

Substance Abuse Policy

Revision Log

Authority: HR-Compliance
Issue Date: January 15, 2021

Scope: The Brock Group
Next Review Date: TBD

Introduction

The Brock Group (the “Company”) has adopted a Substance Abuse Policy that is applicable to all employees/applicants to address our concerns about the safety of our employees, our property, the public and the productivity of our workforce. Our purpose in adopting this policy is to further the Company’s objective of establishing and maintaining a work environment free from the adverse effects of substance abuse.

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Scope

This policy applies to all applicants, employees, and worksites. In cases where the customer’s requirements exceed the Company’s policy, those requirements will be adhered to. Federal and State Laws will be in effect where applicable. For employees performing work outside of the U.S., testing will be in accordance with the foreign country’s drug and alcohol testing rules.

Definitions

Adulterated specimen - A specimen that contains a substance that is not expected to be present in a biological sample, or contains a substance expected to be present but is at a concentration so high that it is not consistent with a biological sample.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Biological sample - Any fluid (e.g.: blood, saliva and urine), breath, or hair follicle obtained from the human body for the purpose of testing for the presence of drugs or alcohol.

Confirmation (or confirmatory) drug test - A second analytical procedure performed on a specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmed drug test - A confirmation test result received by an MRO from a laboratory.

DER - Designated Employee Representative - A designated employee(s) who is responsible for administering the Substance Abuse Policy and will be the interface between the Company, the TPA, the MRO, and the collection sites.

Detectable amount - The presence of controlled and/or prohibited substances at a level equal to or higher than the level allowable under the Policy found during the primary specimen test.

Dilute specimen - A specimen with creatinine and specific gravity values that are lower than expected for a biological sample.

DOT - Department of Transportation

Drug - Any substance or chemical that has mind or function altering effects on the human body, including prescription, over-the-counter medications and synthetic substances.

EAP - Employee Assistance Program

Illegal substance - A controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal substance" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Insufficient specimen - A sample that cannot be tested as the amount of sample provided did not meet the minimum required amount to perform screen and confirmation testing. This situation results in a "rejected" test.

Invalid/Inconclusive drug test - The result of a drug test for a specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Laboratory - A laboratory certified by SAMHSA under the National Laboratory Certification Program as meeting the minimum standards of the SAMHSA Mandatory Guidelines for Federal Workplace Drug Testing Programs.

MRO - Medical Review Officer - A licensed physician responsible for receiving laboratory results and who is knowledgeable of controlled substance use. The MRO must have appropriate medical training to interpret and evaluate test results in conjunction with medical history and any other bio-medical information.

Negative - No detectable amount of an illegal or controlled substance in the specimen, or an amount that is below the allowable threshold, provided by an employee/applicant.

Paraphernalia - Any item that could be used for the administering, transferring or ingesting of a substance that could result in a positive test.

Positive - A detectable amount that is above the allowable threshold, of an illegal, controlled, or prohibited substance found in the specimen/sample provided by an employee/applicant.

Possession - On the person, in the personal effects, in the vehicle, or under the control of an employee/applicant.

Re-analysis - The re-testing of an original lab confirmed sample.

Refusal to submit - If an employee or applicant refuses to submit a test sample, it will be considered a “refusal”. Any noncooperation during the collection process or any attempt to adulterate or cheat in the testing process will also be considered a refusal.

Safety sensitive position - A job or position where the employee holding this position has the responsibility for his or her own safety and/or other people’s safety.

Sale - Any exchange, transfer or sharing whether of money or otherwise.

SAMHSA- Substance Abuse Mental Health Services Administration

SAP - Substance Abuse Professional - A substance abuse professional is an individual who is qualified to diagnose and determine what assistance a person needs to overcome any type of chemical dependency.

Shy bladder/lung/hair - When an applicant/employee does not provide the minimum of sample to perform a drug/alcohol test during the allotted time.

Substituted specimen - A specimen with creatinine and specific gravity values that are so diminished they are not consistent with a human biological sample.

TPA - Third Party Administrator - An entity that provides or coordinates the provision of drug and alcohol testing services to Contractors and/or Owners.

Verified test - A drug test result or validity testing result from a SAMHSA certified laboratory that has undergone review and final determination by the MRO.

Use - Any form of consumption, ingestion, inhalation, or injection.

**Substance
Abuse Policy**

The Company is committed to maintaining a drug-free workplace to promote both the quality of its services and the safety of its employees, its customers, and the public. Every employee is subject to the rules issued in this Substance Abuse Policy and shall follow the Policy as defined.

A. Prohibited and Required Conduct

Every employee and applicant:

1. Is prohibited from using, possessing, selling, purchasing, manufacturing, distributing or transferring illegal and/or prohibited substances or having possession of paraphernalia while on duty and/or on Company property.
2. Is prohibited from being on Company property and/or reporting to work or performing work with a detectable amount of illegal and/or prohibited substances in his/her system.
3. Is required to submit to a drug and/or alcohol test when directed by the Company.
4. Is prohibited from tampering (adulteration and/or substitution) or attempting to tamper with any drug test and/or alcohol, and/or interfering with the collection process.
5. Is required to notify his/her supervisor immediately of any conviction for a drug and/or alcohol-related crime.
6. Shall promptly report to his/her supervisor whenever he/she is prescribed and/or uses any prescribed or over-the-counter medication that might cause job performance impairment.
7. Shall use legally-prescribed (except marijuana) and/or over-the-counter medications in a manner which will not impair job performance.

B. Illegal and/or Prohibited Substances

Any applicant/employee who has a laboratory confirmed positive result for illegal and/or prohibited substances is in violation of this Policy, unless the employee demonstrates to the MRO a physician-validated medical explanation for the presence of the substance(s) (in which case the MRO will rule the test result as negative). Employees will be removed from the job site until the verification process has concluded and permanently removed from a customer site or host if drug or alcohol test is deemed positive.

The Company reserves the right to alter the testing method, panel, and threshold levels as substance usage and availability patterns suggest the need for change.

All drug test specimens will also undergo validity testing. Validity testing is the evaluation of the specimen to determine if it is consistent with a normal biological sample. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the specimen, if the specimen was diluted or if the specimen was a substituted specimen.

C. Legally prescribed medication

It is the employee's responsibility to inform his/her supervisor prior to using any prescribed medication on the job in the event that the medication may have an adverse effect on the employee's ability to fully and safely perform his/her job.

Any employee who needs to use nonprescription medication (over the counter) while at work, must report this to his/her supervisor if the use might impair his/her ability to perform the job safely and effectively.

The employee is responsible for asking his/her health care provider about possible side effects on his/her ability to perform his/her job.

The Company reserves the right to have a Company physician determine if a prescribed or over-the-counter medication produces hazardous effects and may restrict the use of any such medication accordingly. This may include restricting the employee's work activity. Prescribed marijuana use is not permissible.

**Disciplinary
Action**

Violation of this Policy is grounds for immediate termination.

Searches

The Company may conduct unannounced searches for illegal substances, and/or drug paraphernalia in facilities where the Company is performing work and/or on Company property (“Company Facilities”). Entering Company Facilities constitutes consent to searches. Employees are expected to cooperate when such searches are conducted.

Searches of employees and their personal property which includes, but is not limited to lunch containers, brief cases, desks, work areas, lockers, and vehicles may be conducted when there is reasonable suspicion to believe that an employee is in violation of this Policy and/or when circumstances and/or workplace conditions justify them.

An employee's consent to a search is required as a condition of continued employment and the employee's refusal to a search is a violation of this Policy.

No employee will be touched as part of the search or detained without his/her consent. Employees being searched may be asked to empty pockets and remove hats and outer clothing including jackets, coveralls or slickers.

Illegal substances discovered on Company property will be turned over to the appropriate law enforcement agency. Any action taken by law enforcement agencies will be completely independent of this Policy.

Testing

A. General

1. Drug/alcohol testing will be performed by an independent drug testing service. Employees/applicants will comply with all procedures and protocols established by the independent testing service. An employee's/applicant's failure to submit to a drug/alcohol test or to comply with all procedures and protocols established by the independent testing service is a violation of this Policy.
2. A Medical Review Officer (MRO) will review the results of the drug testing process. The primary responsibility of the MRO is to review and interpret laboratory positive drug test results. It is important to remember that a positive laboratory test result does not automatically identify an employee/applicant as a user of illegal and/or prohibited substances. The MRO must review lab positive drug test results and determine whether any legitimate medical explanation could account for the positive result.
3. When an employee/applicant is given notice to go to the collection site for a drug test collection and/or alcohol test, s/he will typically be allotted no more than (60) minutes plus reasonable travel time to report in at the collection site.

B. Drug testing will be conducted in the following situations (where permitted by state law):

1. **Post Conditional Offer of Employment** - All applicants who have received a conditional offer of employment will be required to submit to drug testing unless the applicant has an “active” status in a mandated Contractor Consortium. There must be a negative result for the presence of all substances prohibited by this Policy or the Company will withdraw the conditional offer of employment.
2. **Follow-up** – An employee who was previously subject to Return-to Duty testing and has subsequently gained an “Active” status is subject to Follow-up testing. The SAP will determine frequency and duration of required testing. Follow-up tests are unannounced and in addition to Random tests.
3. **Random** - Random testing will be applicable to all employees of the Company. A method of random selection will be administered by an independent testing service (TPA) to ensure that an employee is selected by chance. All employees will be in the random selection pool every time a drawing is made. No employee will be excluded merely because s/he has previously been randomly selected and tested. The Company reserves the right to alter the random testing rate. Employees working at customer locations will be escorted for random testing, unless personnel limitations exist. HR Compliance should be contacted for guidance, in these cases.
4. **Post Incident** - When an employee's performance either contributed to an incident or cannot be completely discounted as a contributing factor to the incident, the employee will be required to submit to post incident testing. An employee must submit to a post incident drug test as soon after an incident as possible. A hair follicle or other substance test may be required in instances of late incident reporting.

Nothing in this policy shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit an employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary medical care.

5. **Pre-Access** – A Pre-access test is required for any employee with an “Inactive Retest” status or to be in compliance with a specific site requirement to enter an Owner’s facility.
6. **Reasonable Suspicion** - An employee may be tested for drugs and alcohol when there is reasonable suspicion to believe that the employee may be in violation of this Policy.

A supervisor/manager must complete the Reasonable Cause/Suspicion Observation Checklist and have it reviewed and approved by a member of the HR Compliance department prior to testing employee(s).

If a customer requests testing for reasonable suspicion on any of the Company’s employees, we will abide by the customer’s demand.

In all cases of reasonable suspicion testing, the Company shall provide transportation to and from the collection site as well as to the employee's place of residence or other mutually agreeable location should the testing outcome be a refusal, positive or unknown.

In the event that the results are unknown in a reasonable suspicion testing situation, the employee will be temporarily suspended from duty without pay until the results are known. In situations where the confirmation is negative, local supervision has the discretion to pay the employee for any scheduled but un-worked time while awaiting confirmation.

7. **Return-to-Duty** – If an employee fails or refuses a Post Conditional Offer of Employment, Pre-Access, Reasonable Suspicion, Random, Wall-to-Wall or Post Incident test, under a mandated Contractor consortium or DOT policy, he/she is no longer eligible for entry onto Owner facilities. The employee is designated “Inactive” until he/she can re-establish eligibility by successful completion of a rehabilitation program and clearance from an SAP.
8. **Wall-to-Wall** - Employees are subject to unannounced en masse substance abuse testing. Such tests will be scheduled at the sole discretion of the Company's HR Compliance department. The Company discretion includes the determination of the scope for such testing (group of employees, department(s), facilities, etc.) in addition to the timing of such testing. Such testing shall include all employees of the named group. Additionally, such group of employees may include, but is not limited to, all employees on a job site at the time of testing or employees by shift and/or craft.

“Shy” Testing When an applicant/employee cannot provide an adequate sample for a drug or alcohol test, shy bladder, lung or hair procedures will be conducted by the collector. If an applicant/employee does not cooperate with any part of this process, the test will be considered a “refusal”.

- A. The Company will defer to DOT protocol for shy bladder/lung tests.
 - B. The Company will defer to consortium/lab policies for insufficient hair tests.
 - C. We reserve the right to use alternate testing methods when permissible.
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Employee Admission of Substance Abuse

Employees who admit to substance abuse will be referred to an SAP provided by the Company's EAP or third party administrator for evaluation. In order to qualify for referral to an SAP, the employee must make the admission of drug and/or alcohol abuse prior to being selected for a required drug and/or alcohol test and it must be solely a self-admission.

- A. The employee will not be permitted to return to work until the Company is satisfied the employee has been evaluated and has successfully completed education and/or treatment requirements as directed by an SAP.
- B. Prior to the employee returning to work, the employee shall undergo a Return-to-Duty drug test with a verified negative test result and may be subject to periodic Follow-up testing to verify continued compliance with this Policy.

Dilute Specimen

A negative dilute test is a urine sample that contains a higher dilution concentration than that of a normal human urine sample.

An applicant or employee with a negative dilute specimen test result will be subject to one additional retest. The result of this second test will become the test of record for all purposes. The DER, upon notification of the negative dilute specimen result, will immediately direct the applicant/employee to re-test and the applicant/employee must proceed to the collection facility immediately. The retest will be for the same test purpose as the original test. A positive dilute specimen test will be reported as a positive test.

Out of Temperature Range

An employee/applicant with a specimen temperature that is outside the acceptable range must immediately provide an additional specimen using direct observation procedures.

Re-Analysis

An employee or applicant may request a re-analysis test of his/her original specimen, provided he/she submits his/her request for reanalysis to DISA in writing within two (2) weeks from the time the employee/applicant is notified by the MRO of a positive result. Any confirmed presence of a substance in the sample results in a positive test. If the presence is not confirmed, the result is reported as negative. The cost of a confirmed positive re-analysis is the responsibility of the employee/applicant.

Rehire Policy Employees terminated for violation of this Policy may be eligible for re-hire 90 days after the test or violation date, provided:

- a) They can pass a pre-employment substance abuse screen;
- b) They have completed a mandated rehabilitation program;

Employees who test positive and/or refuse a second time will no longer be eligible to work for the Company.

Cost The cost of all initial testing will be paid for by the Company. All costs associated with an SAP referral, evaluation, required rehabilitation, and safety letter return-to-work evaluations if/where applicable, are the responsibility of the employee/applicant.

Synthetic Substances The Company reserves the right to test an employee for synthetic substances such as synthetic marijuana, synthetic opiates, and bath salts.

Foreign Medication The use of foreign medications, prescribed and/or obtained outside of the employee's country of work, is not permitted. All MRO results are final.

Non-alcoholic Beverages The possession or consumption of non-alcoholic beers, wines, and champagnes are prohibited on company or client property.