



Controlled Substances
And
Alcohol Use and Testing Policy

**A compliance manual for all employees /
drivers subject to Non-DOT and DOT regulations**

Effective 10/30/2017

TABLE OF CONTENTS

A. Purpose	2
B. Application	2
C. Policy.....	3
D. Definitions	3
E. Searches and Inspections.....	4
F. Collection of Biological Samples.....	5
G. Testing.....	5
1. Pre-Employment.....	5
2. Reasonable Suspicion.....	6
3. Post-Accident	7
4. Customer Required.....	7
5. Return-to-Duty (RTD) and Follow-up Testing	8
6. DOT Testing.....	8
7. Random Testing	8
8. Project Specific.....	9
H. Testing Methodologies and Procedures.....	9
I. Drug Groups	10
J. Laboratories & Collection Facilities.....	11
K. Certified Results	11
L. Confidential Records.....	11
M. Medical Review Officer	11
N. Disciplinary Action	12
O. Re-testing.....	13
P. Rehabilitation	13
Q. Training	13
Exhibit A – Program Providers.....	14
Exhibit B – Controlled Substance & Alcohol Test Consent Form	15
Exhibit C – DOT Guidelines for Post-Accident Testing and Alcohol Testing Limitations	16
Exhibit D – List of Drug & Alcohol Testing Acronyms.....	17
Exhibit E – Reasonable Suspicion Observation Checklist.....	20
Exhibit F – Reasonable Suspicion Determination Form.....	22

A. PURPOSE

Jones Bros. Contractors, LLC Contractors, LLC (“Jones Bros. Contractors, LLC” or the “Company”) is committed to providing a safe, efficient and productive work environment for all employees, including employees who may hold safety- sensitive positions. The Company has adopted a policy of maintaining a workplace free of controlled substances and alcohol abuse. Employees under the influence of drugs or alcohol on the job pose serious safety and health risks, not only to the users, but also to all those who surround or come in contact with the users.

It is the objective of the Company to:

1. Maintain a safe working environment for all workers (defined as employees of the Company and employees of its affiliates or subsidiaries, including any worker who may hold a "safety-sensitive" position as defined in Section D);
2. Protect Company property;
3. Cooperate with customers in their efforts to ensure safe, drug free and efficient operations;
4. Comply with contractual obligations and applicable federal and state regulations; and
5. Protect the general public and the community from accidents and incidents resulting from the use or misuse of controlled substances and alcohol.

B. APPLICATION

The Company Policy contained herein (this “Policy”) applies to all full-time, part-time, short- term and temporary Company employees. However, workers carried on a temporary agency’s payroll are exempt from this Policy, unless otherwise stipulated in the contract with the temporary agency. (In those cases, the contract with the labor agency should include substance abuse program provisions which include pre-employment, reasonable suspicion and post- accident testing.) This Policy also applies to those employee-drivers who maintain a Commercial Driver’s License (“CDL”) as a job requirement. These employee-drivers are covered by Department of Transportation (“DOT”) Regulation 49 CFR Part 382 and are subject to the Company’s DOT Controlled Substances and Alcohol Testing Policy as well as this Policy to the extent that this Policy exceeds the provisions of the DOT Policy. In all instances where provisions are similar between the two policies, the DOT Policy prevails.

Certain state and local jurisdictions may have laws and regulations that conflict with this Policy. In these situations, this policy is superseded only to the extent it conflicts with the state or local laws. (Also, the Company recognizes that this policy may be limited by certain collective bargaining agreements ratified by both Company management and particular units of employees. In these situations, the Company will work with representatives of the units in question to promote a work environment free of substance abuse.) *NOTE: Locations that do not have a collective bargaining agreement in place may disregard this parenthesis.*

C. POLICY

All employees are required to be free of drugs, drug metabolites, and/or impairment due to drug and/or alcohol use or misuse while at work or otherwise on work-related premises, whether such use or misuse is legal or illegal. (Exception: Employees may use properly prescribed and administered prescription drugs that do not adversely affect their ability to perform job functions. Also, the legal, authorized use of alcohol within the limits of applicable laws (including DOT rules) and other provisions of this policy is not considered to be a violation of this policy. However, possession or consumption of alcoholic beverages while performing safety-sensitive activities is prohibited.) Therefore, an employee reporting to work with drugs, drug metabolites or excessive alcohol in his or her system will result in immediate disciplinary action, up to and including termination of employment.

In addition, the unauthorized possession, control, sale, trade, manufacture, or distribution of drugs or drug paraphernalia on the premises of the Company or in any of its vehicles (including owned, non-owned or leased vehicles), or in personal vehicles while conducting Company business, or on the premises or in the vehicle of any customer while on a work assignment, or in Company paid lodging while on a work assignment, or while performing duties on behalf of the Company (collectively or individually, the "Work Area"), will subject the employee to immediate disciplinary action up to and including termination.

The unauthorized possession, control, sale, trade, manufacture, or distribution of alcohol in or on the Work Area, will subject the employee to immediate disciplinary action up to and including termination.

Employees also will be subject to removal from the Company or customer premises if, in the opinion of a Company or customer representative, they appear to be in a condition unfit to work safely or effectively.

D. DEFINITIONS

1. An "**accident/incident**" as it refers to post-accident testing is defined as:
 - a) Any on-the-job accident that requires off-site medical attention;
 - b) Any vehicular accident, *regardless of fault*;
 - c) Any other incident or event where: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; 3) the employee's action or in-action was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; 4) testing is being conducted as part of the Company's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or in-action, could have contributed to the incident/accident as part of a root cause investigation.

2. The term "**drugs**" includes:
 - a) Illegal drugs or controlled substances;
 - b) Other psychoactive drugs or any substance with impairing effects;
 - c) Prescribed drugs not prescribed to the person in possession;
 - d) Correctly prescribed drugs or non-prescription drugs which could adversely affect the ability to perform safety-sensitive job functions (Employees using these types of drugs must notify their immediate supervisor before reporting to work under the influence of such drugs. Reference "pre-duty disclosure" provision in Section N, Subsection 4);
 - e) Designer, "Look Alike" or any and all synthetic drugs in any form; and
 - f) Paraphernalia or equipment related to drug use.

3. The reference to "**drugs, drug metabolites or excessive alcohol**" in an employee's system pertains to any measurable amount of a drug, the breakdown product of a drug, or an unacceptable level of alcohol detectable in any body substance sample. For the purposes of this policy, local laws and/or DOT regulations, as applicable, define an "unacceptable" level of alcohol. However, all employees in safety-sensitive positions shall be subject to the alcohol limits prescribed by DOT rules, without regard to whether or not their specific work assignment is subject to those DOT rules (See Exhibit C).

4. The term "**vehicle**" includes any motor vehicle used by an employee in the course and scope of employment with the Company, whether owned, non-owned, or leased.

5. The term "**safety-sensitive**" position refers to any employee (or subcontractor) whose essential functions include: driving Company vehicles, operating equipment, and/or working in a shop, in a warehouse, or on any Company project, both on and off Company premises. This term also includes any employees who work in hazardous environments that involve handling or proximity to flammable materials, explosives, toxic chemicals or similar substances and any positions that are designated as high-risk or safety-sensitive under applicable state and federal laws and regulations as well as any employee whose essential functions include handling confidential information or who hold a fiduciary position within the company.

6. A "dilute specimen" is a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

E. SEARCHES AND INSPECTIONS

The Company reserves the right at any time, at its sole discretion, in or on the Work Areas, to have an authorized Company representative conduct unannounced searches and inspections of employee lockers, desks or vehicles used in the course of conducting Company business, to

determine if such employees or other persons are in possession, use, transportation or concealment of any of the prohibited items and substances covered by this Policy.

In addition, every employee will be required, upon the Company's request and in accordance with state law, to submit to a search of any personal vehicle, clothing, package, purse, briefcase, toolbox, lunchbox, or other container brought onto Company premises, if the Company believes there is reasonable grounds for suspecting that the search will uncover a violation of this policy. This type of search will not be conducted without the knowledge and consent of the employee.

NOTE: IF THERE ARE REASONABLE GROUNDS FOR SUSPECTING THAT A SEARCH WILL UNCOVER A VIOLATION OF THIS POLICY, THE COMPANY OR ITS REPRESENTATIVES ARE AUTHORIZED TO CONDUCT A SEARCH AS DESCRIBED ABOVE. REFUSAL TO ALLOW SUCH A SEARCH OR HINDRANCE OF AN AUTHORIZED SEARCH WILL RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION. SHOULD A SEARCH UNCOVER A PROHIBITED SUBSTANCE UNDER THIS POLICY, THE EMPLOYEE WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

F. COLLECTION OF BIOLOGICAL SAMPLES

The collection of all biological samples, whether they be blood, breath, hair, saliva, sweat, urine or any other approved body substance sample, will be performed by an outside health care facility or practitioner designated by the Company or by Company personnel specifically trained in the applicable collection procedures. The collection facility shall require positive photo identification or positive visual identification by a designated Company representative of individuals who present themselves for testing.

All searches, inspections, urine sampling and other biological sampling will be performed with concern for each employee's personal privacy and confidentiality and in accordance with applicable state and federal laws.

G. TESTING

1. Pre-Employment

(a) All applicants should be informed of the testing requirements and provided with a copy of this Policy for review, or issued a copy if required by applicable state law. All prospective employees shall be required to provide a biological sample for drug testing. A negative non-dilute drug test result must be obtained prior to beginning employment. This test must be conducted no earlier than thirty days immediately preceding employment.

Prospective employees who refuse to submit to pre-employment testing, those who test positive for the presence of drugs or who submit an adulterated or substituted specimen during pre-employment testing shall be disqualified from employment with the Company. Such applicants who fail a pre-employment test may not re-apply for employment for a period of 30 days. Corporate approval is required prior to hiring such

applicants who do re-apply after the 30 day. In addition to providing a negative non-dilute result prior to beginning employment, any and all such applicants described in this paragraph who begin employment within one year of their initial test date will also be required to comply with the follow-up testing provisions of Section G, Subsection 5 of this Policy and a subsequent failure of any test administered under the provisions of this Policy for either drugs or alcohol (at the 0.02 level) or other violation of this Policy at any time under any circumstances will result in the employee's termination.

(b) Employees who have officially separated from the company (such as instances involving lay-off, termination, voluntary resignation, etc.) for more than thirty days and wish to return to the Company are subject to the pre-employment testing provisions of this Policy (See NOTE below).

Employees who are off work and inactive, but their employment was never separated from the Company (such as instances involving injury or illness, whether occupational or non-occupational; approved Leave of Absence; FMLA; etc.) are not subject to the pre-employment testing provisions of this Policy (See NOTE below).

NOTE: If the situations described in this Subsection (b) were caused by reasons related to this Policy, the applicable language in Section G, Subsection 5 and/or Section N applies.

2. Reasonable Suspicion

Drug testing and/or alcohol testing of this kind occurs when workplace behavior, appearance, speech, and/or odor indicate that an employee is under the influence of drugs or alcohol. It is recommended that the observing supervisor consult with at least one other supervisor to witness and evaluate the employee's behavior before the decision to test is made. It is also recommended that the second supervisor be someone who has been trained in the detection of the possible symptoms of substance abuse, especially if the observing supervisor has not received this training. However, should the employee's condition be such that he or she poses an immediate threat to his or her safety or to the safety of others, or should another supervisor be unavailable, the observing supervisor shall act immediately.

The Company shall not permit individuals who exhibit probable indicators of alcohol or drug induced impairment to operate a motor vehicle for the purpose of submitting a biological sample. In such cases, the Company will provide suitable transportation to the collection site and from the collection site to the employee's residence or to a location agreeable with the employee.

The observing supervisor should prepare documentation of the circumstances which formed the basis of the reasonable suspicion determination within 24 hours of the decision to test (See Exhibits E and F).

Reasonable suspicion testing may also be used as part of a search and inspection of an employee's Work Area(s). Also, any employee who is found to be in possession

of illegal controlled substances, alcohol, or related paraphernalia (including materials found in a Company vehicle) may be referred for reasonable suspicion testing.

An employee who has taken a reasonable suspicion drug/alcohol test will be temporarily suspended from active duty until the results of the test(s) are known. In the case of a positive drug/alcohol test, Section N will apply for the appropriate disciplinary action. In the case of a negative test, the employee will be returned to the payroll and made whole for any lost wages.

3. Post-Accident

Any employee who is involved in an accident/incident as defined in Section D of this Policy while on duty, whether on or off the Company premises, shall be required to submit to post-accident testing as described below. Post-accident tests shall be administered within the time limits prescribed by DOT regulations, without regard to whether the employee is subject to those DOT rules (See Exhibit C).

Post-accident drug or alcohol testing shall be conducted in all instances where the supervisor has reason to believe that the employee's action or in-action was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info or has reason to believe that the employee is under the influence of drugs or alcohol. This includes situations in which employees are subject to customer-required post-accident testing provisions that may be limited to drug testing only. In these situations, post-accident alcohol tests may still be required in accordance with this Policy as described above. However, if alcohol testing cannot be conducted using the testing methodologies outlined in Section H of this Policy in the timeframe required, the Company shall not pursue or require that alternate specimens such as blood or urine be collected for this purpose. The reasons for the absence of the test should be documented.

4. Customer Required

In addition to being subject to the provisions of this Policy, any employee who works in a customer's facility or on a customer's work site may also be subject to the customer's drug and alcohol policy, including any requirement for testing prior to entering the customer's site or facility as well as random testing, post-accident testing, etc., as required by contracts or service agreements, subject to limitations of local or state regulations. In situations in which the customer's post-accident testing provisions are limited to drug testing only, post-accident alcohol tests may still be required in accordance with this Policy (See Subsection 3 above).

Federal contracts and the associated testing requirements relative to the Drug Free Workplace Act of 1988 come under the provisions of customer required testing, and as a Federal Contractor, the Company will comply with all requirements of this Act. **ACCORDINGLY, ALL EMPLOYEES ARE REQUIRED TO NOTIFY THE COMPANY IN WRITING OF ANY CRIMINAL DRUG STATUTE CONVICTION FOR A VIOLATION OCCURRING IN THE WORKPLACE NOT LESS THAN (5) CALENDAR DAYS AFTER SUCH CONVICTION.**

5. Return-to-Duty (RTD) and Follow-up Testing

All test results from return-to-duty (“RTD”) controlled substances testing must be negative and non-dilute and all test results from RTD alcohol testing must be negative in accordance with Company standards (See Exhibit C). However, should an employee’s RTD drug test result be negative dilute, this employee will not be allowed to return to work and will be required to provide two negative non-dilute drug test results within the span of the next fourteen days. These tests are to be administered by and paid for by the Company. In addition, the employee’s EAP counselor should be contacted immediately and informed of the negative dilute RTD test results and the employee should be directed to return to the counselor for further assessment as deemed appropriate. If said employee cannot produce the required two negative non-dilute drug tests within the span of the next fourteen days, this will be considered an “other violation” of this Policy as described in Section N, Subsection 3(b) and will result in the employee’s termination.

If an employee returns to work after meeting the criteria established in Section N of this Policy after previously testing positive on a Company authorized drug/alcohol test or after otherwise violating this Policy, the employee will be subject to unannounced follow-up testing for a period of the lesser of twelve months or any time period prescribed by applicable state laws, from the date the employee returns to work. During the first twelve months of reemployment, the employee shall be tested monthly. The frequency and duration of an employee’s follow-up testing program can only be altered by approval from the Director of Human Resources.

6. DOT Testing

See Section B of this Policy.

7. Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FMCSA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

8. Project Specific

Employees are also subject to project specific testing which may be conducted at the sole discretion of the Company, although operating companies should contact the appropriate RSD for guidance prior to initiating testing. Company discretion includes the determination of the scope and timing for such unannounced testing. Project specific testing shall include all employees assigned to a job site at the time of testing as well as the pre-placement testing of current employees prior to being assigned to a specific job site.

Testing may be conducted in the above situation subject to limitations that may apply in certain state and/or local jurisdictions (or by local collective bargaining agreements). *NOTE: Locations that do not have a collective bargaining agreement in place may omit this parenthesis.*

H. TESTING METHODOLOGIES AND PROCEDURES

All drug and alcohol testing methodologies and procedures are subject to limitations that may apply in certain state and / or local jurisdictions.

1) Drug testing will be performed as follows:

- a) Urine testing: The initial urinalysis screen shall be done using an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. **This initial urinalysis screen may be done using an instant screening device in pre-employment testing situations only. However, for all employee testing situations (post-accident, reasonable suspicion, random, return-to-duty and follow-up tests), this initial screen must be laboratory-based.** The only exception to this would be in certain customer required testing situations in which the customer requires the use of instant testing devices.

All non-negative results of either type of initial test must be confirmed using a GC/MS (gas chromatography/mass spectrometry) methodology or a methodology determined by the Department of Health and Human Services to be equally or more reliable and must be performed by a laboratory certified by the Substance Abuse and Mental Health Services Administration (“SAMHSA”).

- b) Oral fluid (“OF”) testing: All OF testing shall be conducted by a laboratory certified by the College of American Pathologists (CAP) and can be used in applicant and/or employee testing situations. These specimens must be tested with the cutoff levels recommended by the device manufacturer and/or testing laboratory for the drug classes being tested. The initial test shall be done using an immunoassay or similar screen and all non-negative results of the initial screen must be confirmed by a mass spectrometry test or a methodology determined to be equally or more reliable.
- c) Hair testing: All hair testing shall be performed by a laboratory certified by the College of American Pathologists (CAP) and Clinical Laboratory Improvement Amendments (CLIA) and can be used in applicant and/or employee testing situations. The initial test shall be

done using an immunoassay or similar screen and all non-negative results of the initial screen must be confirmed by a mass spectrometry test or a methodology determined to be equally or more reliable. The laboratory must have proven their ability to obtain Food and Drug Administration (FDA) clearances for their screening assays.

Employees and applicants who are unable to provide the appropriate sample for religious, medical or other reasons shall notify the Corporate Program Manager and, if appropriate, reasonable accommodations will be made as required by law.

2) Alcohol testing will be performed as follows:

- a) Either a breath sample or a saliva sample can be taken for the initial screen and tested for alcohol content. Although breath testing conducted by a qualified Breath Alcohol Technician (“BAT”) using an evidential breath testing device (“EBT”) is the preferred methodology, in situations where this methodology is not immediately available, a saliva screening test can be administered by a trained company representative. If the result of either type of screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test shall be conducted by a qualified BAT using an EBT. Only devices approved by the National Highway Traffic Safety Administration (“NHTSA”) and identified on their “conforming products list” will be used for screening and confirmation tests.
- b) Reference Exhibit C for alcohol testing limitations and outcomes.

All collection facilities and laboratories shall have documented chain-of-custody protocols for all samples tested and documented calibration for testing equipment. For information regarding the designated medical service providers for these services, see the Local Program Manager.

The results of any test, such as an alcohol test, performed by a law enforcement agency may be used to enforce this policy, if such test was conducted based on an incident or circumstances relating to the performance of work activities covered by this policy.

I. DRUG GROUPS

The tests may include screening for alcohol and a 10-panel substance abuse test for the below-listed drug categories. The cutoff levels for urine drug testing will be those set by the Department of Health & Human Services in their Mandatory Guidelines for Federal Workplace Drug Testing Programs. Locations may be required to modify this panel and/or detection levels per specific customer requirements. The standards and confirmation levels for drug testing biological samples, other than urine, will be determined and approved by the Corporate Program Manager. The standards/limits/confirmation levels for alcohol testing will be identical to those established by DOT requirements (See Section D, Paragraph 3 and Exhibit C).

ALCOHOL - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

Panel Substance Abuse Test:

Marijuana Metabolites
Cocaine Metabolites
Opiate Metabolites
Amphetamines (including methamphetamines)
Phencyclidine (PCP)
Barbiturates
Benzodiazepines
Methadone
Propoxyphene

J. LABORATORIES & COLLECTION FACILITIES

The Company shall designate approved medical and program administration providers for all alcohol, drug and controlled substance testing. For information regarding the designated providers for these services, see the Local Program Manager. However, for the purposes of enforcement, the use of a non-designated provider shall not negate the validity of any such testing.

K. CERTIFIED RESULTS

The medical service providers utilized for testing shall provide the Company, the Program Administrator, and any Company customer, if so directed in writing, with certified report results. Any request for test results from a customer shall be referred to the Director of Human Resources or the Program Manager. Employees have the right to obtain a copy of their written test results.

L. CONFIDENTIAL RECORDS

The Company and the Program Administrator will keep all test results and records in strictest confidence. Test results and records, including the Controlled Substance and Alcohol Test Consent Forms, shall not be included in employee personnel files but are to be maintained in separate and secure files accessible to authorized personnel only. In addition, the Company shall require any customer receiving certified reports to keep such reports confidential. Requirements to retain drug and alcohol test results shall be, at a minimum, the same as requirements dictated by Federal and State laws for the retention of employment applications.

M. MEDICAL REVIEW OFFICER

All positive and abnormal test results shall be referred to a Medical Review Officer (“MRO”). Abnormal test results would include adulterated, canceled, invalid, rejected, substituted or otherwise unsuitable specimens. The MRO will contact the employee (or applicant) to determine if there is a medical reason for the result to be positive, adulterated, substituted or otherwise

unsuitable.

1. If a medical reason can be established, the result will be reported as "negative."
2. If a medical reason cannot be established, the result will be reported as "confirmed positive."
3. If the MRO cannot contact the employee (or applicant) after making a reasonable attempt to do so, the test result will be reported as a "non-contact positive."

N. DISCIPLINARY ACTION

1. All employees will be required to sign a Controlled Substance and Alcohol Test Consent Form (See Exhibit B), except where prohibited by law. Failure to sign will be considered a voluntary resignation.
2. Employees who fail a drug test or an alcohol test or otherwise violate this Policy will be terminated immediately, except where prohibited by state or local laws or regulations.
3. Safety-sensitive employees who fail to report to their supervisor the use of prescription or non-prescription drugs or any substance with impairing effects that could adversely affect their ability to safely perform their essential job functions will be subject to disciplinary action, up to and including termination. As part of this "pre-duty disclosure" employees are **not** to disclose the name of the medication or substance nor the reason for its use when reporting to their supervisor. The Company shall subsequently ensure that a fitness-for-duty evaluation be conducted. Should the recommendations of an employee's personal physician differ from that of the Company's physician / MRO, the decision of the Company's physician / MRO shall prevail.
4. Subject to any limitations imposed by law, a refusal to provide a body substance sample under the provisions of this Policy will be considered a voluntary resignation. Any attempt to deliberately tamper with a specimen, such as providing an adulterated or substituted specimen, is the equivalent of refusing to provide a sample. In addition, all employees required to submit to a drug or alcohol test, regardless of the circumstances surrounding the test or the test results, will be expected to be fully cooperative with the personnel administering the test at all times. Failure to do so will subject the employee to disciplinary action as deemed appropriate in accordance with the Company's discipline policy.
5. Illegal substances, drugs, and other unauthorized items that are discovered through searches and inspections pursuant to this Policy may result in the proper law enforcement authorities being advised in this regard, in addition to disciplinary action imposed by the Company.
6. Employees who leave the company as a result of the provisions of this Policy, either due to termination or voluntary resignation, may be considered for reemployment; however there is no guarantee of reemployment after any specified period of time.

O. RE-TESTING

Employees who fail a drug test or who are found to have an adulterated or substituted specimen may request a retest of the same biological sample. However, such request does not stay the employee's termination or voluntary resignation. Such a request shall be made within 24 hours after the employee is notified of the test results. The costs associated with such a retest are payable in advance by the individual involved. The Company will reimburse such costs and make the employee whole for lost wages if the retest results are in conflict with the initial test.

P. REHABILITATION

It is the intent of this Policy that employees who use controlled substances or misuse alcohol will not have their job security and promotional opportunities jeopardized by a request for help with their problems. Employees may voluntarily report substance abuse problems in a confidential manner to the Human Resources Department. There are employee assistance programs and drug and alcohol rehabilitation programs available within your community. Employees may contact the Human Resources Department for more information on these programs. For an employee seeking help for currently engaging in the illegal use of drugs, this request for help will be granted on a one-time basis only.

This request for assistance must be made by the employee prior to the Company requiring the employee to submit to testing for controlled substances or alcohol. Should this request for assistance come in the form of an employee's admission to violating the Policy when notified by a supervisor of the requirement to be tested, the supervisor should NOT complete the testing process. Instead, the employee's admission should be documented and disciplinary action should be administered in accordance with Section N of this Policy. In situations where a drug test has already been submitted for testing and the employee subsequently admits to violating the Policy before the results of the test are known, disciplinary action should be taken based upon the employee's admission, even if the results of the drug test are negative.

Q. TRAINING

All affected employees will receive a copy of this Policy and should be aware of its content. (Applicants will be provided a copy of this Policy for review or issued a copy if required by applicable state law.) Affected employees will, from time to time, be further advised as to the requirements of this Policy as it relates to their participation and obligations. They will be educated on the effects substance abuse has on their health, on their home-lives, on their community and on our industry. Employees are encouraged to contact the Human Resources Department if they have any questions about the Policy.

Appropriate supervisory and/or management personnel will be educated and trained in recognizing the contemporaneous behavioral patterns associated with controlled substances use and alcohol misuse. They will be trained on the administration of all aspects of this Policy, including intervention when there is suspected illegal use of controlled substances or alcohol misuse.

APPENDIX A

Program Administration and Medical Service Providers

Substance Abuse Program Manager

The C&F Company, LLC.
1336 Murfreesboro Pike
Nashville, TN 37217
615-533-7275

Program Administrator (C/TPA)

The C&F Company, LLC.
615.533.7275

SAMHSA Certified Laboratory

Quest Diagnostics, Inc.
1201 S. Collegeville Rd.
Collegeville, PA 19426
615-454-6000

Local Collection Site(s)

The C&F Company, LLC.
1336 Murfreesboro Pike
615-533-7275
Hours: 7 am – 4 pm (Monday thru Friday)

Medical Review Officer (MRO)

Neil J. Dash, MD
546 Franklin Ave
Massapequa,
NY11758
800-526-9341

Designated Employer Representative (DER)

Kathleen Keel – HR / Compliance Officer
Jones Bros. Contractors, LLC
2209 Crestmoor Road, Ste. 210
Nashville, TN 37215
615-454-3866

EXHIBIT B

**CONTROLLED SUBSTANCE AND ALCOHOL
TEST CONSENT FORM**

I understand that as a condition of employment, I must voluntarily consent to and satisfactorily complete biological sampling tests to determine the presence of certain controlled substances and/or the presence of alcohol.

I further understand that I must voluntarily consent to unannounced searches and inspections of myself, my clothing, assigned vehicle (owned, non-owned, or leased), and any package, purse, briefcase, toolbox, lunchbox, or other container brought onto Company premises, for the purpose of enforcing this policy.

As a candidate for employment, I understand that the presence of one or more of such controlled substances or alcohol will disqualify me from further consideration for employment.

As an incumbent employee, I understand that failing a test for controlled substances and/or excessive alcohol will result in disciplinary action, up to and including termination of my employment (unless such action is prohibited by state law).

I certify that I have read this form and the Jones Bros. Contractors, LLC Substance Abuse Policy or it has been read to me, and I understand its content. I agree to the release of information obtained through medical inquiries or substance abuse tests by The C&F Company, LLC. and Jones Bros. Contractors, LLC or a customer's designated medical service providers to The C&F Company, LLC., Jones Bros. Contractors, LLC, its representatives, any third-party entities conducting medical examinations and testing on behalf of Jones Bros. Contractors, LLC, Jones Bros. Contractors LLC's customers as it pertains to the customer-required testing for that specific customer and job only or to any federal, state, or local agencies, on a "need to know" basis.

I also hereby authorize The C&F Company, LLC. and Jones Bros. Contractors, LLC to conduct through its designated medical service providers a substance abuse test(s), and I release The C&F Company, LLC., the clinic/physician and related entities, their directors, employees and agents from all legal responsibility related to providing the information obtained through the medical inquiries or screening test to The C&F Company, LLC and Jones Bros. Contractors, LLC or other authorized entities.

Applicant / Employee: _____ Date: _____
First & Last Name

Signature: _____ SSN: _____

City & State: _____ Zip Code: _____

Witness: _____ Date: _____
First & Last Name

Signature: _____ Title: _____

EXHIBIT C

DOT GUIDELINES FOR POST-ACCIDENT TESTING AND ALCOHOL TESTING LIMITATIONS

Post-accident testing guidelines

A post-accident alcohol test should be administered within 2 hours following the occurrence of the accident. After 8 hours have passed, attempts to administer the test shall cease, and the employee's supervisor shall document the incident and notify their Regional Safety Director of these events.

A post-accident drug test should be administered within 32 hours following the occurrence of the accident. If not, attempts to administer the test shall cease, and the employee's supervisor shall document the incident and notify their Regional Safety Director of these events.

Alcohol testing limitations

If the result of the screening test is a breath alcohol concentration of less than 0.02, the test is considered to be "negative" and no further testing is authorized.

If the result of the screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test shall be conducted.

If the result of the confirmation test is a breath alcohol concentration of less than 0.02, the test is considered to be "negative." (See Note below.)

If the result of the confirmation test is a breath alcohol concentration of 0.04 or greater, the test is considered to be "positive." (See Note below.)

Note: In accordance with *Company* standards, if the result of the confirmation test is a breath alcohol concentration of 0.02 or greater but less than 0.04, the test is also considered to be "positive."

EXHIBIT D

LIST OF DRUG & ALCOHOL TESTING ACRONYMS

ADA	Americans with Disabilities Act
BAT	Breath Alcohol Technician
CCF	Custody and Control Form (i.e. Chain-of-Custody Form)
CDL	Commercial Driver's License
CMV	Commercial Motor Vehicle
DFWP	Drug-Free Workplace Program
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
FAQ	Frequently Asked Questions
FMCSA	Federal Motor Carrier Safety Administration (previously FHWA)
FMLA	Family Medical Leave Act
GC/MS	Gas Chromatography/Mass Spectrometry
MRO	Medical Review Officer
NHTSA	National Highway Traffic Safety Administration
OF	Oral fluid
POCT	Point of Collection Testing
QED	Quantitative Enzyme Diagnostic (an alcohol screening device)
PCP	Phencyclidine
RSD	Regional Safety Director
RTD	Return-to-Duty
SAMHSA	Substance Abuse and Mental Health Services Administration
SVT	Specimen Validity Testing
TPA	Third Party Administrator
THC	Delta-9-tetrahydrocannabinol-9-carboxylic acid (i.e. marijuana metabolite)
UBH	United Behavioral Health
UDS	Urine Drug Screen

EXHIBIT E (Page 1 of 2)
REASONABLE SUSPICION OBSERVATION CHECKLIST

EMPLOYEE:

PERIOD OF EVALUATION:

SUPERVISOR #1, NAME AND TELEPHONE:

SUPERVISOR #2, NAME AND TELEPHONE:

This checklist is intended to assist a supervisor in referring a person for drug testing. Has the employee manifested any of the following behaviors? Indicate (D) if documentation exists.

A. QUALITY AND QUANTITY OF WORK

Yes	No	
___	___	1. Clear refusal to do assigned tasks
___	___	2. Significant increase in errors
___	___	3. Repeated errors in spite of increased guidance
___	___	4. Reduced quantity of work
___	___	5. Inconsistent, "up and down" quantity/quality of work
___	___	6. Behavior that disrupts work flow
___	___	7. Procrastination on significant decisions or tasks
___	___	8. More than usual supervision necessary
___	___	9. Frequent, unsupported explanations for poor work performance
___	___	10. Noticeable change in written or verbal communication
___	___	11. Other (please specify) _____

B. INTERPERSONAL WORK RELATIONSHIPS

Yes	No	
___	___	1. Significant change in relations with co-workers, supervisors, etc.
___	___	2. Frequent or intense arguments
___	___	3. Verbal abusiveness
___	___	4. Physical abusiveness
___	___	5. Persistently withdrawn or less involved with people
___	___	6. Intentional avoidance of supervisor
___	___	7. Expressions of frustration or discontent
___	___	8. Change in frequency or nature of complaints
___	___	9. Complaints by co-workers or subordinates
___	___	10. Cynical, "distrustful of human nature" comments
___	___	11. Unusual sensitivity to advice or critique of work
___	___	12. Unpredictable response to supervision
___	___	13. Passive-aggressive attitude or behavior, doing things "behind your back"

*Prepared by Batelle Memorial Institute for Federal Transit Administration

This checklist only provides possible indicators of substance use or abuse. It is not intended to be an exclusive list. Furthermore, an affirmative response to one or more questions does not necessarily indicate that reasonable suspicion exists to test an employee. Reasonable suspicion testing based solely on the use of this checklist is not endorsed. Reasonable suspicion determination can only be made by supervisory personnel in a given situation.

EXHIBIT E (Page 2 of 2)
REASONABLE SUSPICION OBSERVATION CHECKLIST

C. GENERAL JOB PERFORMANCE

Yes	No	
___	___	1. Excessive unauthorized absences—number in last 12 months
___	___	2. Excessive authorized absences—number in last 12 months
___	___	3. Excessive use of sick leave in last 12 months
___	___	4. Frequent Monday/Friday absences or other pattern
___	___	5. Frequent unexplained disappearances
___	___	6. Excessive “extension” of breaks or lunch
___	___	7. Frequently leaves work early—number of days per week or month
___	___	8. Increased concern about (actual incidents) safety offenses involving employee
___	___	9. Experiences or causes job accidents
___	___	10. Major change in duties or responsibilities
___	___	11. Interferes with or ignores established procedures
___	___	12. Inability to follow through on job performance recommendation

D. PERSONAL MATTERS

Yes	No	
___	___	1. Changes in or unusual personal appearance (dress, hygiene)
___	___	2. Changes in or unusual speech (incoherent, stuttering, loud)
___	___	3. Changes in or unusual physical mannerisms (gesture, posture)
___	___	4. Changes in or unusual facial expressions
___	___	5. Changes in or unusual level of activity—much reduced/increased
___	___	6. Changes in or unusual topics of conversation
___	___	7. Engages in detailed discussions about death, suicide, harming others
___	___	8. Increasingly irritable or tearful
___	___	9. Persistently boisterous or rambunctious
___	___	10. Unpredictable or out-of-context displays of emotion
___	___	11. Unusual fears
___	___	12. Lacks appropriate caution
___	___	13. Engages in detailed discussion about obtaining/using drugs/alcohol
___	___	14. Has personal relationship problems (spouse, girl/boyfriend, children, in-laws)
___	___	15. Has received professional assistance for emotional or physical problems
___	___	16. Makes unfounded accusations toward others (i.e. has feelings of persecution)
___	___	17. Secretive or furtive
___	___	18. Memory problems (difficulty recalling instructions, data, past behaviors)
___	___	19. Frequent colds, flu, or other illnesses
___	___	20. Excessive fatigue
___	___	21. Makes unreliable or false statements
___	___	22. Unrealistic self-appraisal or grandiose statements
___	___	23. Temper tantrums or angry outbursts
___	___	24. Demanding, rigid, inflexible
___	___	25. Major change in physical health
___	___	26. Concerns about sexual behavior or sexual harassment

Other information/observations (Please be specific, attach additional sheets as needed).

SUPERVISOR #1 – DATE

SUPERVISOR #2 – DATE

EXHIBIT F
REASONABLE SUSPICION DETERMINATION FORM

Employee Name: _____ Date of Incident: _____

Location: _____ Time: _____

Incident Description: _____

1. Appearance: _____

2. Behavior: _____

3. Speech: _____

4. Body Odors: _____

5. Indications of chronic and withdrawal effects of controlled substances: _____

Witnesses: _____

Summary of discussion with employee: _____

Action Taken: _____ Alcohol Test _____ Controlled Substances Test _____ No Test* _____ Other*
*(explain) _____

Signature of Observing Supervisor Title Date of Report

Signature of Second Supervisor Title Date of Report

BLANK PAGE