

Sheet Piling Services, LLC

Alcohol, Drug, and Contraband Policy

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Approved By: Steve Runstrom

For the purpose of this policy "*Company*" shall refer to: Sheet Piling Services, LLC

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1) PURPOSE

To ensure a safe, healthy, and productive work environment for the employees of the company, customers, and others on company or customer property. To protect company and customer property and assets, ensure efficient operations, and meet any specific requirements of customers. Company shall enforce this drug, alcohol, and contraband policy in a fashion consistent with the laws of the states in which the company employees' are employed.

2) DEFINITIONS

a) **Company Personnel:**

All company employees, agents, subcontractors or subcontractors' employees performing field operations work on company or customer property, or those being considered for employment by the company. This includes temporary and part-time personnel.

b) **Property or Customers Property:**

All real or tangible personal property, including facilities, buildings, vehicles, products and equipment, either owned or controlled by the company or its customers.

c) **Prohibited Substances:**

- i) Illicit or un-prescribed drugs, controlled substances and mood or mind-altering substances including all forms of naturally occurring and synthetic drugs (for example: any synthetic derivative/product that produces a marijuana-type high and any herbal products not intended for human consumption);
- ii) Potentially impairing medications (e.g. may be prescription drug or over-the-counter medication or herbal medicine):
 - (1) Used without a prescription, or
 - (2) Used in a manner inconsistent with the prescription or directions for usage, or
 - (3) Used without disclosure to company as provided by Section 3(b)(iii) of this Policy
- iii) Alcohol;
- iv) Medical Marijuana/Recreational Marijuana – The use of marijuana for medical or recreational purposes, even if permitted by state law, regulation or ordinance, will not be considered an acceptable explanation for a confirmed positive laboratory report for marijuana and will be reported by the Medical Review Officer (MRO) as a verified positive drug test for marijuana. The company will treat marijuana like they would alcohol; they are not required to tolerate individuals being under the influence while at work, or on customer property. The company will not permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace.

*** Please note that the use of CBD oil, which is a cannabinoid extract from marijuana or hemp plants, may cause a positive drug test result, depending on the product used. Furthermore, some CBD products may contain compounds deemed illegal under federal law, and therefore the use of such products would violate the company's substance abuse policy. A positive drug test will not be excused based on an employee's claim that he or she used a CBD product, even if it is for a claimed medical purpose, except as otherwise provided under applicable law.

d) **Reasonable Suspicion:**

A belief based on objective and articulable facts sufficient to lead a supervisor to suspect use of prohibited substances.

For the purposes of this section a *supervisor* is a company employee acting in an official supervisory capacity who has successfully completed drug and alcohol supervisor training as outlined in this policy.

e) **Under the Influence:**

- i) The presence of a prohibited substance or metabolites of a prohibited substance in body fluids above the cut-off level established by company's policy or other commonly accepted cut-off level;
- ii) The presence of a prohibited substance that affects an individual in any detectable manner. The symptoms of influence may be, but are not limited to, slurred speech or difficulty in maintaining balance.

f) **Contraband:**

- i) Any drug or alcohol related paraphernalia used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing into the human body any Prohibited Substance, or
- ii) Any paraphernalia or substance used or designed for use to dilute, substitute, or adulterate any alcohol or drug test specimen, or to otherwise obstruct the alcohol or drug testing process or
- iii) Firearms, ammunition, explosives, and weapons.

g) **Designated Employee Representative (DER):**

Company personnel with oversight of the company Drug and Alcohol program and authorized by the company to receive test results and make required decisions regarding test results.

h) **Disqualified:**

Company personnel are disqualified from performing work if they fail to meet or comply with, or in any way violate this policy and policy of customers.

i) **Stand Down:**

The immediate removal of company personnel from performing services for company and /or customers.

j) **Medical Review Officer (MRO):**

A licensed or certified physician, designated by the company, responsible for the review and verification of the integrity of drug testing results and for the final interpretation and reporting of drug test results.

k) **Prescription Drug:**

A regulated pharmaceutical medicine that requires physician or other qualified healthcare professional authorization before it can be obtained in the jurisdiction where company personnel are performing services for company or customers. The term is used to distinguish it from over-the-counter drugs, which can be obtained without authorization.

l) **Safety Sensitive Positions:**

Any position with job responsibilities such that a lapse by an individual in that position could increase the probability of serious injury, significant environmental or community impacts or significant damage to company or customer assets.

3) PROHIBITIONS

Unless specifically authorized in writing by the company and its customers, Sheet Piling Services, LLC policy shall prohibit company personnel from the following:

- a) Using, possessing, selling, manufacturing, distributing, concealing or transporting on company or customer property (including off-duty time) any of the following items:
 - i) Any prohibited substance; or
 - ii) Contraband (except where in violation of state law); or
 - iii) Being under the influence of any Prohibited Substance.

- b) Possessing or using prescription drugs or over-the-counter medication that may cause impairment, except when all of the following conditions have been met, while on company property (unless otherwise provided for under the American's with Disabilities Act):
 - i) Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs, and;
 - ii) The prescription is not expired and was filled by a licensed pharmacist for the person possessing the drugs, and;
 - iii) The individual notifies their supervisor that they will be in possession of, or using, impairment-causing prescription drugs or over-the-counter medication and appropriate steps are taken to accommodate the possibility of impairment, including but not limited to, removal from work for the period of possible impairment. Note: Discussions between the individual and their supervisor must be limited to the individual's ability to perform essential job functions.
 - iv) Company's health professional has assessed the capability or fitness of personnel to perform safety sensitive duties.
- c) Being under the influence of prohibited substances while performing any services for the company or their customers.
- d) Switching, diluting or adulterating any urine, blood or other sample used for testing.
- e) Refusing to submit to a test for alcohol or drugs.
- f) Refusing to submit to an inspection as provided for in Section 5 of this Policy.
- g) Being the subject of a confirmed positive alcohol or drug test.

4) ROLES AND RESPONSIBILITIES

a) Designated Employee Representative (DER):

Designated Employee Representative (DER) should be an employee within the Health, Safety, Security and Environment (HSSE) department who is authorized to receive test results and other communications, take immediate action to remove workers from a company or customer's jobsite and make required decisions in the testing and evaluation process. Specific roles and responsibilities assigned to a DER should include, at a minimum, the following:

- i) Select and contract with a laboratory or service provider, based on pre-determined criteria, to help implement all or part of the Drug, Alcohol and Contraband Program.
- ii) Receive general correspondence, newsletter, and announcements from laboratories and service providers.
- iii) Coordinate reasonable suspicion training for all supervisors and ensure they have signed a document acknowledging completion of the training.
- iv) Schedule and coordinate drug and alcohol testing activities.
- v) Maintain confidential files for the Drug, Alcohol and Contraband Program.
- vi) Monitor non-negative, positive, or invalid test results and results supporting that the specimens have been adulterated or substituted to determine appropriate actions.

b) Medical Review Officer (MRO):

An MRO is responsible for receiving and reviewing laboratory test results and evaluating medical explanations for certain drug test results. Roles and responsibilities assigned to an MRO typically include the following:

- i) Serve as an independent party to oversee the accuracy and integrity of the company Drug and Alcohol Testing process (DOT and NON-DOT).
- ii) Review appropriate copies of chain-of-custody forms to determine if problems exist.

- iii) Conduct verification interviews with workers for non-negative drug test results or results indicating that the specimen has been adulterated or substituted.
- iv) Interpret drug test results to determine if a legitimate medical explanation exists for a laboratory's confirmed positive, an invalid test result or adulterated or substituted specimen.
- v) Immediately report verified positive or invalid results, results requiring immediate collection under direct observation, adulterated or substituted specimens, and other refusals to test to appropriate personnel.
- vi) Report written drug test results in a confidential manner to appropriate personnel authorized to receive such information.

5) SEARCHES AND INSPECTIONS

Searches and inspections may be:

- a) Conducted on company or customer property, at any time, by company or customer supervisors or authorized search and inspection specialists including scent trained animals.
- b) Unannounced searches or inspections of company or customer personnel and their property, which may include, but is not limited to: wallets, purses, lockers, baggage, offices, desks, toolboxes, clothing and vehicles.
- c) Employees have the right to refuse being searched or having their personal effects searched or to cooperate in the requested tests; however, refusal to allow such searches or to cooperate in such lawfully permitted searches by any employee will be cause for disciplinary action, up to and including immediate termination.
- d) If discovery of Prohibited Substances or Contraband cannot be directly associated with individual company personnel, but can be reasonably associated with a defined group of company personnel (e.g. people who use one change room):
 - a. Customers may conduct or require company to conduct an inspection of company personnel group's clothing, wallets, purses, baggage, lockers, work areas, desks, tool boxes, vehicles and any other designations by customers, and/or
 - b. Customers may require company to conduct Group suspicion-based testing of company personnel within this group.

6) TESTING REQUIREMENTS

Drug and alcohol testing must meet the requirements of customers:

a) **Pre-Access Testing**

- i) All company personnel are subject to customer pre-access testing which may mandate that the employee(s) receive a negative result on a drug and/or alcohol test within a customer's specific required amount of time preceding the employee's first access to customer property. Note: Some customers may waive this requirement if employee(s) are currently active in a random testing pool. Annual drug and alcohol testing is also required by specific customers. Upon customer's request, company shall so certify in writing.
- ii) Company will provide no information to customers identifying individuals who have positive pre-access tests.

b) **Post-Incident Testing**

Retaliation against employees who report accidents is strictly forbidden. Any drug and alcohol testing under this section will be applied in a neutral fashion, to foster a safe work environment, and only to identify drug/alcohol use in the recent past. Testing under this section will not be undertaken to retaliate against employees for reporting workplace injuries.

Immediately following an incident or as soon as possible; company should communicate with the customer and receive confirmation that post-incident drug and/or alcohol testing will be required.

- i) Company shall remove individuals from customer property and surrender their site credentials to the customers IF; it is determined by the company or customers, from the best information available immediately following a work-related incident, that the performance of one or more company personnel contributed to the incident or cannot be completely discounted as a contributing factor to the incident.
- ii) Alcohol and drug testing must be completed as soon as possible after the decision to test. If specimen collection is not completed within 2 hours, the reason for delay must be documented. Customers may request to review reasons for the delay and decide if they are acceptable. An individual so removed will be allowed to return to work on customer property *only after*:
 - (1) company conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and
 - (2) the company certifies all of the following in writing:
 - (a) the test identification number
 - (b) the individual's 4 digit identifying number
 - (c) the test date and time, and
 - (d) a negative test result
 - (3) On the written certification the company will include a consent signed by the individual permitting disclosure to customers of the test result.
- iii) If an employee who is subject to post-incident testing is conscious, able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that employee shall be removed from their position and shall be subject to discipline.

For the purpose of this part "incident" means:

- (1) An actual event that caused:
 - (a) Injury requiring medical treatment beyond first aid
 - (b) Environmental impact beyond a small immediate area to:
 - (i) soil/ground-water
 - (ii) marine life, or
 - (iii) impact to nearby habitat, wildlife, livestock, crops or fisheries
 - (c) Process Safety events as determined by the responsible company or customer Supervisor
 - (d) Property damage as determined by the responsible company or customer Supervisor
 - (e) Motor vehicle accident (the operator of the vehicle or other individuals where there is evidence to support that they may have contributed to the incident)

****NOTE: Customers may define more stringent criteria

Or
 - (f) An event that had potential for
 - (i) Serious injury/fatality
 - (ii) Environmental impact beyond Company or Customer Premises
 - (iii) Property damage as determined by the responsible Company or Customer Supervisor
- (2) The Company may decide not to conduct a post-incident drug and/or alcohol test if:

- (a) The best information immediately available after the incident indicates that the employee's performance could not have contributed to the incident, or
- (b) Because of the time between the performance and the incident, it is not likely that a drug and/or alcohol test would reveal whether performance was affected by drug and/or alcohol use.

c) Reasonable Suspicion Testing

- i) Upon reasonable suspicion of company or customers that company personnel is under the influence of a prohibited substance while on company or customer property (refer to Attachment 3 as a guide to assess whether there is reasonable suspicion for requesting a test), company shall remove the individual(s) from customer property and surrender their site credentials to the customers. Company should conduct alcohol and drug testing on the individual as soon as possible following the individual's removal from the site. If specimen collection is not completed within 2 hours, the reason for delay must be documented. Customers may request to review reasons for delay and decide if they are acceptable.
- ii) An individual removed from company or customer property for Reasonable Suspicion will be allowed to return to work on customer property only after:
 - (1) Company certifies all of the following in writing:
 - (a) the test identification number
 - (b) the individual's 4 digit identifying number
 - (c) the test date and time, and
 - (d) a negative test result
 - (2) On that written certification the company will include a consent signed by the individual permitting disclosure to customers of the test result.

d) Group Suspicion-based Testing

- i. Group Suspicion-based testing of company personnel may be required without notice on customer premises, based on evidence of Prohibited Substances or Contraband on customer premises that cannot be identified to a specific individual. Group Suspicion-based testing will be limited to the likely affected work group or work area.
- ii. Company will immediately Stand Down the company personnel.
- iii. Alcohol and drug testing specimen collection must be completed as soon as possible after the decision to test. If specimen collection is not completed within 2 hours, the reason for delay must be documented. Customers may request to review reasons for delay and decide if they are acceptable.

e) Random Testing

If specific customers require random drug and/or alcohol testing then the following guidelines will be followed:

- i) Unless otherwise specified by a specific customer, company personnel shall be subject to:
 - (1) Un-announced random testing.
 - (2) Performed on a quarterly basis (at a minimum). Random tests must not be predictable.
 - (3) That yields a compliance of an annualized rate as determined by the customer operator.
- ii) If required by the specific customer, a breath alcohol test will be given at the same time as the drug test.

- iii) Upon notification of being selected for a drug and/or alcohol test, company personnel must report to the collection site within 30 minutes, plus travel time. The reason for delay must be documented if unable to arrive within this time frame.
 - iv) Failure to report to the collection site, refusal to test, or adulterating a specimen is considered the same as a positive test and the individual could be denied access to company or customer premises.
 - v) If company personnel are not in the random pool when a random selection is made, they must complete another pre-enrollment test before being re-admitted to the random pool.
- f) **Wall-to-Wall Testing/Group Random Testing**
- Company personnel may be subject to:
- i. Un-announced en masse drug and alcohol testing.
 - ii. Such tests are scheduled at the sole discretion of the customers. This includes the determination of the scope and the timing of such testing.
 - iii. Such a group may include all members of the named group on site at the determined time or time period and shall not be determined in terms of named individuals.
 - iv. Such groups may include, but are not limited to, all company personnel on site, or by shift, by crew, by location, by craft, by company or by another similar category, including a random selection based on site access records.
- g) **Fitness for Work**
- After a fitness for work concern is identified, and before the company can return the individual back to perform Safety Sensitive services for customers, the company's health professional must evaluate the individual, clear them to return to work, define restrictions if applicable, and document the conclusion. A fitness for concern may be identified from such events as:
- I. MRO review of a laboratory positive test result may lead to a MRO negative determination, but the MRO may identify a fitness for work concern.
 - II. A required medication disclosure by those in Safety Sensitive positions.

7) TESTING PROTOCOL:

Drug and alcohol collections, chain of custody and other related procedures shall be consistent with US DOT or industry practice. For testing purposes, substances and threshold levels will comply, at a minimum, with customer requirements.

a) **Custody and Control Form (CCF)**

A CCF is required for every drug test. Alcohol screening test results must be documented on either a CCF or an alcohol testing form. A CCF is required for every blood alcohol confirmation test. For confirmation alcohol tests using a breath alcohol device, result and zero blank printouts must be attached to the CCF or attached to the alcohol testing form.

b) **Laboratory:**

Laboratories selected for employee drug testing must be evaluated against the following criteria to help ensure that results obtained from these laboratories will be reliable.

- i) Laboratories must be certified according to local laws and regulations or industry practices for providing accurate and reliable services.
 - (1) Urine samples: A laboratory must be accredited/certified by either:
 - (a) Department of Health and Human Services under the National Laboratory Certification Program or Substance Abuse and Mental Health Services Administration (SAMHSA), or
 - (b) College of American Pathologists Forensic Drug Testing (CAP-FDT), or

- (c) National Laboratory Certification Program (NLCP).
- (2) Hair specimens must be analyzed by a Clinical Laboratory Improvement Program (CLIP) accredited laboratory.
Note: some customers will not allow hair testing as a means to meet their requirements.
- ii) Special handling and chain-of-custody procedures must:
 - (1) be written and available, and
 - (2) discuss inspecting, documenting, storing, and transporting specimens.
- iii) Laboratory management and staff must have appropriate education, experience, and qualifications.
- iv) Quality-Control procedures must be:
 - (1) written and available, and
 - (2) include testing blank and spiked samples for verification.
- v) Laboratories must be able to provide technical assistance and advice concerning drug and alcohol testing.
- vi) Sample supplies appropriate to the type of specimen being collected or the test run must be readily available from the laboratory.
- vii) Laboratories must be able to generate confidential and accurate reports.
- c) **Collection Personnel:**
 - i) Urine specimens must be collected by personnel who have been trained and certified according to the SAMHSA/DHHS guidelines which includes:
 - (1) basic information,
 - (2) qualification training,
 - (3) initial proficiency demonstration,
 - (4) refresher training, and
 - (5) Error correction training.
 - ii) Hair specimens must be collected by personnel that have documentation supporting that they have been trained in:
 - (1) Equipment and procedures used in gathering and collecting hair specimens.
 - (2) Preparing chain-of-custody forms.
 - (3) Preparing the specimen for shipment, and
 - (4) Shipping the sample to an approved laboratory.
Note: Hair testing will only be utilized for customer compliance when the customer has authorized this testing method.
 - iii) Breath/Saliva testing shall be conducted utilizing devices approved by the National Highway Traffic Safety Administration or equivalent. All collection and testing procedures shall mirror as closely as possible to US DOT (Department of Transportation) protocols.
- d) **Alcohol:**

Personnel that have a blood alcohol concentration (BAC) level:

 - i) Personnel that have a blood alcohol concentration (BAC) level equal to or greater than 0.02 during pre-employment confirmation testing are considered to be under the influence of alcohol and will not be eligible to perform services for certain customers.

- ii) Personnel that have a blood alcohol concentration (BAC) level equal to 0.02 and less than 0.04 must be removed from performing safety or security-sensitive activities until the BAC level is below 0.02 (unless customer specifies a more stringent level) and until 8 hours have elapsed.
- iii) Personnel that have a blood alcohol concentration (BAC) level equal to or greater than 0.04 have violated the Drug, Alcohol and Contraband Program and are subject to disciplinary action up to and including termination (unless customer specifies a more stringent level).

8) NON-COMPLIANCE

Company personnel will be found to be in non-compliance if they:

- Violate any portion of this policy or the customer's policy, or
- Refuse to cooperate with the searches and tests included in this policy or the customer's policy.

9) COMPANY PERSONNEL DISQUALIFIED FROM PERFORMING SERVICES FOR CUSTOMERS

With respect to company personnel that are disqualified from performing services for customers:

- Company shall immediately remove the individual from customer property.
- Company shall immediately notify the customer that the individual is disqualified from performing services.
- Company will not assign or reassign the disqualified individual to perform services for the customer or in any other facility of the customer in the future.
- Company will immediately review with customer the nature of the work previously performed by the individual.
- At customer's request, company shall, at its sole cost and risk, inspect all work in which the individual may have participated and submit a written report to the customer that documents the inspection and any findings and the actions taken to assure all deficiencies have been corrected.

****note** (Company shall comply with all applicable state and local related laws. If restrictions are placed on employers, who have individuals that violate this policy, company shall contact their customer representative for instructions pertaining to the specific individual.)

10) SUBSTANCE ABUSE AWARENESS

Company warrants that company personnel performing work have each been fully informed of the requirements of this policy and customer's policy. Before beginning work on company or customer property, all company personnel must sign a written certification that they have been so informed and agree to be bound by the requirements. See Attachment 1-3.

11) APPLICABLE LAWS

Company shall comply with all applicable Federal, State, and local drug and alcohol related laws and regulations applicable to company personnel (e.g., DOT regulations, Department of Defense (DOD) Drug-Free Workplace Policy, Drug-Free Workplace Act of 1988, etc.).

12) SUPERVISOR TRAINING

Company shall provide training/education to company supervisors. The list, at a minimum, should consist of:

- Recognition of performance indicators of probable drug and/or alcohol use.
- Effects and consequences of drug and/or alcohol use to personal health, safety and the workplace.
- 60-minute training session on the specific, contemporaneous, physical, behavioral, and performance indicators of probable **drug** use.
- 60-minute training session on the specific, contemporaneous, physical, behavioral, and performance indicators of probable **alcohol** use.
- Random testing notification process.
- Post-incident testing process.
- Stand-down process.
- Disqualified individual processes, which includes flagging those individuals to ensure they won't be sent back to work for a customer.

** Records of trained individuals (including name and date) must be maintained by the company and available to customers upon request.

13) AUDIT

- a) Company shall keep records required by this policy available for inspection by customers during the period that the company is performing work for customers and for a period of (3) years after company ceases to perform work for that customer.
- i) Such records include but are not limited to:
- (1) Laboratory copies of test results.
 - (2) Chain of custody forms.
 - (3) Copies of signed acknowledge/consent forms from this policy.
 - (4) Random testing notification.
 - (5) Post incident testing.
 - (6) Reasonable suspicion testing.
 - (7) Stand down procedures.
 - (8) TPA contact information (if used).
 - (9) MRO(s) name and contact information.
 - (10) List of collection sites.
 - (11) Records of personnel training and demonstrated competency in drug specimen collection and evidential breathalyzer tester.
 - (12) Laboratory contact information.
 - (13) Written procedure for ensure company personnel, who are disqualified from providing services to customers, continue to be excluded from customers locations.
- ii) Records can be stored electronically as long as they are accessible upon request.

- b) At their discretion, customers may perform unannounced audits of the company's alcohol and drug program to verify that the company's policy and its enforcement comply with these guidelines.
- c) At customer's request the company shall:
 - i) Provide separate lists of company personnel (including name and 4 digit identifying number) who were eligible for customers work on a date specified by customers.
 - ii) Provide customers with the following information on each alcohol and drug test conducted for each company personnel identified by customers from those lists:
 - (1) Date of and type of test (e.g. random, pre-access) and;
 - (2) Laboratory chain-of-custody identification number and/or test number.
- d) Upon submission by customers of a list, or lists, of 4 digit identifying numbers, chain-of-custody ID numbers and test dates, the company shall obtain an agreement with any consortium, laboratory, or Medical Review Officer (MRO) providing drug and/or alcohol testing services for the company to ensure:
 - i) The consortium/laboratory will verify that the tests were conducted as represented, and
 - ii) The consortium/laboratory or company MRO will provide a sworn statement attesting whether or not each of the tests identified by the customer can be confirmed as negative.