

Drug Free Workplace: Drug & Alcohol Testing Policy for Non-Regulated Employees

West Union Trenching Inc. has a vital interest in the safety and well-being of our drivers as well as the general public. It is well recognized that individuals who use illicit drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time, and perform their jobs in a substandard manner.

Therefore, it is **West Union Trenching Inc.**'s intent to continue to promote a safe and secure work environment, free of illicit drug use and alcohol abuse. It is also our intent to comply with all U.S Department of Transportation rules and regulations. The Drug Free Workplace Act of 1988, the Americans with Disabilities Act, Family and Medical Leave Act, and all other applicable laws.

Applicability (Iowa Code 730.5 Private Sector Drug –Free Workplaces)

This policy shall apply to **all applicants and individuals** employed by **West Union Trenching Inc.** Since alcohol and drug use impair a driver's ability to perform their duties safely, this Drug and Alcohol Policy shall be applicable to all employees at any time they are performing, ready to perform, or immediately available to perform any safety- sensitive functions.

All applicants will be notified of **West Union Trenching Inc.** drug and alcohol use and testing policy at the time they apply for a position with **West Union Trenching Inc.** and at their first interview.

Prohibited Drug and Alcohol Use

The goals of **West Union Trenching Inc.** policy and the **testing of all employees** is to ensure a drug and alcohol free work environment, to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities, and property damage and to provide the highest quality service possible for our customers.

The following conduct is prohibited:

Employees are prohibited from using, being under the influence of, or possessing illegal drugs.

Employees are prohibited from using or being under the influence of legal drugs that are being used illegally.

Employees are prohibited from using or being under the influence of legal drugs whose use can adversely affect the ability to work safely.

Employees of **West Union Trenching Inc.** are prohibited from using alcohol within 8 hours of performing work duties.

Employees are prohibited from using or being under the influence of alcohol at any time while on duty, 8 hours post-accident, or until tested.

Employees are prohibited from possessing **any amount** of alcohol including medications, or over the counter remedies containing alcohol while on duty, **unless the seal is unbroken.**

Testing positive for drugs and/or alcohol.

Refusing to submit to testing as directed by **West Union Trenching Inc.**

Failing to stay in contact with **West Union Trenching Inc.** and its medical review officer while awaiting test results.

An employee who violates these prohibitions will be subject to disciplinary action by **West Union Trenching Inc.** up to and including discharge. In addition, any employee who is convicted or pleads guilty or otherwise accepts any form of legal reprimand of a drug or alcohol related matter will be subject to disciplinary action up to and including discharge. An employee who is arrested for any reason that might adversely impacts the safe operation of company equipment or the public safety, may be suspended without pay pending resolution of the situation.

Pre- Testing

Education will be provided to all employees regarding the effects of drugs and alcohol, signs and symptoms of a drug or alcohol problem, information on assistance available for abuse problems, and testing requirements. Such information shall be provided at the time the employee receives the policy statement.

Education for supervisors will include signs and symptoms of drugs and alcohol misuse, determining the need for reasonable cause testing, and testing requirements. This training will be at least one hour in duration for alcohol education and at least one hour for drug education.

Conditions for Testing

Pre-Employment/Prior to Transfer

This test will be conducted before applicants are transferred or hired, after an offer to hire, and before actually performing any paid position for **West Union Trenching Inc.**

Post-Accident

Testing is conducted after accidents on employees whose performance could have contributed to the accident when either: 1) the accident resulted in an injury to a person, for which injury, if suffered by an employee, a record could be required under Chapter 88 or 2) the employee receives a citation for a moving violation involving the accident. For the purpose of this rule an accident is defined as an incident involving a company motor vehicle in which there is either a fatality, an injury treated away from the scene, or at least one vehicle requires towing from the scene of the accident or 3) resulted in **\$5000.00** damage to property including equipment.

Testing performed by law enforcement officer may be utilized as **West Union Trenching Inc.** post-accident test (provided breath alcohol testing is conducted with an Evidential Breath Tester on the Conforming Products List and by a law enforcement officer certified on that EBT.) The employee is required to contact his/her supervisor immediately with the officer's name, badge number and telephone number.

In the event a law enforcement official does not perform testing on an employee involved in an accident; the employee must contact their drug and alcohol testing company for testing. Breath alcohol testing **should** be performed within 2 hours following the accident.

An employee who has submitted to a post-accident test will, at **West Union Trenching Inc.** discretion, either be assigned to a non-safety sensitive function or be placed out of service, without pay, pending the results of the testing. If the test results are negative, the employee will be reimbursed for an 8 hour work day at main plant base pay. If the results are positive, the employee will not be reimbursed for the time of suspension.

An employee testing positive or who refuses to submit to a post-accident drug and alcohol test will be subject to disciplinary action up to and including discharge.

A **West Union Trenching Inc.** representative will transport the employee home or attempt another means of transportation by contacting a family member or another person designated by the employee.

If the employee refuses alternate transportation, **West Union Trenching Inc.** reserves the right to take whatever means is appropriate to protect the employee and the public. This may include contacting local law enforcement and imposing disciplinary action, up to and including discharge.

Post Injury

An employee, who suffers an injury while on the job that requires medical treatment beyond first aid, may be subject to drug and /or alcohol testing. The employee is required to contact his/her supervisor immediately following the injury. An employee testing positive or who refuses to submit to a post-injury drug and/or alcohol test will be subject to disciplinary action up to and including discharge, and in addition, could be denied Workmen's Compensation benefits.

A **West Union Trenching Inc.** representative will transport the employee home or attempt another means of transportation by contacting a family member or another person designated by the employee.

If the employee refuses alternate transportation, **West Union Trenching Inc.** reserves the right to take whatever means is appropriate to protect the employee and the public. This may include contacting local law enforcement and imposing disciplinary action, up to and including discharge.

Random Testing

Random **testing of all employees** is part of **West Union Trenching Inc.** drug free work place. Random testing will take place unannounced. Random selection must ensure every employee will have an equal chance of being selected each time.

An employee will be notified of his/her selection and instructed to report to the collection site immediately.

Drug and alcohol test shall be performed immediately before, during or just after the performance of a work-related function. If an employee is performing a safety-sensitive function at the time of notification, **West Union Trenching Inc.** will ensure that the employee ceases to perform that function and proceed to the testing site as soon as possible.

An employee who tests positive or refuses to submit to a test is medically unqualified to drive, perform a safety-sensitive or work-related function. In addition, an employee who tests positive, refuses to submit or fails to report for the test will be subject to disciplinary action, up to and including discharge.

Reasonable Cause

An employee will be required to submit to a drug and alcohol test when **West Union Trenching Inc.** has reasonable cause to believe the employee has used drugs or alcohol in violation of this policy.

Reasonable cause will exist when an employee's appearance, behavior, speech or odors (of breath) or just physical symptoms indicate drug or alcohol use. Observations must be personally observed and documented by two **West Union Trenching Inc.** trained officials: for safety purposes. A "trained official" is one who has undergone at least two hours of education which includes behavioral, physical, speech, and performance indicators of possible drug and alcohol use.

Whenever an employee is notified of reasonable cause to be tested, he/she will be transported immediately to the collection site. A **West Union Trenching Inc.** representative will accompany the employee to the collection site.

West Union Trenching Inc.'s representative will transport the employee home or attempt another means of transportation by contacting a family member or another person designated by the employee.

If the employee refuses alternate transportation, **West Union Trenching Inc.** reserves the right to take whatever means is appropriate to protect the employee and the public. This may include contacting local law enforcement and imposing disciplinary action, up to and including discharge.

The employee being tested under reasonable cause will be considered unqualified to work and placed on suspension without pay, pending the results of the test. If the test results are negative, the employee will be reimbursed for the time of suspension for an 8-hour workday at the main plant base pay. If the results are positive, the employee will not be reimbursed for the time of suspension.

An employee whose reasonable cause test is positive, who refuses or fails to submit to a test, will be subject to disciplinary action, up to and including discharge.

Return to Duty/Follow up Testing

Upon an employee's first positive alcohol test, an employee may be required to submit to evaluation by a Substance Abuse Professional (SAP) and will undergo treatment as

recommended by the SAP. If the employee successfully completes the treatment, no disciplinary action will be taken against the employee. If the employee refuses to be evaluated or fails to successfully complete the recommended treatment, the employee will be disciplined, up to and including discharge from employment. (See Exception). Any employee who fails a drug test will be discharged from employment and no follow up testing will be done.

West Union Trenching Inc. is not obligated to reinstate or retain any employee who violates any of **West Union Trenching Inc.** prohibition or requirement concerning drugs and/or alcohol. Should **West Union Trenching Inc.** decide to reinstate an employee, after a violation, he/she will be required, at their own expense, to submit and pass a drug and/or alcohol test before returning to duty. The employee must also be evaluated by a SAP and submit to follow-up testing as prescribed by the substance abuse professional, all of which will be paid for by the employee.

Follow-up testing will be required for an employee who is determined by a SAP to have a drug or alcohol related problem. The employee will be required to submit to a minimum of six tests during the first twelve months following a negative return to duty test. All follow-up testing will be unannounced and without prior notice to the employee and will be at the employee's expense.

Exception

As required by Iowa Code, upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the employer, and if the employer has at least fifty employees, and if the employee has been employed by the employer for at least twelve of the past eighteen months, and if the employee has not previously violated the employer's substance abuse prevention policy, the employer shall provide for rehabilitation of the employee:

- If the employer has an employee benefit plan, the cost of rehabilitation shall be apportioned as provided under the employee benefit plan.
- If no employee benefit plan exists and the employee has coverage for any portion of the cost of rehabilitation under any health care plan of the employee, the cost shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and the employer. However, the employer shall not be required to pay more than two thousand dollars toward the cost not covered.
- If the employee does not have coverage for any portion of the cost of rehabilitation, the cost shall be apportioned equally between employee and employer. However, the employer shall not be required to pay more than two thousand dollars toward the cost of rehabilitation.

In addition to penalties imposed by **West Union Trenching Inc.** an employee whose return to duty/follow up test is positive, refuses or fails to submit to a test will be subject to disciplinary action, up to and including discharge.

Testing

Testing will be performed in accordance with Iowa's protocols and safeguards set forth in Iowa Code 730.5 Private Sector Drug-Free Workplaces.

Drug Test Procedures:

- Protocol to insure employee's correct identity.
- Employees must present personal identification and sign consent for testing. Refusal to present identification or sign consents will be treated as a refusal to test, and the employee will be subject to disciplinary action, up to and including discharge.
- Chain of custody procedure to insure the specimen has not been tampered with.
- Drug testing for random, post-accident, reasonable suspicion and return to duty will be performed by a laboratory certified under the DHHS "Mandatory Guidelines for Iowa's Private Sector Drug-Free Workplaces Drug Testing Procedures" and subsequent amendments thereto.

Pre-employment testing will be performed by a trained collector for the purpose of using the "inst-cup" drug testing methodology.

- Confirmation testing will be conducted after an initial positive screening. The second drug analysis will use gas chromatography/mass spectrometry (GCMS).
- Positive drug screens will be reviewed by a qualified Medical Review Officer (MRO) prior to being reported to the designated **West Union Trenching Inc.** representative.
- Urine specimens will be analyzed for the following drugs: 1) cocaine, 2) opiates, 3) marijuana, 4) amphetamines, 5) Phencyclidine (PCP). **West Union Trenching Inc. reserves the right to expand testing in the event the Iowa Code permits such changes.**
- An employee will be permitted to give a urine specimen in privacy, unless he/she gives reason to believe the specimen may be altered or substituted.
- Pre-employment drug test will be administered using the "insta-cup" method.
- All drug tests (except as what is stated above) will be administered using the split sample method as required by Iowa Code 730.5.
- At least 45 milliliters of urine must be provided in a container.
- The specimen will then be divided into two bottles by the collector, 30 ml in one and 15 ml into a second bottle. Both bottles will be sent to the laboratory.
- The primary bottle (30 ml) will be analyzed. The second bottle will be held in the laboratory pending a request from the employee for a second test in the event of a verified positive of the primary test. To exercise the option to have the second bottle sent to a different laboratory, the employee must request in writing to **West Union Trenching Inc. MRO** within 72 hours of being told the primary specimen was positive. The cost of the second test is to be paid by the employee, **in cash to West Union Trenching Inc.** , at the rate of \$150.00.
- A positive drug test that was dilute will be treated as a verified positive drug test.
- If the MRO informs the employer that a negative test was diluted the following action will be implemented.

MRO may direct the employee to retest under direct observation.

MRO may direct the employee to take another test immediately.

Pending outcome of additional analysis, the employee will be considered physically unqualified to perform work duties and will be suspended without pay.

The employee will be given the opportunity to speak with **West Union Trenching Inc.** 's MRO to determine if there is a medical explanation for a positive test. This opportunity is given prior to the result being confirmed positive. If a medical explanation exists, the result will be reported as "negative" to **West Union Trenching Inc.** If a medical reason does not exist, the result will be reported as a "confirmed positive."

Alcohol Procedures:

- Alcohol tests will be administered using a breath specimen, given by a trained breath alcohol technician (BAT) utilizing an approved evidential breath testing device (EBT) or use alcohol breath swabs. If the swab results are positive, then the employee is sent to the hospital for testing.
- Employees must present personal identification and sign consent for breath alcohol testing. Refusal to present identification or sign consents will be treated as a refusal to test, and the employee will be subject to disciplinary action, up to and including discharge.
- In the event the employee is unable to provide an adequate amount of breath, the employee will be required to submit to an examination by a licensed medial physician to determine whether a valid medical condition exists. If there is no valid medical condition, the employee shall be considered to have refused to take the test and will be reported as a "positive" to **West Union Trenching Inc.**
- Breath alcohol tests that register less than 0.04 will be reported as "negative" and no additional testing is required.
- Breath alcohol tests that register 0.04 or greater will require a second confirmation test. If the confirmation test is less than 0.04, the result will be reported to **West Union Trenching Inc.** as "negative."
- Breath alcohol tests that register 0.04 or greater but less than 0.08 will cause the employee to be removed from duty until the next regularly- scheduled duty period, but no less than 24 hours. The employee may be subject to additional disciplinary action by **West Union Trenching Inc.** , up to and including discharge.
- Breath alcohol results that register 0.08 or greater on the confirmation test will cause the employee to be immediately suspended without pay, referred to a Substance Abuse Professional in addition to disciplinary action, up to including discharge.

Confidentiality

Employee test results are confidential. Test results and other confidential information are released only as permitted by the Iowa Code or legal order. If you have questions concerning this policy, contact the Safety Director or Human Services.

Glossary of Terms

BAT	Certified Breath Alcohol Technician
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer (A licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant licensed to practice in any state of the United States, who is responsible for receiving laboratory results generated by the employer's drug and alcohol testing program.)
SAP	Substance Abuse Professional