



# Substance Abuse Policy

# SUBSTANCE ABUSE POLICY

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## STATEMENT OF POLICY

Brasfield & Gorrie, LLC, hereinafter referred to as “Brasfield & Gorrie,” is committed to the highest standards of safety, integrity, and professionalism in its work and will not condone substance abuse by its workforce, including full-time and part-time employees, regular and temporary employees, and independent contractors. The nature of Brasfield & Gorrie’s work mandates behavior that inspires the highest degree of confidence in its clients and the public. The use of illegal drugs and abuse of other controlled substances, on or off duty, is inconsistent with law-abiding behavior, a threat to the safety of others, and has a detrimental effect on job performance and quality. This Substance Abuse Policy, hereinafter referred to as the “Policy,” is intended to create and maintain a workplace free of drug and alcohol abuse.

Under this Policy, the use of illegal drugs by any member of Brasfield & Gorrie’s workforce is prohibited, whether taken on or off the job. The use of alcohol on the job or reporting to work under the influence of alcohol is also a violation of this Policy. As described in this Policy, Brasfield & Gorrie will test all of its employees for the presence of controlled substances to ensure compliance with this Policy. Violators are subject to suspension and/or discharge.

**If a drug or alcohol is found to be present in a member of our workforce’s system at a level prescribed by applicable law, or if an individual refuses to submit to or cooperate with a blood or urine test after an accident, the individual may forfeit eligibility for workers’ compensation, medical and indemnity benefits, and/or unemployment compensation, pursuant to state and federal regulations.**

Brasfield & Gorrie seeks to comply with contractual obligations to clients. Brasfield & Gorrie will also comply with the U.S. Department of Transportation (DOT) Procedures for Transportation Workplace Drug and Alcohol Testing Programs, set out in 49 CFR Parts 40.1 through 40.37, as amended, and the Omnibus Transportation Employee Testing Act of 1991 (49 CFR Parts 382, 391, 392, and 395), as amended, to the extent that those regulations are applicable to the

particular employee(s) being tested. Brasfield & Gorrie also seeks to comply with Drug Free Workplace laws and regulations in states that have Drug Free Workplace programs and where we conduct business. To the extent that this Policy conflicts with any federal, state, or local law, ordinance, or regulation, this Policy shall be applied in a manner consistent with the applicable law or regulation.

The company expects the full cooperation of all of its workforce in the implementation of this Policy.

This Policy shall not be construed as a contract of employment. **Brasfield & Gorrie reserves the right to depart from this Policy where management deems appropriate; all employees and independent contractors are “at-will” employees and contractors.** Except where specifically prohibited by law, management may change the guidelines contained in this document at any time. The workforce covered by this Policy will be informed of changes.

This Policy went into effect September 1, 1989. The latest revision is January 1, 2014.

## DRUG USE/DISTRIBUTION/IMPAIRMENT/ POSSESSION

Everyone in our workforce is prohibited from using, possessing, manufacturing, distributing or selling, or making arrangements for the sale or distribution of controlled or illegal substances, or having a controlled or illegal substance in his/her system at a detectable level, misusing prescription drugs, inhalants, or any other mind-altering or intoxicating substances while at work or on the property of the company or its customers, or while using company or customer equipment. Brasfield & Gorrie’s employees are subject to searches and investigations to ensure compliance with this aspect of the Policy. Violators will be subject to discipline, up to and including termination.

## ALCOHOL USE/POSSESSION/IMPAIRMENT

Everyone in our workforce is prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on company property. A breath alcohol concentration (BrAC) of .04 will be accepted as conclusive proof of violation of this Policy.

Additionally, employees with a BrAC of .02–.039 will be placed out of service for a period of no less than 24 hours. Brasfield & Gorrie allows the responsible use of alcohol by employees who are not performing in safety-sensitive positions, and at events involving the company-sponsored service of alcohol.

## OFF-DUTY CONDUCT

Off-the-job use of drugs, alcohol, or any prohibited substances, including inhalants, that results in impaired work performance, including but not limited to absenteeism, tardiness, poor work product, or harm to the company's image or relationship within the community, is prohibited. Everyone in our workforce should realize that these regulations prohibit all illicit drug use — on and off duty.

## PRESCRIPTION MEDICATIONS

An employee's proper use of medication prescribed by a physician for said employee is not prohibited. There is, however, an employment qualification standard that an individual shall not pose a direct threat to the health or safety of the individual or others in the workplace. Therefore, Brasfield & Gorrie prohibits the misuse of prescribed and over-the-counter medications. It is each employee's responsibility to check with a physician regarding whether any medication may adversely affect performance or job safety, and give notice to his or her supervisor if the physician has advised that the medication may affect performance or job safety. Individuals who report to work with drugs in their systems, without appropriate prescriptions, will be considered to be in violation of the Policy and subject to discipline.

## SUBSTANCE SCREENING

### RULES REGARDING APPLICANTS

Applicants for employment at Brasfield & Gorrie are expected to be free from alcohol or any controlled substances upon reporting for work. As part of the employment process, all potential employees (including new hires and rehires) must take and pass a drug test and will be required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive for drugs or adulterants (foreign substances such as test masking agents designed to beat a drug test), refuse to submit to

a test, or refuse to execute the required consent/release form. Upon being hired by Brasfield & Gorrie, each employee will be subject to all aspects of this Policy, including its random, unit, post-accident, and reasonable suspicion testing provisions.

Applicants who test positive for illegal drugs may reapply for a position with Brasfield & Gorrie one year after such positive test result, and the applicant may be required to present evidence of successful rehabilitation that is acceptable to Brasfield & Gorrie at the time of their reapplication. Such applicants are subject to all other application procedures and are not given any preference for hiring. Applicants who test positive for adulterants, refuse to submit to a test, or refuse to execute the required consent/release form will be deemed noncompliant and will not be eligible to reapply in the future.

### RULES REGARDING EMPLOYEES

#### Random Testing

Everyone in the company's workforce is subject to unannounced random drug and alcohol testing. Anyone in the workforce may be required to report to the company's designated collection site for testing immediately following notification.

#### Unit Testing

Everyone in a defined work site, department, job category, or other organizational unit is subject to drug and alcohol testing on a random or all-unit basis.

#### Reasonable Suspicion

Everyone in the company's workforce may be required to submit to screening whenever there is a reasonable suspicion that the person used alcohol or a controlled substance or has otherwise violated the Policy. Reasonable suspicion includes an employee's display of erratic behavior, decline in job performance, unexplained inconsistency in job performance, certain physical signs, actions, safety disregard, absenteeism, or any other reasonable basis for suspecting a violation of the Policy.

An employee who undergoes reasonable suspicion testing will be immediately placed on leave of absence without pay until the results of the drug test are complete and verified. If the results are negative, the employee will be permitted to return to duty unless other reasons disqualify the employee from reinstatement, such

as violation of a work rule or performance issues. The employee will receive compensation for scheduled time missed because of the reasonable suspicion testing event. Returning to work under this provision does not change the employee's status as an employee-at-will, subject to discharge at any time.

#### Post-Accident Testing

Each employee whose performance either contributes to an accident or whose performance cannot be ruled out as a contributing factor in an accident that results in bodily injury or property damage will be required to submit a specimen. Tests will be administered as soon as possible within the first 32 hours after the accident. Depending on state or federal law, a positive test result may establish a conclusive presumption of impairment resulting from the use of illegal drugs, and workers' compensation payments may be denied. Compensation will also be denied when an employee refuses to submit to a urine, breath, saliva, or blood test.

#### Return to Duty/Follow-Up Testing (Post-Rehabilitation)

All employees, if and when referred for rehabilitation, must test negative on an alcohol/drug test prior to returning to duty. Following the reinstatement of an employee returning to work after a drug-related suspension, that employee will be subject to unannounced follow-up drug and alcohol testing for a period of 12 to 60 months. The costs of these subsequent tests will be paid by the employer.

Testing under this aspect of the Policy does not insulate the employee from testing pursuant to one of the Policy's other testing provisions.

#### RULES REGARDING OTHERS IN THE COMPANY'S WORKFORCE

Visitors, subcontractors, other independent contractors, and vendors are expected to be free from the effects of drugs or alcohol use/abuse while conducting business for or in the name of the company. The prohibitions of this Policy apply to subcontractors, other independent contractors, and vendors and their employees and agents. Such entities are responsible for enforcement of these prohibitions and must certify in writing prior to beginning a job that they have policies and testing procedures in place that include, at a minimum, pre-employment testing for drugs and post-accident testing for alcohol and drugs. Brasfield & Gorrie may also

require subcontractors, other independent contractors, or vendors to certify that all employees assigned to a particular job have been tested for illegal drug use prior to beginning work on the job. Such entities, including their employees and workers, found to be in violation of this Policy will not be allowed to continue to conduct business for or on behalf of the company, and if appropriate, their supervisor will be notified.

#### TESTING PROCEDURES

##### General Guidelines

Brasfield & Gorrie and its labs and drug program manager will rely on the guidance of the Drug-Free Workplace Act of 1988. Brasfield & Gorrie will also comply with the U.S. DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs, set out in 49 CFR Parts 40.1 through 40.37, as amended, and the Omnibus Transportation Employee Testing Act of 1991 (49 CFR Parts 382, 391, 392, and 395), as amended, to the extent that those regulations are applicable to the particular employee(s) being tested. Brasfield & Gorrie will also seek to comply with all relevant state and federal regulations regarding substance abuse testing.

##### Substances Tested For

Brasfield & Gorrie may test for mind-altering or controlled substances, including but not limited to the following: alcohol, opiates, synthetic opiates, cannabinoids, cocaine, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, methaqualone, propoxyphene, and synthetic marijuana and other "designer drugs." The company reserves the right to test for additional controlled substances as the company deems appropriate.

##### Testing Procedure

Employees are required to have available at the jobsite or place of work a form of identification that includes a photograph, and this must be taken to the testing facility.

Employees will be required to complete chain-of-custody forms provided by the testing laboratory and any consent forms required by Brasfield & Gorrie.

The company reserves the right to utilize any form of testing, including but not limited to urine, breath, saliva, hair, and/or blood samples, and such specimens will be submitted to designated Brasfield & Gorrie personnel

or to employees from the testing facility. Employees will be required to submit such specimens in the presence of a witness or to follow other security measures to ensure the integrity of the sample.

Employees tested away from the jobsite, such as at a clinic following an accident, will be required to follow these same procedures with the clinic's personnel.

#### EVALUATION AND RETURN OF RESULTS TO COMPANY

Reports on laboratory tests will be sent to the company's medical review officer (MRO). The MRO will be responsible for reviewing test results of employees and confirming that the individuals testing non-negative have used drugs or adulterated or substituted the specimen in violation of company policy. Prior to making a final decision, the MRO shall give the individuals an opportunity to provide a medical explanation for the positive, adulterated, or substituted test result either face-to-face or over the telephone. If an individual has a legitimate explanation for a laboratory positive result but is taking medication deemed inconsistent with performing safety-sensitive tasks, the MRO will report a "Negative with Safety Concern" result.

If the MRO determines that the test results are inaccurate, the results will be reported to the company as rejected. If the MRO determines that the test results are accurate, the MRO will report those actual results to the company. The employee or job applicant who receives a positive verified test result from the MRO may contest or explain the result to the company's designated employer representative (DER) within 5 working days after receiving notification of the test result. The DER will communicate the test results to the project superintendent or other suitable manager. This person will advise the employee of the test result and the action to be taken. This will be done verbally in a private setting. A letter will follow to confirm the conversation.

#### REQUEST FOR RETEST AND STATEMENT OF EXPLANATION

Where a split specimen has been collected (required for employees subject to DOT testing), the employee may request a retest of the split specimen within 72 hours of notification of the final test result. Where a single specimen is submitted for testing, the employee may request a retest of the original sample within 72 hours after notification of the final test result. Requests must

be submitted to the MRO. The MRO may require that the original specimen be reanalyzed to determine the accuracy of the original result.

#### CONFIDENTIALITY

Test results will be communicated only to company employees or agents who have a legitimate need to know the results of the test. Except when necessary in litigation involving Brasfield & Gorrie or by order of a court of competent jurisdiction, a Workers' Compensation Commission, an unemployment compensation agency, or other governmental agencies investigating the work relation or termination of an employee, results will not be communicated to any person outside of the company, its testing drug and alcohol contractors, and its customers (when required by contract), without the express written consent of the employee involved. Brasfield & Gorrie reserves the right to inform its insurance provider of all post-accident positive drug screen results. Result reports will be maintained in a secured filing system separate from the employee's personnel files.

#### DEPARTMENT OF TRANSPORTATION GUIDELINES

Employees tested under the authority of the U. S. DOT will be subject to testing consistent with 49 CFR Part 40 and Part 382 (FMCSA). The company maintains separate DOT testing guidelines. An employee who is subject to this general Policy and DOT testing may be required to give separate samples for testing under the different requirements prescribed by this Policy and the DOT regulations.

#### DISCIPLINE

An employee who tests positive for an unauthorized controlled or illegal substance, as determined by the testing laboratory's testing thresholds after a confirmation test, will be suspended immediately without pay. On the first business day after the 30th calendar day after the employee's suspension, the employee must contact his or her supervisor to discuss the possibility of returning to work. The company will decide, in its sole discretion, whether to reinstate or terminate the employee. This decision will be based on all known facts and circumstances that lawfully may be considered, including but not limited to the employee's performance record, the length of prior

employment, the prior accident and attendance record of the employee, the circumstances that led to the testing, specific jobsite policies of the company's client, the employee's rehabilitation efforts during the suspension period, and whether the position still exists. To be minimally qualified for reinstatement, the employee must present an assessment by a substance abuse professional (SAP) approved by Brasfield & Gorrie (at the employee's expense), stating that the employee may return to work. An employee may be reinstated only if the employee's position still exists and if the employee tests negative on a return-to-duty drug screen obtained by Brasfield & Gorrie's testing laboratory (at Brasfield & Gorrie's expense). Returning to work under this provision does not change the employee's status as an employee-at-will, subject to discharge at any time. An employee who returns to work after a positive test must continue to follow the treatment plan and other recommendations of the SAP (at the employee's expense), enter into a written agreement, and submit to follow-up testing. Failure to enter into the agreement, follow the treatment plan and SAP recommendations, or submit to follow-up testing will result in discharge.

**A second positive test occurring at any time during employment will result in the employee's immediate discharge, and the employee will not be eligible for rehire.**

An employee who refuses to submit a urine, breath, hair, saliva, or blood specimen for testing under this Policy, or who refuses to execute the necessary paperwork or otherwise fails to cooperate with a drug test, or who submits an adulterated or substitute specimen will be deemed noncompliant. An employee deemed noncompliant will be discharged and not eligible for rehire.

A positive drug test is not a necessary prerequisite to discipline if this Policy or any other Brasfield & Gorrie work rule has been violated.

Any employee convicted of a criminal drug violation must report such conviction to the company in writing within five calendar days of such conviction. An employee who fails to report such conviction within the time specified will be subject to discipline, up to and including termination.

## SEARCH PROCEDURES AND DISCIPLINE

Searches may be conducted at any time, with or without cause, to detect unauthorized substances, including alcohol or drug paraphernalia. These searches may or may not include the use of drug dogs. Subject to search are vehicles on the jobsite or company property, lunch pails, bags, purses, lockers, and other such containers. No employee should have any expectation of privacy in any of these locations.

Searches will be conducted only in the presence of two witnesses, one of whom must be from management above the foreman level. If the person to be searched is a female, witnesses should be female.

Searches will be conducted as privately as possible. Food items will not be touched. Employees will be asked to open their coats, remove hats, or lift pants legs to inspect boots. No one will be searched forcibly. Employees will be asked to empty pockets and turn them inside out. Employees will not be touched or patted to determine pocket contents. If locks are cut in the search of desks, lockers, large tool boxes, etc., the person conducting the search should be prepared to replace them immediately after completing the search and give the key to the employee. Those who object to the searches or who refuse to cooperate will be told that submission to such a search is a condition of employment and that failure to cooperate will result in discharge. If an employee continues to refuse to cooperate, the search will be terminated and the refusal reported to one of the general superintendents, division managers, or principals.

Any contraband or prohibited items seized will be described in writing and a receipt given to the employee. Seized items, along with a copy of the descriptive receipt, will be turned over to one of the general superintendents, division managers, department heads, or principals. Illegal items will be turned over to the appropriate law enforcement authorities.

Employees found with illegal substances, controlled substances without a prescription, alcohol, drug paraphernalia, or other such items in their possession, whether on their person or in a vehicle or container of any sort under their control, will be discharged.

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

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The Brasfield & Gorrie EAP includes:

- Education and training for employees regarding drugs and alcohol.
- Education and training for supervisors regarding drugs and alcohol, including:
  - Effects and consequences of substance abuse on health, safety, and work
  - Manifestations and behavioral causes that may indicate substance abuse
  - Documentation of training provided

The company maintains a list of state and national resources available for EAP purposes (See Appendix A). The DER should be contacted for further guidance.

## APPENDIX A

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### SUBSTANCE ABUSE RESOURCES

#### Designated Employer Representative

Brasfield & Gorrie, LLC  
 Risk Management Administrator  
 205-328-4000

#### MRO and Third-Party Administrator

EDPM, Inc.  
 505 20th Street North, Suite 1200  
 Birmingham, AL 35203-4610  
 205-326-3100 (Local)  
 800-833-9412 (Toll Free)

#### EAP Services

Behavioral Health Systems  
 800-245-1150

#### SAP Referral Source

[www.saplist.com](http://www.saplist.com)

### INFORMATION HOTLINES

#### Alcoholics Anonymous (AA)

800-356-9996  
[www.aa.org](http://www.aa.org)

#### American Council on Alcoholism

800-527-5344

#### Cocaine Anonymous

800-347-8998

#### National Council on Alcoholism

800-NCA-CALL

#### National Institute on Drug Abuse

800-662-HELP

#### Narcotics Anonymous (NA)

800-338-8750

#### Al-Anon

800-356-9996

#### Nar-Anon

213-574-5800

#### National Association of Alcoholism and Drug Abuse Council (NAADAC)

1001 North Fairfax Street, Suite 201  
 Alexandria, VA 22314  
 703-741-7686

#### Employee Assistance Professional Association (EAPA)

2101 Wilson Blvd., Suite 500  
 Arlington, VA 22201  
 703-522-6272