

# AI ACCEPTABLE USES POLICY

**HEY CHATGPT, WRITE ME A SUBHEADER ABOUT ESS COMPANIES' ARTIFICIAL INTELLIGENCE (AI) ACCEPTABLE USES POLICY.**

## PURPOSE

ESS Companies, Inc. and all its subsidiaries ("ESSC") recognizes that the use of artificial intelligence tools ("AI Tools") can increase employee-owner productivity and foster innovation, and we support the use of AI Tools in a safe, ethical, and secure manner. At the same time, we recognize that the use of AI Tools can pose risks to our operations and customers.

The purpose of this Artificial Intelligence (AI) Use in the Workplace Policy (this "Policy") is to provide employee-owners with guidelines for the responsible use of AI Tools while protecting ESSC and mitigating the risk of misuse, unethical outcomes, potential biases, inaccuracy, and information security breaches.

All ESSC employee-owners are responsible for using AI Tools in a productive, ethical, and lawful manner.

## SCOPE OF POLICY

This Policy applies to all ESSC employee-owners, including all employee-owners working for a subsidiary of ESSC in the course of their work for ESSC and its customers when using AI Tools for authorized business purposes, including in their dealings with third-party agents and vendors, and when using their personal devices for authorized business purposes.

A list of permitted and prohibited AI Tools is annexed to this Policy as Exhibit A.

## COMPLIANCE WITH RELATED POLICIES AND AGREEMENTS

This Policy is intended to add to, not contradict, limit, or replace, applicable mandatory rules, policies, legal requirements, legal prohibitions, and contractual obligations, all of which remain in full force and effect. Any use of AI Tools under this Policy must comply with the relevant policies, internal controls, and guidelines of ESSC, including, but not limited to, ESSC's:

- Affirmative Action Policy
- Anti-Harassment Policy
- Equal Opportunity Policy
- Rules of Conduct
- Technology and Social Media Policy
- Credit Card Policy

## GUIDELINES FOR USING AI TOOLS

When using AI Tools in the workplace, employee-owners must:

- Use them only for the following authorized purposes:
  - Editing drafts of emails, letters, memoranda and presentations or other content generated through the normal course of work;
  - conducting research;
  - document summarization; and
  - learning.

All other purposes must be authorized in advance in writing by the AI Steering Committee (the "Committee"). To request use of a new purpose or new tool, please fill out the [AI Tool Request Form](#). For any other requests or questions, email [AI@ESSCOMPANIES.COM](mailto:AI@ESSCOMPANIES.COM). ESSC retains the right to monitor all employee-owners use of AI Tools. Examples of other purposes that must be authorized in advanced in writing by the Committee include, but are not limited to, the following:

- Generating legal documents, including but not limited to, contracts.
- Generating financial analysis for public or client consumption.
- Generating bid data for submission.
- Using any AI Tool that the Company does not have a license for.

Employee-owners expressly agree to:

- Not use any AI Tool that ESSC does not have a license for.
- Not enter any ESSC, employee-owner, customer, or third-party confidential, trade secret, or other personal or proprietary information into a prompt for an AI Tool.
- Avoid using offensive, discriminatory, or inappropriate content.
- **Thoroughly review all AI Tool outputs before using them or forwarding them to others inside or outside ESSC to:**
  - ensure that they do not contain biased, offensive, or discriminatory content;
  - ensure they do not improperly use or disclose personal or confidential information; and
  - verify accuracy or reported facts with other trusted sources.
- Track and document their use of AI Tools for business purposes.

Without limiting other provisions of this Policy, employee-owners are expressly prohibited from using AI Tools to:

- Conduct or solicit illegal activities;
- Infringe the rights of others, including privacy and intellectual property rights;
- Interfere with the performance of their jobs or of other employee-owner's job;
- Bind ESSC and/or any ESSC subsidiaries to any legal or other obligation; or
- Perform the following workplace tasks:
  - Development for ESSC and/or ESSC products and services;
  - Incorporation into any ESSC or customer deliverable, product, service or intellectual property;
  - Development for ESSC customers and/or customer products and services; and/or
  - Generation of source code.

## MANDATORY TRAINING

ESSC recognizes that an informed workforce is the best line of defense. We may provide training opportunities and expert resources to help employee-owners understand their obligations under this Policy and avoid creating undue risks. Employee-owners must complete AI use training within a reasonable time after initial hire. All workforce members must complete AI use training on at least an annual basis. Managers must ensure that their employee-owners complete all required training.

ESSC may deem failure to participate in required training a violation of this Policy. ESSC will retain attendance records and copies of AI training materials provided to employee-owners.

## REPORTING NON-COMPLIANCE WITH THIS POLICY

If you become aware of an actual or potential violation of this Policy, or have reason to believe that any of the following has been downloaded to or installed on [ESSC]'s networks, systems, or devices, you must promptly disclose this fact via email to [AI@ESSCOMPANIES.COM](mailto:AI@ESSCOMPANIES.COM) together with all relevant documents and information:

- An unlicensed AI Tool, if usage requires a license.
- An AI Tool that has not been approved for use according to this Policy.
- An AI Tool that is used outside of the approved manner or scope.
- An AI Tool that poses an identified, unaddressed security risk or contains any material defects or malicious code.

ESSC prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this Policy.

## VIOLATIONS OF THIS POLICY

If the AI Steering Committee determines any employee-owner, regardless of position or title, has engaged in conduct in violation of this Policy, they will be subject to discipline, up to and including termination of employment or their consulting relationship.

## ADMINISTRATION OF THIS POLICY

ESSC expressly reserves the right to change, modify, or delete the provisions of this Policy without notice.

The AI Steering Committee is responsible for the administration of this Policy. If you have any questions regarding this Policy or questions about using AI Tools in the workplace that are not addressed in this Policy, please email [AI@ESSCOMPANIES.COM](mailto:AI@ESSCOMPANIES.COM).

## EFFECTIVE DATE

This Policy is effective as of June 1, 2025.

## CONDUCT NOT PROHIBITED BY THIS POLICY

This Policy is not intended to restrict communications or actions protected or required by state or federal law.

## EXHIBIT A

### PERMITTED AND PROHIBITED AI TOOLS

ESSC expressly reserves the right to change, modify, or delete the items in this exhibit without notice.

Permitted AI Tools:

- Copilot
- ChatGPT
- Adobe AI
- Edgevanta
- Wave
- Egnyte AI

## EXHIBIT B

### AI STEERING COMMITTEE MEMBERS

ESSC expressly reserves the right to change, modify, or delete the items in this exhibit without notice.

## MEMBERS

### ESS Companies

- Clayton Hicklin: [CLAYTON.HICKLIN@ESSCOMPANIES.COM](mailto:CLAYTON.HICKLIN@ESSCOMPANIES.COM)
- Bill Loucks: [BILL.LOUCKS@EMERYSAPP.COM](mailto:BILL.LOUCKS@EMERYSAPP.COM)

### Emery Sapp & Sons

- Brandon Finn: [BRANDON.FINN@EMERYSAPP.COM](mailto:BRANDON.FINN@EMERYSAPP.COM)
- Josh Doerhoff: [JOSH.DOERHOFF@EMERYSAPP.COM](mailto:JOSH.DOERHOFF@EMERYSAPP.COM)
- Maddie Konnesky: [MADDIE.KONNESKY@EMERYSAPP.COM](mailto:MADDIE.KONNESKY@EMERYSAPP.COM)
- Paul Tierney: [PAUL.TIERNEY@EMERYSAPP.COM](mailto:PAUL.TIERNEY@EMERYSAPP.COM)
- Collin Shaw: [COLLIN.SHAW@EMERYSAPP.COM](mailto:COLLIN.SHAW@EMERYSAPP.COM)

### Rummel Construction

- Allison Moore: [AMOORE@RUMMELCONSTRUCTION.COM](mailto:AMOORE@RUMMELCONSTRUCTION.COM)
- Andrew Saspe: [ASASPE@RUMMELCONSTRUCTION.COM](mailto:ASASPE@RUMMELCONSTRUCTION.COM)
- Shaun Tindell: [STINDELL@RUMMELCONSTRUCTION.COM](mailto:STINDELL@RUMMELCONSTRUCTION.COM)

### Achen-Gardner Construction

- Tyler Cork: [TCORK@ACHEN.COM](mailto:TCORK@ACHEN.COM)
- Kevin Nunez: [KNUNEZ@ACHEN.COM](mailto:KNUNEZ@ACHEN.COM)
- Bryan Mueller: [BMUELLER@ACHEN.COM](mailto:BMUELLER@ACHEN.COM)