NEW POSITION

11.1. EMPLOYMENT SELECTION AND PLACEMENT

MBT acknowledges the importance of its employees to its success as a national leader in our field. The Company also recognizes the need to provide employment and career opportunities for talented individuals. Accordingly, MBT has developed selection and placement procedures to identify positions and to hire qualified individuals for those positions. This policy complies with all federal, state, and local laws and guidelines pertaining to employment practices and adheres to the Company's affirmative action policies.

Managers charged with hiring authority at MBT are responsible for implementing this policy. The Human Resources Department is responsible for periodically reviewing the policy and applicable processes and making appropriate modifications. The successful implementation of this policy requires that Human Resources guide and consult with managers to assure that the needs of the Company are met.

11.2. AN OPEN POSITION

MBT posts vacant, nontemporary administrative and staff positions via e-mail to employees for a period of seven business days. The purpose of the posting period is to notify current employees of opportunities at the Company and to permit them to apply for those positions for which they are interested. The Company regularly advertises positions externally using diverse media.

11.3. APPLYING FOR A NEW JOB WITHIN MBT

All employees are encouraged to manage their careers at MBT and to post for open positions that meet their career needs. Employees can maintain their resume and profile in the Company confidential, Requisition/Applicant Tracking system. The system is handled by the Human Resources Department.

In addition to the minimum qualifications outlined in the job posting, internal applicants for positions must meet the following qualifications:

1. Employed in current position for at least six months (including any introductory/probationary period); and
2. Satisfactory work record; and
3. Satisfactory job performance that meets job expectations as established by MBT.

Any employee may post for a position in a confidential manner without prior consent or approval from his or her supervisor.

11.4. BEING INTERVIEWED

The Human Resources Department forwards applications and resumes that meet the basic requirements for a vacant position to the hiring department which then screens the resumes and identifies candidates to be scheduled for personal interviews. The Human Resources Department reviews the interview list to ensure that the list of candidates interviewed is representative of the applicant pool from a demographic standpoint. Employees are permitted to schedule interviews during working hours. If an employee is selected for an interview, the employee is encouraged to discuss the posting with his/her supervisor. Employees who have questions about this process may contact the Human Resources Department.

Following the interview process, the hiring department may recommend that an offer be made to a particular candidate. Human Resources will review the selection and decision process and must approve the candidate selection. An offer of employment can be extended only after all required approvals have been obtained.

All offers of employment (written and verbal) to current employees or to external applicants are made solely by designated representatives of the Human Resources Department. Offers must be accompanied by a letter describing the terms of the offer.

11.5. AN INTERNAL OFFER

The Human Resources Department will work with the hiring department to determine an appropriate salary for any internal offer consistent with MBT's classification system and guidelines. Employees and supervisors are prohibited from using the posting process and/or offer of a new position to obtain a salary increase in order to retain an incumbent

employee. This means that the employee's current department cannot make a counteroffer to prevent the employee from accepting a new position.

.Current MBT employees awarded a vacant position must assume their new position at a mutually agreeable time, generally not to exceed four weeks following notification. Selected employees must notify their current supervisor of the internal offer immediately upon accepting the new position. At that time, the employee must also advise his or her current supervisor of the proposed date of the new position. Any conflicts concerning transition arrangements and dates are to be discussed between the supervisors of the hiring and releasing departments. They should develop a mutually agreeable solution and provide a positive transition for the employee. Any requests for an exception may be considered on a non-precedent setting basis and must be approved in writing by the Human Resources Department.

Once an employee has started in the process of posting and interviewing for a position and has been offered the position, the employee's supervisor is prohibited from making a counter-offer to entice the employee to stay.

11.6. AN EXTERNAL OFFER

Offers made to external new hires are contingent on a pre-employment health assessment, a satisfactory drug screening, appropriate background checks, confirmation of academic credentials, and satisfactory work reference checks. In addition, all new employees must provide proof of identity and eligibility to work within three days following the start of their position.

The Company has contracts with experts who can assist with the transition if relocation is required. They can also assist existing employees who are moving. The vendors can be accessed through Human Resources.

11.7. TEMP-TO –REGULAR HIRE POLICY

Departments have the option of hiring an employee through one of the Company's preferred vendors on a temp-to-regular hire basis. This program is intended to aid in hiring office support and administrative services employees. It is not intended to replace the regular internal recruitment responsibilities. To start this process, contact the Human Resources Department.

11.8. THE INTRODUCTORY/PROBATIONARY PERIOD: NEW HIRE

All new employees must complete an introductory or probationary period. The introductory period for staff and administrative employees is six months and can be extended for up to another six months based on performance (as discussed with the employee) during the introductory period. This time allows each employee to become acquainted with his or her new position and the work environment. It is also a time for the employee and the supervisor to evaluate each other in the new work situation. Accordingly, during the introductory/probationary period, the employee's immediate supervisor will work with the employee to define performance expectations. An employee will be given feedback concerning any deficiencies prior to the end of the introductory/probationary period if the supervisor believes that the employee is not meeting those expectations. The employee will generally have an additional 30 days to correct any performance deficiency before the introductory/probationary period is terminated.

If the employee does not correct the deficiencies within this additional time period, MBT will discharge the employee. The Company may discharge an employee at any time for misconduct or for any violation of MBT policies upon approval of the Human Resources Department.

MBT recognizes that introductory/probationary employees may have unexpected absences from work due to illness. However, more than three days absence from work during the introductory period will be reviewed by the Human Resources Department and may result in disciplinary action, up to and including termination of employment.

During the introductory/probationary period, new employees are entitled to paid time off for calendar holidays and any accrued vacation and/or sick time. Medical and Dental benefits begin on the employee's first working day.

11.9. THE INTRODUCTORY/PROBATIONARY PERIOD FOR AN EXISTING EMPLOYEE

In the event that a current employee is offered a new position in a different department, he/she is again subject to an introductory/probationary period. The supervisor should provide the employee with feedback on his/her performance after 60 days. If the employee does not perform satisfactorily in the new position or requests to return to his/her former position within this introductory/probationary period, the hiring department must contact the Human Resources Department, and the employee will be transferred back to his/her prior position if it is vacant and if no offer to fill it already has been made. If the former position is not available, the Human Resources Department will work with the employee and the new department to identify another vacant position for which the employee is qualified—first within his/her prior area, unit and/ or department, and secondarily throughout the Company. If no suitable position becomes available within three months, MBT may place the employee on layoff status. In such an event, the Human Resources Department will continue to work with the employee to identify a suitable position for up to one year. The Company is not responsible if a satisfactory alternative position cannot be found

During this introductory/probationary period, employees are eligible for all benefits including vacation, sick time and personal holidays that they would have been eligible for had they remained in their prior positions. All employees moving to new positions should discuss vacation plans in advance with the hiring supervisor and receive approval of the timing.

11.10. POSTING FREEZE

When an employee accepts a new position through the voluntary "job posting" process, it is expected that the employee will remain in this new position for a period of one year and, therefore, generally is not eligible to be considered for future openings during this period. Any requests for exceptions to this period may be considered for extenuating circumstances on a no precedent setting basis and must have advance written approval by Human Resources.

11.11. BEING REHIRED BY MBT

An employee who is rehired by MBT will receive past service credit only for purposes of vacation eligibility and seniority in the following circumstances:

- He/she previously worked for MBT within the last 10 years, and
- He/she left MBT for reasons that were other than performance related.

An employee meeting the above criteria who returns to MBT within one year will also have any accrued sick days reinstated.

11.12. NON-DISCRIMINATION

MBT is a Company and community that respects diversity. The Company emphasizes the dignity and equality common to all persons and adheres to a strict non-discrimination policy regarding the treatment of individual employees.

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MBT is committed to the principles of affirmative action to ensure equal opportunity in all aspects of employment for those historically excluded and to foster diversity in the Company community. The Company does not discriminate on the basis of race, color, religion, gender, sexual orientation, national origin, ancestry, age, disability, marital status or veteran status in employment or in any program or activity offered or sponsored by the Company. The Company reaffirms its commitment to the full realization of Equal Employment Opportunity in its employment practices. It is the policy of MBT to:

1. Recruit, hire, train, promote, and compensate for all Company positions without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, disability, marital status or veteran status,
2. Make employment decisions in a manner that furthers the principles of affirmative action and equal employment opportunity,
3. Ensure that promotion decisions are made in accordance with principles of affirmative action and equal employment opportunity principles by imposing only valid requirements for promotional opportunities, and
4. Ensure that all personnel actions including, but not limited to, compensation, performance assessments, layoffs and other terminations, returns from layoff, training, educational/tuition assistance, and social and recreational programs are administered without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, disability, marital status or veteran status.

Any employee who feels that he/she is being discriminated against should immediately report it to his/her supervisor, or the Human Resources Department so that a prompt investigation can be conducted. All allegations of discrimination will be promptly investigated with as much confidentiality as possible under the circumstances; and the Company prohibits any form of retaliation against all employees participating in an investigation. Appropriate and effective corrective action, as warranted, will be taken promptly upon the conclusion of the investigation.

Any employee engaging in any type of discrimination in violation of this policy will be subject to disciplinary action, up to and including discharge. Any supervisor who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action, up to and including discharge. Retaliatory actions will be subject to disciplinary action, up to and including discharge.

11.13. ANTI-HARASSMENT, INCLUDING SEXUAL HARASSMENT

MBT is committed to creating and maintaining a work environment free of all forms of unlawful harassment, including harassment based on sex, race, sexual orientation, religion, national origin, gender, age, and disability. The Company advises each member of the Company community that such harassment is prohibited both by law and by Company policy. The Company may investigate any suspected violation of this policy even in circumstances where no formal complaint has been made. MBT will take whatever action is necessary to prevent, correct, and if necessary, discipline objectively severe and pervasive behavior that adversely impacts the work environment in violation of this policy. In the event an employee or a vendor/customer believes he/she is being harassed outside the MBT environment by another MBT employee, MBT will make every effort to assist the individual in reporting the conduct to appropriate authorities.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, dissemination of sexually offensive or suggestive written, recorded or electronically transmitted messages, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment , or activity; or
- b. Submission to or rejection of such conduct is used as a basis for an employment-related, educational, or other decision affecting an individual; or

c. such conduct substantially interferes with an individual's work, or equal access to the Company's resources and opportunities; or

d. such conduct is objectively severe and pervasive and creates an intimidating, hostile, or abusive work or educational environment.

Racial harassment is a form of discrimination because of a person's race or color. Sexual orientation harassment is a form of discrimination because of a person's sexual orientation. Religious harassment is a form of discrimination because of a person's religion. National origin harassment is a form of discrimination because of a person's ethnicity, ancestry or national origin. Gender harassment is a form of discrimination because of a person's gender. Age harassment is a form of discrimination because of a person's age. Disability harassment is a form of discrimination because of a person's disability status.

Harassment based on any of these protected classes may include, but is not limited to, many different types of actions: verbal (epithets, derogatory comments, slurs); physical (assault, impeding or blocking movement); or visual (derogatory posters, cartoons, drawings, internet materials or e-mails).

The use of a Company communication system, voice mail system, e-mail system or computer system in a harassing manner that disrupts the work environment or interferes with an employee's ability to perform his/her job duties is prohibited and will result in disciplinary action, up to and including discharge.

Anyone who feels that he/she is being unlawfully harassed should immediately report it to his/her supervisor, ombudsperson, or the Human Resources Department so that a prompt investigation can be conducted. All allegations of harassment will be promptly investigated with as much confidentiality as possible; and the Company prohibits any form of retaliation against employees participating in an investigation. Appropriate and effective corrective action, as warranted, will be taken promptly upon the conclusion of the investigation.

Any employee engaging in any type of harassment in violation of this policy will be subject to disciplinary action, up to and including discharge. Any supervisor who has knowledge of such behavior yet takes no action to end it and/or report the conduct to the Human Resources Department is also subject to disciplinary action, up to and including discharge. Retaliatory actions will be subject to disciplinary action, up to and including discharge

11.14. DISABILITY – REASONABLE ACCOMMODATION

The Americans with Disabilities Act (ADA) and State Laws prohibit discrimination against a qualified person with a disability in any employment practice, including but not limited to: recruitment, hiring, promotion, discharge, compensation, training, provision of benefits, and other terms and conditions of employment. The Company is committed to making reasonable accommodations in policies, practices, or procedures when such modifications are necessary for any qualified applicant or employee to perform the essential functions of the position.

Any employee needing accommodation, or any manager needing assistance in assessing the reasonableness of a requested accommodation, locating auxiliary aids, or having general questions about the ADA and accessibility issues should contact the Human Resources Department. Any employee who believes he/she has not received an appropriate accommodation should contact the Human Resources Department.

11.15. EMPLOYEE DISPUTE RESOLUTION

MBT strives to resolve misunderstandings, complaints and disputes arising from employment with the Company whenever possible. Misunderstandings, complaints or disputes can arise out of actions taken by administration, supervisors, coworkers (including direct reports, part-time and temporary employees, consultants or other independent contractors), as well as actions taken by customers and visitors to the MBT campus. Employees are strongly encouraged to avail themselves of one or more of the following options:

1. Discuss the problem with the supervisor, or
2. Discuss the problem with the unit manager or the next level supervisor, or
3. Consult with the Human Resources Department.

Supervisors/managers will consult with the Human Resources Department whenever the misunderstanding, complaint, or dispute involves a potential violation of any MBT policy. The employee should receive a verbal or written response to his or her complaint from the supervisor/manager within two business days. Any employee who does not receive a response within two business days should contact the Human Resources Department.

The Human Resources Department reviews in advance all termination decisions. The decision to terminate an introductory/probationary employee is not subject to the dispute resolution provisions in this section.

11.16. CONFLICT OF INTEREST: EMPLOYEES

MBT employees are required to exercise the utmost good faith in all transactions involving their duties to the Company and its property. In their dealings with and on behalf of the Company, employees are held to a strict rule of honest and fair dealings. Employees are prohibited from using their positions, or knowledge gained in their job, in such a way that may cause a conflict of interest between the individual's interests and MBT's interests. Employees are required to disclose to their department head any potential conflict of interest when it arises or when the employee learns of the potential conflict.

Any questions should be directed to the Human Resources Department.

11.17. GIFTS AND CONFLICT OF INTEREST

MBT personnel at various administrative levels occupy positions in which they directly or indirectly influence the expenditure of large amounts of money. In order to avoid any possible conflict of interest, or appearance thereof, Company personnel must be extremely cautious and circumspect with respect to gifts. Even though there may actually be no wrong-doing intended, the knowledge that a MBT representative has accepted a gift from those who do business with the Company can easily be misinterpreted.

No Company representative may accept any gift that may influence the conduct of business with The Company. Any employee accepting a gift that exceeds the value of \$50.00 from any firm or individual doing business with the Company must disclose the gift and/or his/her intentions regarding the gift to his/her supervisor.

Under certain circumstances, a unit, department, plant may accept money from a vendor for the purpose of sponsoring a program, seminar, workshop, scholarship, or other educational or sport event where the sponsor has no control over the program and does not expect any remuneration or special benefit in return, and where the unit has no decision-making authority over MBT's business relationship with the vendor.

Any questions should be directed to the Human Resources Department.

11.18. DRUG & ALCOHOL ABUSE

MBT prohibits the unlawful possession, purchase, manufacture, use, sale or distribution of drugs and/or the abuse of alcohol by employees on Company property or as part of any of its activities. If an employee is found in violation of

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Company policy, federal or state laws, or local ordinances, the circumstances accompanying each individual case will be considered when determining the consequences.

Violations of this policy will result in disciplinary action, up to and including discharge, and may have other legal consequences. The Company does not condone the abuse of alcohol and drugs and recognizes that employees with alcohol and/or drug-related problems should be encouraged to seek help in dealing with such problems. Employees are encouraged to use the Company's counseling services, self-help groups (Adult Children of Alcoholics, Alcoholics Anonymous, or Narcotics Anonymous) the EAP (Employee Assistance Program) or health insurance plans, as appropriate, when facing alcohol and/or drug-related problems. Employees may contact the Human Resources Department in confidence.

MBT will require any employee who it reasonably believes is in violation of this policy to undergo drug and/or alcohol testing in accordance with its Drug & Alcohol Testing Policy.

11.19. DRUG AND ALCOHOL TESTING

To protect the MBT Community and to ensure compliance with the standards set forth in Drug-Free Workplace and Drug and Alcohol Abuse, MBT will conduct drug and/or alcohol testing under one of the following circumstances:

11.20. PRE-EMPLOYMENT

MBT requires that offers of employment are contingent on the prospective employee being free of drug abuse/addiction. Any applicant who refuses to take the drug test, attempts to alter or falsify the results, or tests positive for illegal drugs on the drug test is not eligible for employment with MBT.

11.21. REASONABLE SUSPICION

MBT may ask an employee to submit to a drug or alcohol test whenever it reasonably believes that the employee may be under the influence of drugs or alcohol at work in violation of its Drug Free Workplace or its Drug & Alcohol Abuse Policy, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual, bizarre or erratic conduct on the employee's part that suggests impairment or influence of drugs or alcohol; an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury, or excessive and unexplained absenteeism or tardiness.

11.22. RANDOM TESTING

All employees are subject to random testing for drug use and alcohol abuse.

If an employee tests positive for drugs or alcohol under this policy, the employee is subject to disciplinary action in accordance with MBT's Drug-Free Workplace Policy and/or Drug and Alcohol Abuse Policy. Nothing in this policy prohibits or in any way limits the lawful use of prescription and nonprescription drugs. However, an employee must inform his/her immediate supervisor or the Department of Human Resources if he/she is using a prescription or nonprescription drug which, at current prescribed dosage, could impair work performance or pose a risk of harm to the employee, to others, or to property.

It is the employee's responsibility to determine from his or her physician(s) if the medication can impair work performance or pose such a risk. If the lawful use of lawful prescription or nonprescription drugs does limit or otherwise impair the employee's ability to perform the essential functions of his or her position or otherwise creates a safety risk, the Human Resources Department will meet with the employee to determine whether a reasonable accommodation is available.

Employees who have questions regarding this policy are encouraged to contact the Human Resources Department.

11.23. GAMBLING IN THE WORKPLACE

MBT employees shall not engage in gambling activities during work hours and are prohibited from using Company equipment or facilities in carrying out such activities.

11.24. POLITICAL ACTIVITIES

MBT does not restrict its employees from engaging in political activity or holding of public office so long as the activities do not interfere (in any way deemed significant by The Company) with the performance of duties and responsibilities as assigned by the Company and so long as the employee makes clear that the activities are undertaken in a personal capacity and not as a representative of The Company. Such activities, like any other personal, non-official undertaking, must be done on the individual's own time and should not interfere with Company duties. Employees may contribute their own funds to political parties, groups, or candidates or expend funds on behalf of the above parties, groups, candidates or issues, subject only to state and federal laws which regulate political contributions.

Employees may not use The Company resources or facilities in connection with such political activities. If elected or appointed to an office that would interfere (in any way deemed significant by the Company) with the performance of assigned Company duties, the individual must resign from his or her position with the Company, or petition for a leave of absence without salary.

11.25. SOFTWARE AND COMPUTER USAGE

MBT has adopted extensive software and computer usage policies that govern the usage of software, hardware, computer related equipment and resources acquired by MBT and/or used by any person employed by, or affiliated with, the Company. Any Company employee, visitor, supplier, retiree, consultant, and/or temporary employee who has access to or who uses the MBT network, electronic mail and/or other computer-related resources to conduct Company business must review and abide by these policies. The Company's Software Policy can be obtained from the Human Resources Department.

Using peer-to-peer file sharing programs to illegally download or share copyrighted materials including music, games and videos is strictly prohibited. In addition, any person using Company computer equipment, software, or other computer resources must review and abide by the Company Software Policy.

User accounts and access passwords used to access MB Technology's computing systems and network resources, are considered private and are not to be shared with anyone

11.26. SAFETY

The health and safety of all employees, visitors, and our neighboring communities is an utmost concern of the Company. The Safety Department (SD) is responsible for ensuring the safe use of materials, chemicals, and biological substances at the Company. SD is responsible for identifying safety problems; initiating, recommending, or providing corrective actions; verifying implementation of corrective actions; and ensuring compliance with regulations and Company policies for the use of hazardous substances.

All members of the Company community are required to comply with the Company policies and regulatory requirements specifically in the use, handling, and storage of hazardous materials at all locations of the Company.

The Safety Manual contains the basic policies and procedures for the safe handling of materials at MBT.

11.27. HIV/AIDS NON-DISCRIMINATION

Consistent with its non-discrimination policies, MBT will not discriminate on the basis of an individual's HIV status. HIV status shall be deemed to include actual or perceived HIV status, or any condition related to Acquired Immune Deficiency Syndrome (AIDS), an individual's being suspect of having such virus or conditions, or an individual's association with any person having or believed to have said virus or conditions. Specifically, no person shall be subject to adverse employment actions solely because of a non-job related disability, and reasonable efforts will be made to accommodate an employee with HIV status consistent with the then-current state of scientific knowledge on transmission of the disease; nor shall any person be access to MBT programs, facilities, events, services or any benefits provided by the Company solely on the basis of HIV status.

Consistent with its non-discrimination policies, MBT's policy of non-discrimination shall be applied to all instances described above except in those instances when it shall be determined that reasonable accommodations are not available to insure a person's ability to participate fully in programs or positions, or when a person by reason of his or her HIV status poses, according to available medical information, a direct threat to the health or safety of themselves or others associated with the Company.

MBT shall, consistent with applicable law, maintain the confidentiality of all Company records documenting, and information concerning the HIV status of Company employees to the same degree that confidentiality is afforded to other medical records of Company employees.

11.28. SOCIAL SECURITY NUMBER USAGE

MBT collects and maintains personal and confidential information including Social Security numbers, relating to (i) its employees and applicants for employment, (ii) to some extent, certain other individuals associated with the Company. The use of the Social Security numbers as a primary identifier for MBT-related individuals will be avoided, except as required by law or as required by practical necessity as approved by the President or other designated Company officers.

The Company is committed to safeguarding the security and confidentiality of personal and confidential information in compliance with applicable laws and has adopted policies, procedures and practices to meet that objective. Any MBT-related individual who violates this policy or fails to comply with applicable SSN procedures is subject to disciplinary action, up to and including discharge.

11.29. ANTI-RETALIATION IN EMPLOYMENT

MBT is committed to maintaining a work environment free from any form of unlawful discrimination or harassment. In an effort to foster such an environment, and in conformity with all federal, state and local laws, MBT strictly prohibits any form of retaliation against an employee who makes a good faith complaint or reports conduct prohibited by the Company's policies, procedures or Rules of Conduct or other conduct prohibited by law or regulation. The Company policy further requires that all employees cooperate with The Company in an internal investigation of any matter and to provide honest, truthful and complete information to the best of the employee's ability.

MBT encourages its employees to make good faith disclosures of any misconduct or violation of a policy, procedure or Rule of Conduct to the appropriate Company office or official. A disclosure or report is made in good faith whenever the person holds a "reasonable" belief that a violation of Company policy, procedure or Rule of Conduct has occurred, or holds a reasonable belief that an action taken is prohibited by law or regulation. In other words, if another person in the same or similar position could conclude that a violation occurred, the belief is reasonable and should be reported. A report is not made in good faith if it is based on information known to be false, intentionally or negligently ignores or overlooks information that would disprove the violation, is made with the purpose of falsely maligning another Company employee or is otherwise made for an improper purpose.

Retaliation may exist when action is taken against a person who made the initial complaint or action is taken against a person(s) who participated in the investigation into whether a violation occurred. The "action" that forms the basis for

retaliation can take many forms, and includes, but is not limited to, any action or conduct that deprives the individual of employment opportunities or otherwise adversely affects the individual's status as an employee or the work environment. Any employee found to have retaliated against another employee in violation of this policy is subject to discipline, up to and including termination from employment.

MBT urges any employee who believes that any employment action is based in whole or in part on the reporting of conduct prohibited by MBT policies, procedures or Rules of Conduct and/or participating in any work-related investigation to contact the Human Resources Department. An employee who believes that he/she is subject to retaliation for complaining about unlawful discrimination or harassment, or for participating in an investigation involving a claim of discrimination or harassment, may also file a complaint with the Office of Human Resources.

MBT takes all complaints of retaliation very seriously. The Human Resources Department investigates all complaints in a timely manner and to take appropriate steps to address claims of retaliation when substantiated. Employees who observe any act that could be construed as retaliatory should also contact the Human Resources Department to report the conduct.

11.30. ETHICS REPORTING POLICY AND PROCEDURE

MBT has a responsibility for the stewardship of its resources and the support that enables it to pursue its mission. The Company is committed to compliance with applicable laws and regulations and to promulgating Company policies and procedures that apply to the Company, including laws, regulations, policies and procedures that strengthen and promote ethical practices and ethical treatment of all those involved in the conducting of Company business. The Company has in place a system of internal controls and operating procedures that are intended to detect and prevent or deter improper activities. Even the best systems of internal control, however, cannot provide absolute safeguards against waste, fraud, abuse and other irregularities.

All employees are expected to maintain the highest ethical standards set forth in this manual, official Company policies, and/or applicable laws. Employees are expected to report any suspected violations of laws, regulations and/or Company policies and procedures that come to their attention. Inappropriate activity can range from clearly illegal activity, such as the theft of Company funds, to activity that is lawful but unethical, such as divulging confidential information not otherwise prohibited by law or the unauthorized signing of documents on behalf of the Company.

Disciplinary actions for violations or for improper retaliation against anyone who reports possible violations will be determined on a case-by-case basis and may include disciplinary actions up to and including discharge.

To report a suspected violation of laws, regulations, Company policies and procedures, employees are encouraged to do any one of the following:

1. Report to Management—violations may be reported through standard management channels beginning with the immediate supervisor. If for any reason it is not appropriate to report suspected violations to the immediate supervisor, employees may go to a higher level of management.
2. Report to Internal Audits—violations may be reported to the Department of Internal Audits
3. Report to Human Resources—violations may be reported to the Department of Human Resources.
4. Report to Office of Company Counsel—violations may be reported to the Office of Company Counsel.

The Company will maintain as confidential all reports of suspected violations to the extent permitted by law. Employees are permitted to make anonymous reports although in doing so it is requested that the employee provide as much detail as possible in order for the Company to properly investigate the anonymous report. The Company is committed to investigating and taking necessary corrective actions for all suspected violations of its policies, procedures and/or

applicable laws. To protect the integrity of the internal investigative process, in no instance will a Company official who is specifically named in the complaint be the recipient of the complaint or learn the identity of the reporting individual or witnesses during the internal investigation unless disclosure is otherwise required by law or for a legitimate Company business purpose.

Employees reporting suspected violations pursuant to this section and/or any employee who participates in good faith in an investigation is protected from retaliation under the Company's Anti-retaliation policy.

11.31. WEAPONS AT WORK

MBT prohibits employees (other than Company police officers as authorized by their position), contractors, vendors, and any other visitors (other than law enforcement personnel authorized to carry weapons) to our campus from possessing, carrying, or using weapons on property owned by or under the control of the Company.

For the purpose of this policy, "weapons" mean:

1. any object or device which is designed to expel bullet, shot, or shell by the action of an explosive, 2. any object or device that will, or may be readily converted to, expel a bullet, shot or shell by the action of an explosive or other propellant, and that has any barrel with a bore of more than 1/2 inch in diameter, 3. any pistol, revolver, rifle, shotgun or other firearm of any nature, 4. any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, or (D) rocket having any propellant charge, or (E) missile having an explosive or incendiary charge, 5. any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick, or other detonating device, 6. any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy, 7. any knife, commonly referred to as a switch-blade, that has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife, or stiletto, except that an ordinary pocket knife with a blade no more than four inches in length shall not be construed to be a weapon for the purposes of this policy, or 8. any other object, tool, or instrument used for the purpose of creating a physical threat or harm to any individual or MBT property.

Individuals who engage in any conduct prohibited by this policy may be removed from Company property, and may be subject to discharge/expulsion or other disciplinary action, arrest and/or criminal prosecution. This policy applies to all work locations including offices, work sites, vehicles, and field locations.

11.32. VIOLENCE IN THE WORKPLACE

MBT is committed to providing a safe, healthful workplace that is free from violence or threats of violence. For purposes of this employment standard, workplace violence is any violent or potentially threatening behavior that arises from or occurs in the workplace that affects Company staff and visitors. MBT does not tolerate behavior, whether direct or through the use of Company facilities, property, or resources, that:

- Is violent, • Threatens violence, • Unlawfully harasses or intimidates others, including stalking behavior, • Interferes with an individual's legal rights of movement or expression, or, • Disrupts the workplace, or the Company's ability to provide service to the public.

Violent or threatening behavior can include physical acts, oral or written statements, harassing telephone calls, gestures and expressions, or behaviors such as stalking.

Individuals who engage in any conduct prohibited by this standard may be banned from Company property, and may be subject to discharge or other disciplinary action, arrest and/or criminal prosecution. This policy applies to all work locations including offices, work sites, vehicles, and field locations.

The Company takes reports of threatening or violent workplace incidents seriously. Employees, supervisors and managers should contact the Human Resources Department and the Police at 911 immediately to report any threats that they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed that they regard as threatening or violent when that behavior is job-related or might be carried out on Company owned or leased property.

Any employee who receives a protective or restraining order that lists an MBT campus as a protected area is required to provide the Human Resources Department and Police with a copy of the order and any information requested by The Company to identify the individual subject to the order. For example, if an employee has received a restraining order prohibiting a former spouse from coming to the workplace, the employee must provide Human Resources and the Police with a copy of the order and a recent picture of the spouse.

11.33. CONFLICT OF INTEREST – EMPLOYMENT OF RELATIVES “NEPOTISM” AND CONSENSUAL ROMANTIC RELATIONSHIPS

MBT recognizes that both the employment of a relative or individual who has a consensual sexual or romantic relationship with his/her supervisor (anyone who is in a position to hire, supervise, grade, advise, evaluate, or otherwise directly influence the employment or progress of another employee, or other person) can create an actual or potential conflict of interest. A “relative” for the purpose of this policy is defined as a spouse, domestic partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or “step” relation as well as any individual sexually or romantically involved with another Company employee.

MBT may hire qualified relatives of its current employees as long as that employment does not create actual or potential conflicts of interest and where the employee has no influence over the terms or conditions of the relative’s employment. Whether the employment creates an actual or potential conflict shall be determined in accordance with established Company policy. Other than recommending the relative for employment, an employee is prohibited from playing any direct or indirect role in the decision to hire the relative.

MBT endeavors to exercise sound business judgment in the placement of relatives. Unless approved in advance by the Human Resources Department pursuant to the Company’s conflict of interest policy, relatives or persons who are romantically involved may not:

- Work in the same department, unit, or lab,
- Report directly or indirectly to a relative,
- Interview with a relative,
- Evaluate the work of a relative,
- Participate in the performance planning or review of a relative, or
- Influence the salary or classification of a relative, or
- Make any recommendation affecting the terms and/or conditions of a relative’s employment, or
- Work in a position where employment may present a conflict of interest.

These standards also apply to employees who become “related” after the hiring decision is made, such as employees who start dating or otherwise engage in a consensual sexual or romantic relationship, marry, or enter into a domestic partner relationship, or become relatives as a result of a marriage or domestic partner relationship. In such circumstance, the employees should contact Human Relations. Likewise, these standards apply in circumstances where one person is employed by MBT and the other person is employed by a Company supplier or customer.

All employees are cautioned that consensual sexual or romantic relationships can result in claims of sexual harassment because the voluntariness of the consent may be questioned when a power differential exists. If a sexual harassment claim subsequently is filed, the argument that the relationship was consensual will be evaluated in light of this power differential. Some relationships involve inherent conflicts of interest that cannot be eliminated. Relationships between supervisors and their subordinates are prohibited when the working relationship is such that it is not possible to eliminate the conflict of interest.

A supervisor is required to consult with the Department of Human Resources if he/she is uncertain as to whether a relationship between MBT employees violates the Company's policy on Sexual Harassment. Any employee who feels he/she is involved in a sexual or romantic relationship that is not welcome or consensual should promptly contact the Human Resources Department who will determine the appropriate procedures to be used in making alternative arrangements to eliminate conflicts of interest under this policy. Violations of this policy may lead to disciplinary action up to and including discharge from employment.

11.34. CONFIDENTIAL INFORMATION

In performing their duties for the Company, employees may have access to confidential information including, but not limited to, proprietary business information relating to the Company and personal confidential information related to other employees, applicants, retirees and others.

This includes information viewed online, in print, in other media, or received verbally. Information to which employees have access is to be shared only as appropriate and only as the business need requires. The disclosure of confidential information to others who do not have a legal right to the information may violate Federal and state laws. Any employee who misuses or otherwise improperly discloses confidential information will be subject to disciplinary action, up to and including discharge from employment.

All employees have to sign a confidentiality and non disclosure agreement as part of the condition of employment.

All employees must review and abide by MBT's Computer Usage Policy. Questions regarding this policy should be directed to the Human Resources Department.

Any employee who is asked to disclose confidential information to any person who does not have a legitimate business reason for obtaining such information or any employee who is aware of other individuals who have disclosed confidential information in violation of this policy must report such an occurrence to his/her immediate supervisor or the Human Resources Department. Failure to report a violation of this policy may result in disciplinary action, up to and including discharge from employment.

11.35. WORKPLACE SURVEILLANCE AND SEARCHES

MBT may authorize the use of reasonable surveillance and search measures as necessary to ensure an appropriate work environment or compliance with Company policies and applicable law. Subject to legal requirements, the Company reserves the right to inspect and search all work areas, desks, computers, file cabinets, lockers, lunch boxes, or other containers, and personal vehicles in Company parking areas or any other area within Company control. In addition, all records contained in computers (including voice mail and e-mail) and storage devices (including removable media) are open to inspection by the Company in accordance with Company policies, subject to applicable legal requirements.

All Company work areas will be under 24 hour video surveillance.

No mobile phones or cameras are allowed on any Company property, except in enclosed office areas.

11.36. USE OF COMMUNICATION SYSTEMS

Most communication services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each communication. All communication services and equipment, including the messages transmitted or stored by them, are the sole property of the Company and may be opened, reviewed, and/or retained by MBT in the normal course of business. Employees therefore should refrain from using a MBT address (physical or electronic) to receive personal communications. Any employee who chooses to use the Company communication systems and equipment for personal reasons must limit the usage so that it does not interfere with the performance of the employee's job duties or bring

disrepute or embarrassment to the Company. Communication systems may not be used to solicit or recruit for commercial ventures, religious or political causes, outside organizations, or other nonjob-related solicitations. Employees should exercise care so that personal correspondence does not appear to be an official communication of the Company. Employees should not use MBT stationery or postage for personal letters. Employees are not permitted to place personal mail in the stacks of Company mail for Company postage processing. Although the monetary value of a single postage stamp may appear insignificant to an individual employee, it may be significant on an aggregate basis. Consequently, using the Company mail system to obtain postage for personal mail is considered theft of Company property.

Company landline and cellular telephones are provided to certain employees to facilitate the conduct of Company business. Employees are required to reimburse the Company for charges resulting from their personal use of the telephone in accordance with Company policies.

Company computers and computer systems may be used and Company networks may be accessed only by individuals authorized by the Company. Issuance of an account and access to any Company system must be approved by the Company. Questions regarding authorization and permitted uses must be referred to the Information Officer.

All employees, consultants, contractors, temporary employees, and student workers as well as visitors are prohibited from using all communication services and equipment to violate any Company policy including, but not limited to, MBT's policies on Non-Discrimination .

11.37. MONITORING AND/OR RECORDING OF TELEPHONE CALLS

To provide quality customer service training, to review the quality of service provided by MBT employees, and for other safety and/or security related reasons, certain departments may monitor and record telephone calls to and from the Company telephone numbers. Callers are informed via a taped message on the initial recording that their call is being monitored and/or taped. An employee assigned to a department that monitors and/or tapes telephone calls should advise the Human Resources Department in writing if he/she does not consent to the monitoring and/or taping. Under such circumstances, the Human Resources Department will determine whether the employee can be reassigned to a position that does not involve the monitoring and/or taping of telephone conversations. If reassignment is not an available option, the employment relationship between the Company and the employee will end.

11.38. VOICE MAIL, E-MAIL, AND DISCUSSION FORUMS

As with other communication systems, the MBT voice mail and electronic mail systems are provided to enable MBT employees to conduct Company business and to perform their duties. Accordingly, employees should not have an expectation of privacy with regard to any voice mail or electronic messages (including e-mail) created, sent, or received. MBT encourages the exchange of information between members of its community. To foster such communications, the Company permits the use of its computer servers by its various departments for a listserv and/or discussion forum related to the administrative objectives of MBT.

Employees are not permitted to use voice mail, e-mail, a listserv or a discussion forum to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. MBT employees may not use the voice mail and electronic mail systems, a listserv or a discussion forum to send, forward, or create any messages which violate Company policy including, but not limited to, MBT's policies on Non-Discrimination and Anti-Harassment Including Sexual Harassment.

- Employees may not use the voice mail and electronic mail systems to send (record or upload) or receive (retrieve or download) unauthorized copyrighted materials, trade secrets, proprietary financial information, or similar unauthorized materials.

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- Employees are advised that voice mail and electronic mail messages are not private or confidential to the individuals sending or receiving the communication.

Marking or designating the communication as confidential will serve only to put those accessing the message on notice that the Company, and not the individual, is asserting the confidentiality of the communication as to itself. To the fullest extent permitted by applicable law, MBT reserves its right to review, audit, intercept, access, and disclose all messages created, sent, received or stored using the Company's voice mail or electronic mail systems for business purposes including, but not limited to, investigations into whether the Company's resources are being used in violation of Company policies or for illegal purposes. The contents of voice mail or electronic mail created, sent, received or stored using the Company's voice mail or electronic mail systems may be accessed or disclosed to or by MB Technologies without the permission of the employee.

- While MBT has measures in place to secure e-mail services, once an e-mail is transmitted internally on the Internet, the content is not protected. Employees should not send highly confidential communications via e-mail without consulting the Department of Computer Services to obtain encryption software.
- Unsolicited e-mail is to be treated with caution. Employees should not open or respond to suspicious and/or unsolicited e-mail. All users are to ensure that all e-mail is addressed to the correct recipients, especially when forwarding e-mails. Limited, occasional or incidental use of voice mail and e-mail (sending and receiving) for personal purposes is acceptable as long as such use does not affect MBT's ability to do business. Employees may not use a listserv or discussion forum for any personal purpose.
- Notwithstanding MBT's rights to retrieve and/or read any voice mail or electronic mail messages, employees generally are required to treat all such messages as confidential to the Company. Absent express authorization, employees are not permitted to retrieve or read any e-mail messages or listen to any voice mail messages that are not sent to them or intended for them

From time-to-time an e-mail is sent or a voice mail left in error. Any employee who receives an e-mail or voice mail from another MBT employee in error shall stop reading the e-mail or listening to the voicemail as soon as the employee realizes the e-mail was sent or the voicemail was left in error. The employee shall take reasonable steps to notify the person sending the e-mail or leaving the voicemail of the error.

- MBT permits the use of its computer servers by its various units for a listserv and/or discussion forum related mission and/or administrative objectives of MBT.
- By their nature, a listserv and/or discussion forum is not confidential. MBT reserves its right to review, audit, intercept, access, and disclose all messages created, sent, received or stored using a listserv or a discussion forum on a Company server for any legitimate Company business purpose including, but not limited to, investigations into whether the Company's resources are being used in violation of Company policies or for illegal purposes. The Company may in its sole discretion restrict any employees' access to or ability to use a listserv or participate in a discussion forum if it determines that the user or users have violated any MBT policy or directive in connection with the use of such listserv or discussion forum.
- Any employee who discovers a violation of this policy must notify his/her supervisor immediately. If the supervisor is the offending party, the employee should notify the Department of Human Resources.
- Any employee who violates this policy or uses the voice mail or electronic mail systems for improper purposes may be subject to disciplinary action, up to and including discharge from employment.

11.39. INTERNET USAGE AND COMPUTER GAMES

MBT's computer systems are the Company's property and access is provided to employees as needed to facilitate job performance. Employees must not use the Internet for personal use during working time. Personal use should be limited to non-working time such as during lunch, authorized work breaks and after working hours. Users of MBT's computer system are subject to the same standards that apply to other employee communications, including the Non-Discrimination Policy. When using the computer system, employees should not download, create, forward or send materials in violation of any MBT policy. Any employee who receives materials on his/her computer system that could violate a Company Policy or procedure, or is otherwise prohibited by law, is required to contact the Department of Human Resources to report the receipt of the material. Any employee who uses the computer system for improper purposes or is found to have improper material on a computer under the employee's control is subject to disciplinary action, up to and including discharge from employment.

11.40. ATTIRE

Appropriate business dress, grooming and personal cleanliness standards do contribute to the morale of all employees and affect the business image the Company presents to the public. Therefore, during business hours and while on Company business or premises, employees are expected to present a clean appearance and to maintain acceptable personal hygiene standards. If an employee is unsure of the appropriateness of a particular item of clothing, the employee should choose not to wear it. Standards for office attire may vary by department. It is the responsibility of the administrative department head to set the standards.

No advertising, slogans, pictures are appropriate on any attire.

In the event that any employee arrives for work in a way that is not in line with this policy, their supervisor will advise them that they are not dressed or groomed appropriately to perform their duties, on the first occasion. They will be given the opportunity to address the issues immediately, and if necessary, to return home to change (the time to travel and change will not be paid). Any deliberate breaches of this policy could result in disciplinary action being taken against the employee. Any further incidents will be considered in breach of company policy and further action in accordance with the company policies will be taken.

More details about Plant Attire for MBT full time and part time employees is contained in the Safety Manual.

11.41. OUTSIDE ACTIVITIES OR EMPLOYMENT

Employees are expected to be able to perform their work as efficiently and effectively as possible at all times. While work for other employers is not prohibited, hours worked in outside employment must not coincide or conflict with hours of work for the Company. Employees may not work on non-Company related business during work hours. Outside employment and activities must not detract from work responsibilities at the Company nor create a conflict of interest. All employees will be judged by the same performance standards and will be subject to the MBT's scheduling demands, regardless of any existing outside work requirements. Questions about whether an outside activity or other employment may constitute a conflict of interest should be directed to supervisors and/or the Human Resources Department.

While employees do not need approval for outside employment, they are expected to disclose the existence of any other employment to their direct supervisor.

If MBT determines that an employee's outside work interferes with performance or the ability to meet the requirements of MBT, as modified by MBT from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with MBT. Outside employment that constitutes a conflict of interest is prohibited.

Employees may not receive any income or material gain from individuals or entities outside MBT for materials produced or services rendered while performing their jobs. Employees may not engage in personal or side businesses during work hours, including notary services for a fee or catalog business services. Such activities may be conducted on personal time. If MBT pays the fee required for notary status, the employee may not personally retain any fee charged to Company employees or departments for Company-related business.

11.42. CONSULTING

Consulting outside the Company is not allowed for any employees.

11.43. SMOKING IN THE WORKPLACE

The Company wants to promote a healthful and clean work environment for employees, and visitors. Further, in accordance with Federal and State and Local ordinances, every employee has the right to work in an area free of environmental tobacco smoke. To protect the health of the Company community, the Company designates all buildings and property as smoke-free.

Smoking in vehicles owned or leased by the Company is prohibited. Smoking is also prohibited within 25 feet of a main entrance or exit. Any employee smoking any time will be subject to immediate dismissal.

The Company community shares in the responsibility for adhering to and enforcing this policy.

11.44. SOLICITATIONS AND DISTRIBUTION OF LITERATURE

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, unless related to Company business or approved in advance by the Company, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time or to those on working time or in any working areas. The use of e-mail to distribute literature or printed material of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause that is unrelated to Company business is also prohibited, unless prior approval by the Company has been granted.

11.45. SEVERE WEATHER

MBT strives to remain open at all times. All administrative and staff personnel are expected to report to work unless MBT declares an Emergency Closing under its Emergency Closings Policy and the employee is not deemed to be essential under that policy. Employees who do not report to work when the Company is open will be

11.46. COMPANY INVESTIGATIONS AND INTERNAL HEARINGS

MBT may, from time to time, conduct internal investigations in accordance with applicable Company policy. All employees are required to cooperate with Company authorities in any of these proceedings. Such cooperation includes, but is not limited to, preparation time and attendance at the proceedings. Employees who are asked to provide information or attend proceedings will be permitted to do so during working hours. Employees must provide honest, truthful and complete information to the best of their knowledge. An employee who believes that providing such information would subject them to criminal prosecution may refuse to testify or otherwise provide the Company with the requested information. However, MBT will consider the refusal in determining what discipline, if any, is warranted. Failure to cooperate is a violation of this policy and will result in discipline, up to and including discharge. Employees who cooperate to the best of their ability will not be subject to retaliation. Any employee who believes that he/she is experiencing retaliation as a result of his/her participation should contact the Department of Human Resources .

11.47. USE OF COMPANY PROPERTY

All MBT employees must abide by any policy, regulations, procedures, and/or guidelines issued by administrative units or imposed by federal, state, or local law in connection with the use or occupation of MBT property including, but not limited to, office/laboratory space and common areas. These policies and procedures include, but are not limited to, federal, state, and local laws and/or regulations governing fire and safety, workplace safety (OSHA), ventilation, and evacuation. Employees who violate such policies and procedures will be subject to disciplinary action, up to and including restrictions on the use of MBT property/space or discharge from employment

11.48. PROCUREMENT AND USE OF CELLULAR EQUIPMENT

MBT employees, whether full-time or part-time, may be eligible for Company supplied cellular service when certain job demands cannot be conducted on a landline telephone and/or require accessibility regardless of time or place. Requests for cellular equipment and service must be approved by the appropriate Department Budget Unit Head. All cellular equipment and cellular service charges must be processed through the Accounting Office.

When provided, cellular service is for business purposes and the cost of any personal use of cellular services must be reimbursed to the Company.

11.49. WEB AND INTERNET POLICIES AND GUIDELINES

MBT may provide Web systems and services to Departments and authorized organizations for Company related information . MBT's central web server hosts web sites on behalf of departments and organizations of the Company. A MBT Web Consortium meets regularly to provide guidance and assistance to the MBT Web Community by crafting fair and usable policies in accordance with MBT initiatives and mission.

11.50. THE OFFICIAL PERSONNEL FILE

The Human Resources Department creates and maintains an official personnel file on each employee. The "official personnel file" includes information maintained by MBT relating to employment including, but not limited to, the application for employment, offer or appointment letter, wage or salary information, notices of commendations, warning or discipline letters, authorization for a deduction or withholding of pay, fringe benefit information, leave records, employment history with MBT, retirement record, attendance records, and performance evaluations whether maintained in the physical paper file or on the HR databases. In addition, the personnel file will include any documents required to be maintained in the official file under the terms of State law.

The term "personnel file" does not include records of an employee relating to the investigation of a possible criminal offense, letters of reference, documents that are being developed or prepared for use in civil, criminal or grievance procedures, medical records or materials which are used by MBT to plan for future operations or information available to the employee under the Fair Credit Reporting Act. The "personnel file" also does not include notes or records maintained by the supervisor for use in developing a performance evaluation.

The Human Resources Department is responsible for establishing procedures to maintain the personnel files, protect the confidentiality of the personnel files, and for an employee or authorized person to review the personnel file.

11.51. EMERGENCY CONTACT INFORMATION

The Human Resources Department will establish and maintain emergency contact information for the purposes of identifying and contacting employees in the event of an emergency. This information will be stored on the HR data base which is part of each employee's personnel file. All Company employees, including faculty, will be required to provide their immediate supervisor with accurate phone, work location, and emergency contact information for this purpose. During a potential emergency, the Company may use the emergency phone chain and other external news media to communicate to employees.

11.52. ACCESS TO PERSONNEL FILES

Access to the information contained in these files is restricted. Generally, in addition to the employee, only supervising personnel of MBT who have a legitimate reason to review information in a personnel file are allowed to do so.

With reasonable notice, employees may review their personnel file once per year by contacting the Human Resources Department during normal business hours. The review must take place in the office and in the presence of an individual appointed by the Company to maintain these files. Employees may not remove any items from their personnel file but may provide in writing to the Human Resources Department a written request for the removal of a specific item; the request should set forth the reason the employee believes the item should be removed. The Company has the discretion to make the final decision. Although the Company is not legally required to do so, the Human Resources Department may, at its convenience, provide employees with a copy of their personnel file in lieu of inspecting the file upon payment of a fee (currently \$100 for up to 200 pages, plus \$25 for each additional 100 pages) to cover the administrative cost associated with copying the file.

All inquiries or requests for personal information including, but not limited to, employment verifications, credit checks/references, and home loan applications must be sent to the Human Resources Department. All notifications regarding legal proceedings (e.g. complaints, request for records, subpoenas, communications from lawyers, or other legal documents) must be sent to Company Counsel.

12. LEAVING THE COMPANY

12.1. TERMINATION OF NON-INTRODUCTORY EMPLOYEES

Employees are employed "at will" and, as such, serve at the pleasure of the Company. However, all departments should consult with the Human Resources Department to review a decision to terminate an employee prior to the actual termination. If an employee is terminated due to the lack of work or funds, the department will provide the employee with a written explanation of the decision to terminate. Whenever feasible and appropriate under the circumstances, the Company will provide at least one month's notice for termination in cases of lack of work, financial exigency and job abolishment due to financial exigency. Such terminations/job eliminations are not subject to the dispute resolution procedure.

12.2. DISCHARGE OF AN INTRODUCTORY/PROBATIONARY EMPLOYEE — NEW HIRE

The Human Resources Department encourages department supervisors to work with any new employee to define performance expectations, provide feedback to the employee during the introductory/probationary period and to provide the employee with at least 30 days to meet those expectations in accordance with MBT's Introductory/Probationary Period policy prior to recommending the employee's discharge to the Human Resources Department.

Advance notice of termination for cause is not required; however, all departments should consult with the Human Resources Department prior to the termination. Introductory terminations are not subject to dispute resolution.

12.3. RESIGNATION

Before resigning from the Company, an employee should notify his/her supervisor in writing and the Human Resources Department at the earliest possible date; however, a two- to four-week notice period is recommended. The employee must submit a letter of resignation. When a person leaves the Company, the last day worked is the last day on the payroll. Payment for accumulated and unused vacation time is made at this time. In no case may vacation time be added to extend the final date of employment.

12.4. DISCHARGE

An employee who violates acceptable standards of conduct may be discharged without notice.

12.5. REDUCTION IN FORCE

The determination that the Company is required to reduce the work force because of fiscal conditions, programmatic changes, or reorganization changes is a determination entirely within the discretion of the Company. Notification of reduction in force will be provided in writing following oral notice of each pending action. Such notification will normally occur no later than thirty calendar days prior to the effective date of the reduction.

An employee who is released as a result of a "reduction in force" has no rehire rights. An employee who is rehired by MBT will receive past service credit only for purposes of vacation eligibility and seniority in the following circumstances:

- He/she previously worked for the Company within the last 10 years, and
- He/she left MBT for reasons that were other than performance related.

An employee meeting the above criteria who returns to MBT within one year will also have any accrued sick days reinstated.

12.6. VACATION PAY UPON TERMINATION

Employees who are terminated or employees who resign shall be entitled to receive pay for earned but unused vacation. At the time of employment separation, vacation time earned but not used will be paid out in the employee's final paycheck. If an employee has used more vacation time than he or she had earned when the employee's employment is terminated (for any reason), an adjustment for the overage will be made in the final paycheck, as permitted by law.

The lump sum payment is made upon termination whether by resignation, retirement, or dismissal. Termination does not include transfer from one Company department to another. In the event of the employee's death, a lump sum payment for unused vacation is made in accordance with the Company's Policy on Payment of Outstanding Wages Upon Employee's Death

12.7. EXIT PROCESS

All employees leaving the employ of the Company are required to participate in an exit process. The process includes:

- Reviewing the departing employee's benefit coverage,
- Securing items, including but not limited to, her/his identification card(s), equipment, uniforms, keys, parking decal,
- Reviewing possible delinquent obligations the employee has to the Company,
- Reviewing the "personnel file"; the file will be retained for seven years after the employee's separation from MBT,
- Obtaining a forwarding address, telephone number, and e-mail if applicable,
- Obtaining termination data, and
- Signing an acknowledgment that any personal data has been removed from his/her computer and that his/her supervisor will have access to the hard drive and to the employee's e-mail for business related reasons.

The employee's supervisor should contact the Human Resources Department to initiate the exit process. MBT will issue a final paycheck upon completion of the exit process.

12.8. EXIT INTERVIEW

All employees who voluntarily leave MBT are encouraged to complete an exit interview with the Human Resources Department. Employees should contact the Human Resources Department to schedule this meeting as soon as they give notice to their supervisor. This exit interview is a way to provide Company management with information/reasons as to why people are leaving the Company as well as areas where Temple may need to be more competitive with employment practices.

12.9. PAYMENT OF OUTSTANDING WAGES UPON EMPLOYEE'S DEATH

When an employee dies, the primary department will notify Human Resources promptly of the death of the employee. The Human Resources staff will assist the family in obtaining the outstanding wages and other benefits due the deceased employee.

The date of death will be considered the date of termination. By law, the Company may pay the amount of wages, salary or other benefits due directly to one of the following, as long as the amount due does not exceed \$5,000:

- the deceased employee's surviving spouse, • any one or more of the deceased employee's children, or • the deceased employee's father or mother, or • the deceased employee's surviving brother or sister.

If the amount exceeds \$5,000, the entire amount must be paid to the estate.

12.10. REFERENCES

Upon request, the Human Resources Department is authorized to provide references for current or former employees. Any request for a reference must be in writing and directed to the Human Resources Department. The Company will only provide dates of employment, title, position/job duties and confirmation of salary.

12.11. CREDIT REQUESTS

Upon a written/verbal request from an employee, the Human Resources Department will complete a credit request submitted by a financial institution or other authorized organization.

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