

POLICY REGARDING DRUG AND ALCOHOL USE

PURPOSE:

To provide guidelines regarding the use of drugs and alcohol.

SCOPE:

This guideline applies to David E. Looper & Company and all subsidiary and affiliated companies, and any contracted workers.

1. Policy

- A. At David E. Looper & Company we are committed to providing employees with a safe, drug-free, and healthy work environment. In meeting this goal, it is our policy to (1) assure that employees or subcontractor employees are not impaired in their ability to perform their duties in a safe manner; (2) create a work environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their performance. It is the policy of David E. Looper & Company to comply with all applicable regulations regarding drugs and/or alcohol in the workplace. These regulations include, but are not limited to, the Drug-Free Workplace Act.
- B. Management and Supervisory personnel are expected to use and apply this policy in a fair and consistent manner. Anyone found to knowingly disregard the policy or deliberately misuse the policy shall be in violation of this policy and subject to immediate termination.

2. Applicability

- A. This policy applies to all employees of David E. Looper & Company, all subsidiary companies, and any contracted workers.
- B. Drug tests not conducted by companies or their third-party test facilities will be conducted under the authority of David E. Looper & Company.



3. Definitions

- A. Approved laboratory – laboratory approved and certified by the North Carolina Department of Health and Human Services (NCDHHS), Division of Human Resources or the U.S. Department of Health and Human Services (DHSS), the College of American Pathologists (CAP), the American Association for Clinical Chemistry (AACC), or the equivalent to conduct drug testing.
- B. Controlled substance – any substance regulated by state or federal law which has been determined to have a potential for abuse and which may lead to physical or psychological dependence. These substances listed in North Carolina General Statutes §90-89 through §90-94. See Schedules I – VI, for listings and definitions. (www.ncga.state.nc.us)
- C. Contracted Worker – any person whose company has entered an agreement to work for David E. Looper & Company.
- D. Employee – any person employed in a full-time, part-time, or seasonal position with David E. Looper & Company.
- E. Employee Assistance Program – program of counseling services which may be provided by David E. Looper & Company which may include assessment, evaluation, referral for treatment, and/or follow-up procedures.
- F. Job applicant – any person who applies to become an Employee of David E. Looper & Company.
- G. Medical Review Officer (MRO) – medical doctor (MD) or doctor of osteopathy (DO) who has knowledge of substance abuse disorders and who, among other duties, receives, reviews and/or evaluates confirmed positive drug tests.
- H. Program Manager – person having overall responsibility for David E. Looper & Company’s drug and alcohol policy and procedure. The Safety Coordinator is David E. Looper & Company’s program manager.
- I. Reasonable suspicion – an expressible belief based on specific objective facts and rational inferences drawn from those facts that an individual has consumed or is under the influence of alcohol, drugs, or other impairing substance while at work. Circumstances which constitute a basis for determining reasonable suspicion may include but are not limited to:

- Direct observation of drug use or alcohol use and/or the physical symptoms of being under the influence of a drug or alcohol;
 - Specific, contemporaneous (happening at the same time), and articulable observations concerning appearance, behavior, speech, or body odors;
 - Direct or observable evidence that an individual is involved in the unauthorized possession, sale, solicitation, or transfer of drugs or alcohol while working or while on the premises of David E. Looper & Company or any subsidiary company's premises, or while operating a vehicle, machinery, or equipment belonging to or being leased, borrowed or rented by David E. Looper & Company or any subsidiary company.
- J. Safety-sensitive duties – involve such a great risk of injury to others that even a momentary lapse of attention can have disastrous consequences.
- K. Substance Abuse Professional (SAP) – licensed MD or DO or a licensed or certified psychologist, social worker, employee assistance professional, or a National Association of Alcoholism and Drug Abuse Counselors (NAADAC) certified addiction counselor who has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

4. Prohibited Substances

- A. Illegally used controlled substances or drugs or other impairing substances; illegal use includes use of any illegal drug, misuse of legally prescribed drugs, use of illegally obtained prescription drugs, and improper use of other impairing substances that may affect performance.
- B. Legal drugs; while the appropriate use of legally prescribed drugs and non-prescription medication is not prohibited, it is the individual's responsibility to ensure that such use will not adversely affect his/her ability to perform job duties such as driving, performing of trade responsibilities and/or operating heavy equipment safely. The use of prescription and/or non-prescription medication which carries a warning label indicating that mental functioning, motor skills, or judgement may be adversely affected should be used with caution. Individuals in safety-sensitive positions must report the use of medication which could adversely affect performance to supervisory personnel before performing work duties. In instances where the need for additional information has been identified by supervisory or management personnel in consultation with Human Resources, individuals with safety-sensitive duties may be requested to furnish additional information from his/her physician as to his/her ability to perform the essential functions of the job. This additional documentation shall be the responsibility of the individual to obtain and furnish to the supervisory or management personnel, before being allowed to work.



C. Alcohol: or any beverage, mixture, or preparation which contains alcohol.

5. Prohibited Conduct

- A. As required by the Drug-Free Workplace Act, all individuals are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances. Refer to *Section 1 Page 10: "Alcohol and Drug-Free Policy"* for actions that will be taken against individuals who violate the Drug-Free Workplace Act.
- B. Anyone convicted of a drug or alcohol related offense that occurred in the workplace must notify their Supervisor, Safety Coordinator and Human Resources within 2 days, in writing, following such a conviction.
- C. All individuals are prohibited from being intoxicated, impaired, or under the influence of a prohibited substance while working for David E. Looper & Company or any subsidiary company, or while acting as a representative of David E. Looper & Company or any subsidiary company.
- D. The possession or consumption of alcohol while on duty is prohibited.
- E. All individuals are expected to comply with the testing requirements outlined in this policy as a condition of employment, whether as an Employee or a Contracted Worker. Individuals will be asked to complete a drug test form before a test is performed. Completing this drug test form is considered consent for a drug test to be administered for all legal purposes. Refusal to complete or submit to a required test will be treated as a positive test result. Refusal to submit includes:
- Failure to appear at the designated test site in a timely manner
 - Refusal to provide a specimen
 - Intentionally obstructing the collection process
 - Tampering with, adulterating, or substituting a specimen; failure to provide adequate urine specimen without medical explanation within three (3) hours of giving the first insufficient amount
 - Failure to provide adequate breath specimen after two (2) attempts without medical explanation (a third attempt may be allowed if there is reason to believe it will be successful)
 - Failure to be available for testing after an accident/incident

- Leaving the scene of an accident prior to testing without a reasonable explanation, (such as being transported by medical professionals to a hospital for medical treatment)
 - Leaving the collection site prior to test completion
 - Failure to permit an observed or monitored collection when required
 - Failure to take a second test when required
 - Failure to cooperate with any part of the testing process
- F. All individuals are prohibited from driving any vehicle without the proper license and shall immediately report to their Project Manager, Safety Coordinator and Human Resources if their license becomes revoked or suspended.

6. Types of Testing

- A. Pre-Employment Testing: All applicants will be required to undergo a drug test prior to an offer of employment. The final appointment to the position will take place after successful completion of the pre-employment drug screening, and a negative result being obtained. Refusal to submit to testing will result in disqualification of further employment consideration.
- B. Reasonable Suspicion Testing: An Employee or Contracted Worker will be required to undergo drug and/or alcohol testing when there are reasons to believe that the individual is under the influence of alcohol, drugs, or other substance while at work. David E. Looper & Company has all authority when a supervisor makes specific, contemporaneous, and articulable observation concerning appearance, speech, behavior, or body odors of an individual to conduct an onsite drug screening or alcohol breathalyzer test. The supervisor must be able to: (1) substantiate specific behaviors that may indicate drug use or alcohol misuse; (2) identify job performance problems that may indicate prohibited drug use or alcohol misuse; and (3) actually observe physical indications that prohibited drug use or alcohol misuse may be occurring. Testing for drugs or alcohol can be done when observations are made during, just preceding, or just after the performance of safety-sensitive duties.

Procedure:

- a. Complete the David E. Looper & Company “Request for Drug and/or Alcohol Test” form (copy attached). Use the ‘comments’ section for any additional information, such as special circumstances, witnesses, etc.



- b. The form must be signed by the supervisor.
 - c. Confer with the Safety Coordinator to arrange for the test(s).
 - d. The supervisor or his/her designee shall explain this Drug and Alcohol Policy to the individual.
 - e. Notify the individual that he/she will be tested and the reason(s) for the test(s).
 - f. Send the completed forms to the Safety Coordinator.
- C. Post-Accident/Incident Testing: Under the authority of David E. Looper & Company, an Employee or Contracted Worker will be asked to submit to a drug and/or alcohol test after any reportable accident or incident. (If not conducted by the subcontractor's company. If conducted by the subcontractor's company the results must be submitted to David E. Looper & Company within 48 hours of the results being report to the company.) This includes any vehicle or equipment accident which involves an injury or property damage on any David E. Looper & Company project site. This also includes any injury that requires medical attention beyond first aid. Testing will be done as soon as possible, but not to exceed 8 hours for alcohol and 32 hours for drugs.

The Safety Coordinator and/or Human Resources Manager, in consultation with the individual's direct supervisor or Project Manager will make the determination whether the individual may continue to drive or work on any David E. Looper & Company project, vehicles or equipment until a negative test result is received. (See Section 7A.)

Post-Accident / Injury Procedure:

- a. The Employee, Contracted Worker or supervisor must call the Safety Coordinator as soon as the accident occurs.
- b. The Safety Coordinator and/or the President of David E. Looper & Company will determine the course of action for administering the post-accident/incident drug test.

If an individual sustains a minor injury, sufficiently handled by an Urgent Care Center the Employee or Contracted Worker should be taken to the nearest Urgent Care Center where the individual and/or Supervisor shall direct the Urgent Care Center to administer a drug and/or alcohol test to the individual while on site and under their medical care. A list of approved Urgent Care Centers is available to all David E. Looper & Company supervisors and shall be consulted in determining the proper Urgent Care Center location.

If the individual sustains serious injury and/or is transported by ambulance to the hospital emergency room, the Employee, Contracted Worker and/or Supervisor shall direct the hospital to administer a drug and/or alcohol test to the individual while on site and under their medical care.

- D. Random Testing: Under the authority of David E. Looper & Company; all Employees and Contracted Workers will be subject to random testing. The selection of individuals to be tested will be administered by an approved testing laboratory or any other contracted drug test administration company which may be utilized in the future. The drug test administration company will select individuals through a scientifically valid method that ensures each individual will have an equal chance of being selected. The random test will be unannounced and will occur throughout the year.
- E. Return-to-Work Testing: Individuals permitted to return to work after a positive drug or alcohol test result will be required to submit to a drug and/or alcohol test before being returned to work.

7. Individuals Awaiting Test Results

- A. Post-Accident Tests: An individual who is drug or alcohol tested, at the discretion of the Safety Division, in consultation with their supervisor may choose to allow or prohibit the individual from working until the test results are received. If the individual is sent home, the time off will be without pay. Numerous factors will be utilized to determine if the person is allowed to continue working or not, such as, was the individual at fault; is the individual suspected of drug or alcohol use; etc.
- B. Reasonable Suspicion Tests: The Employee or Contracted Worker will not be permitted to remain at work. He/she will be taken home, or the Employee or Contracted Worker will arrange for other means of transportation. The Employee or Contracted Worker will not be permitted to return to work until a negative test result is received. The time off will be without pay.
- C. Random Tests: The Employee or Contracted Worker will be returned to his/her regular duties upon completion of the required test(s).

8. Conducting the Tests

A. Drug Tests

- 1. A urine test will be used to detect the presence of drugs. David E. Looper & Company reserves the right to change to other medically approved testing methods as needed both now and in the future.



2. Testing will be conducted in such a way as to assure a high degree of accuracy, reliability, and confidentiality. Drugs or the metabolites of drugs tested for include amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, opiates, phencyclidine, Propoxyphene and Methadone. In addition, screening will also include Semi-synthetic opioids: Oxycodone, Hydrocodone AKA Vicodin, Hydromorphone AKA Dilaudid, Demerol, and Fentanyl.
3. Samples will be collected and processed using a strict chain of custody.
4. Under the authority of David E. Looper & Company the test will be considered positive based on guidance provided by North Carolina State laws.
5. The Medical Review Officer (MRO) will receive and review test results. In the event of a positive test result, the Medical Review Officer (MRO) will notify the individual of the test results and of their right to explain a positive test result and determine if there is a valid medical reason for a positive result. If there is a valid medical reason for a positive test, the test will be reported to David E. Looper & Company as negative. If there is not a valid medical reason, the test will be reported to David E. Looper & Company as positive.

B. Alcohol Tests

1. Alcohol tests will be conducted using blood, saliva or breath samples. Tests will be conducted using National Highway Traffic Safety Administration approved testing devices operated by a trained alcohol technician.
2. When breath samples are used, an initial screening test will be done. If the results are not negative, a second confirmation test will also be performed.
3. The alcohol technician will release the results of the test to the Employee or Contracted Worker and to David E. Looper & Company.
4. Alcohol test should be administered within the first 2 hours following a testable incident / accident. If the test is not administered within 2 hours of a testable accident, David E. Looper & Company shall prepare and maintain a file on record stating the reasons the test was not promptly administered. If the test is not administered within 8 hours following a testable accident, David E. Looper & Company shall cease attempts to administer an alcohol test and shall prepare and maintain a file on record stating the reasons the test was not administered.



9. Consequences of a Positive Test

- A. An applicant shall be denied employment unless drug test results are negative.
- B. If an Employee or Contracted Worker's drug or alcohol test results are positive, the individual will be subject to dismissal. Contracted Worker's will not be allowed to work on any David E. Looper & Company project site. Employees and Contracted Workers will be escorted from the premises either by David E. Looper & Company designated representative or Local Law Enforcement.
- C. David E. Looper & Company reserves all rights to take disciplinary action, up to and including dismissal, against any Employee working for David E. Looper & Company or any Contracted Worker for a positive drug or alcohol test.

10. Confidentiality / Disclosure of Information

- A. David E. Looper & Company Human Resources and Safety Coordinator will receive test results and, when necessary, notify the appropriate Supervisor or Contracted Worker's employer.
- B. Human Resources may release information to the SAP (Substance Abuse Professional) who is evaluating an individual in the case of a drug-related violation. Human Resources will obtain a release from the individual prior to doing so.
- C. Information may be released to a third party only as directed by specific, written instruction of the individual.
- D. Information may be released to the decision-maker in a lawsuit, or other proceeding initiated by or on the behalf of the individual tested.
- E. Information may be released to the National Transportation Safety Board during an accident investigation.
- F. Information may be released to the Department of Transportation or any of its agencies with regulatory authority over David E. Looper & Company or its Employees or Contracted Workers.

11. Attachments

- A. Instructions for Requesting a Reasonable Suspicion Drug / Alcohol Test
- B. David E. Looper & Company Request for Drug and/or Alcohol Test



Instructions for Requesting a Reasonable Suspicion Drug / Alcohol Test

1. Complete the “David E. Looper & Company Request for Drug and/or Alcohol Test” form. Use the ‘comments’ section for any additional information you feel is needed, such as special circumstances, witnesses, etc.
2. Be sure the form is signed by the Superintendent or Project Manager.
3. Contact Safety Coordinator to arrange for the test(s).
4. Explain the David E. Looper & Company drug / alcohol policy to the Employee or Contracted Worker.
5. Notify the Employee or Contracted Worker that he/she will be tested and the reason(s) for the test(s).
6. Take the individual to the test site.
7. Provide the completed form to the Safety Coordinator.
8. Upon receiving the proper completed form the Safety Coordinator will administer the drug and/or alcohol test.
9. Refer to Section 7: ‘Individuals Awaiting Test Results’ / Item B: ‘Reasonable Suspicion Tests.’



Request for Reasonable Suspicion Drug and/or Alcohol Test

Employee's Name:

Date: _____

Employee's Foreman / Supervisor:

Reasonable Suspicion

Expressible belief based on objective facts and rational inferences that an individual has used drugs/alcohol. Some indications include observation of use, abnormal conduct or erratic behavior (such as slurred speech, dulled reaction, glassy eyes, mood swings, etc.), pattern of excessive absenteeism, tardiness, or poor work performance, pattern of unexplained preventable accidents and/or odor of alcohol or other illegal drugs.

_____ Drug

_____ Alcohol

Comments

Use additional pages as needed

Superintendent Printed Name: _____

Superintendent Signature: _____



POLICY REGARDING DRUG AND ALCOHOL USE

David E. Looper & Company maintains a drug free, alcohol free workplace. Drugs or alcohol may not be used or sold on the job. An Employee or Contracted Worker will be checked for drugs or alcohol if the individual is injured on the job and goes to a medical facility for treatment. Any Employee or Contracted Worker refusing to abide by this policy will be subject to disciplinary action.

I, as an Employee or Contracted Worker of David E. Looper & Company agree to abide by the above policy.

Company Name: _____

By: _____

Printed Name: _____

Date: _____

Please read and keep the complete attached policy.