

Tennessee Valley Training Center, Inc. (TVTC) Contractor Drug & Alcohol Alliance

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Under the Alabama Drug Testing in the Workplace Acts & Alliance Policy

“TVTC Contractors Alliance Drug and Alcohol-Free Workplace Policy”

Gulf Coast

Initial Effective Date: 11 August 2009

Updates Effective Date: 10 August 2022

Certified MRO: USA Health Industrial Medicine; Dr. Ross

Current Third Party Laboratory: Quest or CRL

This Policy is intended, in all ways, to comply with the Alabama and Federal Drug Free Workplace Acts, the Americans with Disabilities Act (“ADA”), the Family Medical Leave Act (“FMLA”) and all other applicable federal and state laws prohibiting discrimination. Nothing in this Policy should be understood to conflict with these laws, or to reflect any intent on the part of the TVTC or other Alliance members to violate or circumvent the requirements of these laws.

This Policy is intended to provide general information regarding TVTC’s practices, philosophy, and services, but it is not, and should not be construed as, a contract or agreement of any kind between TVTC and any other person or entity. No contract or agreement may be entered in to with TVTC unless such purported contract or agreement is in writing and is signed by an authorized representative of the TVTC.

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WHAT IS THE TVTC CONTRACTOR ALLIANCE?

The Tennessee Valley Training Center, Inc. (TVTC) Contractors Alliance Drug & Alcohol-Free Workplace Policy; (the "Policy") was established to meet the needs of plant Owners ("Owners") to provide a standardized program for drug and alcohol testing for all participating contractor employees entering onto an Owner's premises to perform work and to avoid duplicate screening of employees transferred to other participating Owner sites with different requirements.

For purposes of administering a uniform drug and alcohol-free workplace policy, all participating contractor member companies are considered a single entity called the TVTC Contractor Drug & Alcohol Alliance. All contractor employee members (hereinafter referred to as contractor employees or employees) of this Alliance meeting the requirements of this policy, (as well as other requirements that may be established by the Owners) are deemed to have a Compliant status and are eligible to work at all participating Owner sites. Each Owner retains the option of instituting a separate policy to govern the re-entry of contractor employees with a prior non-compliant status who have completed recommended SAP, EAP or other rehabilitation requirements and have been designated compliant. Each Contractor retains the options of what employment action to take with regard to violations of this Policy by one of its contractor employees.

Goals of the TVTC Contractor's Alliance Drug & Alcohol-Free Workplace Policy:

- Reducing workplace injuries, construction delays, damage to equipment and costly accidents on an Owner's premises resulting from the use of and impairing effects of illegal drugs and misuse of alcohol;
- Deter substance abuse by the employees of contractors who may enter onto an Owner's premises;
- Reduce the cost of repetitious substance testing of contractor employees;
- Allow contractor employees access to Owner premises without unnecessary delays;
- Allow Safety Councils affiliated with the TVTC with a comparable Contractor Alliance to allow Contractor employee access to Owners premises without unnecessary delays; and
- Provide a method to allow workers with substance abuse to obtain help.

DRUG and ALCOHOL-FREE WORKPLACE POLICY STATEMENT

The Contractor members of the Tennessee Valley Training Center, Inc. Contractor Drug & Alcohol Alliance are committed to maintaining a safe, pleasant, drug free and productive working environment on the premises of participating Owners. Contractors and their employees (including sub-contractors) have the right to come to work on an Owner's premises without fear of interacting with someone under the influence of drugs or alcohol. The Contractor and premises Owner has the right under Alabama law to require any type of drug and alcohol testing for the purposes of: maintaining the safety for contractors and their employees or the general public; or security of property or information. This Policy highlights some of the aspects of TVTC's Contractor Alliance Drug and Alcohol-Free Workplace Policy applicable to all persons employed by participating Contractors who enter a participating Owner's premises. Contractors, sub-contractors and their employees and vendors entering an Owner's premises are also included in the testing program as a condition of their entry on the premises. Each Contractor is responsible for assigning at least one Designated Employer Representative (DER)

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and preferably a backup DER as well. The Tennessee Valley Training Center, Inc. will train the DER on their responsibilities if requested to do so.

Use of illegal drugs and alcohol on Owner sites by a Contractor's employee is prohibited; including entering onto an Owner's premises or being on an Owner's premises with a detectable level of alcohol or drugs in their system exceeding the cutoff levels set forth in the Policy. Contractors shall not knowingly utilize the services of any person on an Owner's premises who has violated the requirements of this Policy. Failure to comply with the program may jeopardize contractor's contracts to perform work on the Owner's premises.

Understand that this Policy prohibits illegal drug use, or being under the influence of alcohol or an illegal drug, on the Owner's premises. We encourage any Contractor or their employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to the appropriate treatment program or agency.

Our program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your access to the Owner's premises. The TVTC Contractors Alliance Drug & Alcohol-Free Workplace Policy is administered primarily in compliance with the Drug-Free Workplace Laws applicable in the State of Alabama. For those employees of Contractor's holding a Commercial Drivers License (CDL) or Covered under PHMSA, this Drug Free Workplace Policy is considered a "Company Authority" policy and supplements the Contractor Alliance (or other DOT Policies of an individual contractor) FMCSA and/or PHMSA DOT Policy(s). If a conflict arises between the Policy and the DOT Policy (applicable only to DOT covered employees) the DOT policy will prevail.

WHO DO WE TEST? WHAT DO WE TEST FOR?

The applicant or employee of any contractor in the Alliance (full-time, part-time seasonal or temporary) entering a participating Owner's premises or performing any operation or maintenance function on such an Owner's property is subject to testing under the TVTC Contractor's Alliance. The Designated Employer Representative (DER) of the contractor is responsible for the contractor's compliance with this Policy.

All illegal substances are prohibited on an Owner site. An "illegal drug" is any drug that is not legally obtainable or a prescription medication obtained illegally, or is not being used for it prescribed purposes or in the dosage prescribed. Drugs may be added or deleted from the list as decided by the TVTC Contractor's Alliance or by direction from the local Owners. The Contractor's DER will be notified of changes. The drugs that will be tested for at the designated lab and confirmation test levels as established by the FDA or SAMHSA are as follows:

<u>Urine Substance Abuse Panel</u>	<u>Confirm Test Level</u>
Amphetamines/Methamphetamine	500 ng/mL
Barbiturates	200 ng/mL
Benzodiazepines	150 ng/mL
Cocaine Metabolites	50 ng/mL
Marijuana Metabolites	15 ng/mL
Methadone	300 ng/mL
Methaqualone	200 ng/mL
MDA-Analogues	250 ng/mL

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Opiates	300 ng/mL
Oxycodones	100 ng/mL
Phencyclidine	25 ng/mL
Buprenorphine	10 ng/mL

The use of medical marijuana will be verified by the MRO. This issue is evolving, and the policy will be updated as needed.

TESTING – WHO PAYS? - HOW DO WE TEST FOR DRUGS?

Under Alabama law, initial testing must be at the employer's (Contractor's) expense. The law allows the Contractor to contract with the employee to allow a deduction for pre-hire testing if the employee does not remain employed for 90 days with the Contractor. If an employee of a Contractor disagrees with the results of the first laboratory test, they may request a second laboratory test of their (same) specimen and may be responsible for that cost, unless the result is negative.

All urine collections and alcohol collections will be conducted by trained personnel using standards set forth in Department of Transportation (DOT) collection protocol found in 49 CFR Part 40 and this Policy and conform to SAMHSA guidelines. Drug testing is done through chemical analysis using cut off levels set forth above which determines without question if a person has drugs or alcohol in his or her system. All positive initial test results will be confirmed by GC/MS or an equivalent methodology. Specimens subject to testing include urine, breath, oral fluids (saliva), hair, and blood, and collection procedures and cutoff standards for alternative specimens will be in accordance with FDA approval, Manufactures guidelines or industry standards. To ensure accuracy, the procedure includes a preliminary drug screening and two highly sophisticated scientific tests including adulterant detection. The Contractor Alliance will utilize FDA approved rapid drug screening device to conduct initial drug screenings. All non-negative screening results will be confirmed by a certified laboratory. All laboratories utilized by the Contractor Alliance will be certified by SAMHSA or CAPS, and in compliance with requirements of Alabama Law. All controlled substance laboratory test results for Contractor employees are reviewed and interpreted by an independent third party Medical Review Officer (MRO) in accordance with SAMHSA guidelines utilizing DOT protocols before they are reported to the TVTC Contractor Alliance or Contractor. As allowed by Alabama law, for pre-hire tests, a rapid screening FDA approved on-site screening test device may be used.

HOW DO WE TEST FOR ALCOHOL?

Initial and confirmatory alcohol tests are performed using the evidential breath testing device (EBT). Employees of contractors are prohibited from reporting for or remaining on an Owner's premises while having an alcohol concentration of 0.02 or higher. Contractors who have knowledge that an employee has an alcohol concentration of 0.02 or higher shall not allow the employee to enter or perform work on an Owner's site.

Consequences of Alcohol Concentration of 0.02 or higher (DOT Standard)

An employee of a contractor with a positive test result (0.02 or higher) shall be immediately removed from an Owner's site or deemed to be non-compliant. Dependent on the Contractors Policy and in accordance with the Owners business rules, the employee may be referred for treatment. Return-to-duty (rehabilitation) requirements of the TVTC Contractor Alliance Policy must be met before the employee may be considered for compliant status.

Pre-Duty Use and On-Call Employees

Employees of contractors are prohibited from using alcohol within 4 hours prior to reporting to an Owner premises. On call employees are prohibited from using

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alcohol. Any employee who is under the influence when called to duty must notify their supervisor.

On-Duty Use Possession and Other Prohibited Conduct

Employees of Contractors are prohibited from the possession (including in a sealed container), distribution or consumption of alcohol while on Owner premises.

Alcohol Use Following an Accident

In accordance with DOT protocol, employees required to take a post-accident test shall not use alcohol for 8 hours following the accident or until he/she has taken a post-accident alcohol test, whichever occurs first.

WHAT IF YOU TEST POSITIVE OR REFUSE?

The Medical Review Officer (MRO) will contact you to give you an opportunity to discuss a non-negative drug test result before reporting it to the TVTC Contractor Alliance as a verified positive or refusal based upon a laboratory report of an adulterated/substituted specimen. Within 72 hours of being notified by the MRO, you may request that your specimen be tested at a second laboratory and if positive, you may be responsible for that expense.

Notification of Test Results:

In accordance with Alabama law, any employee of a Contractor with a confirmed positive will have within seven (7) working days of receiving notice of the test result, the opportunity to access any record (at no cost to the employee) relating to his or her drug – test result or disciplinary proceeding. Such access to be coordinated with the hiring Contractor.

Testing positive on a drug or alcohol test is a serious violation of TVTC Contractor Alliance's Policy. Any employee of a Contractor who tests positive, or refuses to be tested (DOT Protocol under 49 CFR Part 40 will be utilized to determine if a refusal has occurred), may be subject to appropriate action to remove them from the Owner's premises and or adversely affect their future access. The Contractor's employee will be classified as "non-compliant." Employees of Contractors may also be subject to their Contractor employer for disciplinary action up to and including termination for good cause, as well as disqualification from receiving unemployment compensation benefits (Ala. Code § 25-4-78(3)) and/or disqualification from receiving worker's compensation benefits (Ala. Code § 25-5-51) if the positive test, or refusal, is post-accident.

WHAT IF YOU FAIL TO FOLLOW SAFETY GUIDELINES?

Often times, impairment from drugs or alcohol will cause a Contractor's employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use required personal protective safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be considered serious worksite misconduct and may subject the Contractor's employee to be removed from the Owner's premises.

WHAT ABOUT PRESCRIPTION MEDICATIONS?

You are required as a safety rule pre-duty disclosure to your Contractor's DER use of ANY prescription medication that may have an impairing effect on performance of safety-sensitive duties. All employees working in jobs where a momentary lack of concentration can cause serious injury, death or harm to the environment are considered safety sensitive. If prescription medication which has an impairing effect is not disclosed pre-duty and if the person tests positive for any impairing effect prescription drug, that person will be removed from the Owner's premises

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for violation of this safety rule and classified as “No-Data” until the employee’s ability to work in a safe manner is resolved. If disclosure is made, the Contractor or the Owner reserves the right to have the employee submit to a Fitness for Duty evaluation to evaluate the Prescription and its impact on safety-sensitive duties before being granted permission to re-enter the Owner’s premises.

Any non-prescription substance which causes a drug test to show positive for the presence of a prohibited drug, or their metabolite, such as hemp products, Coca leaves is prohibited. Use of another person’s prescription medication, or taking a prescription medication more than 2 years old, may be considered by the MRO to be unauthorized use of medications. Consistent with DOT Regulations, use of medical marijuana by a safety sensitive employee will not be accepted by the MRO as a legitimate medical explanation for a positive drug test.

WHAT IF AN ADULTERANT IS FOUND?

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a “refusal to test” and a violation of the TVTC Contractor Alliance Policy. The same would be true if you attempted to substitute a specimen. Any person who is found to have violated this Policy by attempting to defraud a drug or alcohol test will be removed from the Owner’s premises and/or will be immediately designated non-compliant for violation of this safety rule no matter the location of the administered test. The employee may also be subject to appropriate disciplinary action, up to and including termination, or withdrawal of a job offer by their Contractor. Additionally, in the State of Alabama the person may be criminally prosecuted and subject to a \$500 fine and/or a jail sentence of up to three months. (Ala. Code 13A-12-260(d)).

COMPLIANT AND NON-COMPLIANT CLASSIFICATIONS and Potential Consequences of Non-Compliant Test Results

The TVTC Contractor Alliance database will designate contractor employees as being either “compliant”, “non-compliant” or “no-data.” Employees failing to comply with the requirements of this policy and other safety requirements of the TVTC Contractor Alliance will be designated as “non-compliant.” “No-data” is a temporary classification to deal with situations under review and entry may be denied to an Owner’s premises until resolved by the TVTC Contractor Alliance. Employees who are in compliance with the requirements of this policy and other requirements of TVTC will be designated as “Compliant.” The classification of *compliant*, *non-compliant* or *no-data* status does not imply use or abuse of drugs or alcohol, and there are many reasons totally unrelated to drug and alcohol testing which may result in an employee being listed as *non-compliant* or *no-data* status in the TVTC Contractor Alliance database.

Employees designated as non-compliant will not be allowed to “complete courses”, “course testing”, “orientations”, “further drug/alcohol screening” and other TVTC services to related entry/work assignments at affected owner sites for a specified period of time or the employee must have completed the requirements listed in the section on “return to duty” and “re-entry” status or received a waiver/exception from the owner site(s).

Participating Alliance Contractors and Owners will have access to the TVTC Contractor Alliance database for verification of each Contractor employee’s status. Owners may verify only an employee’s status as Compliant, Non-Compliant or No-Data and will not have access to individualized drug test results unless specifically authorized in writing by the Contractor’s employee after the test results are reported.

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Participating contractors and Owners have the “right to exclude” Non-Compliant or No-Data employees from access to Owner sites. A Compliant designation does not guarantee a Contractor’s employee access to a participating Owner’s premises. For access to an Owner’s premises an employee may have to comply with specific Owner requirements outside of this Policy.

CONFIDENTIALITY

Controlled substance and alcohol testing results and records will be maintained under strict confidentiality and individualized test results and drug testing reports may not be disclosed to anyone except to the following, or their authorized agent based on the written consents, waivers or authorizations signed by the employee:

- the tested employee, and as the employee may specifically authorize in writing;
- the TVTC Contractor Alliance, MROs, collectors, laboratory personnel, service agents acting as the authorized agent for the TVTC Contractor Alliance;
- the Contractor’s DER, and others in the Contractor’s management who have a “need to know” as well as those who the employee has granted specific written authorization;
- an TVTC-affiliated Contractor Alliance where the employee may be hired to work in the area of that affiliated Alliance, and when the employee has signed a written consent and release with the TVTC-affiliated Contractor Alliance authorizing the release of drug and alcohol testing information to determine eligibility to enter at that Alliance’s member participating Owner’s sites;
- worker’s compensation administration or carrier, if a post-accident test; and
- in connection with any legal or administrative claim arising out of the employer’s implementation of or in response to inquiries relating to a workplace accident, or a claim for unemployment compensation, or a proceeding initiated by the employee where drug or alcohol use by the tested employee is relevant.
- As part of a compilation of management information reports for Owners and Contractors with no identifiable personal information.

WHY AND WHEN DO WE TEST?

- **Pre-Access:** Prior to initial enrollment in the TVTC Contractor Alliance, a Contractor’s employee must test “negative for alcohol and drugs”. A Contractor’s employee will not be allowed to enter an Owner’s premises until the following conditions are met:
 - (A) The Contractor has submitted to TVTC a request to schedule the worker for a Pre Access Drug and Alcohol Screening.
 - (B) The Pre-Access screen has been reported as a negative and the employee is granted Compliant status; and
 - (C) Other conditions as the TVTC Contractor Alliance and the premises Owner may establish for a Contractor’s employee entry onto an Owner’s premise.

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Gate Entry: All persons entering the job site may be subject to gate entry drug and alcohol testing as a condition of their permission to enter. An Owner's premises Pre-access testing may be conducted separate and apart from any Contractor drug testing program.

- **Random:** These are unannounced and random drug test to determine whether an employee is on the Owner's premises under the influence of or have drugs in their systems. Random alcohol testing may be conducted if the contractor employee is in a safety sensitive position. The testing may be of all Contractor's employees on the site that day, a crew, a shift, a craft or any other category that the Owner may select; except that no single identifiable person may be selected for a testing under this category of testing. After being notified, the Contractor's employee must report immediately to a test collection site and shall be accompanied by a Contractor's Supervisor or designee. Failure to cooperate will be classified as a refusal to test.
- **Blanket Test:** Contractor's on the premises of an Owner are subject to unannounced testing of all employees, at the discretion of the Owner.
- **Reasonable Suspicion:** All persons on an Owner's premises may be asked to submit to a drug and/or alcohol test if reasonable suspicion exists indicating that the person is under the influence of illegal drugs or alcohol, or exhibits behavior reflecting abuse. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
- **Post-Accident:** Testing may be conducted if a Contractors' employee is involved in an on the job accident that results in a recordable injury, or causes damage to the environment or the Owner's premises or an incident (near miss included) in which safety rules may have been violated.
- **Return to Duty:** If a Contractor's employee tests positive or refuses to be tested; they shall be classified as Non Compliant until such time as they have successfully completed a rehabilitation program, signed a "Last Chance Agreement" and successfully passed a Re-entry/Return to Duty test collected under direct observation. Even if the TVTC Contractor's Alliance grants compliant status, a participating Owner may have other qualifications. An individual owner may institute a separate policy for the re-entry of contractor employees with a prior Non Compliant status who have completed recommended rehabilitation requirements and have a current compliant status.

Re-Entry and/or Return to Duty Status

Re-Entry/Return-To-Duty After Testing Positive or Refusing to Test: To regain status as a compliant member of the TVTC Contractors Alliance (as with "return to duty testing), even if the TVTC Contractor's Alliance grants compliant status after a positive test or refusal, a participating Owner may have other qualifications. An individual owner(s) may institute a separate policy for the re-entry of contractor employees with a prior non-compliant status who have completed recommended rehabilitation requirements and have a current "compliant" status, an individual may be required to:

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- Have been evaluated face-to face by a substance abuse professional (SAP) or Employee Assistance Program (EAP) Counselor (which professional is acceptable to the TVTC Contractors Alliance) and followed the SAP/EAP's recommendation for drug and/or alcohol misuse assistance or participation in a rehabilitation program;
- Have successfully completed the required education or treatment, as determined by the SAP/EAP Counselor;
- Have signed a Last Chance Agreement that may include recommendations specified by the SAP/EAP for additional treatment, aftercare, or support group services even after return to duty;
- Be subject to a "suspension from retest" for a designated period of time determined by the "Owner" facility from date of drug/alcohol screen unless donor has complied with the contents of this section relating to rehabilitation and/or meeting the requirement that the donor has been evaluated by SAP/EAP counselor and completed the required education or treatment prescribed. Owner sites may impose other individual or additional restrictions or requirements.
- Have tested negative on the re-entry/return-to-duty observed collection test (DOT observed collection procedures will be utilized); Will not have tested positive on a drug or alcohol test or "refused to test" after returning to duty, and complied with all SAP/EAP recommendations.
- Employees who self-identify as substance abusers shall be designated "No-Data" and may regain compliant status if they complete the applicable portions of the return-to-duty process.
- Follow-up: A Contractor's employee who has requested rehabilitation may be subject to unannounced drug and/or alcohol testing to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing may continue up to five years from the return-to-work date, depending on the recommendation of the SAP/EAP Counselor.

Note: Failure to cooperate for testing, or leaving the Owner's premises when called for testing is classified as a "refusal." Any Contractor's employee whose urine specimen has been submitted for laboratory testing will be shown in the TVTC Database as "No-Data" (may not allowed access to an Owner's premises) until the laboratory testing report is received from the MRO. Employees should confirm their individual Company policy that pertains to their "paid" status while awaiting the test result from the MRO.

POLICY PROHIBITIONS

Employees engaging in any of the following policy prohibitions will be considered to have engaged in "gross misconduct" may be subject to discipline from their employer, up to and including termination of employment for "good cause" or removal and/or dismissal from an Owner site.

1. With respect to "illegal drugs or the "illegal use" of legal drugs, Contractor's employees violate this Policy by engaging in the following conduct, whether or not during work time or on an Owner's premises or property:

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- a. **Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on an Owner's premises or property, including vehicles used by Contractors.**
 - b. **Having possession of, being under the influence of, testing positive for, or otherwise having in one's system evidence of illegal drugs above the DOT cutoff levels.**
 - c. **Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs.**
 - d. **A conviction or plea of guilty relative to any criminal drug offense. All employees must notify the Contractor's DER in writing of any criminal drug conviction no later than five calendar days after such conviction.**
 - e. **Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications.**
 - f. **Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.**
 - g. **Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested, is a violation of this Policy and may result in being barred from access to the jobsite, disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.**
 - h. **Failure to advise the DER of the use of a prescription or over-the-counter drug which may alter the Contractor's employee's ability to perform the essential functions of his or her job.**
 - i. **Failure to notify the DER before reporting to the jobsite if he or she believes that he or she is under the influence of illegal drugs.**
 - j. **We strictly prohibit persons from using hemp products, which some within the medical community have indicated may cause a positive marijuana test result. The MRO will not generally consider use of hemp products a valid medical explanation for a positive marijuana test result.**
- 2. With respect to alcohol, Contractor's employees violate this Policy by engaging in the following conduct during work time or on the jobsite:**
- a. **Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on an Owner's premises or property, including Contractor-owned or leased vehicles, or vehicles used for Contractor purposes, or vehicles used by Contractors.**
 - b. **Having possession of, being under the influence of, testing positive for or having in one's system, alcohol at a level of 0.02 or above.**
 - c. **Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol on an Owner's property.**

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- d. A conviction or plea of guilty relative to any criminal alcohol offense. All employees must notify the Contractor's DER in writing of any criminal alcohol conviction not later than five calendar days after such conviction.**
- e. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.**
- f. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested, is a violation of this Policy and may result in being barred from access to the jobsite, disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.**
- g. Failure of employee to notify the DER before reporting to work if he or she believes that he or she is under the influence of alcohol.**