

## **Drug and Alcohol Free Workplace**

### PURPOSE:

HITT values its employees and recognizes their need for a safe and healthy work environment. Employees that abuse drugs or alcohol are less productive and can be a considerable risk to the safety, security, and productivity of our Company. The establishment of a Drug and Alcohol Free Workplace Policy is consistent with HITT's culture and is in the best interest of HITT and its employees.

### SCOPE:

All HITT Contracting Inc. and affiliated companies' employees

### POLICY:

It is the policy of HITT to maintain a workplace free from the use and abuse of drugs and alcohol (with the limited exception of responsible consumption of alcohol at designated social functions periodically hosted by the company). Compliance with this policy is a condition of employment and continued employment. It supersedes any other HITT policy or practice on this subject. At any time, HITT may unilaterally, at its discretion, amend, supplement, modify, or change any part of this policy. The policy does not represent an expressed or implied contract, and it does not affect your status as an at-will employee.

To maintain a Drug and Alcohol Free Workplace, HITT has established the following policy with regard to the use, possession, and sale of drugs and alcohol. Drug and alcohol testing practices will be adopted to identify employees or applicants using drugs and/or alcohol. HITT may assist employees who need confidential assistance with a drug or alcohol problem.

### DRUG AND ALCOHOL PROHIBITIONS:

An "illegal drug" means any drug (1) that is not legally obtainable under federal or state law, or (2) that is legally obtainable under both federal and state law, but has not been legally obtained, or (3) that is a controlled substance. The term "illegal drug" includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. For purposes of this policy, marijuana is deemed an "illegal drug," regardless of any state law to the contrary. Additional information regarding drug testing of employees who hold a valid prescription for medical marijuana is set forth below.

An employee involved in any of the following activities at any time during the hours between the beginning and end of the employee's work day, whether or not on Company business, premises, or property, is in violation of HITT policy and subject to disciplinary action:

## **Drug and Alcohol Free Workplace**

- A. Bringing illegal drugs onto Company premises or property, including Company owned or leased vehicles, or a HITT client's premises;
- B. Having possession of or being under the influence of illegal drugs; or
- C. Using, consuming, transforming, distributing or attempting to distribute, manufacturing, or dispensing illegal drugs.

In addition, HITT strictly prohibits the abuse of alcohol or prescription drugs. This means the use of prescribed drugs for reasons other than their prescribed purpose.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to speak to their manager or Human Resources.

Any employee refusing to cooperate with or submit to questioning, medical or physical tests, or examinations, when requested or conducted by the Company or its designee, is in violation of Company policy and subject to disciplinary action.

### DRUG AND ALCOHOL TESTING:

HITT asserts its legal right and prerogative to test any employee for drug and / or alcohol abuse. Employees may be asked to submit to a medical examination and / or submit to urine, saliva, breath, and / or hair testing for drugs or alcohol. Any information obtained through such examinations may be retained by HITT and is the property of HITT.

In particular, HITT reserves the right, in its discretion and within the limits of federal and state laws, to examine and test for the presence of drugs and alcohol (as stated above) in situations such as, but not limited to the following:

#### 1. Post Job Offer

All offers of employment will be made subject to the results of a drug test. Applicants will be required to voluntarily submit to a urinalysis test and sign a consent agreement that will release HITT from liability. The Company will not discriminate against applicants for employment because of past drug abuse. It is the current abuse of drugs that prevents employees from performing their jobs.

#### 2. Post-Accident

## **Drug and Alcohol Free Workplace**

An incident occurring while on Company business that results in injury (requiring medical treatment) to an employee or others and/or damage to Company property will require a drug and/or alcohol test.

Failure to report any accident that meets the post-accident testing criteria is in violation of Company policy and subject to disciplinary action. Employees testing positive, under certain state laws, may be ineligible for workers compensation benefits.

### 3. Random

For the added safety and health of HITT employees, as well as the direct impact on HITT profitability, image, and reputation as a drug-free organization, all employees are subject to random, unannounced drug tests at any time the Company deems necessary to ensure a Drug- Free Workplace, except where prohibited by state law.

Random selections will be made by a third party firm using computer based random number programs that match up with employee numbers. Employees selected will be notified early in the day and are expected to go to the testing site that same day.

### 4. Reasonable Suspicion

Reasonable Suspicion is based on valid and documentable facts that lead a supervisor to believe that an employee is under the influence of alcohol or illegal drugs. The employee will be immediately removed from his or her duties and required to take a drug test. The employee will be allowed to return to duty following receipt of negative test results.

HITT will utilize the services of a third party Medical Review Officer who will review all test results prior to the results being submitted to HITT. Should an employee test positive for drugs, the Medical Review Officer will attempt to contact the employee and discuss the results. If the positive test result is due to the proper use of prescription drugs or other legitimate reasons, the test results will be forwarded to HITT as negative; provided, however, that if the positive test result is due to marijuana use and the employee provides the Medical Review Officer with a valid prescription for medical marijuana, the test results will be forwarded to HITT as positive for medical marijuana. In that event, HITT may discuss the matter with the employee but reserves the right, depending on the circumstances, to take disciplinary action, up to and including termination. (See Disciplinary section below for further details.)

All drug testing results and Employee Assistance Program records are treated as confidential medical records.

EMPLOYEE ASSISTANCE:

## Drug and Alcohol Free Workplace

A fundamental purpose of HITT's Drug-Free Workplace Program is to assist employees who suffer from drug or alcohol abuse. If you need confidential help with a drug or alcohol problem, contact the Vice President of HR or the Vice President of Safety. If eligible, you will be granted a medical leave of absence for rehabilitation. If you are enrolled in the Company health plan, your health care benefits may pay a portion of your rehabilitation costs. Any additional costs are the employee's responsibility.

Contacting the Vice President of HR or the Vice President of Safety will not be a defense to avoid disciplinary action where the facts proving a violation of this policy or giving rise to other disciplinary action are obtained outside of this consultation.

### DRUG TESTING PROCEDURES:

Whenever possible, the drug test will be performed from urine specimens collected at a qualified collection site. A breath or saliva alcohol test will be performed for all post-accident/incident and reasonable-cause situations. If the saliva alcohol test reads positive, a breath alcohol test will be performed at the collection site.

The collection site will take necessary steps to avoid any dilution or alteration of the specimen. However, the test shall be conducted in a professional and sanitary manner with due regard for the individual's privacy, dignity, and confidentiality. Proper handling of the specimens will be maintained so that the specimen results can be traced to the proper individual.

The specimen will be analyzed for the following controlled substances. Some of the common drug names are included in parentheses:

- Cannabinoids (Marijuana)
- Cocaine
- Opiates (Heroin, Morphine, Codeine)
- Amphetamines (Stimulants like Benzedrine and Didrex)
- Phencyclidine (PCP)
- Barbiturates (Depressants like Phenobarbital and Secobarbital)
- Benzodiazepines (Depressants like Valium and Xanax)
- Propoxyphene (Narcotics like Darvon and **Darvocet**)

All specimens will be confirmed through Gas Chromatography with Mass Spectrometry (GC/MS) by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). Any positive result from this GC/MS test will be reviewed by an independent Medical Review Officer (MRO) prior to the result being communicated to the company. The MRO will give

## **Drug and Alcohol Free Workplace**

you the opportunity to rebut a positive test result and provide evidence of the proper use of a prescription drug. This will ensure that positive results are not due to prescription drugs or other factor which the MRO feels justifies the presence of controlled substances. As discussed above, however, positive tests due to the use of marijuana by an employee in possession of a valid marijuana prescription will be forwarded to HITT as positive for medical marijuana.

Any employee who is tested will have the right, upon request, to see the results of his/her test and to request a retest of the original specimen at a different SAMHSA-certified laboratory (at the employee's expense) within ten (10) business days of being notified of a positive test result.

All information regarding the drug and/or alcohol test results or failure to complete rehabilitation will remain confidential.

### DISCIPLINARY:

HITT reserves the right to use disciplinary actions, up to and including termination of employment, for any violation of this policy, including engaging in any of the conduct described in the Prohibitions section above or testing positive for alcohol or any illegal drug (and expressly including, but not limited to, a positive drug test resulting from the use of recreational marijuana in a state where such use is lawful or the use of medical marijuana pursuant to a valid prescription in a state where such use is lawful). Among the factors to be considered by HITT in determining whether discipline is necessary, and the extent of discipline, include (but are not limited to) the employee's present job assignment, the employee's record with the company, the basis for the positive drug test, the impact of the violation upon the conduct of the company business. Any employee who refuses to submit to drug/alcohol testing or attempts to adulterate or alter the specimen also will be subject to disciplinary actions.

An employee who is convicted of possession, use, or distribution of drugs occurring in the workplace must inform the Vice President of HR within five (5) days of conviction and may be subject to immediate termination of employment.

### CONSENT:

As a condition of employment and continued employment, employees must sign the attached consent form.

## Drug and Alcohol Free Workplace

### CONSENT FORM

I hereby acknowledge receipt of HITT Contracting's Substance-Abuse Policy regarding drugs and alcohol.

My signature acknowledges my understanding and concurrence with the procedures outlined in the above referenced policy. It is my consent to submit to medical testing, including but not limited to giving urine, breath, blood, sweat, and/or saliva sample(s) to be used for drug and alcohol analysis under the conditions outlined in the policy.

In connection with and consistent with the provisions of the Substance-Abuse Policy:

(1) I authorize the release of any urine, breath, blood, sweat, and/or saliva sample(s) and the results of any tests and examinations performed thereon to HITT Contracting and any doctor, medical personnel, hospital, medical center, clinic, etc., or any representatives with whom they may choose to consult regarding the sample tests or examination results. I will be given an opportunity to explain a positive test result to the Medical Review Officer before the test result is reported to HITT Contracting as a verified positive test result.

(2) I understand that the test results may be released by HITT Contracting to applicable state unemployment agencies and to the HITT Contracting workers' compensation insurer(s), where permitted or required by law. I understand that if I test positive for illegal drugs (as defined in the Substance-Abuse Policy) or alcohol following an on-the-job accident/incident or refuse to submit to any drug and/or alcohol test required by this policy, I may be ineligible for workers' compensation and/or unemployment benefits.

(3) I understand that refusal to submit to any test required by this policy, a positive test result, or refusal to authorize the release of the results is grounds for disciplinary action up to and including termination of employment.

I recognize that HITT Contracting's policy on drugs and alcohol does not constitute an expressed or implied contract of employment.

Employee Name \_\_\_\_\_

(Printed)

Signature \_\_\_\_\_ Date \_\_\_\_\_