

Drug and Alcohol Policy

1. Introduction

Company is committed to providing safe, dependable and economical service to its Sponsor and Sponsor's customers, maintaining a safe work place, and promoting high standards of employee health. To achieve this, Company must have a work force and work place which is free of the adverse effects of alcohol, illegal drugs, and/or legal drugs obtained illegally or taken for purposes of abuse. This document is based on the requirements of various federal regulations and reflects Company's movement towards a high performance work culture. Accordingly, Company has adopted a drug and alcohol policy for its employees and requires its Contractors to adopt the following policy for their employees.

Contractor is required, at a minimum, to comply with the requirements set forth herein. The policies, programs, standards, and obligations imposed herein do not supplant, detract from or otherwise modify any obligations imposed by law. Company may contractually require additional obligations of Contractor from time-to-time.

Contractor is required to inform its employees of this Drug and Alcohol Policy and of the actions which will be taken in response to a violation of this policy.

2. Drug and Alcohol Policy

a. Prohibited Conduct

- i. The sale or distribution of drugs without regard to location and regardless of whether the drug is distributed or sold to fellow employees or non-employees.
- ii. The use, possession, concealment or purchase of drugs while on duty including while at a Jobsite, traveling to and from a Jobsite, break and meal periods regardless of whether the employee is on the Jobsite during these times, parking lots and vehicles, and all areas where the Work is performed.
- iii. The use or the possession of alcohol while on duty including while at a Jobsite, traveling to and from a Jobsite, break and meal periods regardless of whether the employee is on the Jobsite during these times, parking lots and vehicles, and all areas where Work is performed.
- iv. The impairment of any employee by drugs or alcohol, or an impermissible level of drugs or alcohol in the system of any employee while on-duty.
- v. The use of prescription or over-the-counter medications where such medication will interfere with job performance without prior notice to Contractor.
- vi. Off-duty and Off-premises involvement with drugs or alcohol when such involvement has or may have an adverse impact on Company's operations or reputation.
- vii. Use of alcohol at any time when such involvement has an adverse effect on Company's operations or reputation.
- viii. Conduct prohibited by the Nuclear Regulatory Commission's Fitness For Duty rule, 10 CFR 26; the Federal Highway Administration's Controlled Substance and Alcohol testing rule, 49 CFR 382; or, the Research and Special Programs Administration's Drug and Alcohol Testing rule, 49 CFR 199, by employees subject to the regulations.

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b. Fitness for Duty Rule

All employees are expected to report to work drug-free and alcohol-free, fit to perform their duties, and not under the influence of any substance which might adversely affect their ability to safely and competently perform their duties. Factors such as the use of prescription or over-the-counter medication, mental stress, fatigue and/or illness that could affect fitness for duty should be brought to the attention of Contractor's supervision or management.

c. Prescribed or Over-The-Counter Medication

It is the employee's responsibility to inform his/her supervisor of any prescribed or over-the-counter medication which may affect or impact the employee's ability to properly or safely perform job responsibilities. Advance notification to the supervisor of prescribed or over-the-counter medication may not only aid in avoiding a safety hazard, but also help to explain potential "fitness for duty" concerns that could arise if, for example, the medication causes drowsiness or lack of coordination. The consumption of any prescribed or over-the-counter medication which contains alcohol while on-duty or which results in a positive alcohol test is a violation of this policy.

3. Administration

Contractor shall only use laboratories that are certified by the Department of Health and Human Services (DHHS) to perform substance testing.

Contractor shall use as a guideline the DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs," and subsequent amendments thereto. These guidelines cover specimen collection procedures, chain-of-custody procedures, laboratory qualifications, testing methodologies, quality control procedures, and reporting requirements.

In order to ensure the full reliability and accuracy of drug assays, the accurate reporting of test results, and the integrity and efficacy of drug testing programs, Company may make changes to this specification to reflect improvements in the available science and technology.

Annual audits may be conducted by Company of those portions of fitness for duty programs implemented by Contractor to comply with this specification.

Company may inspect, copy, or take away copies of any Contractor documents, records, and reports related to contractor fitness for duty programs implemented to comply with this specification.

4. Policy Communications and Awareness Training

- a. Employees shall be provided with appropriate training and information to ensure they understand:
- b. The Drug and Alcohol Policy and procedures provided for herein;
- c. The personnel and public health and safety hazards associated with drugs and misuse of alcohol;
- d. The effect of prescription and over-the-counter medication and dietary conditions on job performance and on drug test results, and the name, address, and role of the medical review officer;
- e. The availability of Employee Assistance Programs, if any, provided by Contractor;
- f. What is expected of them and what consequences may result from lack of adherence to the policy;
- g. The identity of the person designated by Contractor to answer questions about the policies and procedures;
- h. The procedures that will be used to test for drugs and alcohol, to protect the employee, to ensure the integrity of the testing processes, to safeguard the validity of the test results and ensure that the results are attributed to the correct employee; and,
- i. The name and address of the laboratory that analyzes the specimens collected for drug testing.

5. Supervisory Training

It is recommended that supervisors of employees working on the Work and those who are responsible for evaluating the performance of the workers performing that Work be provided appropriate training to ensure they understand:

- a. Their role and responsibilities in implementing the program;
- b. The roles and responsibilities of others, e.g., Human Resources, Medical, and EAP personnel;
- c. The specific, contemporaneous physical, behavioral, speech, and performance indicators of the use, sale, or possession of drugs and/or alcohol misuse;
- d. The procedures for initiating appropriate corrective action, to include referral to the EAP.

6. Drug and Alcohol Testing

Testing provides a means to deter and detect substance abuse and to ensure that employees are fit-for-duty while engaged in the Work. Testing for drugs and alcohol must occur in the following circumstances:

- a. Testing prior to the commencement of work.
- b. Random testing of employees working in safety-sensitive positions.
- c. Testing for-cause when there is reasonable suspicion that the employee is under the influence of, or may be impaired by drugs or alcohol, or otherwise involved with substance abuse. Circumstances which may give rise to reasonable suspicion include, but are not limited to: aberrant behavior, inability to perform, credible allegations, or involvement in an accident, negligent, or careless act.
- d. Prior to being released for return-to-work following any prohibited conduct, as described in Section 2.0 above.
- e. An employee who returns to performing the Work following rehabilitation shall be subject to a reasonable program of follow-up drug testing without prior notice for at least thirty-six (36) months after his or her return to work.

Contractor shall certify in writing that the employees have passed a drug and alcohol test administered in accordance with this specification within one year prior to the date work on this contract begins. Those employees not continuously employed by Contractor since the date of the drug and alcohol test must be retested.

Substance testing shall, at a minimum, be conducted for marijuana, cocaine, opiates, amphetamines, phencyclidine, and alcohol.

When conducting for-cause testing, Contractor may be tested for any drug listed in Schedule I or II of the Controlled Substances Act.

The initial test of breath for alcohol performed at the collection site shall be conducted using an evidential-grade breath alcohol analysis device of a brand and model that conforms to National Highway Traffic Safety Administration (NHTSA) standards and to any applicable State statutes.

Alcohol breath tests shall be delayed at least fifteen (15) minutes if any source of mouth alcohol (e.g., breath fresheners) or any other substances are ingested (e.g., eating, smoking, regurgitation of stomach contents from vomiting or burping). The collection site person shall ensure that each breath specimen taken comes from the end, rather than the beginning, of the breath expiration. For each screening test, a single breath specimen shall be collected from each individual. If the result of the screening test is an alcohol concentration of 0.02 or greater, confirmatory testing is required. The confirmation test shall be conducted following a fifteen (15) minute waiting period which begins with the completion of the screening test. The confirmation test shall be completed within twenty (20) minutes of the screening test. Any action taken under this specification shall be based upon the confirmation test result.

An employee who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be precluded from performing the Work until the employee's alcohol concentration measures less than 0.02.

7. Contractor Management Actions and Sanctions

Contractor shall remove any employee and preclude said employee from performing the Work who:

- a. Violates any of the prohibitions set forth in Section 2.0 of this specification;
- b. Provides a false or tampered sample in connection with a drug test, or,
- c. Refuses or fails to appear or provide a sample on the day or at the time requested.

An employee, who reports to work while taking prescribed or over-the-counter medication which interferes with his or her performance and who has not notified supervision as required by Section 2.0(c), risks the safety of his or her fellow workers and the public, and is subject to removal from the Work.

An employee, who has been precluded from performing the Work, may not return to the Work until the employee completes an appropriate rehabilitation program satisfactory to Company's management and passes a drug test administered under this specification, and a medical review officer has determined that the employee is fit to return to duty.

Any subsequent violation of the prohibitions set forth in this specification will result in preclusion from any subsequent the Work.

Any additional action taken by Contractor with respect to an employee who has been precluded from performing the Work is within the sole discretion of Contractor. This specification does not prevent Contractor from proscribing conduct otherwise permissible under this Drug and Alcohol Policy.

8. Appeals

Contractor shall establish a procedure for employees to appeal a positive drug or alcohol test. The original sample must be retested if the employee makes a written request for independent GC/MS within sixty (60) days of receipt of the final test result from an MRO. The employee may specify retesting by the original laboratory or by a second laboratory that is certified by DHHS. The employee may be required to pay in advance the cost of shipment and reanalysis of the sample.

Since some analytes may deteriorate during storage, the reanalysis is NOT subject to specific cut-off requirements, but must only provide data sufficient to confirm the presence of the drug(s) or metabolite(s).

An employee who has a positive alcohol test may request further confirmation by voluntarily providing a blood specimen for confirmatory analysis by gas chromatography. The employee may be required to pay in advance the total costs incurred in the administration and reporting of voluntary blood tests.

The request for this additional confirmation must be made in writing at the time the breath alcohol analysis is completed. Failure of the individual to request a confirmatory blood test will be considered to indicate that the individual accepts the breath test results.

The gas chromatography test is NOT subject to a specific cutoff requirement, but must only provide data sufficient to confirm the presence of alcohol.

9. Employee Assistance Program (EAP)

Contractor may implement an EAP that offers assessment, short-term counseling, referral services, and treatment monitoring to employees with problems that could adversely affect their performance. EAP's should be designed to achieve early intervention and provide for confidential assistance.

If Contractor maintains an EAP, Contractor shall require that the EAP staff inform Contractor whenever a determination has been made that any employee's condition constitutes a hazard to himself or herself or others (including those who have self-referred).

Contractor shall immediately notify Company's management whenever it has been determined that an employee's condition constitutes a hazard and the employee is assigned to the Work.

10. Record Keeping Requirements

Contractor shall:

- a. Retain records that show an employee failed a drug test, as confirmed by Contractor's medical review officer, and any records that demonstrate rehabilitation, for at least six (6) years.
- b. The records shall include: 1) the reason the test was conducted (e.g., pre-employment, for-cause, etc.); 2) the functions performed by the employee who failed the drug test; 3) the prohibited drug(s) used by the employee; and, 4) the related administrative actions (e.g., termination, suspension, rehabilitation, etc.).
- c. Records of drug tests that show an employee passed a drug test must be kept for at least one (1) years.

11. Definitions

For the purposes of these Guidelines the following definitions are adopted:

- a. Aberrant Behavior - Specific, documented, behavioral or performance indicators, including deteriorating performance, over a period of time, which deviates from the norms of behavior which have been established by society and/or Company; or, isolated conduct or action which is a severe departure from the prior behavior of the employee.
- b. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol's including methyl or isopropyl alcohol.
- c. Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medications, containing alcohol.
- d. Confirmed Positive Alcohol Test - A second test or series of tests, following a screening test with a result of 0.04 or greater, that provides quantitative data of alcohol concentration.
- e. Confirmed Positive Drug Test - The result of a confirmatory test utilizing the Gas Chromatography/Mass Spectrometry (GC/MS) technique that has established the presence of drugs or drug metabolites in a specimen at or above the cut-off level, and that has been deemed positive by the Medical Review Officer.
- f. Confirmatory Test Cut-Off Level (ng/ml)
 - i. Marijuana metabolites(1) 15
 - ii. Cocaine metabolites(2) 150
 - iii. Opiates: (3)
 1. Morphine 300
 2. Codeine 300
 3. Phencyclidine 25
 - iv. Amphetamines:
 1. Amphetamine 500
 2. Methamphetamine 500

- v. (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- vi. (2) Benzoylcegonine
- vii. (3) Confirmatory test for opiates shall include a test for 6-monoacetylmorphine (MAM) if the screening test is presumptive positive for morphine

The drugs and the cut-off levels are subject to change.

- g. Drugs - Includes the following: (i) any chemical substance whose manufacture, use, possession, or sale is prohibited by law, and (ii) legal drugs (whether a narcotic, controlled substance, or prescribed drug or over-the-counter medication) obtained illegally or taken for purposes of abuse.
- h. Impermissible Level of Drugs or Alcohol - A positive test result.
- i. Involvement with Drugs - Includes any involvement, such as use, purchase, possession, concealment or otherwise.
- j. Observable Impairment/Observably Impaired - Conduct or behavior evidencing an inability to perform work safely or efficiently, or performance that is otherwise influenced by drugs or alcohol.
- k. On-Duty - Includes break and meal periods in addition to actual working time, regardless of the individual's physical location. This does not include the consumption of alcohol at off-site functions when the employee is not expected to return to work.
- l. Prescribed or Over-The-Counter Medication -- Medication normally taken for medicinal or other legitimate reasons, consistent with directions of a physician or, in the case of over-the-counter medication, consistent with the directions on the package.
- m. Random Testing - Unannounced tests imposed in a random manner. The tests must be administered so that a person completing a test is immediately eligible for another unannounced test.
- n. Security Recheck - An investigative process including, but not limited to, an investigation, a criminal history check and an interview with the employee regarding his or her involvement with drugs or alcohol. If other circumstances, such as a driver's license suspension, is involved a motor vehicle license inquiry and FBI fingerprints will be initiated.
- o. Unannounced Testing - Testing of an individual for the presence of drugs or alcohol without sufficient notice to enable the individual to clear his or her system of drugs or alcohol.
- p. Unfit For Duty - An individual is unfit for duty if while on-duty he or she is: (1) observably impaired by drugs or alcohol; and, or (2) has an impermissible level of drugs or alcohol in his or her system.