



### **ANTI-DRUG PROGRAM COMPANY GUIDELINES**

Environmental Management Alternatives, Inc. is dedicated to providing safe and efficient service to our customers. Our employees are our most valuable resource in ensuring the quality of this service. The goal of EMA, Inc. is to provide our employees with a workplace environment that promotes health and safety.

In order to meet this goal we endorse the Federal Highway Administration's anti-drug policy and regulations. EMA, Inc. will not tolerate unauthorized use, abuse, possession, or sale of controlled substances by its employees. Drug testing will be an integral part of our program. We will provide training, education, and other assistance to our employees to help them understand their responsibilities in achieving a drug-free environment.

Non-compliance with this policy, or violation of the regulations, may result in severe disciplinary action including suspension or dismissal.

### **TYPES OF DRUG TESTING**

#### **A. PRE-EMPLOYMENT TESTING**

1. A pre-employment drug test must be conducted when an individual is hired.
2. Environmental Management Alternatives, Inc. is not required to test every applicant. Only those applicants who are offered a position must be tested before being employed in a covered position. Pre-employment job applicants, who test positive, do not have the right to have their samples retested. Only employees have this right.
3. A pre-employment test will be conducted on an applicant only the first time that person is hired or engaged by contract as an employee.
4. As a condition of employment, each employee agrees to abide by the plan and will notify the EMA, Inc. of any criminal drug statute conviction within 5 days of such. The Company will notify its contractor within 10 days of such notice.

#### **B. POST-ACCIDENT-TESTING**

As soon as possible, but no later than 32 hours after an accident, the EMA, Inc. Project Manager shall drug test each employee whose performance either contributed to the accident, or cannot be completely discounted as a contributing factor to the accident. If an employee is injured, unconscious, or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample.

#### **C. RANDOM TESTING**

Environmental Management Alternatives, Inc. Environmental Management Alternatives, Inc. shall administer, every 12 months, a number of random drug tests at a rate equal to 50 percent of its employees. The Company shall select employees for testing by using a random number table or a computer-based random number generator, that is matched with an employees social security

number, payroll identification number, or other appropriate identification number. However, during the first 12 months following the institution of random drug testing under this part, the following conditions will be met:

1. The random drug testing will be spread reasonably through the 12-month period;
2. The last test collection during the year will be conducted at an annualized rate of 50 percent; and
3. The total number of tests conducted during the 12 months will be equal to at least 25 percent of the covered population.

#### D. REASONABLE CAUSE TESTING

Environmental Management Alternatives, Inc. Environmental Management Alternatives, Inc. will drug test an employee when there is reasonable cause to believe the employee is using a prohibited drug. A decision to test must be based on specific contemporaneous physical, behavioral, or performance indicators of probable drug use.

For instance, evidence of repeated errors on the job, regulatory or company rule violations, or unsatisfactory time and attendance patterns, if coupled with a specific contemporaneous event that indicated probable drug use, could provide evidence to test an employee based on reasonable cause.

#### E. RETURN-TO-DUTY-TESTING

An employee who refuses to take or does not pass a drug test, may not return to duty until the employee passes a drug test administered under this plan; and the Medical Review Officer (MRO) has determined that the employee may return to duty. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing without prior notice for not more than 60 months after his or her return to duty. The MRO shall determine the schedule of unannounced testing.

Name and address of Company Medical Review Officer:

**Medical Review Officer c/o Environmental Management Alternatives, Inc.**

**Healthline Corporate Health Services**

**1415 Olive Street**

**St. Louis, Missouri 63103**

### **SCOPE OF DRUG TESTING**

Drug testing shall include screening for marijuana, cocaine, phencyclidine (PCP), opiates, and amphetamines. Collection and drug testing procedures will be performed by properly trained personnel.

### **PERSONNEL SUBJECT TO ANTI-DRUG GUIDELINES**

The anti-drug regulations apply to all company personnel where required by contractual or regulatory-requirements.

### **MRO DUTIES**

The Medical Review Officer (MRO) will be a licensed physician with knowledge of drug abuse disorders and will be responsible for:

1. Reviewing drug test results prior to reporting to the operator;
2. For positive test results:
  - a. Conduct a medical interview;
  - b. Review medical history and other biomedical factors;
  - c. Determine if the result could be due to a legally prescribed medication;
  - d. Reanalyze the original specimen to confirm the accuracy, if necessary
  - e. Verify the lab report and assessment if accurate.
3. Determining whether and when an employee involved in a rehabilitation program may be returned to duty;
4. Determining the post-return schedule of unannounced testing for an employee who has returned to duty after rehabilitation;
5. Ensuring that an employee is drug tested in accordance with DOT procedures before the employee returns to duty after rehabilitation.

If there is a legitimate medical reason for a confirmed positive drug test, the MRO will take no further action.

If there is no legitimate medical reason for a confirmed positive test, the MRO will refer the individual tested to the employee's supervisor for action.

If there is considerable uncertainty associated with the test, the MIRO may conclude a particular drug test is scientifically insufficient for further action and may conclude that the test is negative for that individual.

### **SAMPLE RETENTION AND RETESTING**

The laboratory will retain samples for at least one year, in secured frozen storage for all positive results. If the MRO determines there is a legitimate medical reason for a confirmed positive test result, the employee may submit a written request for a retest within 60 days of receipt of the final test results. In such a case, the employee will be allowed a retest by any HHS certified lab, if the employee agrees to pay the associated costs in advance. If the retest is negative, the employee will be reimbursed for the associated costs. ***If the employee requests a retest from another laboratory, proper chain-of-custody transfer procedures will be utilized.*** Results of a retest are to be reported as confirmation of the original test, if the detected levels of the drug are below the DOT limits and are equal to or greater than the sensitivity of the test

### **RECORDKEEPING**

The ***President, Daniel Giesler, will maintain the responsibility*** to keep the following records for the periods specified and permit access to the records:

1. Records that demonstrate the collection process conforms to 49 CFR Part 40, will be kept for at least three (3) years.
2. Records of employee drug test results that show employees failed a drug test, the functions performed by the employee, the prohibited drugs that were used, the age of the employee, the disposition of the employee, and the type of test failed (e.g. post-accident), and records that demonstrate rehabilitation, if any, will be kept for at least five (5) years.
3. Records of employee drug test results that show employees passed a drug test, will be kept for at least one (1) year.
4. A record of the number of employees tested, by type of test (e.g., post-accident), will be kept for at least five (5) years.
5. Records confirming that supervisors and employees have been trained, as requested by 49 CFR Part 40, will be kept for at least three (3) years.

The results of an individual drug test may not be released except:

1. Upon written consent of the individual
2. Upon request by DOT or state agency:
  - a. As part of an accident investigation
  - b. For statistical evaluation (without names)
  - c. For training records.

### **EMPLOYEE ASSISTANCE PROGRAM**

Environmental Management Alternatives, Inc. may provide an Employee Assistance Program (EAP) for its employees and supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause. EMA, Inc. may establish the EAP as apart of its internal personnel services or, EMA, Inc. may contract with an entity that provides EAP services. At the discretion of EMA, Inc., the EAP may include an opportunity for employee rehabilitation.

Education under the EAP will include at least the following elements: display and distribution of informational material; display and distribution of a community service hot-line telephone number employee assistance; and display and distribution of the employer's policy regarding the use of

prohibited drugs. (see attached Environmental Management Alternatives, Inc. Drug and Alcohol Policy)

### **DRUG AND ALCOHOL POLICY**

The purposes of this Policy are as follows:

1. To establish and maintain a safe, healthy and drug-free working environment for all employees, clients and the general public;
2. To reduce the incidence of accidental injury to people or property;
3. To reduce absenteeism, tardiness and indifferent job performance, all of which threaten the Company's competitiveness
4. To maintain a work environment free of alcohol and drug related performance problems, accidents and injuries.

Violation of this Policy will result in disciplinary action, up to and including termination. Termination is likely for a violation of this Policy, even for first offense.

### **ILLEGAL DRUGS. LEGAL DRUGS AND ALCOHOL**

#### **ILLEGAL DRUGS**

The manufacture, dispensation or sale, offer to sell, purchase, use (including having illegal drugs or their metabolites in an employee's body as described in Section III), transfer or possession of illegal drugs upon the workplace is prohibited. As used in this Policy, "workplace includes, but is not limited to, Company premises and/or any place where the employee is on Company business is conducted. As used in this Policy, "Company premises" means Company owned or rented vehicles and/or equipment, and Client owned project site locations on which Company business is being conducted.

Illegal drug means any drug (a) which is not legally obtainable or (b) which is legally obtainable, but has not been legally obtained. The term includes, but is not limited to, cocaine, opiates, amphetamines, barbiturates, methadone, PCP, benzodiazepine and marijuana. It includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. It also includes any substance which a person holds out to another as an illegal drug.

No employee shall possess while on, or bring drug paraphernalia onto, the workplace.

#### **LEGAL DRUGS**

Legal drugs include prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed and manufactured.

No prescription drug shall be brought onto the workplace by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed. The manufacture, dispensation or sale, offer to sell, purchase, use, transfer or possession of legal drugs, except under the conditions specifically permitted herein, is prohibited.

If an employee has any questions or concerns as to their ability to safely or efficiently perform their job while taking a prescription drug or other medication, the employee has an affirmative obligation to report the use of that drug or

medication to the employee's supervisor, in which case the Supervisor may contact a physician for a determination of the ability of the employee to work while using that drug. In this case, an employee may continue to work, even while taking a legal drug, if the Company has determined that the employee does not pose a threat to the employee's own safety or the safety of co-workers, clients, or the general public and the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a sick leave or comply with other appropriate action determined by management. Employees must keep all prescription medication in its original container, which identifies the drug, date of prescription and prescribing doctor.

## ALCOHOL

Any employee, while upon the workplace is prohibited from being under the influence of alcohol if (a) the safety of the employee, co-workers, clients or the general public, (b) the employee's job performance, or (c) the safety or efficiency of EMA, Inc. operations may be effected. Except as expressly permitted by Company management for specific occasions, the consumption, possession, or sale of alcoholic beverages on EMA, Inc. premises is prohibited.

"Under the Influence" means, for the purpose of this Policy, that the employee is affected by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of "influence" may be established by a professional opinion, a scientifically valid test, or by a lay person's opinion. It will be conclusively presumed that an employee is under the influence of alcohol if the employee has a urine or blood alcohol content of .04 or greater.

**PROHIBITION AGAINST EMPLOYEES HAVING ILLEGAL DRUGS OR ALCOHOL IN THEIR BODIES DURING WORK TIME**

All employees of Environmental Management Alternatives, Inc. are expected to report for work with no illegal drugs or their metabolites in their bodies. An Employee must not have an illegal drug or its metabolite in his or her body at any time while on the job regardless of whether the employee's performance is or is not affected by the use of the illegal drug. With regard to employee consumption or possession of alcohol, employees shall comply with the requirements of this Policy. Compliance with these rules is considered an essential job qualification for all employees. Moreover, compliance with this Policy is a condition of continued employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, or follow any prescribed course of substance abuse treatment is insubordination and will be grounds for termination.

**ENFORCEMENT OF RULE PROHIBITING EMPLOYEES FROM HAVING ILLEGAL DRUGS OR ALCOHOL IN THEIR BODIES DURING WORKING TIME**

**PRE-EMPLOYMENT ALCOHOL/DRUG SCREENING**

Prior to employment with Environmental Management Alternatives, Inc., all final prospective employees for full or part-time positions will be required to take a urine alcohol/drug screen test administered by a medical and/or laboratory facility designated by the Company. Applicants will be required to sign a consent form, authorizing the physician or technician to perform the alcohol/drug screen test and submit the results to the appropriate Company personnel (see Exhibit D). Any prospective employee refusing to submit to such examination will not be hired by the Company. Any prospective employee failing the alcohol/drug screen test will be rejected from further consideration from employment with Environmental Management Alternatives, Inc.. Test results which indicate a violation of this Policy will be considered a failure of the alcohol/drug screen test.

**REASONABLE SUSPICION ALCOHOL/DRUG SCREENING**

When the Company has a reasonable suspicion that an employee or group of employees is; or may be, under the influence of alcohol or when the Company has reasonable suspicion that illegal drugs or their metabolites are, or may be, present in an employee's bodily system, in violation of this Policy, an employee will be required to submit to a urine alcohol/drug test immediately upon demand by the Company. No testing of the employee will be conducted without the employee's consent. However, an employee's consent to urine drug/alcohol testing is required as a condition of continued employment and refusal of the employee to submit to such a test, amounts to insubordination and shall be sufficient grounds for dismissal. Any employee failing such a test will be subject to dismissal from employment with the Company. Test results which indicate a violation of this Policy will be considered a failure of the alcohol/drug test.

A reasonable suspicion may arise from the circumstances of a particular accident or injury occurring on the job; from a physical altercation between employees; from obvious impairment of physical or mental abilities such as slurred speech or difficulty in maintaining balance; from unexplained significant deterioration in job performance or behavior, such as excessive absenteeism; from reports by co-employees of on the job alcohol or drug use or impairment; from employee admissions regarding drug use; or from any other evidence reasonably giving rise to suspicion of on the job impairment from or use of alcohol or illegal drugs.

Once the EMA, Inc., learns of a violation of this Policy, the Company is not obligated to grant the

employee rehabilitation leave. Disciplinary action up to and including dismissal may be imposed regardless of whether the employee is offered or accepts rehabilitation.

### **CONVICTION OF CRIMINAL DRUG STATUTES**

In compliance with the Drug Free Workplace Act of 1988, any employee directly or indirectly working on a Federal Government project, and convicted of violation of a criminal drug statute occurring in the workplace, must notify the EMA, Inc. no later than five (5) days after such conviction. Any employee failing to notify the Company of such conviction will be subject to dismissal from employment with the Company.

As required by the Drug Free Workplace Act of 1988, Environmental Management Alternatives, Inc. will notify the appropriate federal agency or agencies for which the Company provides services within ten (10) days after receiving such notice from the employee and/or receiving the actual notice of the conviction.

The Company reserves the right to discipline or terminate employees convicted of an offense which involves the use, sale or possession of illegal drugs in the workplace.

### **EMPLOYEE AND SUPERVISORY EDUCATION**

Management will be available to assist with employee and supervisory education and training regarding the dangers of drug and alcohol use in the workplace. Materials on drug and alcohol use will be made available to both employees and supervisors. EMA, Inc. will also provide periodic supervisory training to assist in identifying and addressing alcohol and illegal drug use by employees and the procedure for referral for testing of employees suspected of violating this Policy.

### **INSPECTIONS**

In order to insure the safety of the workplace, and to protect and preserve Environmental Management Alternatives, Inc. property, the Company may from time to time inspect Company vehicles, tool boxes, lockers, decks, file cabinets and other property. These inspections may not be announced and employees should have no expectation of privacy with respect to items brought onto Company property and/or stored in such Company facilities. It is a condition of continued employment for employees to cooperate with these inspections. Refusal to consent to such an inspection amounts to insubordination and may constitute cause for termination.

In addition, when Company has a reasonable suspicion that an employee or group of employees may be violating this Policy while upon the workplace, they may be required, as a condition of continued employment, to submit to reasonable inspections of their clothing, purses, lunch boxes, briefcases, or other containers or property, or personal vehicles which have been brought onto the workplace.

### **FACILITY POLICIES**

Nothing in the Policy precludes management of any particular EMA, Inc. facility from establishing a separate Drug and Alcohol Policy for such facility or a specific project or field office site. Such policy cannot be less stringent than this Policy. In instances where random drug/or alcohol testing is contemplated, concurrence from the Corporate Personnel Department shall be obtained prior to implementation. Where any state imposes restrictions on implementation of this Policy, management will modify this Policy in accord with such restrictions.

In addition, there may be instances where employees will be subject to Client imposed rules regarding illegal drug and alcohol use or screening for such substances while on or prior to entry upon Client premises. In such instances, the employees are required to abide by such Client rules and govern their conduct in conformance therewith. Refusal of the employee to abide by such Client rules and govern his or her conduct in conformance therewith shall be considered a violation of this Policy.

### **EMPLOYMENT AT WILL**

Environmental Management Alternatives, Inc. reserves the right to interpret, change, rescind or depart from this Policy in whole or in part without notice. EMA, Inc., at its sole discretion, retains the right to terminate any employee at any time, for any or no reason, with or without cause, with or without notice. Similarly, employees, at their sole discretion remain free to resign their employment at any time, for any reason, with or without cause, with or without notice.

### **CONTRACTOR PERSONNEL**

Provisions of this Policy regarding the manufacture, dispensation or sale, offer to sell, purchase, use, transfer or possession of illegal drugs or alcohol and inspections for such substances are applicable to contractors, contract and temporary personnel while on the workplace. Contractors, contract or temporary personnel who refuse to cooperate with the provisions of this Policy, or appear to be violating this Policy, will be barred or expelled from the workplace.

### **POSTING OF ENVIRONMENTAL MANAGEMENT ALTERNATIVES ANTI-DRUG PROGRAM COMPANY GUIDELINES**

Entry onto this property is deemed consent to an inspection of person, vehicle, and personal effects of any kind, at any time, while entering, on, or leaving the property. Inspections will be conducted at the discretion of the Environmental Management Alternatives, Inc.

**ACKNOWLEDGMENT OF RECEIPT OF CORPORATION  
DRUG AND ALCOHOL POLICY**

I hereby acknowledge receipt of a copy of the Environmental Management Alternatives, Inc. Drug and Alcohol Policy. I understand that I am responsible to read the Policy and that I must comply with the Policy in all respects.

Dated \_\_\_\_\_ Employee Signature \_\_\_\_\_

**CONSENT FORM PRE-EMPLOYMENT DRUG/ACOHOL SCREENING**

I hereby consent for Environmental Management Alternatives, Inc. ("Company") to collect urine samples from me and to conduct other necessary medical tests to determine the presence or use of alcohol and/or illegal drugs in accordance with this Policy. Further, I give my consent to the release of the test results and other relevant medical information to authorized EMA, Inc. management representative for appropriate review. I also understand that any positive result in violation of this Policy, or my refusal to consent, will preclude my employment with EMA, Inc.

**AGREED TO:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

**REFUSED:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

Reason for Refusal:

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**CONSENT FORM ILLEGAL DRUG AND ALCOHOL TESTING**

I hereby consent for Environmental Management Alternatives, Inc. to collect urine samples from me and to conduct other necessary medical tests to determine the presence or use of alcohol and/or illegal drugs. Further, I give my consent to the release of the test results and other relevant medical information to authorized EMA, Inc. management representative for appropriate review. I also understand that if I refuse to consent, I may be subject to disciplinary action, including termination of employment.

**AGREED TO:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

**REFUSED:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

Reason for Refusal:

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**RETURN TO WORK AGREEMENT**

As consideration for Environmental Management Alternatives, Inc. granting the Employee's request to return to active employment, the following conditions shall prevail:

The Employee shall submit to the Company proof of his or her enrollment in an alcohol and/or abuse follow-up treatment, counseling or rehabilitation program. Proof of Employee's attendance at all required sessions must be submitted to the Company on a weekly basis. Attendance will be monitored closely.

For a period of one (1) year, the Employee agrees to voluntarily submit to testing for alcohol and/or illegal drugs on a random basis as requested by the Company. The Employee's refusal to submit to- such testing shall be grounds for immediate termination.

The Employee must maintain an acceptable attendance and performance record and comply with all other Company policies upon his or her return to work. For a period of one (1) year, any substance by the Employee will require a written doctor's certificate detailing the reason for such absence. If such absence(s) is the result of alcohol anchor drug use, the Employee will be terminated.

The costs of rehabilitation not covered by the applicable group medical insurance plan of the Company for which the Employee is employed, shall be borne by the Employee.

Nothing in the Agreement alters your status with the Company. The Company desires your employment relationship with it to be successful. Nevertheless, you remain free to resign your employment at any time for any or no reason, with or without notice.

Failure of the Employee to comply with all of the above conditions, will result in the Employee's immediate termination.

I voluntarily agree to all of the above conditions, and I sign this Agreement on my own free will, without duress.

Employees Name (Print Name)	EMA, Inc. (Print Name)
Employees Signature	Company Representative Signature
Date Signed	Date Signed