



## **Independent Contractor Policy**

This Policy has been implemented to prevent accidents and personal injuries. It is not intended to be entirely inclusive. It is the responsibility of the Independent Contractor to enforce this Policy and all other applicable laws and requirements. The Independent Contractor shall also provide the necessary safety equipment and perform any contracted services in such a manner as to eliminate personal injuries and accidents.

**Independent Contractor, as used in this Policy, includes any and all employees, agents, servants, volunteers or subcontractors of the Independent Contractor.**

1. **Vehicles** - No work vehicles or personal vehicles of any Independent Contractor or their employees are permitted on the property of Sims Brothers without prior approval.
2. **Smoking** - Smoking and the use of tobacco in any form is prohibited, except in specifically designated areas.
3. **Subject to Search** - All personal and work belongings, including, but not limited to, coolers, lunch pails, bags, backpacks, toolboxes and vehicles, are subject to search by authorized personnel of Sims Brothers at any time.
4. **Indemnification and Hold Harmless** - To the fullest extent allowed by law, all Independent Contractors agree to and shall defend, indemnify, and hold harmless Sims Brothers, and any of its subsidiaries and affiliates, their shareholders, directors, officers, employees, and agents from any claim, demand, cause of action, judgment, damages, loss, expense, including, but not limited to, attorney's fees and any amount paid in settlement, resulting from, arising out of, or in any way connected with services performed or to be performed by agreement of the parties, or any act or failure to act of any Independent Contractor, its employees, agents, representatives, or subcontractors.

5. **Occupational Safety and Health Act** - All materials supplied to or work performed on Sims Brothers property shall fully comply with the provisions of both federal and state occupational safety and health acts and the standards and regulations under that law. The Independent Contractor certifies that all such materials supplied and work performed will conform to and comply with such standards and regulations.
  
6. **Eye/Hearing Protection** - All Independent Contractor's employees must wear safety glasses, hardhats and hearing protection as well as any other safety equipment specific to the job while on the property of Sims Brothers. The personal protective equipment must meet all requirements of OSHA Rule 1910.132.
  
7. **Welding and Welding Equipment** - All Independent Contractors are responsible for meeting OSHA Rule 1910.252. Further:
  - a. A shield must be used to protect all persons from the flash of electric welding whenever possible.
  - b. All electric welding machines are to be equipped with standard electrical equipment to fit the outlets existing on the property of Sims Brothers. Temporary electrical hookups will not be permitted unless made by a qualified electrician.
  - c. Acetylene and oxygen cylinders shall be protected against tipping by use of standard portable welding carts to which the cylinders must be secured. If portable welding carts are not immediately available, the cylinders shall be secured to a stationary object of sufficient strength to hold the cylinders until a cart can be obtained. Unless the valve is protected by a recess in the cylinder, a metal cap shall be used to protect the valve against damage when the cylinder is not connected for use. Each set up must be accompanied by the proper equipment to shut off the valves in case of an emergency. Each unit must be equipped with a "flash back" arrester.
  
8. **Equipment** - All equipment used shall be in good condition. Independent Contractor's will not be permitted to use Sims Brothers equipment unless authorized by Sims Brothers. Independent Contractors are not to move a piece of Sims Brothers equipment such as a machine, crane, tractor, or fork truck unless approved by Sims Brothers. Trucks or other vehicles being operated on the property of Sims Brothers must be operated safely at all times and stored in authorized places. This equipment will be operated only by authorized, trained personnel. Sims Brothers reserves the right to inspect all equipment used by the Independent Contractor or any of his subcontractors and to prohibit the use of any equipment judged to be unsafe.
  
9. **Fall Protection** - Fall arrest will be used in all work areas with an unguarded falling hazard of six or more feet. The equipment and procedures must meet OSHA standards.
  
10. **Confined Space** - Independent Contractors must follow all confined space procedures for all hazardous energy in accordance with OSHA Rule 1910.146. Under no circumstances shall an Independent Contractor enter a confined space labeled area without prior approval from Sims Brothers.

11. **Lock Out / Tag Out** - Independent Contractors must follow all lock out procedures for all hazardous energy in accordance with OSHA Rule 1910.147. Under no circumstances shall an Independent Contractor remove any Sims Brothers locks.
12. **Incident Reports** - Independent Contractors must report all personnel injury accidents, property damage accidents, fires, spills, and near misses to Sims Brothers Safety, Health and Environment Director and Human Resources as soon as possible, but no longer than twenty-four hours of the occurrence. Independent Contractors will cooperate, perform and assist with any accident investigation of the incident and make it available to authorized personnel.
13. **Construction** -
  - a. All excavations shall be provided with suitable solid barriers or railings plus adequate warning lights or other devices.
  - b. All necessary precautions shall be taken to protect all persons in any area when work is being performed either overhead or at floor level, Guards or other adequate protections must be provided whenever holes, inserts, bolts, or other hazards are left in, on, or above the floor.
  - c. Overhead work must never be done over any person or over any area when people and/or trucks are moving without first obtaining specific permission from Sims Brothers.
  - d. Areas in which work is being performed must be kept clean, orderly, and safe. Independent Contractors must remove combustible materials and other debris from the plant property at the end of each working day.
  - e. All equipment being used by the Independent Contractor such as hand tools, trucks, etc. must be kept in safe operating condition.
  - f. Loose materials such as bolts, nuts, hand tools, etc., must not be left lying on beams, ledges, or any place from where they could fall or be knocked down to cause damage or injury.
  - g. Guards removed while making alterations or repairs on equipment must be replaced before the equipment is turned back to production.
  - h. Approval from Sims Brothers must be obtained before any explosives or tools utilizing a power cartridge can be used on Sims Brothers property. Independent Contractors assume sole responsibility for bodily injury and property damage caused by the use or possession of such explosives or power cartridges.
  - i. All slippery materials such as grease, oil, or paint, etc., which are spilled shall be removed from the floor or other place immediately.
  - j. When an opening is made in the roof or walls of a building, the inside must be protected from weather until the opening is re-closed.
14. **Underground Service Hazards** – Independent Contractors must confirm, before starting any excavating, driving of objects into the ground or through floors, or the hauling or dumping of heavy loads that no underground service such as power cables, sewers, or fire lines, etc., are in the area. Hand excavation must be used to locate underground service in the area before proceeding with mechanical means. Clearance from Sims Brothers must be obtained in writing before shutting off any utility or service. Further, Sims Brothers must approve, in writing, the shutting off or placing out of service any fire protective device or service.

15. **Chemicals** - All chemical substances brought onto Sims Brothers property must be described in a Material Safety Data Sheet (MSDS) indicating hazardous ingredients, emergency first aid procedures and spill, leak, and disposal procedures. Independent Contractors are responsible for the proper removal, transportation and disposal of all chemicals in accordance with all applicable regulations. The MSDS must be presented to Sims Brothers prior to use of the material for approval. Independent Contractors must assure that their employees, as well as their subcontractors have received training in the use of all hazardous materials on site according to OSHA Rule 1910.1200. Independent Contractors are forbidden to ship or send by commercial or government carriers, any hazardous materials from this facility, unless it is in the Independent Contractor's own equipment.
  
16. **Asbestos** - If at any time an Independent Contractor suspects asbestos containing material at the job site, Sims Brothers must be contacted before starting or continuing the work to confirm the material's status. If the Independent Contractor will be working in an area which is known to have asbestos containing material, the Independent Contractor will immediately report any damage to the asbestos material that may have been caused by any activity to Sims Brothers.
  
17. **Barricades** - Signs, barricades or other means shall be used to protect the area beneath any overhead work where there is potential hazard from falling objects. These methods shall also be used to warn individuals of hazardous areas.
  - a. Standard guardrails capable of withstanding two hundred pounds of force (cables, chains, wooden rails, etc.) are required when workers are subjected to a fall exposure. (See section 9)
  - b. All crane radii, with counter weights that present an exposure, must be barricaded before operations commence.
  - c. All openings in floors, roofs or decking must be covered, labeled and secured in place.
  
18. **Environmental / Sewers / Spills** - All materials supplied to Sims Brothers and all work performed for Sims Brothers by an Independent Contractor shall comply with the requirements of all applicable federal, state, and local laws, standards, regulations and ordinances enacted to protect the environment from contamination. All waste material generated by the Independent Contractor in the course of this job shall, unless otherwise specified, be considered the property of the Independent Contractor. The Independent Contractor shall remove such waste materials from Sims Brothers property and dispose of all such wastes in compliance with all federal, state, and local requirements. The Independent Contractor is prohibited from disposing any substance into the storm or sanitary sewers without the written consent of Sims Brothers and will immediately notify the Sims Brothers if any hazardous or other environmentally harmful material is spilled onto the ground or into the sewer.
  
19. **Leaving Job Before Completing** - When leaving a job before completion, all material, rigging, boards, loose nails, and other debris must be carefully removed from the floor. There shall be no materials or equipment left overhead or on the roof unless it is secured in place. Adequate barricades and warnings must be erected at all openings, excavations, and obstructions. If a crane is being used, the boom must be lowered to the ground prior to leaving the job.

20. **Completion of Job** - All scaffolding and unused material shall be removed from trusses, roof, platforms, and floors to a designated place outside of building as soon as their use is completed
21. **Alcohol / Drugs** - Consumption of alcohol or the use of drugs is prohibited on Sims Brothers property. Sims Brothers has the right to forbid site access to any Independent Contractor who is found to be under the influence of drugs and/or alcohol, or who refuses to be tested for these substances.
22. **Firearms** - Firearms or any other weapons are prohibited on Sims Brothers property.
23. **Insurance** - Proof of insurance coverage, including liability and Workmen's Compensation must be furnished by the Independent Contractor and accepted by Sims Brothers before any work is started.
24. **Stop Work** – Sims Brothers reserves the right to stop any job being performed in a manner deemed unsafe.

**I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THIS POLICY AND AGREE TO ITS TERMS:**

\_\_\_\_\_  
Name of Independent Contractor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name