

DIAMOND & THIEL CONSTRUCTION CO., INC.

Substance Abuse and Testing Policy

1. Substance Abuse Policy

The use, possession, purchase, sale or distribution of controlled substances (e.g., illegal drugs) on Company premises or Company time is prohibited. Similarly, the unauthorized use, possession, sale or distribution of prescription drugs or alcohol on Company property or Company time is not allowed. If the Company has a reasonable basis to suspect that an employee is impaired by drugs or alcohol, it may, in addition to any discipline, require as a condition of continued employment that an employee undergo appropriate chemical drug testing.

The Company reserves the right to require rehabilitation of, or take appropriate disciplinary action (including termination of employment) against violators of its substance abuse policy.

2. Employees Are Subject to Testing For:

- Post Accident
- Reasonable Cause

Drug testing should only be permitted on a showing of probable cause of an on-the-job impairment, which has a direct and measurable impact on the safety, productivity, company or personal property and the quality of work of the suspected worker and their co-workers.

3. Testing Procedures and Cutoff Levels

The Collection Process

Urinalysis samples will be sealed, dated and initialed by both the employee involved and the person supervising the collection process. The collection of the specimen will take place at Industrial Medical Associates with a company representative in *the area but* without direct observation. The sample thus collected will be forwarded to the testing laboratory

Testing Laboratory

All drug testing will be performed by a testing facility certified or accredited by federal or state authorities and which will use the cutoffs and testing methodology set forth below. Alcohol testing may be performed by preliminary breath alcohol screening devices and, if positive, by breathalyzer (certified medical facility only).

Costs

Costs pertaining to the collection and testing of samples, which are required by the Company, will be borne by the Company. The reasonable time spent by an employee in undergoing Company-required alcohol/drug tests will be considered working time if outside of the employee's regular shift and the employee will be paid at the applicable straight time rate for the actual time required.

Testing Procedures

Drug Testing

The initial drug test shall use an immunoassay, which meets the requirements of SAMSA (Substance Abuse and Mental Health Services Administration) for commercial distribution. All specimens identified as positive on the Initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. An employee will not be considered as having tested positive for drugs unless he exceeds the applicable level for both the initial and confirmatory tests.

Drug and Alcohol Testing Standard

The drugs, or classes of drugs, for which employees will be tested, as well as the initial and confirmatory positive/negative test results, are:

<u>Drugs of Abuse</u>	<u>Initial Test Level ng/ml</u>	<u>Confirmation Limit Test Level ng/ml</u>	
Alcohol	.04 AC	.04 AC	*
Marijuana metabolites	50	15	**
Cocaine metabolites	300	150	***
Opiate metabolites	300		
Morphine		2000	
Codeine		2000	
Phencyclidine (PCP and/or metabolites)	25	25	
Amphetamines	1,000		
Amphetamines		500	
Methamphetamines		500	

* Alcohol concentration level

** Delta-9 tetrahydrocannabinol - 9 carboxylic

*** Benzoyllecgonine, ecgonine methyl ester, and/or ecgonine

Alcohol Testing

The "cut-off" for positive/negative presence of alcohol in the body will be .04 % and over, of one per centum by weight of alcohol, in blood alcohol content level. Medical facilities utilized for collection and testing samples will adhere to the rules of SAMSA.

4. Effect of Positive Test Result

Any employee testing positive pursuant to the above levels will, at a minimum, be suspended without pay for no less than 5 calendar days. During the 5-day period, the employee is required to have at least one consultation with the company EAP. The Company may impose additional discipline where warranted because of work related misconduct by the employee.

Following completion of the suspension period, the employee must pass the alcohol/drug test before being allowed to return to work. An employee who successfully passes this second test must also undergo such rehabilitation procedures as deemed appropriate by the Company.

Any employee who refuses to take an alcohol/drug test permitted **by this agreement, after being so ordered, shall be treated as if the employee had tested positive on the tests.**

General Provisions

Treatment, rehabilitation and counseling should be the primary *objective of this policy.*

The privacy rights of workers must be protected to the maximum extent possible. Sanctions will be imposed for violators of confidentiality.

Any alteration, switching or substitution of a urine specimen by an employee will constitute grounds for immediate termination.

An employee undergoing an alcohol or drug test shall be supplied a copy of any test report received by the Company from the testing laboratory.

Definitions

Alcohol **A Colorless, volatile, and flammable liquid that is the agent in fermented and distilled liquors. Includes, but is not limited to beer, wine and liquor. Does not include alcohol used in chemical processing, cleaning or testing.**

A Positive Test for Alcohol or Drugs

To have the presence of alcohol, a drug or a drug metabolite in an employee's system as determined by appropriate testing of a bodily specimen that is equal or greater than the levels specified in the previously mentioned "Standard" for the confirmation test. This shall be referred to as a "positive level," or "positive screen."

Drug Test **A multiple step urine test, which involves an immunoassay screening method approved by the Food and Drug Administration and a confirmation by use of Gas Chromatography and Mass Spectroscopy (GM/MS). Testing must be done by a Medical Review Office, as qualified by the Department of Health and Human Services Mandatory Guidelines. Such a person may not be an employee of the lab performing the test, not have any financial interest in the lab or the equipment used.**

Discipline **Adverse actions taken for just causes against an employee such as suspension without pay, a Warning or discharge.**

Drug **A controlled substance as shown on the "Standard" or 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 "legal drugs" does not mean use of a controlled substance pursuant to a valid prescription or other uses authorized by law. Tests will be conducted only for drugs (listed under the "Standard") for which the Department of Health and Human Services has established initial and confirmation levels.**