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## Drug & Alcohol Free Workplace

### **PURPOSE**

The purpose of the Company's Drug and Alcohol-Free Workplace policy is to formulate and implement an ongoing program that will establish and maintain the highest standards of an efficient and healthy working environment for all employees. This policy is also designed to protect employees, company, property, equipment, and operations, and provide for the safety of the general public.

### **GOALS**

It is the Company's intent to establish and maintain a work environment that is free from the effects of substance abuse. A drug and alcohol free work environment will be maintained to insure the reputation and quality of the Company and its services within the industry and to the community. It is also the Company's goal to assist in preserving the physical and psychological health of its employees by eliminating substance abuse. We recognize that alcohol and drug abuse dependencies may result in behavioral and medical problems that can be treated.

### **POLICY**

Alcohol and drug use will not be tolerated under any circumstances on company property, company vehicles, or customer property or at any time an employee is on duty. This includes consumption, possession, use, purchase, sale, or being under the influence of alcohol and drugs. If an employee is found to be consuming, possessing, using, purchasing, selling, or under the influence of alcohol or drugs on the work site at any time, including work hours and non- work hours, he or she will face disciplinary action up to and including discharge.

### **SUBSTANCE ABUSE SCREENING**


Screening will be required for the following situations:

1. Pre-employment - All applicants will be required to have a drug screen as a condition for employment after receiving a conditional job offer.
2. Reasonable Cause - An employee whose actions or behavior lend themselves to suspicion of abuse may be screened.
3. Random Screening - Employees will be subject to screening on a random basis regardless of other screens.
4. Customer Screens - On occasion the Company provides services for companies whose policies state that they will subject sub-contractors' employees to random screening, and/or initial screens before work is begun.

Refusal to submit to a drug screen under any of the preceding conditions will constitute cause for failing to be considered for employment or if currently an employee, may result in disciplinary measures, up to and including termination.

When a supervisor has reasonable suspicion that an employee is in violation of this policy, under the influence of drugs or alcohol, immediate action shall be taken. The supervisor shall use the following procedures:

1. If an employee is suspected of using or being under the influence of alcohol or illegal drug or is otherwise unable to perform his or her job in a safe or satisfactory manner, the supervisor is to

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notify HR immediately, escort the employee to the main office or medical facility for evaluation by a doctor. Screening will be requested. HR can coordinate the necessary documentation to facilitate the screening. If substance use is suspected and a random drug screening is requested, the employee must remain accompanied by a supervisor or other designated official at all times.

2. If the employee is unwilling to report for evaluation and screening, the supervisor should require the employee to proceed to a safe non-working area.

If the employee is to go to a medical facility for screening or evaluation, the supervisor is to arrange for the employee's safe transport, while ensuring the employee does not travel unattended to the collection site.


If an applicant tests positive for any screened substance, the applicant will not be hired. Active employees who test positive for any screened substance may be referred to an Employee Assistance Program at the Company's discretion

#### **PROCEDURES FOR COMPLETING A DRUG OR ALCOHOL SCREENING**

1. The supervisor must coordinate a drug screening request with HR.
2. The supervisor will confidentially and privately explain to the employee the reason(s) for requesting a drug/alcohol screen. If the reason(s) for requesting a screen are based in any part on information received from a third party, the name of that third party will not be disclosed to the employee, without the third party's permission.
3. The employee will be given an opportunity during the meeting with the supervisor to respond to the supervisor's assertions concerning the reasons for requesting the drug/alcohol screen. If the supervisor still believes the screen necessary or if the screen is pursuant to the random testing program or any follow-up testing at random intervals, the supervisor will proceed with the screen.
4. The supervisor or his/her designee will accompany the employee to the facility where the screen has been arranged to be conducted. The employee will provide a specimen or blood sample at the facility for testing. The supervisor shall have the authority to place on administrative leave without pay or to reassign an employee tested for reasonable cause while awaiting the results of the test when such action is in the best interest of the Company.
5. The results of the screen shall be reported to the employee, the supervisor, and the Safety Director.
6. All written requests and test results will be placed in a confidential medical file, which will be kept separate from the official personnel file of the employee.

#### **DISCIPLINARY ACTIONS AND REHABILITATION**

1. Any employee who refuses to consent to a drug/alcohol screen after meeting with the supervisor shall be subject to immediate disciplinary action up to and including possible termination from employment.
2. Adulteration detected in a specimen, substitution of a specimen or otherwise tampering with a specimen by the employee to be tested or by another employee may be grounds for dismissal. In the event of adulteration, substitution or tampering, a new screen may be ordered if the tested employee is not dismissed.
3. If the drug/alcohol screen is positive, the supervisor will meet with the employee prior to determination of an appropriate action/response. The employee will be given an opportunity

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to respond to the result. The employee may request, at his/her own expense, additional screening of an original drug test specimen by gas chromatography/mass spectrometry (G.C.M.S.) or other suitable testing procedure. If the second drug test is negative or inconclusive, the Company, at its expense, may request a third drug test for further analysis of the test specimen. If both the second and third tests are negative, the Company will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the Company pays for its screening tests; and all test-related records will be purged. If two of the three drug test results are inconclusive, the employee shall be subject to follow up drug/alcohol testing at random intervals during the next twelve months of employment.


4. If the drug/alcohol screen is positive (and if any confirmation test is also positive), the supervisor will determine an appropriate action/response according to the following:
  - a. A positive drug/alcohol screen that confirms an employee has a detectable presence of illegal drugs in his or her system or has an alcohol concentration of 0.02 or greater, or has his or her ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, during work hours, including on-call time, may result in immediate suspension from duty pending appropriate disciplinary action. Any employee who tests positive for drugs or alcohol and who also exhibits one or more of the reasonable cause criteria in this policy shall be presumed to have been at work under the influence of drugs or alcohol.
  - b. A positive test for drugs or alcohol is not necessarily the only method/means of determining that an employee has used drugs or alcohol in violation of the Company's policies. Such a finding may be based on other observed facts and conditions.
  - c. While referral to an Employee Assistance Program may be done at the Company's discretion following a positive drug/alcohol screen, certain circumstances may justify immediate disciplinary action up to and including dismissal.
  - d. The collection, documentation, storage/use and distribution of any records, files, and materials which result from the investigation of drug or alcohol use allegations and drug/alcohol screening tests are deemed strictly private and will be maintained in a confidential medical file, separate from official personnel files.

#### **DRUG FREE WORKPLACE ACT**

On any project subject to the guidelines of the Drug-Free Workplace Act of 1989 (the Act), the Company's employees are also subject to additional requirements as follows:

1. Within ten (10) days after learning of an employee's criminal conviction for illegal drug activity within the workplace, the Company will notify the granting agency of such conviction, as required by the Act. Within thirty (30) days after learning of an employee's criminal conviction for illegal drug activity within the workplace, the Company will take appropriate personnel action.
2. For a drug offense occurring in the workplace, the employee must notify the Company in writing within five calendar days of a conviction. The notification requirement does not apply, however, to drug offenses occurring *outside* of the workplace. Employees are not required to report drug *arrests*, only convictions.

#### **USE OF ILLEGAL DRUGS AND ALCOHOL**

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It is the responsibility of the employee to notify management when he or she is under the influence of a legally prescribed drug. An employee may continue to work, even though under the influence of a legal drug, if management has determined by appropriate method, even when necessary, contacting the prescribing physician or pharmacist, that the employee does not pose a threat to his or her physical safety or the safety of others and that the employee's job performance is not adversely affected. However, an employee under the influence of a legal prescribed drug may be required to take a leave of absence or comply with other appropriate action determined by management.

The abuse of legal or prescription drugs that adversely affect an employee's ability to perform his or her duties in any way will result in immediate removal of such employee from company premises, and the employee will be subject to discipline up to and including termination of employment.

Possession and consumption of alcoholic beverages, while on company property, in company vehicles and/or equipment, and while on company project sites, is strictly prohibited.

If an employee is suspected of possessing alcohol or drugs contrary to this policy, the supervisor is to contact management for guidance. Such guidance may result in the supervisor:

1. Seizing any alcohol or drugs, which are in plain sight. There should be a witness present before the seizure.
2. Securing any container where alcohol or illegal drugs may be present for a subsequent search by appropriate authority.
3. Ordering the employee to report to an area where he or she may be questioned in private.

Prior to initiating questioning relative to the use or possession, the supervisor is to first consult with management if they are available. Otherwise, the supervisor is to have a witness present and in the absence of other guidance, limit his questioning to determine the employee's general condition and the cause of the employee's present condition.

Management and supervisors are to restrict conversation concerning possible violations of this policy to those persons who are participating in any questioning, evaluation, investigation, or disciplinary action and who have a need to know about the details of the investigation. This restriction includes not mentioning the name of the employee suspected of violating this policy and not disclosing results of any test or investigation. Supervisors and investigators are to instruct other employees, except as noted above, not to talk about such possible violations.

The testing facility administering screening tests shall insure that a proper chain of custody is used to protect the integrity of specimens. The ability to trace a sample is necessary until adjudication of disciplinary action is concluded.

Management and supervisors are not to use force in seeking compliance with requests. Local law enforcement may be called at the discretion of management if the determination is made that the employee should not be allowed to remain in the work area and the employee refuses to leave.

The supervisor is to explain to the employee that non-compliance with the supervisors requests to submit to medical screening, to disclose and explain the nature of any suspected substance, to leave the work area or any company facility, or any other reasonable request will be viewed as insubordination and subject to discipline, including termination for a first time refusal or in any subsequent refusal.