

## E 150 - DRUG AND ALCOHOL TESTING

### **Policy:**

All applicants offered employment with the company must submit to drug and alcohol screening before being employed; if tested positive, the offer of employment will be withdrawn.

All employees of the company will be subject to random drug and alcohol screening.

Any employee involved in an on-the-job accident, is being considered for a promotion, operates heavy equipment (i.e. trucks, cranes, loaders, backhoe, fork-lifts, etc.) or who, because of the employee's appearance, behavior, speech, body odor, or other characteristics, appears to be under the influence or impaired by alcohol or a controlled substance, will be required by the company to cooperate with and submit to a breathalyzer, urine, and/or blood test. As part of the test procedure, the employee or applicant will be required to sign a consent and release form.

### **Procedures:**

If the tests indicate the presence of a controlled substance, or if test results show that the employee's alcohol level is such as to reasonably indicate that the employee was under the influence of alcohol or impaired by alcohol, the employee will be disciplined up to and including termination.

### **Compliance with Federal Regulations 49 CFR, Parts 199 and 40, Pertaining to Drug Testing.**

The anti-drug program of the company will be in compliance with 46 CFR, Parts 199 and 40.

### **TYPES OF DRUG TESTING:**

#### **PRE-EMPLOYMENT TESTING:**

A pre-employment drug test will be conducted on every individual offered a position by the Company.

#### RANDOM TESTING:

Fifty percent of covered employees who are subject to these regulations at the beginning of a calendar year will be randomly tested. The names of all employees to be randomly tested will be placed in a common selection pool to assure that the selection process is indeed random. Approximately the same percentage of employees will be tested in each occupation.

#### POST-ACCIDENT TESTING:

Company employees whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident will be tested as soon as possible, but no later than 12 hours, after the accident. An "accident" on a gas pipeline or LNG facility is defined as an "incident" in OSHA's Regulations Section 191.3, and an "accident" on a hazardous liquid pipeline is defined as an "accident" in OSHA's Regulations Section 195.50. If an employee refuses to be tested, that person shall be removed from duty.

Drivers shall provide a urine sample for testing as soon as possible, but no later than 32 hours, after a reportable accident if the driver of the commercial vehicle receives a citation for a moving violation arising from the accident. The driver who is seriously injured and cannot provide a specimen shall provide necessary authorization for obtaining certain documents from the hospital. If, after a fatal accident, either the test results are positive or the driver refuses to submit to drug testing, the commercial vehicle driver will be disqualified for one year.

#### REASONABLE CAUSE TESTING:

An employee will be tested when there is reasonable cause to believe the employee is using a prohibited drug. A decision to test will be based on specific physical, behavioral, or performance indicators of probable drug use. Two of the employee's supervisors must substantiate and concur in the decision to test, with at least one of the two having received EAP training for detecting symptoms of drug use. Any supervisor of the employee may substantiate and concur in a decision to test, even if that supervisor has not observed behavior or the employee indicating drug use. Appropriate documentation will be prepared within 24 hours of the observed behavior.

#### DOT PERIODIC TESTING:

**Drivers will be tested for drugs as a part of their required bi-annual medical examination. Periodic testing may be discontinued after a driver has been tested**

**at least once under periodical, pre-employment, or random testing requirements and the drivers are being tested at a 50% rate.**

**PERSONS COVERED:**

Employees of the company or of a sub-contractor engaged by the company, who perform installation of gas-pipe; maintenance or emergency function regulated by 49 CFP Parts 192,193 or 195.

Employees of the company, or of a sub-contractor engaged by the company, who operate a commercial motor vehicle for the purposes of in instate commerce for 90 days or more in any period of 365 days.

**RETURN TO DUTY TESTING:**

Persons who, based on a Medical Review Officer's (MRO's) recommendation, return to duty as employees after completion of rehabilitation must be given unannounced drug tests, as scheduled by the MRO, in addition to being subject to the other types of testing, for not more than 60 months after returning to duty.

**TESTING & COLLECTION SITES:**

The company utilizes numerous collection sites all sites will follow methods and procedures in accordance with NIDA/DOT guidelines, using the NIDA certified labs as listed:

The Company utilizes the following medical office as its Medical Review Office (MRO):

**Quest Diagnostics**

**The above listed MRO is knowledgeable in drug abuse disorders, including the medical effects of prescription drugs and pharmacology and toxicology of illicit drugs.**

**Responsibilities and Duties of the MRO:**

The responsibilities and duties of the MRO are as described in OSHA's Regulations Section 199.15 and 49 CFR Part 40.

- The primary responsibility of the MRO is to review and interpret test results obtained through the drug testing program.
- The MRO will perform the following functions:
  - Review the results of drug testing before they are reported to the employer.

- Review the chain of custody to ensure that it is complete.
- Review and interpret positive test results to determine if there is an alternative medical explanation for the confirmed positive test results including the following:
  - Provide opportunity for an interview for the employee
  - Review the employee's medical history and any relevant biomedical factors.
  - Review all medical records available to determine if a confirmed positive test resulted from legally prescribed medication.
  - If necessary, require that the original specimen be reanalyzed to determine the accuracy of the reported test result.
  - Verify that the laboratory report and assessment are correct.
  - Determine whether and when an employee involved in rehabilitation may be returned to duty.
  - Determine a schedule of unannounced testing, in consultation with rehabilitation committee, for an employee who has returned to duty after rehabilitation.
  - The following rules will govern MRO determinations:

If there is a legitimate medical reason for a confirmed positive drug test, the MRO takes no action.

If there is no legitimate medical reason for a confirmed positive test, the MRO refers the individual tested to an employee assistance program, a personnel officer, or an administrative officer for action in accordance with the employer's anti-drug program.

Based on available data, including other test results, the MRO may conclude a particular drug test is insufficient for further action and should conclude that test is negative for that individual.

#### Retention of Sample and Retesting:

The laboratory will retain samples that yield confirmed positive results for one year in secured frozen storage. By written request, the sample will be retained for an additional reasonable period.

If the MRO determines there is no legitimate medical reason for a confirmed positive test result, the employee may submit a written request for a retest of the original specimen within 60 days of receipt of the final test results from the MRO.

The employee will pay the associate retest costs in advance but will be reimbursed if the retest is negative.

If the employee requests retesting by a second laboratory, the original laboratory will follow approved custody transfer procedures. All testing must be performed by an approved HHS laboratory.

The results of a retest will be reported as confirmation of the original test results. If the detected levels of the drugs are (a) below the DOT established limits and (b) equal to or greater than the sensitivity of the test, due to the possibility of deterioration during storage.

#### Recordkeeping:

Records will be maintained as provided in OSHA's Regulations Section 29 CFR 1910.1020.

Training records will include copies of training material and confirmation that supervisors and employees have been trained.

Records that show an individual failed a drug test should contain documentation that supports the MRO's determination that there is no legitimate medical explanation for the confirmed positive test result other than unauthorized use of a prohibited drug.

Records that demonstrate rehabilitation should include the MRO's determination.

The following records will be kept for 5 years:

- Number of employees tested by type of test
- Drug test failures, including the following information:
  - Type of test failed
  - Rehabilitation, if any
  - Functions performed by employee who failed the test
  - Prohibited drug(s) used by employee who failed the test
  - Age of employee who failed the drug test
  - Disposition of employee who failed the drug test
- Persons responsible for recordkeeping at Bryant Group Inc. will be the Human Resource Department.
- Privacy and confidentiality of records will be maintained in compliance with OSHA's Regulations Section 29 CFR 1910.1020.

Written records will be stored in locked file cabinets, not in personnel files. Access to these files will be available only to the Director of Human Resources and the Safety Coordinator at the company.