

# **NorthEast Earth Mechanics, Inc.**

## **Drug-Free Workplace Policy**

### **Purpose and Goal**

NorthEast Earth Mechanics, Inc. (NEEM) is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a Drug-Free Workplace Program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- As a condition of employment, this organization requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol.
- This organization encourages employees to voluntarily seek help with drug and alcohol problems.

### **Covered Workers**

Any Applicant who is conditionally offered employment and all current NEEM employees including executive management, project managers, supervisors, part and full time employees are subject to testing under this policy.

All NEEM commercially licensed drivers are subject to this policy as well as the NH Department of Transportation and Federal Motor Carrier Safety Regulations.

### **Applicability**

Our Drug-Free Workplace Policy applies during all working hours, whenever conducting business for or representing NEEM, while on call, paid standby, while on NEEM property (office, shop and parking lots), at Sam Clark Pit, Welch Rd. Pit, NEEM jobsites and while driving company vehicles whether on or off duty.

### **Prohibited Behavior**

It is a violation of our Drug-Free Workplace Policy to use, solicit, possess, sell, buy, trade, and/or offer for sale illegal drugs. It is also a violation of our policy to use or be under the influence of alcohol during working hours.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our Drug-Free Workplace Policy and appropriate disciplinary action will be taken if an employee intentionally misuses and/or abuses prescription medication(s).

### **Notification of Convictions**

According to the Drug-Free Workplace Act of 1988, employers must disclose any conviction for drug-related offenses in the workplace to the Federal agency with which the employer has a grant or contract within 10 days after receiving notice from the employee or others.

Any employee who is convicted of a criminal drug violation in the workplace must notify NEEM in writing within five calendar days of the conviction. NEEM will make the appropriate disclosures upon such notification.

### **Testing**

Each employee, as a condition of employment, will be required to participate in pre-employment, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

*In addition to the above, all NEEM commercially licensed drivers are subject to random testing as required by the Department of Transportation and the Federal Motor Carrier Safety Regulations.*

**PRE-EMPLOYMENT:** Upon condition of employment, all applicants will undergo testing for controlled substances. If an applicant's specimen tests positive or "negative-dilute" for a controlled substance, or is reported as adulterated and/or substituted, the offer of employment may be withdrawn. Any employee who has not worked 30 days or more due to resignation or termination and wishes to apply for employment again, will be subject to pre-employment testing again. This does not include employees on temporary seasonal layoff, unless the employee holds a CDL license. If an employee holds a CDL license and is removed from our pool during the winter months, they are required by law to have a pre-employment test upon returning to work.

**RANDOM (For all employees who hold a CDL license):** NEEM is part of a consortium (association) that provides random alcohol and controlled substance testing. Each employee who is notified of selection for random alcohol and/or controlled substance

testing shall proceed to the designated test site immediately. Failure to report for testing when notified shall be cause for disciplinary action up to and including dismissal. Random testing will be conducted during normal business hours.

***Any DOT employee who is temporarily laid off will still be subject to random testing during the layoff period.***

POST ACCIDENT: Each employee will be subject to alcohol and/or controlled substance testing if they are involved in an accident while operating company vehicles or equipment (on or off duty) and/or are injured or causes injury involving:

- The loss of human life; or
- Bodily injury to any person who receives medical treatment away from the scene of a motor vehicle accident (other than first aid); and/or
- One or more vehicles or pieces of equipment incurring disabling damage to require transportation away from the scene; and/or
- A non-motor vehicle and/or non-equipment related incident.

NEEM retains the right to request a post accident test under any circumstances related to an accident and/or injury.

Post accident testing must be done within two hours following the accident and/or injury. An employee subject to post-accident testing shall remain readily available until testing is completed and shall remain free of alcohol and controlled substances during this period of time. Any employee who fails to be available for testing shall be deemed to have refused to submit to testing.

These requirements shall not be construed to require the delay of necessary medical attention for injured people following an accident or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

REASONABLE SUSPICION: An employee shall be required to submit to alcohol and/or controlled substance testing if there is reasonable suspicion to believe that the employee has violated company policy regarding alcohol and/or drug abuse while on duty. Reasonable suspicion shall be determined by trained NEEM supervisor(s). The employee will be transported to the test site by a NEEM supervisor and/or be subject to onsite testing whichever is more feasible. Employees who refuse transportation and/or refuse to test will be terminated immediately and the proper authorities shall be notified.

RETURN-TO-DUTY: Return-to-duty testing is required for employees who have been terminated due to violation of this policy and are seeking re-employment. In order to be eligible for employment again, an alcohol concentration of less than 0.02 and/or a negative controlled substance test is required. The return-to-duty test will be at the employee's expense and performed at the employer's chosen testing location. There are also referral, evaluation and treatment requirements that must be met.

**FOLLOW-UP TESTING:** Follow-up testing is required for all employees who have violated this policy and who successfully completed treatment recommended by a SAP, passed a return-to-duty test and was offered re-employment. There will be a minimum of 6 unannounced follow-up controlled substance and/or alcohol tests during the first 12 months of re-employment. As a condition of re-employment, a rehired employee will be subject to follow up testing for an indefinite period of time.

The substances that will be tested for are amphetamines, cannabinoids (marijuana, pot, grass), cocaine (coke, crack), opiates, phencyclidine (PCP) and alcohol.

Testing for the presence of alcohol will be conducted by saliva and/or breath analysis. All drug testing will be done by analyzing a urine sample. Certain circumstances may require an alternative specimen to be provided (ex. blood).

An initial test is performed on the primary sample. If this test is positive for the presence of controlled substances and/or alcohol, a second “confirmation” test will be conducted. If the test results are positive, the results will be sent to a Medical Review Officer (MRO) who will contact the employee to explore any possible medical explanation for a positive result. An employee has 72 hours after notification of a positive test result to request a retest of the secondary sample, which may be conducted at a different lab. This retest will be at the employee’s expense.

All drug-testing information will be maintained in separate confidential records. Materials listing the signs, symptoms and effects of alcohol and controlled substance use on an individual’s health, work, and personal life are available to employees.

NEEM Management reserves the right to allow an employee to continue employment in non-safety sensitive duties, if available, when an employee immediately notifies NEEM Management that they have already consulted with a Substance Abuse Professional (SAP), has already entered the recommended treatment by a SAP, and has not yet tested positive for alcohol and/or controlled substances. The employee will be subject to a return-to-duty test after completion of the recommended treatment program as well as follow-up testing for a minimum of 12 months. Only NEEM management can decide to take this course of action. This option is not an employee right.

## **Consequences**

One of the goals of our Drug-Free Workplace Program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. However, seeking treatment is the responsibility of the employee. If an individual violates this policy, the consequences are serious.

In the case of applicants, if the applicant’s specimen tests positive or “negative-dilute” for a controlled substance or is reported as adulterated and/or substituted, the offer of employment may be withdrawn. No second collection will be conducted. The applicant may re-apply for employment after providing written documentation showing the applicant has successfully

completed treatment recommended by a DOT qualified SAP and must pass a pre-employment drug test upon the offer of employment.

If an applicant applies for employment and informs us or it is discovered that the applicant was denied employment by a prior employer due to a positive drug or alcohol test and/or had a substituted or adulterated test result or refused to test, the applicant must provide NEEM written proof of treatment that was recommended by a DOT qualified SAP prior to the applicant being considered for employment. A pre-employment drug test will still be required after the written documentation is provided.

Any employee who is found to have an alcohol concentration of greater than .02 but less than .04 shall immediately be removed from duty for a period of not less than 24 hours from administration of the test. After the minimum 24-hour period, the employee may resume his/her regular duties after undergoing and passing a return-to-duty alcohol test. A second such occurrence will result in disciplinary action up to and including dismissal.

An employee may be terminated immediately if he/she is found to have an alcohol concentration of .04 or greater, the employee's specimen tests positive for a controlled substance, and/or is reported as adulterated and/or substituted. Upon termination, names, addresses and telephone numbers of DOT qualified Substance Abuse Professional(s) will be available to the employee upon request. An employee may re-apply for employment once he/she has successfully completed treatment recommended by a DOT qualified SAP (including continuing care) and he/she will be required to pass a return-to-duty test, as well as be subject to a minimum of 6 unannounced follow-up controlled substance and/or alcohol tests for a minimum period of 12 months. Upon re-employment, any employee who tests positive a second time will be terminated immediately, will not be eligible for rehire for a period of one year and the employee must have successfully completed recommended treatment by a DOT qualified SAP as well as successfully pass a return-to-duty test.

If an employee's specimen is reported as "negative-dilute", the employee will be required to submit to an unannounced second collection upon request of the MRO. Failure to provide a second specimen will be considered a refusal.

Actual knowledge that an employee has used alcohol during work hours or has used controlled substances will be based on one or more of the following: the employer's direct observation of the employee, an employee's admission of alcohol use during work hours and/or controlled substance use, information provided by the employee's previous employer(s), and/or a traffic citation for driving a CMV while under the influence of alcohol or controlled substances.

Actual knowledge of such use is grounds for immediate termination. The terminated employee may re-apply for employment if the same conditions are met as a positive test result would require. Re-employment is not guaranteed.

## **Refusal**

If an employee refuses to be tested, an assumption of a positive test result will be determined. Refusal includes but is not limited to: not participating in the initial screening and confirmation

tests, adulterating or diluting the specimen, substituting the specimen with that from another person or sends an imposter, fails to provide a sufficient amount of specimen, refuses to undergo medical evaluation to determine the failure to provide sufficient specimen, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

## **Assistance**

NorthEast Earth Mechanics, Inc. recognizes that alcohol/drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our Drug-Free Workplace Program:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers a current list of Substance Abuse Professionals. Seeking treatment is the responsibility of the employee.

NorthEast Earth Mechanics, Inc. Safety & Compliance Officer will oversee the Drug-Free Workplace Program. The Safety and Compliance Officer can answer questions pertaining to these materials and is able to assist employees in available methods of intervening when an alcohol and/or controlled substance problem is suspected. Treatment for alcoholism and/or drug use disorders may be covered by the employee's benefit plan. However, the ultimate financial responsibility for treatment belongs to the employee.

## **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees should not report to work while their ability to perform job duties is impaired due to use of alcohol and/or drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor or the NEEM Safety and Compliance Officer.

It is the supervisor's responsibility to:

- Observe employee performance and behavior.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance and report it to management.
- Counsel employees as to expected performance improvement.

## **Communication**

Communicating our Drug-Free Workplace Policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our Drug-Free Workplace Program:

- All employees will receive a written copy of the policy.
- Informative materials about the dangers of alcohol and drug use is available to all employees.

## **Confidentiality**

All information received by NEEM through the Drug-Free Workplace Program is confidential. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.



**NorthEast Earth Mechanics, Inc.**  
**Drug-Free Workplace Consent Form**

**I have read NorthEast Earth Mechanics, Inc. (NEEM) Drug-Free Workplace Policy and agree to follow it.**

**I understand** that I must pass a controlled substance test to be hired by NEEM. I also **understand** that if I am hired, I will be subject to controlled substance and/or alcohol testing, and if the results on a confirmatory test, as released by a Medical Review Officer (MRO), are positive, I will be immediately terminated. **I understand** this may impact my worker's compensation and/or unemployment benefits, depending upon applicable state law. **I agree to reimburse NEEM the fee for the pre-employment drug test if my test results are positive, adulterated, and/or substituted. I agree that the fee for the test will be deducted from my last paycheck if applicable. If I have not yet started work or have not worked enough hours to cover the \$70 fee (fee is subject to change without notice), I agree to pay NEEM directly by way of cash or check no later than two days following receipt of my test results.** \_\_\_\_\_ **Please initial here.**

**I agree** to give my urine, saliva, breath and/or blood specimen(s) for testing whenever deemed necessary by NEEM, a collection site, or a medical provider. **I consent** to the specimen(s) being collected and analyzed, and the results being sent to NEEM and its MRO.

**I understand** that if results on a test are positive, the MRO may contact me, my health care provider(s), or others to verify any information I have supplied about why the test was positive (such as being on a prescription medication). **I authorize** my health care provider(s) or others to give the MRO this information. **I agree** to cooperate with the MRO. **I understand**, however, that the MRO is not acting as my physician or health care provider in performing this service for NEEM and that no physician-patient relationship is formed between us.

**I agree** that information relating to a test (including its results) may be disclosed by NEEM, the MRO, the laboratory, the collection site, my health care provider(s), or others who verify information I have supplied, and their respective employees, agents and affiliates, if I challenge this test or results, or if I take any action as a result of a test in any kind of administrative, judicial, legal or other proceeding. I also **understand** that testing information may be released without my consent in certain legal proceedings such as in criminal or civil actions, a lawsuit, grievance, etc. **I understand** that any other release of testing information requires my written consent.

**I understand** that any of the violations listed in the NEEM Drug-Free Workplace Policy may result in my not being hired or in my being discharged and that the NEEM Drug-Free Workplace Policy and this Consent Form does not create a contract of employment.

This NEEM Drug-Free Workplace Policy supersedes all previous Drug-Free Workplace Policies/Consent forms and may be changed at any time.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date