



Section 8: Alcohol and Drug Abuse

1. Alcohol and Drug Abuse Policy

EQ Contractors must adopt a policy that applies to all its employees, whether regular, full or part-time, contract or temporary, to promote an alcohol and drug-free workplace. The following actions must be prohibited:

The use, sale, possession, manufacture, distribution, purchase or dispensing of drugs or alcohol or being under influence of drugs or alcohol while on EQ property, EQ's customers' properties or while engaged in EQ business.

In accordance with the Federal Drug-Free Workplace Act, any employee or who is arrested, indicted or convicted of a drug or alcohol violation while conducting EQ business, or while operating an EQ owned or leased vehicle must report this information to Human Resources no later than five (5) days after such arrest, indictment, or conviction.

Definitions/Guidelines:

Prescription drugs or over-the-counter medicines. Any employee taking prescription drugs or over-the-counter medication should notify their manager if they or their doctor feel that they may pose a safety risk to themselves or others while taking any such medication. EQ should be notified if needed and it and Contractor will treat the disclosure as confidential medical information and if applicable, as a request for an accommodation of a disability.

Drug For purposes of this policy, the term "drug" means:

- controlled substances (as defined in 21 U.S.C.A. '802) which cannot be legally obtained; and
- prescribed drugs whose prescription is no longer valid; or
- prescribed drugs used contrary to the prescription.

Property: The EQ property as defined in this policy includes all land and buildings owned, leased, or used by EQ, or EQ's client premises and all land and buildings owned leased or used by it, in EQ supplied or funded vehicles, during work hours, or while on any EQ sponsored activity or business, or in one's own vehicle used to perform services for EQ.

Refusal to Take a Test: Any employee or applicant may be deemed to have refused to take a test if the employee or applicant fails to report to the designated laboratory with the presentation of the authorization of treatment and billing form within one hour of a request to report. Refusal to submit also means to tamper with the test. Due to extenuating circumstances Management, in its discretion can extend the time within which to report.

Safety Sensitive Position: Any position in which an employee drives a vehicle, operates heavy equipment, uses chemicals or sensitive solutions, or performs duties that require dexterity, balance and precision as determined by EQ.

- 1.1 Contractors must enforce the above described policy. .
- 1.2 Contractors must require and fund drug testing and alcohol screening as outlined in paragraphs 2 and 3. Contract employees are prohibited from reporting to the property or

to perform services under the influence of alcohol or drugs which affect their working ability or safety, including but not limited to their alertness and coordination.

- 1.3 The policy applies to all contractors, contractor's management, and employees. EQ may take legally permissible steps as necessary or appropriate to enforce compliance with this policy.
- 1.4 Employees may possess a prescription medication in its original container to be administered only to the person for whom it is prescribed provided that the prescription is valid and for the person who is in possession of the prescription.

2. Drug Testing

- 2.1 EQ requires the following regarding drug testing:
 - A. Contractors must have a program that includes pre-employment drug testing.
 - B. The EQ representative may request additional drug testing for work with exposure to high risk and for safety sensitive positions.
 - C. Contractors must use a NIDA certified laboratory and test for the recommended panel of drugs using split samples. Whether a sample is positive will be determined by the laboratory..
- 2.2 When drug testing is conducted, Contractors must require that each employee produce a urine sample to be tested at a minimum for marijuana metabolites (cannabinoids), cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines.
- 2.3 At a minimum, Contractors must comply with the DOT Procedures for Transportation Workplace Drug Testing Programs as specified in 49 CFR Part 40 if required by those regulations. . Contractors may assign more stringent screening or confirmation values at their discretion except when regulated by applicable state or federal laws.
- 2.4 Testing methods must conform to applicable state laws, and results must be reviewed by a licensed physician with knowledge of substance abuse disorders.
- 2.5 Contractor must comply with the Fair Credit Reporting Act as required by that Act. .
- 2.6 Certification in the form of the test results (passed or failed only) or a letter from the laboratory performing the testing must be available to EQ upon request prior to the employee's orientation. Contractors will retain the certification in their files. The EQ project manager may request the certification for archiving with the contract files.
- 2.7 EQ has the right to request that the contractor perform additional testing under the following circumstances:
 - A. Accidents or Safety Violations

Following an occupational injury requiring treatment by a physician, an accident or incident involving safety rule violation, damage to equipment or property, careless acts, or in instances where the accident or incident was due to a failure to wear prescribed protective equipment while working on EQ premises.
 - B. Reasonable Suspicion of Illegal Drug Use

When reasonable suspicion exists that an employee exhibits signs of intoxication, drug influence, or other behavior.

C. Suspicious Incidents and Occurrences

When there is suspicion (based on demonstrable information such as an unusual number of post-accident positive test results, incidents of theft, lost productivity, unexplained personal behavior or other facts) that specific employees or other designated work groups (including but not limited to entire crews, work sites, shifts, or sensitive job classifications) are under the influence of drugs or alcohol.

D. Discovery of Illegal Drugs or Drug Paraphernalia

When an employee is found to be in possession of illegal drugs or drug paraphernalia, or when these items are found in an area controlled or used exclusively by employees.

E. Random Testing

Testing of employees on a random basis may occur when the employee holds a safety sensitive position. . .

F. Testing in accordance with DOT requirements for employees subject to those requirements.

2.8 Clarification of Drug Testing Requirements

A. If an employee has been tested previously and the results were confirmed to be negative, he/she will be allowed to return to another EQ project by submitting a copy of the previous test. The test must have been performed within the 12 months immediately preceding the new assignment and a copy of the test must be submitted with each project. The test results pertain to the individual and are acceptable if an individual changes companies. In the event that there is a 12 month gap between jobs, the employee will be requested to undergo applicant testing.

B. Individuals who may be on site for a limited time may be allowed to work without drug testing if they are escorted by an EQ employee or approved contractor.

3. Alcohol Screening

3.1 If the Contractor, EQ, or the customer has reasonable suspicion that an employee is under the influence of alcohol, the employee must be evaluated and a urine or blood screening test must be performed if necessary. Reasonable suspicion may include a finding of alcohol smell on the breath, slurred or erratic speech, bloodshot or watery eyes, lack of coordination, lack of balance, other erratic behavior.

3.2 An employee is considered "under the influence" by meeting the legal definition based on blood alcohol content, or if he/she is unable to perform his/her job in an acceptable manner because of impaired judgment or physical abilities following the use of alcohol. Blood alcohol content of .04 is considered positive for purposes of EQ's policies.

4. Consequences

4.1 An employee who produces a confirmed positive drug test after medical review or is determined to be under the influence of alcohol will be prohibited from working at or entering EQ facilities, or those of EQ's customers or performing services on behalf of EQ

- 4.2 Employees may be barred from EQ or EQ customer premises, or performing services for the following:
- A. Refusing to submit to a search or inspection, urine, drug, or blood test when requested by the Contractor, EQ, or a customer.
 - B. Degrading, diluting, switching, altering, or tampering with a test sample.
 - C. Using, manufacturing, distributing, or dispensing illegal drugs while on EQ or Customer premises or while performing services for EQ.
- 4.3 Security or other appropriate EQ personnel will be immediately informed of the name of any person that is barred or removed from EQ premises for violation of the alcohol and drug abuse policy.

5. Enforcement

- 5.1 Contractors will remove employees from the premises if they appear on the premises while under the influence of alcohol or drugs and will escort such employees to a testing laboratory .
- 5.2 Contractors must obtain appropriate permission so that employees entering, departing, or on the property or performing business or service for EQ, will, upon the contractor's request, undergo a search of their person, locker, desk, or vehicle, any property under their control for illegal drugs. This includes the employee's personal effects and automobile if it is located on the premises or used in the course performing services for EQ. Such searches may be conducted when there is a reasonable basis to suspect that the employee's work performance or on-the-job behavior may have been affected by drug use or that the employee has sold, purchased, used, or possessed illegal drugs on the premises or that there may be drugs, alcohol or related paraphernalia in the Contractor's car.