

Orientation, Policies, Procedures Handbook

R.L. McCoy, Inc.

Drug-Free Workplace Substance Abuse Program

(Given to new hires when hired, attached with other new hire policy handbooks and information.)

<p>An Equal Opportunity Employer Developed by R.L. McCoy, Inc. Corporate Office 2004 Last update MARCH 2011</p>
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R.L. McCoy, Inc. Drug-Free Workplace Policy Statement

R.L. McCoy Inc. is a Drug-Free Workplace that does all they can to establish and maintain a drug-free, alcohol-free safe and healthy work environment for all our employees. In response to Federal requirements for Drug-Free Workplaces, and in keeping with R.L. McCoy, Inc.'s concern for the health and safety of its workforce, the following Drug-Free Workplace Policy has been instituted. Because R.L. McCoy, Inc. has contracts with the Federal Government and the State of Indiana, it is covered by the Drug-Free Workplace Act of 1988 and its Final Rule published May 25, 1990, and Executive Order No. 90-5, issued April 12, 1990. We must certify to the Federal Government and the Indiana Department of Administration that we will provide a Drug-Free Workplace. This notice is given in compliance with that requirement. This unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in our workplace is prohibited. Controlled substances are those identified in Schedules I through V of Section 202 of the Controlled Substances Act and in Regulation 21 C.F.R. Section 1308 11-15 and in Indiana Code 35-48-1-1 through 35-48-2-12. Copies of these Schedules and Regulations may be reviewed at the Corporate Office of R.L. McCoy, Inc. The procedures and guidelines in this program give essential information about R.L. McCoy, Inc. Substance Abuse Program. No set of standards or guidelines can address all situations that may arise. This program is a guideline, and is intended to be applied with sound judgment and common sense.

The use of alcohol and other drugs leads to unsafe working conditions for workers and others around. The impaired worker is a potential hazard to himself and to those working with and around him. This policy certifies the company's intent to maintain a Drug-Free Workplace. This handbook describes the prohibitions of this policy such as the manufacture, distribution, sale, possession or use of a controlled substance in the workplace. It is the intent of R.L. McCoy, Inc. to maintain a Drug-Free Workplace in keeping with R.L. McCoy, Inc.'s concern for the health and safety of its workplace. R.L. McCoy does pre-employment drug testing, post work injury/accident testing, reasonable cause testing, follow-up/return to duty and random testing. All testing is documented and filed at Corporate Office, reasonable cause testing has its own form to fill out and given to upper management. All subcontractor employees are to comply with our Substance Abuse Program Policy's as outlined in these guidelines. By signing the Subcontractor Agreement, such signatories certify that their employees will comply with our written Substance Abuse Program Policy's.

In addition, this policy creates a Drug Awareness Program. That provides information and assistance on but not limited to: the dangers of workplace drug use to all employees; referrals available for private, outpatient treatment; community treatment facilities; inpatient treatment; further evaluation for medical/behavioral problems; further Substance Abuse Testing, monitoring and/or self-help groups. The last section of this policy lists the disciplinary actions that employees will face for any violation of R.L. McCoy, Inc.'s Drug-Free Workplace Policy. Finally, an employee acknowledgement must be signed and dated by each employee and given to Corporate Office.

The Drug-Free Workplace Act specifically requires R.L. McCoy, Inc. to notify each employee that, as a condition of employment, each employee must:

- a. Comply with the company's Drug-Free Workplace Policy;

- **b. Notify R.L. McCoy, Inc. of any conviction for a drug-related offense committed in the workplace within five (5) days of the conviction.**

Any employee who violates this Company Policy will be subject to disciplinary action up too including termination of employment. It is the policy of R.L. McCoy, Inc. that the management shall take reasonable measures sufficient to assure that the use of controlled substances by employees or other persons do not jeopardize the safety of our operations. Also that otherwise adversely affect the company, its employees, subcontractors, suppliers, customers, or the community. R.L. McCoy will follow their Company Policy, the policies of contractors, unions, DOT, and any held Substance Abuse Card companies we are involved with. Situations when in question we will go by our Company Policy.

Definitions, Testing Policy's & Procedures

All testing and documentation is recorded and kept track of in our Corporate Office database.

Accredited Laboratory (SAMHSA): Federally Certified Laboratory approved by the Department of Health and Human Services (DHHS) for testing of prohibited items and substances.

Accident/Incident: Any event caused by an employee, either directly or indirectly, that results in treatment by a health care provider, or that resulted in damage to property. This would also include any serious near-miss incidents.

Post-Accident Testing- A Substance Abuse Drug/Alcohol Test of an onsite contractor employee is required when they are involved in any accident/incident or event, caused by them either directly or indirectly, that results in treatment by a health care provider, or that results in damage to property, including any serious near-miss incident. The test is to be administered the day of the incident/property damage.

Adulteration: Tampering with a test sample by the substitution or addition of other ingredients to mask the presence or use of illegal drugs, resulting in a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration that it is not consistent with human urine. If it is determined that a test was tampered with by the substitution or addition of other ingredients to mask the presence or use of illegal drugs as outlined earlier in this program, the test result shall be treated as a positive, and will have the same consequences as a positive test result. When a recollection is required due to various reasons such as but not limited to an adulterated specimen or the temperature of a specimen, etc., it shall be an observed recollection in keeping with DOT protocol.

Pre-Employment Testing: All new hires will be drug tested before starting work. Any offer of employment that may be extended to an applicant is conditioned upon the applicant's successful completion of a pre-employment screening test for illegal substances. If the medical facility cannot provide test results prior to the scheduled reporting date, employment will be considered probationary until the test results are known to the Company.

Card: A card that states it meets that Company's standards. A MICCS card is one that states it meets the requirements of the MICCS Substance Abuse Program, and/or reciprocity with the MICCS program, and is verifiable through the construction safe site. Only employees that work in Indianapolis are required to have a current valid MICCS card. Certain trades also carry an IUC SAT card.

Controlled Substances: Includes all illegal drugs as listed in this policy and per INDOT limits, (including controlled substances, "look alike drugs" and "designer drugs"), prescription drugs used by one for whom they were not prescribed, overuse of prescription drugs prescribed for the user, drug paraphernalia, and alcoholic beverages in the personal possession of or being used by an employee on the premises, or while assigned to work off premises.

Confirmation Test: A second test performed by a certified laboratory, on the same sample used for the screen test, which uses the more complex methodology of gas chromatography/mass spectrometry that is more precise for the purposes of confirming or refuting screen test results.

Contractor: The corporation, company, or entity that performs construction or maintenance work either directly with its own employees or indirectly with employees of subcontractors. This shall be interpreted to pertain to contractors and/or subcontractors, and/or both, whichever is applicable to the situation.

Counterfeit Drug Card: A MICCS/IUC SAT Substance Abuse Identification Card modified in any manner without authorization from MICCS/IUC. If the card is part of program granted reciprocity by MICCS or IUC, than modifying that card in anyway not authorized by MICCS or IUC would also be considered as a counterfeit card. Same would apply with any other company identification card.

Definitions, Testing Policy's & Procedures Cont'd

Diluted Test: Urine specimen with creatinine and specific gravity values that are lower than expected for human urine. **A positive diluted specimen result will require a retest.** The MICCS database manager will report the dilute to the designated contractor representative. A detailed explanation of a diluted specimen and instructions regarding recollection procedures are included in Appendix B, and are to be furnished to the employee prior to retesting. **A second diluted test without a medical reason carries the same consequences as testing positive. The collection for another test must be done the following morning of the workday after the employee/contractor has been notified,** unless there are acceptable circumstances communicated to and approved by the third party administrator. The administrator can at their discretion reject the explanation. **A negative dilute test is considered a negative and will not be re-tested; a positive dilute test is considered a positive test, to be re-tested.**

Medical Review Officer (MRO): A licensed physician responsible for receiving laboratory results generated by a substance abuse testing program, who has knowledge of substance abuse disorders, and who has received appropriate medical training to interpret and evaluate an individual's medical history, and any other relevant biomedical information, as certified by either the American Medical Association (AMA) or the American College of Occupational and Environmental Medicine (ACOEM).

Negative Test: A negative test is obtained if: (1) the screen test indicated the absence of legal or illegal substance in excess of the screen limit; or, (2) the screen test indicates the presence of legal or illegal substances in excess of the screen limit but the confirming test indicates the absence of legal or illegal substance in excess of the confirmation limits; or, (3) the screen test and confirmation test indicated the presence of a legal or illegal substance (s) in excess of the limits but the donor had a valid medical reason for the substance being detected in the specimen. A result is considered negative if the laboratory finds no drug metabolite levels over the confirmed cutoff values. The employee's card is updated with MICCS/IUCRC and R.L. McCoy's Corporate Office database.

Owner: The Corporation, company, agency, person, or other entity, that hires contractors to perform construction work and/or maintenance work on their premises.

Positive Alcohol Test: A positive alcohol test result is obtained if the breathalyzer test, or its equivalent test, indicates the presence of alcohol that meets or exceeds the cut-off limits of the INDOT (Indiana Department of Transportation) and the CDL (Commercial Driver's License) guideline requirements.

Positive Drug Test: A positive test result is obtained if the Substance Abuse Test result indicates the presence of substances that meet or exceed both the screen and the confirmation limits listed in this policy, as verified by a Medical Review Officer (MRO), and the MRO has determined that the test results do not stem from use of prescription medicines, over the counter medicines, food, or any cause other than the use of illegal substances. This would also include the illegal use of prescription drugs. Examples would include

exceeding the dose of a prescription or over the counter drug and/or using prescription without a prescription.

Pre-employment/Pre-Job Site Entry: Screening of prospective employees to ascertain whether an applicant is capable of safely performing his/her duties and of meeting the pre-requisites for employment. You must pass screening before being hired and/or entering job site. **Any offer of employment that may be extended to an applicant is conditioned upon the applicant's successful completion of a pre-employment screening test for illegal substances. If the medical facility cannot provide test results prior to the scheduled reporting date, employment will be considered probationary until the test results are known to the Company.** Some job sites must have a negative result back before you can enter job site. **If you fail the pre-employment drug screen you cannot re-apply or be hired for six months. Any employee off work for 60 days or more must take a drug test before re-starting work.**

Definitions, Testing Policy's & Procedures Cont'd

Probable Cause/Reasonable Suspicion: Shall be defined as those circumstances, based on objective evidence about the worker's conduct in the work place, which would cause a reasonable person to believe that the worker is demonstrating signs of impairment due to alcohol or other drugs. It must be based on specific observances (s), which are relative to the current situation/surroundings that concern the appearance, behavior, speech, or body odors of the employee. It is advisable that the objective evidence that gives rise to probable cause is observation may be made by only one individual. Examples of objective evidence include when a worker shows signs of impairment such as difficulty in maintaining balance, slurred speech, or erratic or atypical behavior. Observation and documentation must be completed by the employees immediate Supervisor; who must be trained in Drug and Alcohol Awareness. Record of such observation must be documented and given to the President and/or the Safety Director.

Random Testing: An unannounced, unscheduled drug and/or alcohol test, pursuant to an objective method for random selection of employees to be tested. The selection is truly random without discrimination or arbitrary selection. Upon notification the employee must immediately report for testing and in no case more than 2 hours from notification. All employees are part of the random testing; whether field, shop, or office employees. R.L. McCoy does random testing of at least 2% of all employees and follows DOT regulations. All employees are subject to random testing union and non-union.

Refusal to Test: It is considered a refusal to test if the employee adulterated and/or substituted or refused to provide his/her urine specimen, or if they failed to appear for testing within a reasonable time, or to remain at the testing site until testing process is complete, or failed to provide a sufficient amount of specimen without a medical reason, and/or failed to undergo an MRO directed medical evaluation for such a reason. Failure to cooperate with any part of the testing process, including the use of abusive language or behaving in a threatening manner, or behaving in a confrontational way that disrupts the testing procedure, shall also be considered a refusal to test.

Refusal to submit to a test will carry the same consequences as a positive test. It will be considered a refusal to test if the employee:

- a. Fails to appear for any required test within a reasonable time, or fails to remain at the testing site until the testing process is complete.
- b. Fails to provide sufficient amount of urine within the required time (2 hours; or the current time limit) unless a legitimate explanation exists. This determination of whether a valid medical explanation exists rests with the MRO.
- c. Fails to undergo a medical examination or evaluation to meet medical explanation requirements in item b. above.
- d. Is issued an adulterated or substituted test result.

- e. Fails to cooperate with any part of the testing process (e.g.; refuse to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process).

Return to Duty Testing: If an employee has received a positive test result he must take another test, termed a “return to duty test” before he is eligible to return to work, and he must receive a negative result. Payment arrangements for this test are the responsibility of the employee. Re-employment is at the option of the Company and is not guaranteed. All requests will be reviewed by the Company President. Effective August 31, 2009; the Department of Transportation require Direct Observe requirements for all DOT Return to Duty and Follow-Up testing.

Definitions, Testing Policy’s & Procedures Cont’d

Substance Abuse Professional (SAP): A licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, or licensed or certified employee assistance professional. Additionally alcohol and drug abuse counselors must be certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) Certification Commission, a national organization that imposes qualification standards for treatment of alcohol and/or drug related disorders. All must have knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders.

Follow-up Testing- An employee who is subject to unscheduled follow-up testing, from the result of a SAP requirement, will be required to have such test (s) performed upon notification, and the results must be negative. They will be notified by telephone or letter, that they are required to report for testing the following day after receiving notification. If a worker/employee is unable to complete a required follow-up test due to being laid off or working out of the area, their MICCS card will be made non-compliant until they report for the follow-up test. It will be the responsibility of the worker/employee to contact the third party administrator as soon as they are employed again and/or are back in the local area. The length of time that was designated by the SAP to complete their follow-up tests will be extended by the length of time they are non-compliant for not reporting for the test. (The third party administrator will make the determination of the time frame to determine if the employee was unable to report, or refused to report. – IE: they were on vacation at the time they were called back, they didn’t get the letter for a week, etc.) Payment arrangements for follow-up testing are the responsibility of the employee.

Return to work and Follow-Up Testing for a DOT requires direct observe.

Drug Testing Procedures

Specimen Collection: Specimen collection will be conducted in accordance with the Department of Health and Human Services (DHHS) “Mandatory Guidelines for the Federal Workplace Drug Testing Programs,” as set forth in the Federal Register, and testing shall only be performed by DHHS-approved laboratories as set forth in the Federal Register. Specimen collection will be conducted in accordance with applicable State and Federal Law. The procedure will be designed to ensure the security and integrity of the specimen provided by each employee and those procedures will follow accepted Federal DOT chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of anyone submitting a specimen for this program. If an employee is unable to supply a sample at the time of testing they could be required to wait up to two hours, (or the current time limit) without leaving the testing facility. Failure to remain and complete the testing procedure could be considered as a refusal to test, which carries the same sanctions as a positive test result. To accommodate this probability notification of random testing shall be given in ample time before the end of the shift.

- a. The employee will provide a urine specimen for the drug test. An exception to this rule would be if a worker could present written documentation from a medical doctor for his/her inability to provide an approved specimen. In situations where the worker/employee is not physically able to produce proper urine sample for testing a test may be done using a different testing method (hair, saliva, etc.), if approved by MICCS, IUCRC, DOT, contractor or owner.
- b. A photo ID must be presented at the time of collection to ensure proper identity.
- c. The donor will be asked to empty his pockets and display them to the collector, as required by DOT collection rules and regulations.
- d. A donor will have up to two hours to provide a specimen. If he/she leaves before two hours (or the current time limit) and does not give a sample, they will be considered having refused to test. The donor will be afforded privacy for the urine collection unless the collector observes evidence of an employee’s attempt to tamper with a specimen, or the specimen appeared to have been tampered with, or the specimen was determined invalid by the laboratory.
- e. Upon completion of testing the donor will be given a copy of form CCF (Custody and Control Form)

Laboratory Testing Procedures: All substance analysis will be done in SAMHSA laboratories certified by DHHS (Department of Health and Human Services). Laboratory procedures will include:

- a. Initial screen on each specimen. In the event that the initial test is positive a confirmation test will automatically be performed using the GCMS method. A test is considered positive if the detected level of the drug is at or above the cutoff level listed herein. No adverse action or discipline will be taken against any worker or applicant for employment on the basis of any positive test that has not been “confirmed”.

- b. Validity testing on each specimen will automatically be performed. Each specimen is measured for creatinine level, specific gravity, and pH to determine if any of the following occurred:
 - Adulterants or foreign substance were added to the urine
 - The specimen was substituted
 - The urine was diluted.
- c. The laboratory will report all results to the MRO (Medical Review Officer). The MRO will make a final determination as to the verified result and the results will be reported to the designated contractor's employee representative.

MRO Procedures: All drug testing shall come under the control and supervision of a physician with confidentiality protected in accordance with state law and the "American Medical Association's Code of Ethical Conduct for Physicians Providing Occupational Medical Services" or the Medical Review Officer Manual, as developed by the National Institute on Drug Abuse (NIDA). All testing results shall be verified by a MRO. The MRO is a licensed physician responsible for receiving laboratory results generated by a

Drug Testing Procedures Cont'd

substance abuse testing program, who has knowledge of substance abuse disorders, and who has received appropriate medical training to interpret and evaluate an individual's medical history, and any other relevant biomedical information, as certified by either the American Medical Association (AMA) or the American College of Occupational and Environmental Medicine (ACOEM). They will provide a medical review on all test results issued by the laboratory as follows:

- a. If the laboratory result is negative, the review is completed and a negative result is mailed and/or faxed.
- b. If the laboratory result is positive, adulterated, substituted, or invalid, the MRO will;
 - Make one attempt to contact the donor by telephone to inform him of the results and complete an interview to determine whether a legitimate medical explanation exists for the result reported by the lab.
 - If he was able to leave a message, but unable to talk to the employee by 10:00 AM of the following workday he will call the employer to report the results. In any case, the employee always has the opportunity to discuss the test results with the MRO.
- c. If the laboratory reports an invalid result to the MRO, the MRO will contact the employee and inquire as to medications the employee may have taken that may interfere with some immunoassay tests. If the employee provides an acceptable explanation, the test will be canceled and no further testing will be required unless a negative result is required to obtain a MICCS card. If the employee is unable to provide an acceptable explanation and denies having adulterated the specimen, the test will be canceled, and a second collection must take place immediately under direct observation.

The Company will follow the MRO procedures/policies from the clinic the employee went to.

Specimen Retest Protocol: When the MRO has informed the employee of a verified "positive drug test" or "refusal to test" because of adulteration or substitution, the employee/worker has 72 hours from the time of notification to request a retest of his specimen at a different SAMHSA laboratory. The cost of the test will be the responsibility of the employee/worker. The employee may make the request verbally or in writing and make proper arrangements for payment with the MRO service. If the result of the retest is different from the original result, the test will be canceled, and a recollection will be needed.

Alcohol Testing Procedures: Alcohol testing is required for probable cause; post-accident/incident, and in immediate random testing situations. Tests for alcohol shall be performed using the breath to determine a BAC (blood alcohol content). A breathalyzer type instrument conforming to DOT standards should be used. Failure to provide a sufficient breath sample to complete a breath test will be considered a "refusal to test" and have the same consequences as a positive test. All alcohol test results with a confirmation test

BAC level of .04 or higher will be considered positive and will require the employee/worker to be removed from the owner's property immediately. This result will also invalidate the employees/workers MICCS card, and in order to become eligible for a MICCS card again the individual will have to complete the required program of rehabilitation outlined by this policy. All alcohol test results with a confirmation test BAC level of .020 through .039 will require the worker/employee to be removed from the owner's site for twenty-four hours or until his/her next scheduled on duty time, whichever is longer. Any initial test that indicates a BAC of .02 or greater will be confirmed by an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen minutes and no later than thirty minutes following the completion of the initial test, per present DOT protocol.

Drug Testing Results & Sanctions/Consequences

MICCS Card Holders:

1. Test results from all MICCS required testing would be entered into the MICCS database and R.L. McCoy, Inc. Corporate Office database.
2. A MICCS card will be issued to the employee with a negative test result. A new card will not be issued each time a test is taken; rather, the card will be issued periodically as is needed to update the employee's photo and/or to replace a worn, unreadable card.
3. The MICCS cards will display the employee's picture, name, and a computer-generated identification number. If the employee is collected at a location without the capabilities to take photos, the MICCS ID card will be issued without a picture. If a photo was not taken at the time of testing, Midwest Toxicology can take one for you at a later date and reissue the card. If your card becomes invalid MICCS or the contractor are to retrieve the card since the card is the property of MICCS and the contractor.

MICCS requires contractor employees who test positive or refuse to test, to surrender his MICCS Substance Abuse Card. The MICCS contractor is required to refer those persons testing positive to a Substance Abuse Professional (SAP) for evaluation and treatment. The MICCS website has a listing of various SAPS' located in the Indianapolis area, which are familiar with the MICCS Substance Abuse Program and are aware of the items required by MICCS before the employee can be returned to duty. MICCS is not recommending these SAPS', rather making this listing available as a service to our members. R.L. McCoy's Corporate Office also has a listing of various SAPS' in the Columbia City and Indianapolis area. The employee must complete a program of rehabilitation to include the following steps to be eligible to return to a MICCS owner site:

- A. The employee must arrange for an evaluation with a Substance Abuse Professional (SAP).
- B. The SAP evaluation must specify that the employee attend education classes and/or treatment, and that the employee be required to perform the actions recommended by the SAP, or his assigned rehabilitation specialists, and also require that the employee be subject to random follow-up testing not less than three times within the next twelve month period from his return to work test. (In cases where the employee was unable to complete a required follow-up test due to being laid off or is working out of town, etc., the length of time that was designated by the SAP to complete their follow-up tests will be extended by the length of time they are non-compliant for not reporting for the test. Additionally the employee will not be allowed to take another MICCS drug test for at least 14 days from the date of the first positive test.
- C. The employee is required to submit a letter from the SAP to the MICCS database, concerning their fitness for duty. The letter from the SAP must state the individual is fit for duty, can be returned to work, and is eligible for the return to duty test.
- D. The employee must submit to a return to duty test and receive a negative result and the result must be submitted to the MICCS database for entry.

- E. The employee must actively complete any ongoing rehabilitation and follow up testing required by the SAP to keep the MICCS card valid.
- F. Arrangement for all costs of the above items is the responsibility of the employee.
- G. An employee/worker testing positive three times within a twelve-month period will not be eligible to retest or obtain a MICCS Substance Abuse Card for a period will not be eligible to retest or obtain a MICCS Substance Abuse Card for a period of one year, and will therefore be unable to work on MICCS owner's sites during that period.
- H. The imposition of any of the above sanctions shall result in the employee/worker surrendering his MICCS Substance Abuse Card. The employee's card shall be rendered "invalid" in the database.
- I. The result of a person using a counterfeit drug card will be the same as a positive drug test.

Employee Responsibilities

All contractor employees have a responsibility to report to work fit for duty, including being in the appropriate mental and physical condition necessary to perform work in a safe, competent manner, free of the influence of drugs and alcohol. She/he also has an obligation to report to their employer any medications that may impair his job performance and his or others safety. Contractor employees are expected to consent to and participate in owner/employer required testing and consent to the release of the drug screen results to the employer, and to the MICCS database, or for specific purposes as permitted by law. It will be considered a refusal to test if the employee adulterates and/or substitutes or refuses to provide his urine specimen, or fails to appear for testing within a reasonable time, or fails to remain at testing site until testing process is complete, or fails to provide a sufficient amount of urine, without a medical reason, and/or fails to undergo MRO directed medical evaluation. Failure to cooperate with any part of the testing process, including the use of abusive language or behaving in a threatening manner, or behaving in a confrontational way that disrupts the testing procedure, shall be treated in the same manner as a person who has a positive test result, and they shall be ineligible to work on MICCS owner sites.

Auditing Information

The owner reserves the right, under conditions of strict confidentiality, to inspect contractor's Substance Abuse Testing Program records within twenty-four (24) hours of the owner's notification of intent to audit. Owners are required to audit the validity of on-site contractor's employees at time of jobsite entry, and may audit them at any time thereafter through the construction safe website. Owners may also request random testing of contractor employees working on their site. When requested to take a random drug test, the employee must immediately report for testing. Neither the employee nor the contractor shall receive prior notification of dates or times of random drug testing.

However, the owner shall make the request in ample time to allow for a possible two-hour as mentioned previously in the Drug Testing Procedures. MICCS contractors are required to check the validity of all cards upon hire and/or job site entry.

Appendix A

**SAMHSA DRUG SCREEN
Drugs of abuse tested in a routine SAMHSA 5-Panel Screen**

The MICCS program will use the drug screen components and cut-off levels below. In addition to these levels and substances the creatinine level and specific gravity of the specimen will be measured. If the creatinine level is less than 20 ml/dl and the Specific Gravity is less than 1.003, the sample will be considered dilute and another collection will be required. The second sample will be requested to be collected the following morning from the time of notification of a diluted sample. Those samples containing adulterants or considered substituted as determined by the laboratory will be considered as a positive test.

Type	Preliminary Cut-Off Levels (ng/ml)	Confirmation Levels
Amphetamines	1000	500
Cocaine	300	150
PCP-Phencyclidine	25	25
Opiates	2000	2000
THC-Cannabinoids	50	15
Ethanol (Alcohol)	.04% w/vol. (Enzyme assay)	.04% w/vol. (GC/FD)

Alcohol Testing Level

The minimum requirement for a positive test result for alcohol will be a BAC of 0.04% w/vol.; a level consistent with Department of Transportation and the Commercial Driver’s License Guideline Requirements.

New drugs, preliminary cut off and confirmation levels may be modified periodically in order to parallel the Department of Transportation and the Commercial Driver's License guideline requirements. The MICCS program does not follow the complete regulatory testing requirements of the DOT, only the general guidelines.

Appendix B

Instructions for Diluted Specimen Retest

A diluted specimen result will require a retest, and a second diluted result, without a medical reason; will result in the same consequences as a positive test result. The MICCS database manager and/or the approved medical provider will report the dilute result to the employer's representative. The employee is to be provided with the below specific instructions on fluid intake prior to retesting, to prevent another diluted specimen.

The collection for another test must be done the following morning of the workday after the employee/contractor has been notified, unless there are reasonable circumstances communicated and approved by the database manager. The database administrator may at its discretion reject the explanation. If the employee has a medical condition that will cause a dilute specimen he/she will need to have their physician provide medical information to the MRO for evaluation. His/her physician must provide this information in writing to the MRO for evaluation at Midwest Toxicology Services Inc. and/or the approved medical provider. The MRO will, after reviewing the information from the physician, issue a final report to his/her employer.

A negative dilute test will be considered a negative test, and will not be retested.
A positive dilute test will be considered a positive test.

PROHIBITIONS-R.L. McCoy, Inc. Substance Abuse Policy

R.L. McCoy, Inc.'s Drug-Free Workplace Policy prohibits employees from engaging in any of the following activities but not limited to:

1. Unlawful use, possession, manufacture, distribution (for sale or not), consumption, dispensation or sale of illegal drugs/alcohol on company premises or company business, in company supplied vehicles, or during working hours.
2. Unauthorized use or possession, or any unlawful manufacture, distribution, dispensation or sale or use of a controlled substance (illegal drug) or alcohol on company premises or while on company business or while in company supplied vehicles.
3. Storing in a locker, desk, automobile or other repository on company premises any controlled substance whose use is unauthorized.
4. Being under the influence of a controlled substance, alcohol on company premises or while on company business, or while in company supplied vehicles.
5. Any possession, use, manufacture, distribution, dispensation or sale of illegal drugs; alcohol off company premises that adversely affects the individual's work performance, their own or the safety of others at work, or the company's regard or reputation in the community.
6. Failure to adhere to the requirements of any drug treatment or counseling program in which the employee is enrolled.
7. Failure to notify R.L. McCoy, Inc. in writing of any conviction under criminal drug statutes for a workplace offense within five (5) calendar days after the conviction. The Company, in turn, must notify the contracting Federal and State Agencies and the Indiana Department of Administration of the employee's conviction in writing within 10 calendar days after receiving notice of the conviction. The Company's notice will include the employee's name and position or title. If an employee is convicted for a Criminal Drug Statute violation that occurred in the workplace, within 30 calendar days after receiving notice of that fact, the Company will take appropriate personnel action against the employee up to and including discharge and/or will require the employee's satisfactory participation in a Drug Abuse Assistance or Rehabilitation Program. A second conviction of a workplace drug statute violation will result in immediate termination.
8. Refusal to sign a statement to abide by R.L. McCoy, Inc.'s Drug-Free Workplace Policy. As a condition of the continued employment with R.L. McCoy, Inc. employees must abide by the terms of this Notice. Any questions about this Notice or the requirements of the Drug-Free Workplace Act of 1988 or Executive Order No. 90-5 should be addressed to the President of R.L. McCoy, Inc.
9. Searches and Inspections. The company reserves the right, at all times, while on the company premises and in the circumstances described here, to conduct searches and inspections of baggage, tool boxes, and vehicles for determining if such employee or others are in possession, use, transportation, or concealment of any **prohibited** items and substances. A search and inspection defined in this policy may also include submission to a drug/alcohol screen. This test may be utilized under the Company's policy.

- a. Pre-employment examination (if required) and drug test.
 - b. When an employee or person is found in possession of suspected illicit unauthorized drugs, alcohol, or prohibited paraphernalia or when any of these items are found in an area controlled or used by designated employees.
 - c. If an employee incurs a work-related injury or illness provided with medical assistance at a designated hospital/clinic you will be tested for drug and possibly alcohol or following serious or potentially serious unusually careless acts were performed. If any of the above actions result in positive drug test for illegal drugs, it may result in a suspension from employment and a mandatory enrollment in a Drug Treatment Program, or/and termination of job.
10. R.L. McCoy, Inc. incorporates all guidelines/policies stated in MICCS/IUCSAT Substance Abuse Policy; and other guidelines when required by owner, contractor or Subcontractor.

AUTHORIZED USE OF PRESCRIPTION MEDICINE

An employee undergoing prescribed medical treatment with any drug which may alter their physical or mental ability must report this treatment to Corporate Office who will determine whether a temporary change in the employee's job assignment is warranted during the period of treatment. It is the employee's responsibility to let your supervisor know of any prescribed medicine you are on.

R.L. McCoy, Inc. EMPLOYEE AWARENESS ASSISTANCE PROGRAM

To assist employees and their families to understand and avoid the perils of Drug Abuse, R.L. McCoy, Inc. has developed a Drug Awareness Program. The Company uses this program in an educational effort to prevent and eliminate drug abuse that may affect the workplace. This program will be ongoing designed to inform employees of (a) the dangers of drug abuse in the workplace, (b) the Company's policy of maintaining a Drug-Free Workplace, (c) any available drug counseling, rehabilitation or employee assistance programs, and (d) penalties that may be imposed for drug abuse violations. The Drug Awareness Program will inform employees about:

- a. Dangers of drug abuse in the workplace,
- b. R.L. McCoy, Inc.'s Drug-Free Workplace Policy,
- c. Availability of treatment and counseling for employees who voluntarily seek such assistance
- d. Disciplinary actions for violations of R.L. McCoy, Inc.'s Drug-Free Workplace Policy.

Employees of R.L. McCoy, Inc. are our most valuable resource and, for that reason, their health and safety is our number one concern. Any drug use which imperils the health and well-being of our employees or threatens our business will not be tolerated. The use of illegal drugs and abuse of other controlled substances on or off duty is inconsistent with the law abiding behavior expected of citizens. Employees who use illegal drugs or abuse other controlled substances on or off duty tend to be less productive, less reliable, and prone to greater absenteeism. This, in turn, can result in increased costs, delays and risks to R.L. McCoy, Inc.'s business.

Drug use in the workplace puts the health and safety of the abuser and all other workers around them at increased risk. Employees have the right to work in a Drug-Free environment. In addition, drug abuse inflicts a terrible toll on the nation's productive resources and the health and well-being of American workers.

Early recognition and treatment of drug abuse is important for successful rehabilitation. Whenever feasible, R.L. McCoy, Inc. will assist employees in overcoming drug abuse by providing information on treatment opportunities and programs. However, the decision to seek diagnosis and accept treatment for drug abuse is primarily the individual employee's responsibility. Employees with drug abuse problems should request assistance from management. R.L. McCoy, Inc. will treat all such requests confidentially and will refer the employee to the appropriate treatment and counseling services. Employees who voluntarily request R.L. McCoy, Inc.'s assistance in dealing with a drug abuse problem may do so without jeopardizing their continued employment, provided they strictly adhere to the terms of their treatment and counseling program. At a minimum, these terms include the immediate cessation of any use of drugs, and participation, where required by a program, in periodic unannounced testing for a twenty-four (24) month period following enrollment in the program.

Voluntary requests for assistance from employees will not, however, prevent disciplinary action for violation of R.L. McCoy, Inc.'s Drug-Free Workplace Policy. R.L. McCoy, Inc. has instituted a zero

tolerance level program. R.L. McCoy, Inc. is committed to maintaining a safe workplace free from the influence of drugs. All employees are hereby notified that R.L. McCoy, Inc. will comply with the requirements of the Drug-Free Workplace Act of 1988, and all applicable regulations issued there under, as well as, when applicable, any more stringent rules created by other Federal Agencies. R.L. McCoy, Inc. does pre-employment, random and other periodic drug testing.

R.L. McCoy, Inc.'s Drug Awareness Program does not create an employment contract between the employer and employee. Furthermore, R.L. McCoy, Inc. has the sole right to modify the policy and program at any time. All supervisors are trained in drug and alcohol awareness and will train employees. Reasonable cause testing may be done, contact upper management with request in writing, on Company form; must be completed by the employee's supervisor; supervisor must be trained in drug and alcohol awareness

DISCIPLINARY ACTIONS

A violation of R.L. McCoy, Inc.'s Drug-Free Workplace Policy will result in disciplinary action, up to and including termination of employment and/or a requirement that the employee satisfactorily participates in a Drug Abuse Assistance or Rehabilitation Program approved by a Federal, State or Local Agency, at the Company's sole discretion.

In addition to any disciplinary action, the Company may, in its sole discretion, refer the employee to a treatment and counseling program for Drug/Substance Abuse. Employees referred to such a program by the Company must immediately cease any drug use, may be subject to periodic unannounced testing for a period of twenty-four (24) months, and must comply with all other conditions of the treatment and counseling program.

R.L. McCoy, Inc. will promptly terminate any employee who tests positive for drugs while undergoing treatment and counseling for drug abuse.

Any employee reported of purposely diluting a drug test specimen or alternating in anyway will be terminated. All drug/alcohol testing is done by a professional clinic that takes preventive measures.

1. 1st offense: Must have a negative test within 48 hours; unless a DOT employee would have to follow DOT rules: straight to a SAP, complete, be released, and give a negative return to duty test.
2. 2nd offense: Go to Drug Awareness Classes; Rehab Program, complete, be released, and give a negative test.
3. 3rd offense: Terminated; at the President's discretion.

NOTICE TO ALL PERSONNEL OF DISCIPLINARY POLICY

This is a formal notice of R.L. McCoy, Inc.'s intent to take disciplinary action, up to and including termination of employment, against any employee who violates R.L. McCoy, Inc.'s Drug-Free Workplace Policy. R.L. McCoy, Inc.'s Drug-Free Workplace Policy prohibits the use, sale, distribution, manufacture or possession of all Controlled Substances as listed in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812). Company policy also prohibits the performance of work or presence at any Company building, facility, equipment or work area/site while under the influence of a controlled substance.

R.L. McCoy, Inc. does the following testing for DOT and Non-DOT:
(DOT is anyone holding a Commercial Driver's License.) Any questions or concerns contact R.L. McCoy, Inc. Corporate Office. Drug testing is conducted by analyzing an employee's urine specimen. Alcohol testing is conducted by breath testing devices.

We require testing for the following classes of substances:

- Alcohol
- Marijuana (grass, pot, weed, hash, joint, Acapulco gold, ganga, THC-cannabinoids, etc.)
- Cocaine (coke, crack, snow, blow, flace, "C", rock, base, etc.)
- Opiates- opium and codeine derivatives-(heroin, horse, "H", junk, smack, scag, Miss Emma, etc.
 - Amphetamines- amphetamines and methamphetamines-(uppers speed, bennies, black beauties, Christmas tress, crystal, mollies, crank, BAM, dexies, etc.)
- Phencyclidine- PCP-(angel dust, peace pill, hog, supergrass, embalming fluid, rocket fuel, killer weed, etc.)

(1) Pre-Employment:

Non-DOT = eCup Instant **Non-DOT** 5-panel Drug Test.

DOT = CDL physical (if needed) & **DOT** 5-panel Drug Test.

A Pre-Employment Drug Test is done for all new hires prior to starting work; employment is conditional until a negative result is reported. If fail Pre-Employment

Test applicant cannot be hired and cannot re-apply for 6 months.

DOT applicant would be taking the DOT Drug Test, where as a Non-DOT applicant takes the NON-DOT Drug Test.

(2) Reasonable Cause:

Non-DOT = eCup Instant **Non-DOT** 5-panel Drug Test and a **Non-DOT** Alcohol Test.

DOT = **DOT** 5-panel Drug Test and a **DOT** Alcohol Test.

This test is required when a trained employee's supervisor has reasonable suspicion to believe that a coworker has used drugs and/or alcohol. The determination that reasonable suspicion exists is to be based on specific observations concerning the appearance, behavior, speech or body odors of the employee. All observations must be documented on company form.

(3) Random:

Non-Dot= cup Instant **Non-DOT** 5-panel Drug Test.

DOT= **DOT** 5-panel Drug Test and possibly **DOT** Breath Alcohol Test: Alcohol Test only if their name got selected for both DOT Drug and DOT Alcohol.

Random testing is computer generated every quarter.

R.L. McCoy, Inc. has joined a consortium to meet the Random Drug and Alcohol Testing requirements.

The employee is to proceed to the collection site immediately upon notification. DOT Drug Testing is 50% annually and DOT Breath Alcohol Testing is 10% annually. Non-DOT is 25% annually.

(4) Post-Accident/Injury:

Non-DOT= cup Instant **Non-DOT** 5-panel Drug Test and a **Non-DOT** Breath Alcohol Test.

DOT= DOT 5-panel Drug Test and a **DOT** Alcohol Test. **(Can only do a DOT Post Accident test if accident involves a commercial motor vehicle: see details below) If not in involving vehicle do Non-DOT drug test & a Non-DOT alcohol test.**

Post-Accident is a Drug and Alcohol Test to be done as soon as practicable following an accident/injury after medical attention is given; if needed. The employee is to proceed to the collection site immediately upon notification. The Alcohol Test must be conducted within 8 hours (preferably within 2 hours) of the crash and the drug test must be conducted within 32 hours (preferably within 2 hours) of the crash. Any employee whose performance either contributed to or could not be discounted as a contributing factor to the accident will be tested also.

If involves a DOT employee/following an accident involving a commercial motor vehicle (Must be moving vehicle) operating on a public road; testing must be a **DOT** Drug & **DOT** Alcohol Testing also includes testing on each driver:

- If the accident involved the loss of human life; fatality.
OR
- Who receives a citation under State or Local Law for a moving traffic violation arising from the accident;
AND ONE OF THE TWO FOLLOWING:
- If the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incur disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other by other motor vehicle.

***IF THE DOT EMPLOYEE DOES NOT FALL INTO ANY OF THE ABOVE DOT TESTING GUIDELINES, THEN THEY WOULD RECEIVE NON-DOT TESTING. **

(4) Follow-Up/Return-to-Duty:

Non-DOT= cup Instant **Non-DOT** 5-panel Drug Test and a **Non-DOT** Breath Alcohol Test.

DOT=DOT 5-panel Drug Test and a **DOT** Alcohol Test. Requires a Direct Observe.

R.L. McCoy will ensure that before an employee returns to duty requiring the performance of a safety-sensitive function that they have undergone a Return-to-Duty Alcohol Test with the results within DOT standards/guidelines and/or the employee will undergo a Return-to-Duty Controlled Substances Test with a result indicating a verified negative result for controlled substances use.

Follow-up is a Drug and Alcohol unscheduled follow up tests, as a result of a SAP requirement to be done immediately upon notification will/can be done multiple times throughout the year. R.L. McCoy, Inc. will follow whatever the SAP and/or DOT requires.

DOT require that all DOT (CDL holders) who have had a positive drug screen and/or alcohol test give a negative Return-to-Duty Test (s) and that a minimum of 6 tests be done in the 1st 12 months after RTD. More tests can be requested by the SAP up to 5 years.

Positive Drug Test- Requirements:

- A **DOT** who fails a drug screen cannot work until he/she goes to a SAP; is released; gives a negative RTD and any pretests as prescribed by SAP.
- **Non-DOT**

First violation: Employee must test negative before going back to work. This drug test must conform to the standards in the program (with regard to certified lab, cutoff levels, etc.)

Second Violation: Employee must complete a rehabilitation program (with a SAP education or/and treatment) and bring back written verification that they have completed the program successfully, and the employee must give a negative test; that they pay for. Contact the Corporate Office for SAP information.

R.L. McCoy, Inc.

Drug-Free Workplace Policy Employee Acknowledgement & Consent

*******Read and Sign Immediately Employee Copy*******

My signature on this document acknowledges I have been informed of the Company's Substance Abuse Policy and have read the Policies and agree to abide by it in full. My signature below also constitutes my consent to give urine, blood or other sample free of any adulterated substance and to participate in a breath alcohol test to be used for illegal substance and/or alcohol analysis. I agree to submit to such tests, and the testing agency is authorized by me to provide the results of such tests to the Company. I agree to the release of such test results to my local union (if applicable) if the union makes the request. I also agree that test results may be released in accordance with contractual or other legal obligations. I further agree to hold the Company, its agents, directors, officers, and employees harmless from any and all liability in connection with the testing for illegal substances and/or alcohol, the release of test results, or for any other action taken in conformity with this Policy. In compliance with the Drug Free Workplace Act of 1988, if I'm working directly or indirectly on a Federal Government project and convicted of violating a criminal drug statute occurring in the workplace I will notify my Supervisor and/or the Safety Director no later than five days after such conviction.

Employee's Name Printed _____

Employee's Signature _____

Date Signed _____

Supervisor _____

*****KEEP EMPLOYEE COPY***
(This page)**

R.L. McCoy, Inc.

Drug-Free Workplace Policy Employee Acknowledgement & Consent

*******Read and Sign Immediately Corporate Office Copy*******

My signature on this document acknowledges I have been informed of the Company's Substance Abuse Policy and have read the Policies and agree to abide by it in full. My signature below also constitutes my consent to give urine, blood or other sample free of any adulterated substance and to participate in a breath alcohol test to be used for illegal substance and/or alcohol analysis. I agree to submit to such tests, and the testing agency is authorized by me to provide the results of such tests to the Company. I agree to the release of such test results to my local union (if applicable) if the union makes the request. I also agree that test results may be released in accordance with contractual or other legal obligations. I further agree to hold the Company, its agents, directors, officers, and employees harmless from any and all liability in connection with the testing for illegal substances and/or alcohol, the release of test results, or for any other action taken in conformity with this Policy. In compliance with the Drug Free Workplace Act of 1988, if I'm working directly or indirectly on a Federal Government project and convicted of violating a criminal drug statute occurring in the workplace I will notify my Supervisor and/or the Safety Director no later than five days after such conviction.

Employee's Name Printed _____

Employee's Signature _____

Date Signed _____

Supervisor _____

******TURN IN TO CORPORATE OFFICE WITH NEW HIRE PAPERWORK****
(This page)**

