



## **7.2 Alcohol and Drug Free Workplace**

### **1. POLICY STATEMENT**

The Heritage Group (the Company) recognizes the importance of maintaining a workplace that is safe for all employees and on that is alcohol and drug free. We also recognize the need to protect those individuals who might endanger themselves through the abuse of alcohol or controlled substances. In order to mitigate the risks resulting from being under the influence of alcohol or drugs, the Company will enforce uniform testing to determine the ability to work and to inform disciplinary action as described in this policy.

The Company does not allow the consumption or sale of illegal controlled substances during working hours or on company property. Any possession, consumption, or sale of controlled substances on company property is forbidden and will result in discipline up to and including employment termination.

The consumption of alcohol is likewise prohibited with the exception of social events sanctioned by senior management. Any other possession, consumption, or sale of alcohol on company property is strictly forbidden and will result in discipline up to and including employment termination.

The Company also reserves the right to search all company property, including, but not limited to, employee desks and lockers, company cars, tool boxes, etc. to prevent violations of this policy or for any other legitimate reasons. Entry onto company property constitutes consent to and recognition of the right of the Company to search the person, vehicle, and other personal property of individuals while on Company property. Such searches may be initiated by the Company without prior announcement and will be conducted at such times and locations as deemed appropriate. Persons who refuse to cooperate with a search will not be allowed to remain on company property and will be subject to disciplinary action up to and including termination.

### **2. PERSONS SUBJECT TO THE SUBSTANCE ABUSE PROGRAM**

The Company's Substance Abuse Program applies to the employees and recipients of offers of employment for the Company's subsidiaries and affiliates who have adopted this policy, unless these subsidiaries and affiliates have their own similar policy.

### **3. CHANGES OR MODIFICATIONS**

The Company reserves the right to change the provisions of this policy, including the uniform testing procedure and disciplinary action at any future time.

#### 4. TESTING CIRCUMSTANCES

The Company reserves the right to drug and/or alcohol test employees as a group, or individually, at any time.

- a. Pre-Employment – Candidates for employment will be drug and alcohol tested. In the event a positive drug and/or alcohol test has been determined, any offer of employment will be voided.
- b. Return from Layoff/Leave – Employees returning from a layoff or leave of any kind, of at least 30 days will be subject to mandatory drug and alcohol testing.
- c. Testing for Reasonable Suspicion –The Company believes facts and circumstances indicate such testing is in the best interest of the Company. In such instances, the Company will require the employee(s) to be transported by management personnel to the medical clinic for testing. Examples of such instances where the employer may require an employee to be tested could include, but are not limited to:
  - i. Instances where an employee is acting in an abnormal manner and the employer has reasonable suspicion to believe that the employee is under the influence of controlled substances and/or alcohol. The company will require the employee to be taken by management personnel to a medical clinic to provide both urine and breathe samples for laboratory testing and submit to an ability-to-work examination. After the employee has been examined, the medical provider will complete an ability-to-work report and return this report to the company.
  - ii. Reasonable suspicion may be initiated based on specific personal observations by the facility manager, two or more supervisors, a supervisor and a credible witness, or other management personnel that have confirmed through first-hand observation their concern about the appearance, behavior, speech or breath odor of the employee.
  - iii. Circumstances indicating the possibility of drug or alcohol use or possession on company premises, include among other things, detection of drugs, drug paraphernalia, alcoholic beverage containers, etc.
  - iv. The employee will be suspended from the job without pay until confirmation of negative drug and alcohol tests. Employees whose test results are considered "positive" will be subject to disciplinary action up to and including termination. Employees whose test results are negative will receive pay for time off during the suspension.
- d. Random Unannounced Alcohol/Drug Testing – The Company will perform random unannounced alcohol and/or drug testing as deemed necessary or required by customer contracts or government regulations.

All employees are expected to proceed directly to the designated clinic or testing area without delay. Failure or refusal to report for a drug test will subject the employee to

disciplinary action up to and including employment termination. If management staff or medical staff reports employee is not cooperating or confrontational, this act will be considered failure/refusal.

The Company will discipline or terminate the employment of any unauthorized employee found notifying other employees about on-site random drug test by means of cell phone, computer or other means when drug tester arrives on site. This incident will be considered obstructing on-site random drug tests. Only the supervisor will be notified in advance of on-site random drug tests.

Customers, as part of a contractual agreement, may require Company employees to submit to a random onsite drug test as part of their random drug test program. The Company, while working under such contracts, will be required to participate in the customer's drug test program. Refusal to participate will result in disciplinary action up to and including termination.

- e. Post-Accident Testing (Accident Investigation) – Employees who require medical attention as the result of any injury or illness occurring in an accident while on duty, will receive a drug and alcohol tests as soon as medically reasonable and possible during the first visit to the clinic for medical treatment.

Employees involved in incidents that result in property damage and/or an environmental release will be required to report to the clinic for drug and alcohol testing. The employee will be restricted from any safety sensitive or hazardous work activity until confirmation of negative drug and alcohol tests. If drug or alcohol tests are positive, the employee will be subject to disciplinary action up to and including termination.

A near-miss accident or unsafe incident may require involved employees to be drug and alcohol tested. Such tests shall be conducted in accordance with the Reasonable Suspicion procedures as described in B above. In such instances, the employer will require the employee(s) to be transported by management personnel to the medical clinic for testing.

All accidents involving Company-owned or leased vehicles will require involved employees to be drug and alcohol tested.

- f. Pre-Access Testing– In some cases, customer contracts require that the Company perform drug tests on company employees prior to gaining access to the customer's work site. The company will perform such pre-access drug tests on all employees who will be working at the customer's site as appropriate.

## **5. POSITIVE TEST RESULTS**

"Positive result" is the result reported by a U.S. Department of Health and Human Services (HHS)-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations. After evaluation by the Medical Review Officer, (MRO) – the medical doctor who reviews testing results) employee test results showing a

positive result will subject the employee to disciplinary action up to and including termination.

Failure or refusal to take a drug or alcohol test will be considered a positive result. The Supervisor, Human Resources and where applicable, Union Representative will be notified of positive test results.

#### **6. NEGATIVE TEST RESULTS**

“Negative result” is the result reported by an HHS-certified laboratory to an MRO when a specimen contains no content or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

In the circumstance that a test result is inconclusive, the Company will require the employee to take a second drug test. If the employee refuses a second test, it will be considered refusal to test and the employee will be subject to disciplinary action up to and including termination.

#### **7. DISCIPLINARY ACTION**

Employees testing positive will be subject to disciplinary action up to and including termination. If an employee disputes the result of a drug test, in good faith, the employee may request that a split sample be sent to another certified laboratory for retesting (within 60 days) at the employee’s expense. If retesting confirms positive test results, the employee will remain at the current disciplinary status or terminated. If the results of the retesting are negative, the employee will be reinstated and reimbursed costs of retesting and lost wages, as appropriate.

When an employee is requested to submit any drug or alcohol tests and management staff or medical staff reports the employee is not cooperating or confrontational, this act will be considered failure/refusal and said employee will be subject to disciplinary action or employment termination depending on the severity of actions of employee.

Post-accident (accident investigation) drug and alcohol tests, the employee will be restricted from safety sensitive or hazardous work activities until confirmation of negative drug and alcohol tests. If drug or alcohol tests are reported positive, the employee will be subject to disciplinary action up to and including termination.

If the MRO reports it is necessary for retesting a drug test showing adulterated, substituted, diluted or invalid drug test results, the Company will send employee for second drug test. If second drug test results are positive, the employee will be subject to disciplinary action up to and including termination.

#### **8. COLLECTION AND CHAIN OF POSSESSION PROCEDURES**

Direct observation of an employee in the process of producing a urine specimen is prohibited unless otherwise permitted under MRO (Medical Review Officer) request, rule or law.

Before the specimens are drawn for random testing, reasonable suspicion and other regularly scheduled physical examinations, the employee shall have been given a copy of the substance abuse program which includes the specimen collection procedures. The required procedure is as follows:

- a. For reasonable suspicion drug tests, urine specimens are collected, the employee has an obligation to immediately identify their specimens and ensure they are sealed, labeled, signed or initialed by the employee without the container or test results leaving the employee's presence. This shall ensure that specimens collected and tested by the laboratory on that day or the next business day by air courier or other fastest available method.
- b. For post-accident (accident investigation) testing or reasonable suspicion, breath analysis shall be tested with as little delay as possible (within 24 hours) and individual test tubes and/or result printouts signed or initialed by the employee.
- c. All urine specimens collected for the purposes of drug testing shall be secured in self-sealing, tamper resistant, capped containers. Once specimens have been identified, sealed, labeled, signed or initialed by the employee, the container shall be sealed in the employee's presence and the employee given an opportunity to sign or initial the transportation container. The container shall then be sent to the designated testing laboratory on that day or next normal business day by air courier or other rapid delivery service ensuring that chain of custody procedures are maintained.
- d. At the time of the collection, the employee may request that a split sample from the collection be collected.
- e. If an employee is unable to provide a urine specimen immediately, the employee will be required to remain at the clinic until a satisfactory sample is collected or the attending physician feels other measures should be taken to obtain a valid sample.
- f. In the event that a specimen has been tested and confirmed "positive" at the laboratory, the results are sent to the Medical Review Officer (MRO). The MRO will contact the employee to discuss the results and the MRO will offer the employee the ability to have his/her split specimen re-tested at another HHS-certified laboratory of his/her choice for confirmation testing at his/her expense. Under this provision, the employee must also make all arrangements for testing and obtaining the drug testing kit with the testing laboratory and laboratory of his/her choice.
- g. Collection facilities and procedures shall be approved and follow procedures set forth in the U.S. Department of Transportation Regulations found in 49 CFR Part 40. These regulations outline requirements to assure that samples are not tampered or contaminated. Collection facility logistics may require the employee to disrobe prior to giving the sample and/or having a blueing agent added to all water in a private bathroom.
- h. The parties recognize that the key to chain of custody integrity is the immediate labeling and initialing of the specimen in the presence of the tested employee. If collection procedures are not followed, the employee is obligated to identify the problem immediately at the time of the collection, contact the corporate safety office, and request that a new sample be collected. If each container is received at the laboratory in an undamaged condition with proper sealed, labeled and initialed specimens, as certified by that laboratory, the Company may take disciplinary action based upon properly obtained laboratory results.

## **9. LABORATORY TESTING METHODOLOGY**

Prescription and Non-Prescription Medications - The employee shall note, on a form furnished by the MRO, the use of any prescription or non-prescription medications before any test is given. The Medical Review Officer may require the employee to provide evidence that a prescription medication has been lawfully prescribed by a physician. Through the use of the above described laboratory procedures, the laboratory will report significant presence of all prescription and non-prescription medication in the appropriate described manner and if the employee has noted such use, as provided above, he/she will not be disciplined. Medications prescribed for another individual, not the employee, shall be considered to be illegally used and subject the employee to discipline.

## **10. EMPLOYEE INFORMATION AND TRAINING**

Employee information and training sessions shall be conducted periodically. This training will provide information on program benefits, testing procedures and requirements, as well as answer any questions or concerns employees may have about the program.

Training for supervisory personnel in recognition of the signs of alcohol and/or substance abuse and reasonable suspicion shall be provided. Potential new employees shall be informed of the program and procedures prior to the pre-employment testing. Any questions must be directed to the coordinator prior to the initial testing of the potential employee.

## **11. CONVICTIONS FOR DRUG VIOLATIONS**

Pursuant to the federal Drug-Free Workplace Act of 1988, employees are required to notify the company of any conviction for criminal drug violations that may affect their ability to work legally. Abiding by these regulations and The Company's Substance Abuse Program is a condition of continued employment. Violation of this program will subject the employee to discipline up to and including termination of employment.

## **12. HIRING OF TERMINATED SUBSTANCE ABUSERS**

Any former employee of any company of The Heritage Group, who was terminated for cause, including termination for a positive substance abuse test, will not be eligible for reemployment without the approval of the Company President.

## **13. EMPLOYEE VOLUNTARY REQUEST FOR ASSISTANCE**

Employees who may have a chemical dependency problem are encouraged to voluntarily come to their facility manager or to Human Resources for assistance in enrolling in a chemical dependency rehabilitation program prior to them failing a drug/alcohol screening. Such arrangements and circumstances shall be held in confidence by the facility manager and HR.

Employees voluntarily enrolling in such rehabilitation program may be eligible for treatment and benefits under the Heritage Group Health Care Plan. Employees may use available vacation time and/or personal leave time during the period of voluntary rehabilitation.