

BENEFITS, TERMS AND CONDITIONS OF EMPLOYMENT

Welcome to Encore Medical Staffing (Encore)! We want you to find working with us both enjoyable and financially rewarding. Take time to become familiar with the following benefits and associated terms and conditions of working for Encore. Our Mission Statement can be found at www.encoremedicalstaffing.com. Acceptance of the Benefits, Terms and Conditions of Employment is confirmation of your application to Encore and your agreement to abide by the all the policies and procedures of Encore.

It is the responsibility of the employee to check Encore's website for updates to this document.

(For the purposes of this document the term "patient" refers to any patient, resident or individuals served by clients.)

POLICIES AND GENERAL INFORMATION

- Employment Relationship Agreement
- Equal Employment Opportunity Policy
- Conflict of Interest
- Anti-Harassment
- Professional Conduct and Attendance
- Social Media Policy
- Confidentiality
- Employee Grievances
- Personal Information
- Substance Abuse Policy
- Safety Rules
- Floating
- Orientation
- Performance Evaluations
- Payroll Procedures
- Cancellation Policy
- Overtime and Holidays
- Address/Name Changes/Tax Documents
- Name Badges
- Dress Code
- Cell Phones
- Transportation
- Worker's Compensation
- The Joint Commission

Policies and General Information-Conditions & Terms of Employment

By reviewing and accepting the Benefits, Terms & Conditions of Employment, you agree to the Conditions & Terms of employment at Encore Medical Staffing, Inc. (Encore).

With or without prior notice, Encore reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in these terms or in any other related document. No oral statements or representations can in any way change or alter the provisions of these terms and conditions.

You understand these terms, as well as changes are available at

<https://www.encoremedicalstaffing.com/employees> or at our corporate office. It is the responsibility of the employee to check Encore's website for updates to this document or request any additional information from the corporate office. You further understand your application for employment and acceptance of the terms and conditions of employment do not constitute an employment contract nor a guarantee of employment.

EMPLOYMENT RELATIONSHIP AGREEMENT

In consideration of receiving employment from Encore you acknowledge and agree to the following:

- You understand you are an employee of Encore.
- It is your responsibility to provide Encore with your available days and hours, on a weekly basis, in order to be scheduled for work. All of your scheduling will be coordinated through Encore.
- It is your responsibility to be sure the staffing coordinators have your current contact information.
- Encore is a drug-free workplace and you understand working for the company will require random submission to drug testing in accordance with federal, state and local laws and client requirements.
- Placement on all assignments will require a criminal background investigation. A \$40 background check fee will be deducted from your first paycheck.
- As an employee of Encore, you may receive calls, e-mails and texts with information about updates or assignments.
- The information provided in your application and associated releases and documents is true and accurate. You realize misrepresentation of facts may be cause for rejection of this application or termination of your employment. This information will be presented, in most cases to clients, when securing an assignment for you.
- You understand completion of the application and the entire application process does not guarantee your hire.
- You authorize Encore to contact any and all of your previous employers and professional references and authorize/request any of them to furnish a complete history of your services with them, together with information concerning your employment dates, personal character, habits, ability, disposition, work performance, and a statement of the cause of separation.
- You grant Encore permission to provide any and all credentials/documents (including drug screens and criminal background checks) contained in your on-line and/or paper personnel file (profile) to clients, potential clients, and/or their agents for the purpose of seeking/confirming assignments and to external auditors, survey/certification/accreditation agencies (for example, The Joint Commission) requiring access to employee files.
- You hereby release the above parties and their agents from any and all liability for damages of whatever nature because of furnishing, receiving or acting upon requested information.
- You understand you will be required to complete not just new hire credential requirements, but on-going credential requirements in order to maintain your work status with Encore.
- You understand you may be requested to complete infectious or other health disease-related screening questionnaires (i.e. Ebola, flu, TB, etc.) either required by Encore and/or Encore's clients. You agree to complete these as required.
- You understand, your employment status will be converted to inactive after 60 days of payroll inactivity. If you have not worked for Encore for two or more months, you will be asked to provide additional credentials and/or other employment information to be eligible for rehire. Upon rehire, the \$40 background fee will reapply.
- You understand Encore's personnel file is the property of Encore and you are entitled to copies of credentials you provided directly to Encore (e.g. health statement from physician) but are not entitled to copies of other records maintained in the file, unless as directed/mandated/regulated by state or federal law.
- Additional release of personally identifiable information outside of the employment relationship and the circumstances noted above shall be authorized in writing by the employee or will be released as compelled upon subpoena or court order or as required by state and/or federal law.
- It is your responsibility to be available by phone, at the number we have on file, two hours in advance of your scheduled arrival time so we can reach you in the event your schedule may change. Failure to be available by phone two hours before an assignment may jeopardize your eligibility for cancel pay if you are cancelled on arrival. Failure to contact Encore for available assignments before filing a claim for unemployment insurance benefits may result in the denial of those benefits.
- You are to contact Encore with any issues or concerns and are *not* to contact the client or their employees/agents directly.
- There is no guarantee of work. It is understood work is assigned on an "as-needed" basis as determined by our clientele, and your flexibility will enhance the likelihood you will be offered assignments. You accept communication by phone, e-mail or other mode for all assignments, location of assignments, department to report to and rates of pay.
- It is important for clients that you honor all bookings. Please keep us informed of any changes you may have with your schedule or availability.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Encore is an equal opportunity employer and makes decisions related to compensation and all terms, conditions or privileges of employment on the basis of merit. Encore policy prohibits unlawful discrimination based on race, color, creed, sex (including pregnancy), religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition, genetic information, veteran status, or any other consideration made unlawful by federal, state, or local laws. All such discrimination is unlawful and prohibited by the Company.

In compliance with the federal Americans with Disabilities Act, the Americans with Disabilities Amendments Act and applicable state and federal laws ensuring equal employment opportunities to individuals with disabilities, Encore will make a reasonable accommodation for the known physical or mental limitations of an employee with a disability unless undue hardship for the Company would result.

Any employee who requires an accommodation should contact the corporate office and request such an accommodation. The individual with the disability should specify what accommodation is required to perform the essential functions of the job. The Company will then engage in a timely, good faith interactive process with the employee to identify possible accommodations which will enable the employee to perform the essential functions of the job. If the accommodation is reasonable, will not create an undue hardship on the Company or create a safety threat, the Company will make the accommodation.

CONFLICT OF INTEREST

Conflict of interest is defined as: making use of any knowledge or information acquired through one's professional relations with one's patients/clients, or in the conduct of company business, to one's own advantage or profit.

- All personnel will:
 - Act in the course of their duties solely in the best interests of the company without consideration for the interests of any other company, organization, or association. Personnel will refrain from taking part in any transaction where such person(s) do not believe in good faith they can act with unwavering loyalty to the company.
 - Disclose any material, financial or other beneficial interest, to any entity engaged in the delivery of goods or services to the company or its members.
 - Disclose any transactions with the company which would result in any benefit to themselves, their immediate families/caregivers, or any entity in which they hold a significant financial ownership (or other interest). Personnel will refrain from participation in any action on such matters except with approval of the company leadership (after full disclosure).
 - Refrain from utilizing any inside information, as to the business activities of the company, for the benefit of themselves, their immediate families, or any entity with which they may be associated.
- All personnel agree to devote his/her best efforts to the company and not directly or indirectly be engaged in, or connected with, any other commercial pursuits whatsoever without written authorization of the company.
- In the event a situation arises whereby company personnel could use confidential or privileged company information for personal gain, he/she is obligated to report that potential to company leadership.
- No staff member will engage in private practice of a service similar to that provided by the company within the geographic area serviced by the company, without the written permission of the company. Persons violating this policy may be subject to probation or termination.

ANTI-HARASSMENT

Encore Medical Staffing is committed to provide any work place free of discrimination and harassment. Sexual harassment is prohibited by law and by this company.

Although many people think of sexual harassment involving only a male boss and a female employee, it can take other forms. Sexual harassment can involve co-workers, vendors, or members. Harassment can also involve the same sex.

Under Federal law, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, if any of the following conditions exist:

- Submission to such conduct is made a term or condition of a person's employment.
- Submission or rejection of the conduct is used as the basis for employment decision affecting an employee.
- The conduct unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include:

- **Verbal harassment** - Telling sexual jokes or stories, or making sexual comments, insults, or innuendoes. Sexual comments about appearance or a suggestive voice tone when discussing appearance is also verbal harassment.
- **Physical harassment** - Any offensive touching, blocking movements, or physical movement interfering with normal work movement. Touching, pinching, patting, assaulting, grabbing or brushing against another person's body is also physical harassment.
- **Visual harassment** - Posting of sexual pictures, drawings, photographs, calendars, pin-ups, or cartoons. Staring at a person's chest or pelvis, or looking at a person up and down can be considered visual harassment.
- **Sexual favors** - Request for sexual conduct or dating in exchange for a promotion, pay raises, or more hours. If sexual favors aren't given, threat of demotion, termination, etc.

It is impossible to define every action, or all words, which could be interpreted as sexual harassment. The examples listed above are not meant to be a complete list of objectionable behavior.

Any harassing conduct, whether committed by supervisory, non-supervisory personnel, or third parties, such as vendors, suppliers, or customers, is prohibited. Harassing conduct is unlawful and a violation of this policy if it is based on an individual's or group's race, color, religion, gender, national origin, age, disability, or any other characteristic provided by State or Federal law. Such conduct can include verbal, physical, or written actions.

Conduct is considered harassing if it results in any of the following:

- Creates a hostile, intimidating, or offensive work environment.
- Unreasonable interference with an employee's work performance.
- Adversely impacts an individual's employment opportunities.

Any employee who believes he or she has been subjected to harassment should immediately report the alleged incident to his or her supervisor or to any member of the management team if the employee does not feel comfortable in discussing the matter with their immediate supervisor or if the employee is not satisfied with his or her supervisor's response.

The company takes matters of harassment very seriously. The company will take necessary corrective actions once an investigation is completed. Any employee who is found to have engaged in any form of harassment will be subject to disciplinary actions including immediate termination. If someone other than a company employee has harassed the employee, the company will take appropriate action to correct the situation.

Encore Medical Staffing forbids retaliation against any employee, who opposes unlawful harassment, files a complaint, testifies, assists or participates in any manner in an investigation, proceedings, or hearings conducted by the company, or by any investigative entity.

PROFESSIONAL CONDUCT

All employees are expected to meet standards of conduct and performance. Professional conduct refers to dependability in arriving for assignments on time, wearing appropriate attire, introducing yourself to charge personnel and co-workers, documenting in client health records appropriately, observing client's guidelines regarding the use of cell phones and computers, and following all Encore and client policies and procedures. It also refers to providing quality services consistent with the job description for the position for which you are assigned, and in accordance with the policies and protocol of client facilities as well as those of Encore. Encore employees practice confidentiality at all times concerning clients, facilities and co-workers.

Attendance Policy

Encore Medical Staffing expects every employee will be regular and punctual in attendance. This means being at work, ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on our clients you are assigned to. Employees are bound to the Client's attendance policies as well as those of Encore and must therefore be aware and responsible in following both policies. Cancellations, "No Call No Shows", tardiness, leaving a shift early, and misuse of break time are all considered attendance issues and will result in disciplinary action up to and including termination.

Unacceptable conduct, including attendance issues, will result in disciplinary action including and up to termination of employment. Unacceptable conduct includes, *but is not limited to*, the following:

- "NO SHOW" for a previously accepted assignment.
- Performance on assignment, which results in client complaints.
- Unacceptable number of tardies and /or chronic tardiness.
- Unacceptable number of cancellations or late cancels.
- Unacceptable number of "Do Not Returns" (DNRs).
- Non-compliance with Encore's Substance Abuse Policy.
- Theft.
- Insubordination. (Includes but is not limited to inappropriate communication such as foul language or unprofessional/inappropriate/disrespectful tone either in writing or verbal with client or Encore personnel; and refusal or failure to follow instructions/direction by supervisory or management personnel either with Encore or with assigned facilities.)
- Inappropriate contact with client or client personnel without permission of Encore.
- Sleeping while on assignment.
- Failure to provide required documentation for a complete personnel file.
- Falsification of records (for example, time submission cards/entry, inaccurate criminal background authorization information, inaccurate information in on-line application, etc.).
- Failure to follow Occupational Health & Safety Standards including Universal Precautions and Blood Borne Pathogens requirements.
- Privacy/confidentiality or security violations (HIPAA, HITECH, ARRA requirements of Encore and assigned facilities).
- Inclusion on the OIG, GSA, Sexual Offender, or Terrorist databases, etc.
- Misuse/Abuse of computer, internet, e-mail, social media, cell phone usage (calls or texting), or phone privileges.
- Other unprofessional behavior as demonstrated to Encore and/or assigned facilities/clients personnel.

SOCIAL MEDIA POLICY

This policy provides guidance for employee use of social media, which should be broadly understood to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

The following procedures apply to professional use of social media on behalf of Encore Medical Staffing as well as personal use of social media when referencing Encore Medical Staffing.

- Employees need to know and adhere to the Encore Medical Staffing's Code of Conduct, Employee Handbook, and other company policies when using social media in reference to Encore Medical Staffing.
- Employees should be aware of the effect their actions may have on their images, as well as the company's image. The information employees post or publish may be public information for a long time.
- Employees should be aware Encore Medical Staffing will observe content and information made available by employees through social media. Employees should use their best judgment in posting material which is neither inappropriate nor harmful to Encore Medical Staffing, its employees, or clients.
- Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or can create a hostile work environment.
- Employees are not to publish, post or release any information considered confidential or not public.
- If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner. All employees must promptly report any identified breach of confidentiality or privacy.
- Employees are forbidden to refer to or post images of current or former employees, members, vendors, suppliers or clients. Do not make threatening, harassing, profane, obscene, sexually explicit, racially derogatory, homophobic or other offensive comments.
- Social media use shouldn't interfere with employee's responsibilities at Encore Medical Staffing. Company and client computer systems are to be used for business purposes only.
- Subject to applicable law, after-hours online activity that violates the Company's Code of Conduct or any other company policy may subject an employee to disciplinary action or termination.
- It is highly recommended employees keep business related social media accounts separate from personal accounts.
- Nurses must recognize they have an ethical and legal obligation to maintain patient privacy and confidentiality at all times.
- Nurses are strictly prohibited from transmitting by way of any electronic media any patient-related image. In addition, nurses are restricted from transmitting any information which may be reasonably anticipated to violate patient rights to confidentiality or privacy, or otherwise degrade or embarrass the patient.
- Nurses must not share, post or otherwise disseminate any information or images about a patient or information gained in the nurse/patient relationship with anyone unless there is a patient-care-related need to disclose the information or other legal obligations to do so.
- Nurses must not identify patients by name, or post or publish information which may lead to the identification of a patient. Limiting access to postings through privacy settings is not sufficient to ensure privacy.
- Nurses must not refer to patients in a disparaging manner, even if the patient is not identified.
- Nurses must not take photos or videos of patients on personal devices, including cell phones. Nurses should follow employer policies for taking photographs or videos of patients for treatment or other legitimate purposes using employer-provided devices.
- Nurses must maintain professional boundaries in the use of electronic media. Like in-person relationships, the nurse has an obligation to establish, communicate and enforce professional boundaries with patients in the online environment. Use caution when having online social contact with patients or former patients. Online contact with patients or former patients blurs the distinction between a professional and personal relationship. The fact that a patient may initiate contact with the nurse does not permit the nurse to engage in a personal relationship with the patient.

CONFIDENTIALITY

As an employee of Encore, you are required to abide by all assigned facility, company, local, state, and federal regulations concerning the confidentiality of records. You are also required to abide by the federal HIPAA, ARRA, and HITECH (Health Insurance Portability and Accountability Act, American Recovery and Reinvestment Act, Health Information Technology for Economic and Clinical Health) regulations concerning the confidentiality and security of individually identifiable health information. Compliance with this policy is required as a condition of employment. Violation of this policy will result in disciplinary action up to and including termination of employment.

It is the policy of Encore Medical Staffing to closely guard and protect confidential information to assure the dignity and the privacy of any and all patients and employees with whom Encore Medical Staffing employees may have contact.

Confidential information includes all patient-related information and employee information including personally identifiable, medical, financial or employment related information.

As an employee of Encore Medical Staffing, you understand:

- You may have access to confidential information including patient, employee, financial and operations (written and electronic) in different facilities and you are to safeguard this information.
- In those cases where you are provided protected information, you will ensure both the data and the physical medium (paper report, diskette and/or tape, etc.) is maintained in a secure work location and will not be removed, duplicated, or copied and will protect information and materials from unauthorized access or disclosure.
- If you are assigned a computer code in a facility, you will be responsible for preventing unauthorized disclosure of information through misuse of my user code. You recognize your user code is the equivalent of your signature and must remain under your control at all times.
- You are to follow all facility policies, state, and federal regulations regarding confidentiality of patient and employee information (including federal HIPAA, ARRA, and HITECH regulations).

EMPLOYEE GRIEVANCES

Encore encourages the resolution of all employee grievances. With a strong commitment to providing an enjoyable and rewarding workplace, Encore Medical Staffing remains ready, willing, and able to thoroughly investigate, act on, resolve, record and track all complaints filed by our employees.

Any complaint received will be recorded, along with the date and time, and addressed with absolute urgency by proper corporate office staff. The complainant will receive a return phone call within 24 hours.

Complaints may be directed to Encore's corporate office. Please see our website for corporate office address and phone numbers.

If no response from Corporate Encore within 48 hours, contact Jeff Sarvis at 864-567-1881 or jeff@encoremedicalstaffing.com

PERSONAL INFORMATION

The corporate office is responsible for maintaining your personnel record. Encore policy requires all employees' personnel files to be maintained confidentially and stored in a secure location. Only those with business "need to know" will be permitted to view an employee's file, except where required by law.

Encore takes reasonable steps to secure your personally identifiable information against unauthorized access or disclosure. No security method can be guaranteed to protect information from hackers or human error. Information we collect may be stored or processed on computers located in any location where we do business. We may keep data indefinitely. We do not share personally identifiable information (such as name, address, email or phone) with other companies for marketing purposes.

SUBSTANCE ABUSE POLICY

By accepting these Benefits, Terms & Conditions of Employment you are giving consent for Encore to conduct drug screens.

The company recognizes the state of an employee's health affects job performance and work performed, as well as the opportunity for continued employment. The company also recognizes alcohol and drug abuse ranks as one of the major health problems in the United States. It is the intent of this policy to provide to employees the company's viewpoints on substance abuse and to provide company guidelines for consistent handling of alcohol and drug usage problems.

Employees are our most valuable resource, therefore, their safety and health is of paramount concern. We are committed to providing a safe work environment, protecting life and property, and minimizing (to the fullest extent possible) accidents or injuries, theft of company property, and loss of proprietary information. Consistent with this commitment, the company expects employees to report to work in proper condition to perform their assigned duties.

All employees are expected to be in full compliance with the law at all times in their conduction of company business. However, the policy of our company goes beyond this fundamental goal. This company has a responsibility to its employees, clients and patients. Therefore, our business must be conducted not only in compliance with the law, but also voluntarily, in accordance with the highest standards of business integrity and honesty, as this is the cornerstone of our business.

I. Covered Employees

- a. All employees of our company (including those in management and administrative) are covered by the terms of this policy.
- b. Employees violating this policy will be considered as functioning outside the scope of their employment. This policy will benefit all concerned, and we look forward to everyone's full cooperation.

II. Legal Drugs

- a. The use of any legally obtained drug, including alcohol, to the extent such use adversely affects the employee's performance, is prohibited. An employee may continue to work while taking prescribed medication if, after consulting his/her supervisor, it is decided the employee does not pose a threat to his/her own safety or to the safety of other employees.
- b. Where physician-directed use of drugs adversely affects job performance, it is in the best interest of the employee, his/her co-workers, and the company that the employee abstain himself/herself from work until said drugs are no longer required or used.

III. Drug and Alcohol Use Prohibitions

- a. The sale, possession, manufacturing, distribution, use, or purchase of drugs on company property or during working time is against company policy and will result in immediate discharge.
- b. It is also against company policy to report to work or perform job duties under the influence of intoxicants (such as alcohol or unprescribed drugs, as well as prescribed drugs - which induce an unsafe mental or physical state). Employees who violate this policy will receive a written warning.
- c. For the purpose of this policy, an employee is presumed to be under the influence of drugs if a urinalysis or another accepted testing procedure shows a forensically acceptable quantum of proof of drug usage.

IV. Drug Testing

To enforce this policy, the company may require employees and applicants to consent to urinalysis, hair sample, or blood tests. Testing shall be performed in any of the following instances:

1. TESTING OF EMPLOYEES
 - a. Only applicants who are offered a position may be tested before being employed.
 - b. Pre-employment job applicants who test positive will not be hired. Applicants who test positive have the right to request another analysis of the original urine specimen (at his/her expense) at a certified laboratory of his/her choice.
 - c. Refusal to submit to a drug test is automatic grounds for the company to refuse to consider the applicant for employment.
 - d. The company shall notify the applicant of the drug test results provided the applicant requests, in writing, such results within 60 days of being notified of the disposition of the employment application.
2. An employee involved in an on-the-job accident or suspected accident will be required to submit to a drug screening within 24 hours of the accident.
3. Employees may be asked to submit to a test if cause exists to indicate their health or ability to perform work may be impaired. Factors which would establish cause include, but are not limited to;
 - a. Sudden change in work performance.
 - b. Repeated failure to follow instructions or operating procedures.
 - c. Violation of company policy or failure to follow safe work practices.
 - d. Being involved in an accident that, in the opinion of management, might have been prevented.
 - e. Negligence or carelessness.
 - f. Discovery of presence of drugs in an employee's possession or near the employee's work place.
 - g. Odor of alcohol and/or residual odor peculiar to some chemical or psychoactive substance.
 - h. Unexplained and/or frequent absenteeism.
 - i. Unusual, irrational, or erratic behavior.
 - j. Arrest for drug-related crime.
4. Random testing:
 - a. The company may test at least 50% of the employees every 12 months, divided on the basis set forth in section 3, letters c, d, and e.
 - b. All employees may be subject to random testing at each testing date. An employee may be picked more than once, or not picked at all, during the annual period.
 - c. To assure the selection process is random, all employees covered by this policy will be placed in a common pool.
 - d. The random selection procedure will be computer-based, or some other random selection process, and will be provided by an outside firm, if applicable.
 - e. The selection procedure will select sufficient additional numbers to be used to reach the appropriate testing level during each test period. These alternate numbers will be tested in order of selection only if employees selected are unavailable for testing due to vacation, medical leave, or travel requirements. Refusal to submit to random testing or a positive test will be cause for termination.

If management believes cause exists, he or she shall report his or her findings and observations to the president, and those factors which substantiate cause shall be documented. Upon approval by the president, the employee will be asked to consent to a test and to sign a form acknowledging his or her consent.

V. Drugs

The following is a list of drugs for which employees can be tested. This list is provided as an example and is not intended to prohibit the company from testing for other controlled substances:

- Alcohol
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (marijuana)
- Cocaine
- Methadone
- Methaqualone
- Opiates
- Phencyclidine (PCP)
- Propoxyphene

VI. Procedures

- a. When drug testing is required, all testing will be conducted by a company-approved toxicology laboratory dedicated to testing for drugs of abuse. The laboratory will have chain of custody procedures in place to ensure integrity in specimen handling.
- b. A company-approved informed consent and release of liability form must be signed by each applicant/employee prior to submitting a urine specimen, hair sample, or blood sample. Additionally, the applicant/ employee must sign the authorization/certification section (of the drug test request and chain of custody form) after reading and understanding same.
- c. The results of all positive laboratory tests shall be provided to the applicant/employee by management. Other company officials, a physician, and local law enforcement personnel may be present if deemed appropriate.

VII. Disciplinary Action Based on Positive Drug Test(s)

- a. An employee having a positive drug/alcohol test during his/her employment at our company may be subject to termination.
- b. An employee testing positive is required to enter an employee assistance screening program (EAP). If the employee refuses treatment or fails to successfully complete the EAP program, his/her employment will be terminated. If the employee successfully completes the EAP and returns to work, he/she will then be subject to periodic unannounced testing over a period of one year and will be required to sign an aftercare testing agreement.
- c. Any employee who refuses a test or who attempts to invalidate and/or circumvent same shall be terminated.

VIII. Confidentiality

Because of the serious nature of this policy, all test results will remain strictly confidential, with the exceptions listed below:

- a. The testing lab, management, company nurse and/or physician, and employee.
- b. Results of drug or alcohol tests will be maintained in confidential medical files and will not be placed in an employee's personnel file.

IX. Investigations

- a. Any employee who is reasonably suspected of selling, purchasing, processing, using, or being under the influence of drugs or alcohol on company premises or during working hours may be suspended without pay pending an investigation of the circumstances.
- b. In an attempt to ensure drugs and/or alcohol do not enter or affect the work place, the company may take any or all of the following steps during working hours or while employees are on company premises:
 - i. Observe employees
 - ii. Search company premises as defined in this policy
 - iii. Require chemical tests (i.e., urinalysis, hair sample or blood tests)
- c. To further ensure drugs and alcohol do not enter or affect the work place, the company reserves the right to search all vehicles, containers, lockers, or other items on company property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon company request.
- d. Failure to consent to a search or to display personal property will be grounds for termination or reason for denial of access to company premises.
- e. Searches of an employee's personal property will take place only in the employee's presence. All searches under this policy will occur with the utmost discretion and consideration for the employees involved.
- f. Because the primary concern is the safety of its employees and their working environment, the company will not normally prosecute in matters involving illegal substances. However, the company will turn over to the proper authorities all confiscated drugs, alcohol, and other psychoactive substances.

X. Conviction

As a condition of employment, the employee shall notify his/her supervisor of any criminal drug statute conviction for a violation that occurred on company premises. The employee must give notice to management within five (5) days of such conviction.

XI. Employee Assistance Program (EAP)

- a. The policy of encouraging the use of employee assistance programs is directed to the employee with an alcohol or drug abuse problem and is not to be interpreted as conflicting with company rules on the sale, purchase, use, or possession of drugs or alcohol on company premises during working hours. Any violation of those rules will result in discharge. Employees who otherwise test positive for drug or alcohol use may be removed from particular jobs, required to participate in an EAP, or terminated from employment if the employee has previously tested positive.
- b. Employees who are referred to the EAP as the result of investigation and testing, and employees who voluntarily avail themselves of help from an EAP for alcohol and drug problems, must abide by the same rules.
- c. Employees enrolled in an EAP for drug and alcohol problems must cooperate with, and complete, the prescribed treatment program. Failure to do so will be considered to constitute a voluntary resignation.
- d. Employees enrolled in EAP are subject to normal company discipline.
- e. Employees who have completed an EAP treatment program are required to sign an aftercare testing agreement and are subject to periodic unannounced drug or alcohol screens for a period of 12 months after they return to work.
- f. Employees who experience a recurrence of their drug and/or alcohol problem are not eligible for an additional rehabilitation period.

SAFETY RULES

Unsafe work conditions or practices create loss or risk of loss to both the company and its employees. Encore has established the following safety rules to minimize loss and establish minimum guidelines for working safely. It is each employee's responsibility to apply these and all accepted standards of loss control, as well as follow all assigned client facility policies.

- Whenever an employee is involved in an accident of any kind that results in personal injury or property damage, no matter how small, the accident must be reported as soon as possible to Encore and the client facility. The employee's ability to claim workers' compensation benefits may be affected if a work-related injury is not reported timely.
- An employee must immediately report, to Encore and to the client facility, a condition or practice the employee believes may cause injury or property damage.
- Employees should follow all state reporting requirements when there is suspected child or elderly abuse or neglect.
- Encore is certified by and follows all standards of The Joint Commission. The Joint Commission's standards relate to quality and safety of care issues. Anyone believing he/she has pertinent and valid information about such matters should report these to the management of Encore Medical Staffing. If the concerns cannot be resolved through Encore, the individual is encouraged to contact The Joint Commission directly by fax at 630-792-5636 or via their web site at www.jointcommission.org/GeneralPublic/Complaint.
- Equipment that is not in safe condition should not be operated.
- Employees must obey all company and client rules, federal, state, and local governmental regulations, signs, markings, instructions and assigned client policies and procedures.
- When lifting, employees should use the approved lifting technique, i.e., bend knees, grasp the load firmly, raise load by keeping back as straight as possible. Employees should seek assistance for heavy loads, using gait belts and 2-person assistance when required by assigned client facility.
- Employees should follow OSHA and their client facility's policies and procedures when using any equipment. This includes, but is not limited to, lifts, pumps, gowns, gloves, shoe covers, masks, respirators, and safety glasses. With respirators, familiarize yourself with the make and model of respirator that is used at the client facility and assure you have undergone proper fit testing procedures and education.
- Employees should use the right tools and equipment for the job. Tools and equipment should be used safely and only when authorized.
- Each person is responsible for maintaining a clean and orderly work area as applicable at their assigned client facilities.
- Employees should be familiar with their environment and know where all exits are located. Escape routes should be planned in advance in case of an emergency while following all assigned client facility policies.
- The use of drugs or intoxicating beverages is strictly prohibited. (*Also, see Substance Abuse Policy*).
- Avoid extended or unusual work shifts which could result in work schedule effects. These effects may lead to an increased risk of errors, injuries, and/or accidents. Therefore, Encore suggests employees work no more than 16 hours a day or 60 hours a week when applicable to the job assignment.

FLOATING

Floating has become a way of life for all Medical Professionals, not just agency Medical Professionals.

As an Encore Medical Professional on assignment, you can expect to be floated to like-areas based on your work experience while on assignment at a client facility. However, if you feel you are being treated unfairly or if you are put in an unsafe situation or one you are not qualified for, please contact our corporate office.

ORIENTATION

Orientation may be required at specific client facilities. Orientations are scheduled by clients and are designed to acquaint you with our clients as well as provide you with vital information and a sense of security when you accept your first assignment with the client. Compensation for orientation is considered on a case by case situation.

To attend orientation sessions, you must be scheduled through Encore. You should show up with full uniform (including name badge) and appear neat and clean as if you were going to work. Jeans and casual wear are not acceptable. Orientations usually include a tour of the facility. You must always look and act professionally. Always carry your required licensure (or other documentation if your state does not issue paper licenses and if your assigned client requires) and CPR card to all assignments, including orientation. Also, do not forget to bring your time slip with you to the orientation session. Complete the time slip and have the in-service instructor sign the appropriate column to verify the orientation hours in order to receive pay. Please review policies regarding processing and payment for orientation shifts with the corporate office staff.

If there is not a formal orientation: When arriving in a facility for the first time it is your responsibility to ask your shift supervisor, manager, and/or client contact for an explanation of fire, code, and disaster procedures, the location of emergency equipment, as well as other facility protocols, policies, and other relevant procedures. When returning to a facility, arrive early to allow time to briefly refresh your memory before proceeding with your shift.

Do not be satisfied with just a reference to the facilities manuals; in an emergency, you will not have time to read them. It is your responsibility to be familiar with your assigned facilities procedures.

PERFORMANCE EVALUATIONS

Your job performance will be evaluated annually. Performance is evaluated on the basis of the following: reliability, cooperation, attendance, skilled proficiency, clinical competency, job proficiency, appropriate appearance, branch/client relations, and supervisory ability (when applicable). Evaluations may take the form of client feedback and/or office staff feedback.

Because Encore relies on the direct supervision of the employee by our client facilities, all issues/complaints regarding an employee's job performance should be documented by the client and/or reported to Encore. The following circumstances will be documented by the appropriate party and filed in the employee's file (paper and/or electronic):

- a. Infractions of expected professional conduct or dress code.
- b. Employee not reporting for scheduled assignment. ("No Show")
- c. Employee tardiness.
- d. Disobedience or insubordination while on assignment.
- e. Violation of Encore's Substance Abuse policy.
- f. Theft, gambling, malicious gossip, and derogatory statements about any employee, patient, physician, or facility representative.
- g. Infractions of client policies and practices.
- h. Professional incompetence or violation of the Nursing Practice Act or other professional regulations.
- i. Cancellations to accept assignment from another agency, or excessive cancellations.
- j. Demonstration of poor or belligerent attitude, i.e. unprofessional conduct.
- k. Sleeping while on assignment.
- l. Failure to follow Occupational Health & Safety Standards, including Universal Precautions.
- m. Other circumstances as identified by the client or branch personnel.

PAYROLL PROCEDURES

The law requires we deduct Social Security, Federal and State taxes from your paycheck, as well as any other deductions ordered by State/Federal Agencies (i.e. child support, alimony, etc.). Any overpayment of wages will be considered an advance and will be deducted from future earnings.

Encore's work week is Monday through Sunday. Time slip payments are weekly. Contract or travel employees will be paid according to their contracted work week and this work week will be stated in your assignment agreement.

Please make sure to get supervisor to sign your time slips. Remember to put your name, date, shift and the Unit or Hall worked clearly on the time slips.

Time must be submitted to payroll by 9:00am EST Monday or the time will not be paid until the next pay period. Also, late time received 30 days after time worked may require additional approval from the client and are not guaranteed to be paid.

Please be sure to take your allowed break during your assigned shift. Thirty minutes will be deducted from each 8-hour shift. This is a mandate for all facilities.

OVERTIME & HOLIDAYS

Overtime pay will be due for work over 40 regular hours in one work week. Whether overtime pay will be due for staying beyond an 8 or 12 hour shift depends upon your respective state law. Encore's per diem work week schedule is from Monday through Sunday. For the purpose of calculating weekly overtime pay, you will be paid according to Encore's work week. Overtime pay for contract or travel assignments are paid overtime according to the assignment agreement for any and all shifts worked under the agreement. Holiday pay in various parts of the nation and at various client facilities differs.

ADDRESS/NAME CHANGES/TAX DOCUMENTS

In order to ensure documents are sent to the correct addresses, we need to have the most current address on file. Typically your W-4 address is used. If you move or want documentation mailed to a different address, you must notify the corporate office of the new address and/or telephone number. If you marry and/or change your name, you must also notify us of the change. Also, please submit an updated W-4 and copies of all name changes on credentials (e.g. license/certification, social security card, driver's license).

Remember: It is your responsibility to keep the corporate office informed of any name, address, email, telephone number or tax residency changes.

Local regulations may require specific taxes be deducted based on where an employee lives and/or works. You are required to make a declaration of your permanent address which will determine your tax residency.

NAME BADGES

When you complete the interview process, you will receive an Encore name badge. As proper identification, Encore employees must wear this name badge while working. Other client personnel working with you must be able to identify you according to name, class, and employer. Should you lose or damage your name badge, please call the office for a replacement. Upon your arrival for assignment at a facility, you are required to provide a valid picture ID issued by a state, federal, or regulatory agency.

DRESS CODE

All employees of Encore are expected to maintain a professional appearance. The requirements of appropriate dress may change from client to client and all employees are expected to be familiar with and adhere to the dress codes of the client to which they have been assigned. In the absence of a client dress code, Encore requires you follow these guidelines:

- Remember to wear your Encore name badge at all times while working. It is part of your uniform.
- You represent yourself and Encore every day. Please wear a smile and present a neat, clean appearance to facilities and patients.
- No tongue or facial piercings of any kind are acceptable at facilities.
- Hair should be pulled away from the face and secured.
- No long dangling or hoop earring. Jewelry should be worn conservatively. A watch with a second hand is required.
- No artificial nails. Nails and hands should be kept clean and well-manicured.
- No bags with supplies or purses should be brought into any facility.
- Adherence to all client-specific dress/personal appearance codes/policies is required even if more stringent/restrictive than Encore's policies.

CELL PHONES

Personal cellular phones are for break time only. Receiving and placing personal cell phone calls is to be reserved for emergencies and unusual circumstances. Employees who make or receive an excessive amount of personal cell phone calls or text messages will be subject to disciplinary action up to and including termination. As an employee of Encore, it is your responsibility to become familiar with and follow your assigned facilities cell phone policies and procedures.

TRANSPORTATION

You are expected to provide your own transportation. Transportation conflicts will not be an acceptable reason for canceling. If you rely on public transportation, take whatever measures necessary to ensure early arrival. If you have accepted an assignment, you are responsible to get to the assigned facility/location. Depending on the assignment travel requirements, company insurance requirements or upon client request, you may be asked to provide Encore with documentation of current auto insurance coverage and valid licensure. Certain assignments, where there is relocation or temporary housing required, may include coverage for transportation. These will be identified by a written assignment agreement.

WORKER'S COMPENSATION

Encore Medical Staffing carries Worker's Compensation Insurance. Thus, any injury, regardless of how insignificant it may seem, must be reported to your shift supervisor and Encore as soon as possible. In most states, if your injury does not require emergency treatment, Encore will require you to seek medical attention from a healthcare provider designated by Encore. Contact the corporate office for more information and details.

If your injury requires emergency treatment, you should seek medical attention from the nearest, most practical source. Follow-up treatment, however, should be obtained from a healthcare provider designated by Encore. Prior authorization may be required for some procedures. Worker's Compensation benefits are administered in accordance with each state's legal requirements.

An employee involved in an on-the-job accident or suspected accident will be required to submit to a drug screening within 24 hours of the accident. Failure to submit a drug test within 24 hours will be deemed a refusal and may be subject to disciplinary action. The corporate office will facilitate the drug test request, assisting with arrangements for the employee to be driven to the testing site if necessary and/or possible.

THE JOINT COMMISSION

Encore Medical Staffing, Inc. is certified as a healthcare staffing agency under The Joint Commission. We follow national standards addressing how staffing firms determine the qualification, placement and competence of our staff and how we monitor performance. Certification recognizes our continued dedication and commitment to providing quality services to both clients and staff. Report concerns related to the quality and safety of patient care to the management of Encore Medical Staffing or directly to The Joint Commission. No disciplinary or punitive action will be taken against employees making a report. These issues may also be reported directly to The Joint Commission using the information found on their website at www.jointcommission.org or via e-mail at patientsafetyreport@jointcommission.org.