				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i icaitii ai			Jan 1, 2017
Substance Abuse /Controbons	Revision No.	1		
Substance Abuse/Contrabance				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 1 of 10

## I. Notice to all Employees

The Company recognizes that the state of an employee's health affects job performance, the kind of work that can be performed, and may affect opportunities for continued employment.

The Company has a moral obligation to provide a safe and healthful place to work for its employees, customers, contractors, visitors and invitees. Additionally, some government contracts and client agreements require our Company to provide a drug free workforce. The following policy was designed to meet that end.

# II. Substance Abuse Program Objectives

- **A.** To deter illegal and unauthorized workplace substance abuse.
- **B.** To assist in maintaining a safe and healthful work environment for our employees, our customers, visitors, vendors, suppliers, contractors and members of the general public.
- **C.** To reduce the accidents and injuries that could adversely affect future Company projects and operations.
- **D.** To minimize absenteeism, tardiness, improve productivity and to ensure quality workmanship.
- **E.** To protect the reputation of Company and employees within the community, industry at large and among our customers.
- **F.** To comply with the contractual obligations of our customers, government agreements, a particular federal agency (D.O.T., D.O.D., I.C.C.) or to meet the requirements of enacted city, federal and state drug abuse laws such as the Drug- free Workplace Act of 1988, mandatory guidelines for federal workplace testing Programs, the Department of Health and Human Services or the National Institute for Drug Abuse.

# III. Company Premises/Jobsites (or property defined)

For the purpose of this policy, the term "Company premises/jobsites" are used herein includes the Company, its affiliates and subsidiaries (herein known as the Company) property, offices, facilities, land, jobsites, buildings, structures, fixtures, installation, automobiles, trucks and all other vehicles and equipment, whether owned, leased or used. This policy also includes all customer/client properties, construction sites, areas under the Company's control, or any other work locations or mode of transportation to and from those locations during working time and while in the course and scope of Company employment, pay status or on Company business during regular work hours.

## IV. Policy/Program Application

This policy/program will apply to all regular full-time, part-time, commissioned, probationary, casual or contract employees and to employment applications of the Company. This policy also applies to all Company contractors, subcontractors, suppliers, visitors, vendors and

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i icaitii ai			Jan 1, 2017
Substance Abuse /Controbons	Revision No.	1		
Substance Abuse/Contrabance				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 2 of 10

invitees. Compliance with this policy will be required by the Company as a condition of employment for qualified applicants or continued employment for employees.

The Company will not offer or provide either employment or continued employment to individuals whose conduct is prohibited by this policy.

This policy may also become effective as needed to comply with the contractual obligations of certain customers or government agencies in order to perform work on their properties or project. Additionally, these same contractual obligations and agreements may also include substance abuse testing of Company subcontractor personnel as well.

# V. Policy Statement regarding illegal and unauthorized drugs, alcoholic beverages and other items.

This is to notify all Company employees, applicants, employees of other companies, suppliers and visitors that the use, abuse, presence in the body or reporting to work under the influence, bringing onto Company property, unlawful manufacture, distribution, dispensation, possession, transfer, storage, concealment, transportation, promotion or sale of the following illegal and unauthorized drugs, controlled substances, alcoholic beverages, or drug-related paraphernalia by employees and other is strictly prohibited from all of the above-mentioned Company premises/jobsites, or while on Company business and/or during regular work hours.

- **A. Illegal Drugs** (including the presence of any confirmed detectable amount in the employee/person while working, regardless of when or where the substance entered their system) or any unauthorized or unlawfully obtained drugs and abnormal or dangerous substances which may affect an employee's/person's mood, responses, motor functions or alter or affect a person's perception, performance, judgment, reactions or senses while working.
- **B.** Designer and Synthetic Drugs are made in clandestine laboratories where the chemists alter the molecular structure of both legal and illegal drugs to create a drug that is not explicitly banned by federal law.
- C. Unauthorized (or prohibited) Drugs controlled over-the-counter ingredients whose physical appearance mimics various prescription drug products which contain popular substances of abuse and are regulated under the provisions of the Controlled Substances Act of 1970. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.
- **D.** Unauthorized Alcoholic or Intoxicating Beverages. An employee or others whose blood alcohol concentration (BAC) is at or over .04% during working time or while operating Company vehicles is in violation of this Substance Abuse Policy.

**Note:** Company drivers covered under the DOT safety regulations will be removed from service and disqualified for operating a commercial motor vehicle for twenty-four (24) hours if they are discovered to be driving with a blood alcohol concentration BAC at or above .02% but less than .04%. A DOT test at or above the .04% BAC is considered a positive test and the

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	Tieatti ai			Jan 1, 2017
Substance Abuse/Controbon	Revision No.	1		
Substance Abuse/Contraban				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 3 of 10

driver is designated out of service until such time as an MRO or other Substance Abuse Professional (SAP) clears the driver for duty.

Additionally, any employee, applicant, contractor employee or invitee will be denied consideration of employment or access to any of the Company premises if there is a reasonable suspicion or belief to suspect that the individual shows signs of possible intoxication, using or under the influence of drugs or alcohol.

- **E. Prescription Drug Abuse -** (Legally controlled substances.) Abuse of a prescribed controlled substance or use of a controlled drug not prescribed for the employee or applicant is prohibited. Employees and others covered by this policy may maintain on Company premises prescription drugs and "over-the-counter" medications provided:
  - 1. The prescription drugs are prescribed by an authorized medical practitioner for current use (within the past 12 months) by the person in possession and the medicine is in its original container and in the employee's/person's name.
  - 2 Employees must not consume prescribed drugs more often than as prescribed by the employee's physician and they must not allow any other person to consume the prescribed drug.
  - 3. The drugs, both prescription and over-the-counter, must be kept in the original container.
  - 4. Any employee who has been informed that the medication could cause adverse side effects while working or where medication indicates such warning, must inform their supervisor prior to using such substances on the job. The use of drugs/medicine prescribed by a licensed physician for the individual employee is permitted provided that it will not affect work performance. However, the Company at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces effects which may increase the risk of injury to the employee or others while working. If such a finding is made, the Company may check with the employee's doctor (with permission) to see if other medications are available which would not seriously affect the employee's ability to work safely. If appropriate substitute medicine is not available, the Company may have to limit or suspend the work activity of the employee during the period that the Company designated physician advises that the employee's ability to perform his job safely may be adversely affected by the consumption of such medication.
- **F. Drug-Related Paraphernalia** Drug-related paraphernalia as used in this section of the policy includes any unauthorized material or equipment or item used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance.
- **G.** Unauthorized Possession of Firearms, Weapons, or Explosive (Incendiary)
  Materials including but not limited to brass knuckles, illegal knives and other dangerous instruments. No personal firearms are allowed on Company property (loaded or unloaded) except when authorized for either security or law enforcement reasons.

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	Tieatti ai			Jan 1, 2017
Substance Abuse /Controbon	Revision No.	1		
Substance Abuse/Contraban				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 4 of 10

- H. Theft/Stolen Property Theft, conversion, misappropriation or unauthorized removal, possession or use of Company property, including but not limited to, supplies, materials, facilities, tools, equipment, documents and proprietary information, or of any items or property of other employees or visitors is prohibited.
- VI. Program Enforcement Activity (Workplace Searches, Urine Drug and/or Blood Testing)

## A. Workplace Searches and Inspections

In order to accomplish the objectives of this policy, the Company reserves the right, at all times while entering, departing or on the premises, properties, and work areas described above or when circumstances warrant or when reasonable suspicion or cause exists, to have properly authorized supervisors or search personnel (including drug detection dogs) conduct unannounced reasonable searches and inspections of Company facilities, properties, as well as employees' and other persons' effects (such as, but not limited to, lockers, baggage, briefcases, boxes, bags, parcels, lunchboxes, food/beverage containers, desks, toolboxes, clothing and vehicles) for the purpose of determining if such employees or other persons are in possession, use, transportation or concealment of any of the prohibited items and substances of this policy.

Searches may be initiated without prior notice and conducted at times and locations as deemed appropriate by the Company. At **no time** will employees or others be touched or will any clothing be removed during these searches and inspections.

## B. Substance Abuse Testing, Medical Examinations and Fitness for Duty Physicals

The Company also reserves the right, in certain circumstances, to require employees to submit to medical or physical examinations or tests at any time as a condition of employment or continued employment, including but not necessarily limited to urine drug tests, breathalyzer, blood test or other examinations to determine the use of any illegal or unauthorized drugs or substances prohibited in this policy or to prove the employee's satisfactory fitness for duty. These tests may be utilized under the following circumstances:

- 1. **Pre-employment and pre-placement testing** will be required of any qualified applicant or candidate as a condition of consideration of employment, prior to being approved to work at any customer's facility or work area, or as required by contract or law.
  - Re-employed workers will be required to participate in the Company drug testing program if they have been absent from the Company for more than 90 calendar days.
  - Applicants and returning employees will not be paid for their time while drug test results are pending. Once a negative test result is received, the hiring process may continue.
- 2 If an employee suffers an occupational on-the-job injury (requiring treatment from a doctor) or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged (including but not limited to automobiles, trucks and other equipment), unusually careless acts were performed, the supervisors feel that the continuation of work could result in an

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i icaitii ai			Jan 1, 2017
Substance Abuse /Controber	Revision No.	1		
Substance Abuse/Contraband Policy				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 5 of 10

aggravation of the injury or reduced work capacity, or where the cause was due to an employee or other person's failure to wear prescribed personal protective equipment or follow prescribed safety rules while working on Company premises or the property of a customer.

3. When reasonable suspicion exists to suspect that an employee or other person shows signs of possible intoxication, using or being under the influence of drugs or alcohol, or other facts (i.e. work related accident) that could lead a prudent supervisor to be concerned about the individual's safety or the safety of the general public and others due to an employee's physical condition or behavior while working.

**NOTE:** Supervisors will take part in Company-sponsored training programs to assist them in identifying and addressing illegal drug or alcohol use by employees or others while working.

- 4. When an employee or other person is found in possession of suspected illicit or unauthorized drugs and/or alcohol, drug paraphernalia or when any of these items are found in an area controlled or used exclusively by designated employees.
- 5. **Routine, periodic or intermittent** testing of employees to determine the use of any illegal or unauthorized drug, alcohol or other substances prohibited by this policy.
- 6. **Government random testing** may be routinely utilized as required by the Department of Transportation (or D.O.D., D.O.E., etc.) for those employees working in "safety or security-sensitive positions."

Safety-sensitive positions are classified by the D.O.T. as drivers of commercial motor vehicles operating in interstate commerce. There may also be those job positions where any form of substance abuse may affect the safety of operations through unsafe work behavior or performance or error in judgment, or where substance abuse could jeopardize the safety and well-being of the employee, other personnel or the general public.

Security-sensitive positions are classified by the Department of Defense as those jobs which involve access to classified information, national security, health or safety or which require a high degree of trust and confidence.

**NOTE:** Affected employees will be notified accordingly if their jobs fall within the definition of "safety or security-sensitive positions."

7. **Return-to-work** substance abuse screens are required when an employee returns to work following an extended absence of 90 days or more for an illness, injury or reduction in force; or as a result of a condition of reinstatement upon completion of a reasonable drug and alcohol treatment or counseling program.

Prior to returning to work, the employee shall be required to satisfactorily pass a return-to-work substance test. Workers who fail to pass the return-to-work test will be permitted to provide a subsequent specimen in 7 calendar days. If the second test is

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i icaitii ai			Jan 1, 2017
Substance Abuse/Controbone	Revision No.	1		
Substance Abuse/Contrabanc				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 6 of 10

also positive, employees will be allowed to submit a third test 7 calendar days later. If the third test is also positive, the employee shall be discharged.

Employees who are reinstated will be subject to routine, periodic, intermittent and unannounced testing for a period of 2 years following their return to work.

The Company can request follow-up tests for a period of up to 2 years.

- 8. **As part of an annual physical** for those employees who are required to undergo medical examinations due to regulatory requirement of local, state or federal agencies (D.O.T., I.C.C., D.O.D., etc.)
- 9. As necessary to comply with the contractual or legal obligations of clients, customers, the federal government or individual state drug testing laws. Those employees affected by these types of tests will be notified as to the specific requirement of that project as information becomes available.

**NOTE:** Workplace testing may be altered or changed in situations where certain employee's activities are regulated by either the Department of Transportation or Department of Defense contracts. Additionally, regulated testing may be limited to the following drug classifications: marijuana, cocaine, opiates, PCP (phencyclidine) and amphetamines. Affected employees shall be notified of these changes.

## C. Sample Collections and Testing Results

Searches (including urine sampling or drug screening) and inspections by authorized Company personnel may be conducted from time to time without prior announcement. Urine samples may be collected, sealed, and monitored by a collection specialist in the presence of Company supervisors and transported to an approved (licensed) laboratory for actual testing.

Additionally, any required blood collection shall be performed by either an outside health care facility or practitioner designated by the Company. Initial urine test (screen) shall be run by immunoassay (sensitivity test) or by acceptable instant testing methods designated by the Company. All first-test specimens identified as positive on the initial test shall be **confirmed** by a second test using gas chromatography/mass spectrometry (CG/MS) techniques (specificity-type methodology).

All searches, inspections and urine sampling will be performed with concern for each employees or person's personal privacy, dignity and confidentiality. The results of any program testing will be considered a confidential record disseminated strictly on a need-to-know basis or as may be legally required. Records shall not be maintained in personnel files. Illegal substances, drugs, stolen property and other prohibited items discovered through these searches and inspections may result in the proper law enforcement authorities being advised in this regard (as required by law).

### D. Medical Review Officer

The Company may utilize the services of a medical review officer to interpret a second-test

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	Tieatti ai			Jan 1, 2017
Substance Abuse /Controbon	Revision No.	1		
Substance Abuse/Contraban				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 7 of 10

<u>confirmed</u> positive result. An MRO is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result as it relates to the employee's medical history and any other biomedical information.

# VII. Government Certification/Reporting Requirement

The Drug-free Workplace Act of 1988 is applicable to many Company operations and it places several requirements on employers/contractors covered by the Act. Employees working on such projects are required to comply with the following regulations:

- **A.** Employer Certification Each employer or contractor covered by the Act must certify to the contracting agency that it has published a statement to employees alerting them that drug use or possession is prohibited in the workplace and that abiding by these terms is a condition of employment.
- **B.** Employee Reports Federal law requires that as a "condition of employment on a government contract" that employees are required to abide by this policy and must report a criminal drug stature conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- C. Notification The Company is required to notify the appropriate contracting agency within ten (10) days after receiving notice from an employee or a law enforcement agency of a criminal drug statute conviction.

# VIII. Notice of Disciplinary Action for Policy Violations

The Company may require employees and others to participate in such urinalysis, blood test or search activity in order to assist us in providing a safe, healthful and productive working environment and to comply with federal laws as a condition of continued employment. No employee or person search, drug test or inspection will be conducted without written prior notification and verbal consent. However, failure to comply with the provision of this policy will be grounds for disciplinary action up to but not limited to written reprimands, suspensions or discharge from employment. In certain situations (as defined below), discharge may occur for a first-offense violation, except as otherwise provided in this policy.

## A. First Offense Discharge

An employee shall be discharged for the following:

- 1. The employee either refuses to submit to a search or inspection, drug, urine or blood test as outlined by this policy.
- 2. The employee has submitted to a test and, in the discretion of the Company and/or its approved facility, has degraded, diluted, switched, altered or

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i icaitii ai			Jan 1, 2017
Substance Abuse/Contraband Policy			Revision No.	1
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 8 of 10

tampered with their sample.

3. While on Company premises, the employee has been observed using, manufacturing, distributing, dispensing, selling or possessing any illegal or unlawful drugs or alcohol beverages.

**NOTE:** For the purpose of this policy, a "negative dilute" shall be deemed a non-test and the donor shall immediately be required to provide another sample. (The subsequent collection shall NOT be done using direct observation unless there is another reason for the use of direct observation.) The results of the retest shall be accepted as the only result, even if it is also a "negative dilute". No further testing will be required and the result will officially be classified as a negative dilute.

<u>Applicants</u> who provide a "negative dilute" sample may be permitted to submit a second sample. If the subsequent sample is also "*negative dilute*", the applicant will not be hired.

## **B.** Alternative Discipline

Preliminary findings of a policy violation may require that the employee be placed on suspension pending a review of all relevant facts concerning the policy violation.

**NOTE:** Employees shall always have the opportunity to present an alternative explanation as to the reason for the positive test result.

Any employee who feels that the confirmed test results are in error, may challenge the results of the laboratory findings by contacting the Company Safety Department/HR. At the employee's expense, the confirmed sample will be sent to a separate lab for subsequent confirmation testing.

If outside lab test results disprove the findings of initial lab, the employee will be reinstated with back pay. If the test results confirm the initial lab findings of a positive test, the employee will be considered in violation of this policy.

### C. First-Test Positive Referrals

Any employee with a confirmed positive test for a substance prohibited by this policy, without an explanation satisfactory to the Company, will be immediately terminated and may not re-apply for employment with the Company for a period of six months

**NOTE**: Applicants to the Company are not considered employees.

#### D. Second-Test Positive Results

Any subsequent (second) confirmed positive test, within 5 years of the initial confirmed test, will result in immediate termination. Following termination for violations of this policy, the employee is not eligible to reapply for employment for one (1) year.

## E. Non-Employee Disciplinary Action

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i lealth ai			Jan 1, 2017
Substance Abuse/Contraban	Revision No.	1		
Substance Abuse/Contraban				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 9 of 10

Any other person having business with the Company who refuses to submit to a search, urine/blood test or is found to be in possession of Company or employee property or any of the above-mentioned drugs and unauthorized items may be immediately escorted from the project and not be allowed to return to any of the Company's premises/jobsites, properties, facilities or work areas as described above.

## F. Off-The-Job Conduct

Any employee, whose off-duty conduct related to the use, sale, manufacture or abuse of any drug, prescription drug, controlled dangerous substance or alcoholic beverage that may or may not result in criminal charges or conviction shall be subject to disciplinary action, up to and including immediate termination, in the Company's sole discretion, if the Company believes that this off-duty conduct could possibly:

- 1. Affect such individual's safe job performance,
- 2. Jeopardize the safety of other employees, the general public or the Company's property, or
- 3. Reduce the community trust in the ability of the Company to carry its responsibilities due to the notoriety of the employee's conduct.

Employees terminated for the violation of this policy, as well as applicant's who fail to pass a pre-employment drug screen, may be eligible for re-employment after 6 months. Re-employment is not guaranteed, promised or made a part of any disciplinary action. However, it may be offered at the Company's discretion and contingent upon: (1) it is the first and only violation of this policy and the employee has never been re-employed before for violation of this or any other policy; (2) a conditional pre-employment agreement is signed covering rehabilitation or counseling and documentation of treatment and recovery of drug, alcohol or other prohibited substance use or abuse to include future probationary periods and employer- sponsored monitoring and testing; (3) a similar job is available that the individual is both physically fit and qualified for at the time that re-employment is being considered.

Any other person having business with the Company who refuses to submit to a urine search, urine/blood test or is found to be in possession of Company or employee property or any of the above-mentioned drugs and unauthorized items may not be allowed to return to any of the Company's premises/jobsites, properties, facilities or work areas as described above.

Entry onto the Company's property, job sites or work areas and locations as described above constitutes consent to the recognition of the right of the Company or its authorized representatives to search, inspect, urine test or receive a blood sample from the employee, other persons, and their personal effects such as vehicles, Company living quarters, boxes, desks, lockers, briefcases, lunchboxes, food- beverage containers, clothing, and other property of employees and other persons while entering, on or departing the premises of the Company.

SESAC Section 4 Substance Abuse Policy

				4
	Health a	Health and Safety Policy		2003
STEEL ERECTORS SAFETY ASSOCIATION OF COLORADO	i lealth ai			Jan 1, 2017
Substance Abuse/Contraban	Revision No.	1		
Substance Abuse/Contraban				
Prepared by: MSC Safety Solutions	OSHA Standard	Section 5(a)(1)	Page:	Page 10 of 10

# IX. Program Administration

This policy shall be amended as necessary to meet the requirements of any particular federal, state, county, or city law (requirements or contractual obligations with a customer.) Those enforcement and disciplinary options outlined in these policies that are prohibited by existing laws or agreements will **not** be utilized at those particular Company work areas or locations. Any additions or deletions to this policy shall be communicated in writing to all affected employees as necessary. Amendments and exceptions to the policy must have prior approval of the Company's Senior Officer.

The enforcement operations of the Company's program shall fall within the area of the Company's Senior Officer, with the exception of the confidentiality of records. The Human Resources Department will be responsible for the implementation and administration of this policy. All testing, counseling or rehabilitation records shall be kept in locked confidential files that are separate from personnel records. Information disseminated to others shall be on a need-to-know basis or to defend the Company from challenges as legally required.

All vendor and contractor/sub-contractor management and supervision shall be responsible and accountable to monitor the safety performance and behavior of their personnel working on any Company property, jobsite, or work areas and initiate proper procedures and action necessary as required by contract, applicable laws or when a reasonable suspicion or belief of substance abuse exists with those in their employ.

## **Important Notice:**

This Substance Abuse/Contraband Program, neither as a whole nor any provision, guideline or procedure contained therein, is to be considered or interpreted as a binding contractual commitment on the part of the Company. Through this policy-program, the Company, does not assume or offer to assume any obligations beyond those which may be imposed by applicable law. The Company further reserves the right to deviate from, alter, amend or discontinue this policy program or any procedure, guideline or provision contained therein, with or without notice, at its sole discretion. Failure to exercise any function in any particular way shall not be considered a waiver of its right to exercise such functions or preclude the Company from exercising that prerogative or function in some other way.

The Company realizes that those employees, applicants and others with drug and alcohol abuse problems may make up only a fraction of the workforce. We regret any inconvenience that may be caused to the non-abusers by the problems of a few workers. We believe, however, that the benefits derived from the prevention of accidents, the greater safety of employees, our customers, visitors and the rehabilitation or discharge of those who, because of alcohol or drugs, are a potential danger to themselves and others, will more that make up for any inconvenience.

The Company earnestly solicits the understanding and cooperation of all employees in implementing this policy.