

ALCOHOL AND DRUG USE/ABUSE POLICY

The Company is committed to maintaining a safe, healthy, and productive work environment free from the negative effects of drug and alcohol use. The Company will not tolerate any drug or alcohol use that could endanger the health and well-being of its employees, clients, others, or threaten the Company's business operations.

The Company prohibits employees from illegally dispensing, distributing, manufacturing, obtaining, possessing, purchasing, selling, using, being under the influence of, or testing positive for the illegal use of drugs or alcohol at the following times:

- while on work premises or in Company owned or controlled vehicles, whether on or off duty;
- while on duty, regardless of location;
- during lunch or other breaks, whether paid or unpaid; and
- while representing the Company in any capacity.

Exceptions to the alcohol portion of this policy, for example Company parties, will be made on a case-by-case basis.

The Company reserves the right to conduct tests of all employees for possible violations of this policy in the following circumstances:

- Post-Accident - (where there is an objectively reasonable basis for the testing, damage to property or equipment, a driving citation is issued, or there is a violation of a safety rule or standard)
- Post-Incident – (where the purpose is to evaluate the root cause of a workplace incident that harmed or could have harmed employees; in these instances, all employees whose conduct could have contributed to the incident are tested)
- Reasonable Suspicion

In addition, drug and alcohol tests may be done if required by clients or other regulatory agencies.

For any employees working in the City of Philadelphia, the Company complies with Philadelphia's ordinance ["Prohibition on Testing for Marijuana as a Condition for Employment"] and will not require a prospective employee to submit to pre-employment marijuana testing as a condition of employment. The ordinance does not apply to any position requiring a commercial driver's license or if not testing conflicts with an applicable collective bargaining agreement.

Medical Marijuana

According to the Pennsylvania Medical Marijuana Act, a resident of Pennsylvania suffering from a serious medical condition may use marijuana to treat the condition(s) with a physician's certification.

Employees are held to the following prohibitions:

- Employees are prohibited from operating or being in physical control of any of the following while under the influence with a blood content of more than 10 nanograms of active tetrahydrocannabinis per milliliter of blood in serum:

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- Chemicals which require a permit issued by the federal government or a state government, or by an agency of the federal government or a state government.
- High-voltage electricity or any other public utility.
- Employees are prohibited from any employment duties at heights or in confined spaces, including, but not limited to, mining while under the influence of medical marijuana.
- Employees are prohibited from performing any task that the Company deems life-threatening, to either the employee or any of the employees of the Company, while under the influence of medical marijuana. This prohibition is not an adverse employment decision even if the prohibition results in financial harm for the employee.
- Employees are prohibited from performing any duty that could result in a public health or safety risk while under the influence of medical marijuana. The prohibition is not an adverse employment decision even if the prohibition results in financial harm for the employee.

The Company will not discharge, threaten and refuse to hire, or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location, or privileges solely on the basis of such employee's status as an individual who is certified to use medical marijuana.

The Company is not required to:

- make any accommodation of the use of medical marijuana;
- limit its ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally accepted for that position;
- commit any act that would violate federal law.

Refusal to Test

Employees who refuse to take a drug or alcohol test, for any of the reasons listed below, will be disciplined for gross insubordination and be subject to disciplinary action up to and including termination of employment. Employees tampering with or attempting to tamper with results of a drug or alcohol test will be subject to discipline, up to and including termination of employment.

Refusal to test can include any of the following:

- refusal to take a test
- failure to report for testing at the time and location instructed to do so
- failure to provide proper identification, including a legal photo identification that includes a signature, such as an employee's driver's license, at time of testing
- failure to cooperate with collection/testing
- tampering with, altering of, or substituting urine specimens

Testing for alcohol normally will be conducted through either saliva, blood, or a breath specimen that must be collected on-site, at the scene of an accident, or at an approved

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off-site collection facility. An initial screening test will be performed. If the blood alcohol concentration is less than 0.02, the test is considered negative.

If the blood alcohol concentration level is equal to or greater than 0.02 but less than 0.04, the test will be considered negative. However, for safety reasons, the employee will be removed from work until the start of the next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.

If the screening test results show an alcohol concentration level of 0.04 or greater, then a confirmation test will be conducted. The confirmation test will be a breath test conducted on an Evidentiary Breath Testing (EBT) device approved for use in the United States Department of Transportation's Drug and Alcohol Misuse Prevention Program. If the confirmation test reads positive, 0.04 or greater, the test results must be considered positive and the employee will be subject to disciplinary action as specified in this policy.

Employees who receive a positive test will not be given a retest. The employee's actions will be considered willful misconduct and the employee's employment will be immediately terminated.

Where there is a conflict between this policy and the state workers' compensation act or other state or federal law, the law or regulation will prevail.

Please note the drug and alcohol policy does not alter an employee's at-will employment status.

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DISCLAIMERS

Even OSHA's own website has a disclaimer:

- These regulations and related materials are ... continually under development. The user should be aware that, while we try to keep the information on our Web site timely and accurate, there will often be a delay between official publication of the materials and their appearance or modification on these pages. The Company will make every effort to correct errors brought to our attention.

Company Disclaimer:

- The following has been developed to reduce hazards likely to cause injuries to our employees.
- Some of the following policies may not be applicable to our operations. This manual serves as a guideline and is subject to change or modification as particular circumstances warrant.
- Employees should contact their immediate supervisor or senior management with questions.
- **If there are conflicts with local, state or federal regulations or the Company's Employee Handbook or other Company documents, the local, state or federal regulations, the Company Employee Handbook or other Company documents will prevail.**

Agency Risk Management's Disclaimer:

- The information contained is not the complete OSHA standard.
- The information contained is for informational purposes only.
- Agency Risk Management makes no guarantee the information in this document is true, correct, precise or accurate.
- Agency Risk Management has no influence on how the information in this document is used.
- No one employed by or connected to Agency Risk Management takes any responsibility for the results or consequences of error or for any loss or damage suffered by users of any of the information in this document or attached to it, and such information does not form any basis of a contract with users of it.

Reference OSHA Standards:

- **Refer to the OSHA standards and updates issued by OSHA for the most accurate information.**
- **This document is based on OSHA's [Training Requirements in OSHA Standards](#) document.**
- **When there is a conflict between the contents in this document and, as applicable, [OSHA 29 CFR Part 1926 Safety and Health Regulations for Construction](#) or [OSHA 29 CFR Part 1910 Safety and Health Regulations for General Industry](#), the OSHA standards and other regulatory updates will prevail.**