



Alcohol, Drug, and Contraband Policy

Effective Date: April 20, 2007

Substance Abuse Policy

1.0 Purpose

To insure a safe, healthy, and productive work environment for the employees of Northwinds of Wyoming, Inc., customers and others on company/customer property, to protect company/customer property and assets and to ensure efficient operations, company shall have and enforce a written policy on drugs and alcohol which complies with the laws of the states in which the company performs services for customers.

2.0 Definitions

- 2.1 **Company Personnel** – any company’s employees, agents, subcontractors, or subcontractors’ employees performing field operations work on company and/or customer property. This includes temporary and part-time personnel.
- 2.2 **Northwinds of Wyoming, Inc. and/or customers Property** – All real or tangible personal property, including facilities, buildings, vehicles, products, and equipment either owned or controlled by **Northwinds of Wyoming, Inc.** and/or customers.
- 2.3 **Prohibited Substances** – (1) illicit or un-prescribed drugs, controlled substances and mood or mind-altering substances, (2) prescribed drugs used in a manner inconsistent with the prescription and (3) alcoholic beverages.
- 2.4 **Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a supervisor to suspect use of Prohibited Substances
- 2.5 **Under the Influence** – (1) the presence of a Prohibited Substance or metabolites of a Prohibited Substance in body fluids above the cut-off level established by Contractor’s Policy or other commonly accepted cut-off level and/or (2) the presence of a Prohibited Substance that affects an individual in any detectable manner. The symptoms of influence may be, but are not limited to, slurred speech or difficulty in maintaining balance.

3.0 Prohibitions

Unless specifically authorized in writing by company and/or customers, **Northwinds of Wyoming, Inc.** policy shall prohibit company personnel from the following:

- 3.1 Using, possessing, selling, manufacturing, distributing, concealing, or transporting on company and/or customer property of any of the following items:
 - Any Prohibited Substance
 - Contraband including firearms, ammunition, explosives, and weapons
 - Illicit drug equipment or paraphernalia

- 3.2 While on company and/or customer property, possessing or using prescription drugs or over-the-counter medication that may cause impairment, except when all of the following conditions have been met:
- Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs.
 - The prescription is not expired and was filled by a licensed pharmacist for the person possessing the drugs.
 - The individual notifies his/her supervisor that he/she will be in possession of, or using, impairment-causing prescription drugs or over-the-counter medication and appropriate steps are taken to accommodate the possibility of impairment, including but not limited to, removal from work for the period of possible impairment.
- 3.3 Being Under the Influence of Prohibited Substances while performing any work for company and/or customers.
- 3.4 Switching or adulterating any urine, blood, or other sample used for testing.
- 3.5 Performing work for company and/or customers when an individual has tested positive or refused testing in any employment-related test.

4.0 Searches and Inspections

On company and/or customer property, at any time, company and/or customer supervisors, contractor supervisors and/or authorized search and inspection specialists, including scent-trained animals, may conduct unannounced searches and inspections of company and/or company personnel and their property. That property may include, but is not limited to, wallets, purses, lockers, baggage, offices, desks, toolboxes, clothing, and vehicles.

5.0 Testing

Requirements:

5.1 Pre-Access Testing:

- All company personnel are subject to “customer” pre-access testing which might mandate that the employee(s) receive a negative result on a drug and/or alcohol test within 60 days or less preceding the company personnel’s first access to customer property (some clients will accept if employees are currently active in a DOT random testing pool). Annual drug and alcohol testing also required by specific customers. Upon customer’s request, company shall so certify in writing. A single letter certifying negative test results for all contractor personnel requiring site access is preferred.
- Company will provide no information to customers identifying individuals who have positive pre-access tests.

5.2 Post-Incident Testing:

- If company and/or customers determine from the best information available immediately after a work-related incident that performance of one or more company personnel contributed to the incident, or cannot be completely discounted as a contributing factor to the incident, company shall remove that/those individual(s) from customer property and surrender his/her site credentials to the customers. For purposes of this part “Incident” means an event that causes personal injury requiring medical treatment beyond first aid administered at the work site, or property damage of more than \$1,000 or an event that carried the potential for serious personal injury or significant property damage.
- An individual so removed will be allowed to return to work on customer property only after

company conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and the contractor certifies in writing the test identification number, the individual's social security number, the test date and time and a negative test result. On that written certification the company will include a consent signed by the individual permitting disclosure to customers of the test results.

5.3 **Reasonable Suspicion Testing:**

- Upon Reasonable Suspicion of company and/or customers that company personnel is Under the Influence of a Prohibited Substance while on company and/or customer property, company shall remove the individual(s) from customer property and surrender his/her site credentials to the customers.
- An individual removed from company and/or customer property for Reasonable Suspicion will be allowed to return to work on company and/or customer property only after company conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and the company certifies in writing the test identification number, the individual's social security number, the test date and time, and a negative test result. On that written certification the company will include a consent signed by the individual permitting disclosure to customers of the test result.

(See attached Return-To-Work Reinstatement form.)

5.4 **Random Testing**

- If specific customers require random testing then the following guidelines will be followed.
- Unless otherwise specified by DOT, company employees shall be subject to unannounced random testing for the 5 DOT substances as well as barbiturates, benzodiazepines, methadone, and propoxyphene on a random basis that will yield a compliance of an annualized rate of at least 50% spread reasonably throughout the year. Upon notification of a drug test, company employee must report to the collection site within 60 minutes, plus travel time. Failure to report to the collection site, refusal to test, or adulterating a specimen is considered the same as a positive test and individual will not be allowed on company and/or customer premises.

5.5 **Wall-to-Wall Testing**

- Company employees on certain customer premises are subject to unannounced en masse drug & alcohol testing. Such tests are scheduled at the sole discretion of specific customers. This includes the determination of the scope for such testing in addition to the timing of such testing. The scope of such testing will be determined by the customer in terms of a group of company employees to be tested. Such a group will include all members of the named group on site at the determined time or time period and shall not be determined in terms of named individuals. Such groups may include, but are not limited to, all company employees on site, or by shift, by crew, by location, by craft, by company or by another similar category, including a random selection based on site access records.

The Substance Abuse Policy requires the use of Department of Health and Human Services (DHHS) certified laboratories. All alcohol testing shall be conducted on devices approved by the National highway Traffic Safety Administration (NHTSA). All non-DOT collection and testing procedures shall mirror as closely as possible to DOT 49 CFR Part 40 protocols.

6.0 Non-Compliance

Any company personnel found in violation of this policy and/or customer's policy or who refuse to cooperate with the searches and tests included in this policy and/or customer's policy shall be permanently removed by company from customer property and from performing work for customer. Company must immediately notify customers that the individual has become disqualified from performing work for them. Company will immediately review with customers the nature of the work previously performed by the individual. At

customer's request company shall, at its sole cost and risk, inspect all work in which the individual may have participated and submit a written report to the customer that documents the inspection, any findings and the actions taken to assure all deficiencies have been corrected.

7.0 Substance Abuse Awareness

Company warrants that company personnel performing work have each been fully informed of the requirements of this addendum and company's policy. Before beginning work on company and/or customer property, each company personnel must sign a written certification that he/she has been so informed and agrees to be bound by those requirements.

8.0 Special Provisions – Customer-Approved Consortium

Enrollment in, and maintenance of "active status" in a customer-approved consortium that requires pre-enrollment testing and continuously subjects active members to random drug and/or alcohol testing at an annual effective rate of at least 50% (unless otherwise specified by DOT) will be recognized as satisfying some customer's pre-access and random testing requirements. All costs associated with implementation and maintenance of this policy are the responsibility of the company.

9.0 Applicable Laws

Company shall comply with all applicable federal, state, and local drug and alcohol related laws and regulations (e.g. DOT regulations, Department of Defense (DOD) Drug-Free Workplace Policy, Drug-Free Workplace Act of 1988, etc.).

10.0 Supervisor Training

Company shall provide training regarding this policy. Training on the recognition of performance indicators of probable drug use and on its effects and consequences to personal health, safety and the workplace shall be included. It is required that each company employee must be tested based on reasonable suspicion, receive at least one 60-minute training session on the specific, contemporaneous, physical, behavioral, and performance indicators of probable drug and alcohol use. Records of individual trained (including name, date) must be maintained by the company and available to customers.

11.0 Audit

- 11.1 Company shall keep records required by this addendum available for inspection by customers during the period that the company is performing work for customers and for a period of (3) years after company ceases to perform work for that customer.
- 11.2 Customers shall have the right, at its discretion, to perform unannounced audits of the company's alcohol and drug program to verify that the company's policy and its enforcement comply with these guidelines.
- 11.3 At customer's request, company will provide separate lists of company personnel (including name and social security number) who were eligible for customers work on a date specified by customers. Upon further request, company will provide customers with the following information on each alcohol and drug test conducted for each company personnel identified by customers from those lists:
 - Date of and type of test (e.g. random, pre-access) and
 - Laboratory chain-of-custody identification number and/or test number

- 11.4 Company will obtain an agreement from any consortium, laboratory, and/or Medical Review Officer (MRO) providing drug/alcohol testing services for company that upon submission by customers of a list, or lists, of social security numbers, chain-of-custody ID numbers and test dates,
- The consortium/laboratory will verify that the tests were conducted as represented and
 - The consortium/laboratory and/or contractor MRO will provide a sworn statement that each of the tests identified by the customer were confirmed as negative or that it/they cannot so swear.

12.0 Vacancy Announcements

Northwinds of Wyoming, Inc. Drug tests all employees, any vacancy announcement submitted to local papers or advertising firms shall contain the statement “We Drug Test”.

13.0 Employee Assistance Program (EAP)

13.1 Employee Training

The Employee Assistance Program, for the purpose of this plan, will provide one hour per year of education and training on drug abuse and alcohol misuse to all employees. The education shall include, but not be limited to:

- Informational materials distributed to employees
- Distribution of Northwinds of Wyoming, Inc. DOT Drug and Alcohol Plan regarding the use of prohibited drugs and alcohol to all employees
- Audio and video presentations

14.0 Verification Process

The company’s means of ensuring that the verification process will commence no later than the time an employee is temporarily removed from the performance of safety-sensitive functions and that the period of stand-down for any employee will not exceed five days, unless the company is informed in writing by the MRO that a longer period is needed to complete the verification process; and

- 14.1 The company’s means of ensuring that, in the event that the MRO verifies the test negative or cancels it
- 14.2 The company returns the employee immediately to the performance of safety-sensitive duties
- 14.3 The employee suffers no adverse personal or financial consequences as a result
- 14.4 The company maintains no individually identifiable record that the employee had a confirmed laboratory positive, adulterated, or substituted test result (i.e. the company maintains a record of the test only as a negative or cancelled test)

15.0 Acknowledgement of Policy

- 15.1 All employees shall receive a copy of the Alcohol, Drug, and Contraband policy upon employment and sign
- 15.2 Copies of the Alcohol, Drug, and Contraband policy shall be distributed to all company offices. Allowing easy access to all employees of Northwinds of Wyoming
- 15.3 All policies can be found on the Northwinds of Wyoming, Inc. website at northwinds.us/content/policy
- 15.4 Posters acknowledging drug testing will be posted within our facilities