



It is the policy of Welty-Flintco Joint Venture ("Company") to maintain a work environment that is safe for all persons, including the community, and conducive to attaining high work standards. To achieve these objectives, the Company is committed to maintaining a drug and alcohol free workplace. This includes the misuse of legal drugs, any activity with illegal drugs, the presence of alcoholic beverages or alcohol consumption and other matters prohibited by this policy.

### PROHIBITED CONDUCT

THE COMPANY PROHIBITS THE FOLLOWING CONDUCT IN COMPANY OFFICES, WORKPLACES, JOB LOCATIONS AND COMPANY VEHICLES AT ALL TIMES AND IN ALL PERSONAL VEHICLES WHILE ON COMPANY BUSINESS:

Distributing, dispensing, manufacturing, possessing, selling, using or the presence in the body of illegal drugs or controlled substances including but not limited to marijuana, cocaine, "crack", heroin, PCP, morphine, hydrocodone, oxycodone, hydromorphone, oxymorphone, cocaine, methadone, methaqualone, LSD, narcotics, amphetamines, opiates, barbiturates, and anabolic steroids. Distributing, dispensing, manufacturing, possessing, selling or using drug paraphernalia.;

Distributing, dispensing, manufacturing, possessing, selling or using alcoholic beverages. The presence of alcohol in the body at a blood alcohol level of 0.04% or above during working hours is a violation of this policy.

The possession of alcohol in original and sealed containers given or received as gifts will not be considered a policy violation. Further, the possession and moderate use of alcohol by individuals who are of the legal minimum drinking age or older as part of an authorized Company social function is not prohibited by this policy.

Abuse of legal ("prescribed") drugs including but not limited to distributing, dispensing or selling prescription drugs or being impaired by legal drugs in any manner contrary to the specified restrictions imposed by a valid prescription. An employee is impaired by legally prescribed drugs when use of the drugs adversely affects the employee's ability to perform a job, interact with others, exercise judgment and/or work safely.

WHERE JOB RELATED AND JUSTIFIED BY BUSINESS NECESSITY IN THE OPINION OF MANAGEMENT, THE COMPANY MAY REQUIRE THAT USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS BE REPORTED TO SUPERVISORS.

### DRUG-FREE WORKPLACE COMMITMENT

The Company is frequently engaged in federal work for which the Company is required to comply with the Drug-

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Free Workplace Act of 1988.

As a condition of new and continued employment with the Company, all employees must certify:

1. They will abide by the terms of this policy by refraining from manufacturing, distributing, dispensing, possessing, selling or using illegal drugs and/or controlled substances;
2. Notify the Company in writing of any state or federal criminal drug statute conviction, including a plea of no contest (*nolo contendere*), for a violation occurring in the workplace, no longer than 5 calendar days after the date of conviction (or entering of the plea). Written notice of a conviction described above must be submitted to the employee's supervisor, foreman or company officer within the 5-day period. Failure to submit this notice to the appropriate person within the 5 day period will automatically result in termination.

Disciplinary action for a conviction will be instituted within thirty (30) days of receipt of notice by the Company.

Any employee who has knowledge of any violation of the Company's Drug-Free Workplace Commitment is required to immediately and fully report the matter to the HSE Corporate Director. Employees who fail to report violations will be subject to discharge.

#### EMPLOYEES AND APPLICANTS WITH VALID STATE MEDICAL MARIJUANALICENSES.

Under this Policy, employees and applicants with valid state medical marijuana licenses who are not covered by federal substance testing requirements will not be discriminated against or penalized solely based upon their status as a medical marijuana license holder. Nor will the Company take action regarding employees and applicants with valid state medical marijuana licenses who are not covered by federal substance testing requirements solely based upon the results of a drug test showing positive for marijuana or its components. However, violation by any employee of the Company's Substance Free Workplace Policy may result in discipline, up to and including termination.

#### TESTING

##### Substances for Which Individuals May Be Tested

Applicants who have been offered conditional employment, and current employees may be subject to testing which will be evaluated for the presence of any or all of the following substances: Marijuana (grass, pot, joint, weed, hash); Opiates/synthetic narcotics including codeine (schoolboy), hydrocodone, hydromorphone (juice, dillies, D=s, No. 2's, No. 4's), meperidine, methadone (dolophine, dolly), oxycodone (percodan, percs), oxymorphone, propoxyphene (darvon, darvocet), heroin (smack, junk, horse, H, gum, dust, Mexican brown, china white), and morphine (morphine sulphate, M., morph, Miss Emma); Cocaine (coke, crack, blow); Phencyclidine (PCP, angel dust, killer weed, supergrass, hog, peace pill); Amphetamines including amphetamines (dexadrine, speed, moth, crystal, dexies, hearts, whites, beauties), methamphetamines (desoxyn, uppers, pep pills, bennies, meth, crank), methylenedioxyamphetamine (ecstasy), methylenedioxymethamphetamine, and phentermine; Barbiturates including amobarbital (nembutal, yellow

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jackets), butalbital (amytal, fiorinal, blue devils), pentobarbital (seconal, reds), and secobarbital (phenobarbital); Benzodiazepines including diazepam (valium), chlordiazepam (librium, tranks, downers), alprazolam (xanax), and clorazepate; Methaqualone; and drugs for which the United States Department of Health and Human Services has established an approved protocol and positive threshold level.

### Laboratory

All testing will be conducted on a monitored and controlled basis by a laboratory certified for forensic testing pursuant to guidelines or regulations of the federal Department of Health and Human Services (NIDA) or be accredited for forensic testing by the College of American Pathologists or other organizations that possess additional certifications or licenses required by applicable state statutes.

Testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by applicable state statutes. Testing methods and cutoff levels will be in compliance with any other applicable state statutes.

### Collection

The collection of samples for drug and/or alcohol testing will be performed under reasonable and sanitary conditions by individuals who are qualified by applicable state statutes.

Samples will be collected in sufficient quantity for splitting into two separate specimens, to provide for any subsequent independent analysis in the event of a challenge of the test results of the main specimen. There will be no direct observation of an applicant or employee in the process of producing a urine sample except as allowed by state statutes.

Sample collection will be documented and a written record of the chain of custody of the sample will be maintained from the time of the collection of the sample until the sample is no longer required.

Absent extraordinary circumstances, the inability of an individual to timely submit the required quantity of urine specimen for testing purposes will be deemed a refusal to test and subject the individual to termination.

### Split Sample Retest

After notification of a confirmed positive test result, the applicant/employee has seventy-two (72) hours to make a written request for a retest. Upon such a request, a split sample of the applicant's/employee's original specimen may be retested at a laboratory of the applicant's/employees own choosing. The laboratory chosen by the applicant/employee to perform retesting of the split sample must possess any certifications and licenses required by federal or state statutes. The applicant/employee who requests the split sample retest in order to challenge the results of a positive test result will pay all costs of the split sample retest, unless the split sample test result is negative. In that event, the Company will pay the employee for the cost of the split sample retest.

### Type of Drug/Alcohol Testing

All applicants/employees will be subject to drug and or alcohol testing at the discretion of the company under the following circumstances:

#### 1. Applicant (Pre-hire) Testing

All applicants who receive a conditional offer of employment for a particular job classification may be required to undergo drug testing.

#### 2. Reasonable Suspicion Testing

- a. When there is reasonable suspicion to believe an employee has violated the provisions of this policy, the employee will be subject to drug and/or alcohol testing.
- b. Before an employee is tested for reasonable suspicion, a supervisor and the HSE Corporate Director must substantiate and concur in the decision to test. At least one of the two must have received training for detecting symptoms of drug and /or alcohol use. Any supervisor of the employee and the HSE Corporate Director may substantiate and concur in a decision to test, even though the HSE Corporate Director has not observed behavior of the employee indicating drug and /or alcohol use. The supervisor and HSE Corporate Director may concur by phone.
- c. Any time the Company reasonably believes an individual is under the influence of drugs or alcohol, the Company may require a drug or alcohol test. Circumstances causing the Company to require testing of an individual may include, but are not limited to:
  1. Drugs or alcohol on or about the individual's person or an individual's vicinity;
  2. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
  3. A report of drug or alcohol use while at work or on duty;
  4. Information that an individual has tampered with drug or alcohol testing at any time;
  5. Negative performance patterns; or
  6. Excessive or unexplained absenteeism or tardiness.

#### 3. Post-Incident Drug/Alcohol Testing Protocol

If an employee's conduct contributed or could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the employee may be required to undergo drug and or alcohol testing. If the Company conducts a post-accident test, the Company will require employees whose conduct contributed or could have contributed to the accident to undergo a drug or alcohol test, whether or not they reported an injury.

Screening shall be initiated as soon as possible, but not later than two (2) hours after the incident

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occurrence. Any worker's refusal to submit to screening shall be treated in the same manner as a "positive" finding. Any worker who withholds notification of an incident for longer than one (1) hour after the alleged event shall be evaluated by the Welty-Flintco JV Site HSE Manager and if declared to be negligent shall be subject to being permanently removed from the project.

#### 4. Random Selection Testing

- a. Employees in specific designated job classifications may be required to undergo drug testing on a random selection basis. This includes all regular full time, conditional, part-time and contract employees occupying the designated job classifications.
- b. To assure that the selection process is random, all regular full time, conditional, part-time and contract employees in designated job classifications will be placed in a common random selection pool.
- c. The mechanism for selecting employees for testing will result in an equal probability that any employee from the random selection pool will be selected, and the Company does not have discretion to waive the selection of any employee selected under the mechanism
- d. Management will determine the percentage of employees in the designated job classifications that will be tested every twelve (12) months. All persons in the random selection pool will be subject to be randomly picked more than once or not picked at all during the annual period.
- e. The random selection mechanism will be by a computer program.

#### 5. Scheduled Periodic Testing

- a. Employees in the following specified groups may be required to undergo drug testing that is scheduled routinely for all members of that group.
  1. Corporate officers.
  2. When the Company is required to certify that it maintains a drug free workplace pursuant to any statutes, regulations, bid requirements, contract clauses or agency/ownership requirements, affected groups of employees will be subject to testing.
  3. Employees promoted or transferred to a safety sensitive, security sensitive, management or supervisory position may be administered a drug test prior to assuming the responsibilities and duties of the safety sensitive, security sensitive, management or supervisory position.

#### 6. Post-rehabilitation Unannounced Testing

- a. Any employee who successfully completes to the Company's satisfaction an approved drug and/or alcohol rehabilitation/counseling program will be required to undergo a drug and/or alcohol test prior to returning to work. The drug and/or alcohol test will be at the company's expense. The employee

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must contact the HSE Corporate Director who will schedule the return to work test, the collection facility and laboratory.

- b. At the discretion of the Company, employees who have returned to work upon satisfactory completion of a company approved Employee Assistance Program; counseling or rehabilitation program for drug and/or alcohol abuse may be required to undergo unannounced drug and/or alcohol testing. The employee may be required to undergo unannounced drug and/or alcohol testing for a period of two (2) years, based on the written recommendation of the rehabilitation professional.

### Conditions of Initial and Continuing Employment

All applicants and employees are required as a condition of initial and continued employment to comply with the following requirements:

1. Voluntary, written, continuing consent (as required by the Company) authorizing the collection of specimen(s) from the employee for the purpose of testing to detect Company specified levels of drugs and/or alcohol;
2. Submission to any drug and/or alcohol testing, under the terms and conditions imposed by this policy, throughout the employment relationship as a condition of employment;
3. Voluntary, written consent to authorize the testing facility to release all test results and conclusions to the Company;
4. Acknowledge that test results must be negative for drug and/or alcohol detection at the levels specified in the testing criteria and available to employees upon written request.
5. Acknowledge that revocation of any authorization required by this policy constitutes immediate, voluntary termination of employment.
6. Employee and Applicant who receives a positive test for marijuana will be asked to demonstrate they possess a valid state medical marijuana license.

### MEDICAL REVIEW OFFICER

The Medical Review Officer (“MRO”) will be qualified by applicable state statutes, or any other applicable entity, and have knowledge and training to interpret and evaluate an individual’s test results together with the individual’s medical history and any other relevant information. Confirmed positive test results may be reviewed by the MRO. As a part of the review, the MRO will notify the individual who received a confirmed positive test result and afford the individual an opportunity to provide a confidential explanation and evidence, if any, why the result should not be deemed positive.

## CONFIDENTIALITY OF TESTING RECORDS

All drug and/or alcohol testing records and documents generated, as a result of this policy, is confidential and the property of the Company.

1. All test results and related records will be maintained separate from other personnel records.
2. Test results and related records will not be used in any criminal proceeding, or any civil or administrative proceeding, except: in those actions taken by the Company, or in any action involving the individual tested and the Company, or unless the records are ordered released pursuant to a valid court order. Additionally, the employee grants permission to the Company to release testing records and/or results for purposes of unemployment, Workers' Compensation and other employment-related disputes and/or legal actions.
3. Test results and related records will be made available to the applicant or employee for inspection and copying.
3. Test results and related records will not be released to any person other than the applicant or employee unless the individual tested grants permission in writing after the receipt of the test results for such release, or such records are required to be released pursuant to a valid court order.

## INSPECTIONS FOR ALCOHOL AND DRUGS

Reasonable unannounced searches of Company premises and personal searches of employees and others while entering, on, or leaving the premises, including, but not limited to, personal effects, vehicles, lockers, desks, tool boxes, clothing, meal containers and baggage of such persons may be conducted. These searches would be performed by authorized personnel and could include the use of scent trained dogs. Entry upon company premises constitutes consent to such searches. Individuals upon company property have no expectation to privacy to a search of Company property or the individual's personal property.

Individuals refusing to allow an inspection will not be detained or forced to submit to the inspector. Refusal violates Company policy and constitutes voluntary termination of the employment relationship.

Any items prohibited in this Policy which are found during an inspection may be turned over to law enforcement authorities.

## DISCIPLINE

### REFUSAL TO PROVIDE CONSENT AND/OR REVOCATION OF CONSENT, FAILURE OR REFUSAL TO SUBMIT TO TESTING AND/OR INSPECTION

1. An employee's refusal to sign the Company's Consent Form, the revocation of signed Company Consent Form, or the refusal/failure to submit to a drug and/or alcohol test when so requested constitutes insubordination and serious misconduct that will subject the employee to:

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Termination of employment;  
Immediate removal from the premises; and  
Barring future access to any Company premises and job locations.

2. Any applicant who refuses to sign a Company Consent Form, revokes a signed Company Consent Form, or refuses/fails after a conditional offer of employment to submit to a drug test when so requested is considered to have voluntarily withdrawn his/her employment application.
3. Absent extraordinary circumstances, the inability of an individual to timely submit the required quantity of specimen for testing purposes will be deemed a refusal to test and subject the individual to termination.
4. Refusal to timely permit inspection or search of personal property or areas under the employee's control when requested to do so by management, or to timely produce and submit a substance to management for content testing and evaluation will subject the employee to termination of employment.

#### CONFIRMED POSITIVE TEST RESULTS

A "confirmed positive test result" shall mean an illegal or controlled substance level equal to or greater than the threshold limits for a NIDA 5- panel protocol and/or a blood alcohol content of 0.04% or greater.

1. Any employee who receives a confirmed positive test result will be subject to termination and barred from Company premises and job locations.
2. Any applicant who receives a confirmed positive test result will be considered to have voluntarily withdrawn his/her application for employment.
3. Any applicant who receives a confirmed positive test result will not be eligible to reapply for employment for a period of two (2) years after the date of the confirmed positive test result.
4. Employee and Applicant Positive Marijuana Tests: An employee or applicant who receives a positive test for marijuana will be asked to demonstrate they have a valid state medical marijuana license.

#### ALL OTHER VIOLATIONS

1. All other violations of this policy by employees which are not specifically noted above will subject the employee to disciplinary action, up to and including termination of employment.
2. Any invitee or employee of any subcontractor who violates any provision of this policy will be subject to penalty action, the severity of which shall be determined in the sole discretion of the Company.

#### SUSPENSION PENDING INVESTIGATION

Any employee who is the subject of an investigation regarding possible violation of this policy may be placed on

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temporary suspension without pay pending full investigation of the matter. If such an investigation results in a finding of no violation of this policy, the suspended employee will be returned to work and will be paid lost wages during the suspension based on a 40 hour work week.

### APPEAL PROCEDURE

Upon notice that the drug and/or alcohol test result has been confirmed positive by the Medical Review Officer, the individual may appeal the test result by the following procedure.

1. Within seventy-two (72) hours of notice, the individual may request a confirmatory retest of the original sample. The request must be in writing and made directly to the Medical Review Officer or HSE Corporate Director,
2. If the confirmatory retest result is positive and the individual does not believe the test result is valid, the individual may present any evidence why the test result is not valid to the HSE Corporate Director within three (3) working days,
3. If the individual does not believe he/she has violated this policy and is subject to discharge, the individual may present any evidence to support the individual's position to the HSE Corporate Director within three working days and,
4. If the individual so desires, he/she may have the opportunity to voluntarily resign prior to management's making a final decision regarding the positive drug and/or alcohol test result.

### EMPLOYEE ASSISTANCE PROGRAM (EAP)

The management of the Company strongly encourages all employees to seek outside counseling or help for whatever problems they may have that might affect their ability to perform their job as required. Employees are urged to contact the HSE Corporate Director about the Employee Assistance Program for help in resolving any such problems.

1. Any employee who asks for help will be referred to the Company EAP.
2. Self-referred participation in rehabilitation through the EAP will not result in disciplinary action. However, successful completion of the company-approved program will be required for continued employment pursuant to the Company's policy.

To avoid possible adverse consequences for refusing to take a drug and/or alcohol test or testing positive, self-referral to rehabilitation must be made prior to notification that the individual is scheduled for a drug and/or alcohol test.

Participation in rehabilitation through the EAP will not waive disciplinary action where warranted for violations of rules and regulations.

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**NOT A CONTRACT/GUARANTEE OF EMPLOYMENT**

Nothing in this policy is to be construed as a contract or a guarantee of employment for any period or as altering the at-will relationship of the Company and employee, meaning that either party can terminate employment at any time for any reason, or no reason.

**SUBCONTRACTORS/SUPPLIERS**

Every subcontractor and supplier and every other person entering the Company's vehicles, offices and work locations shall be required to comply with this policy, to give written certification required by this policy and to supply any other proof requested by the Company from time to time to demonstrate compliance with this policy.

**CHANGES OR MODIFICATIONS**

The Company reserves the right to change the provisions of this policy at any time. Written notice of all changes or modifications to the policy will be given to affected employees thirty (30) days prior to implementation of the changes or modifications.

## **MARIJUANA USE, POSSESSION OR IMPAIRMENT POLICY FOR ARIZONA NON-DOT EMPLOYEES**

Arizona employees and applicants with valid registry identification cards who are not covered by Federal substance testing requirements will not be discriminated against or penalized solely based upon their status as a registry identification cardholder. Nor will Welty-Flintco Joint Venture (“Company”) take action regarding Arizona employees and applicants with a valid registry identification card who are not covered by Federal substance testing requirements solely based upon the results of a drug test showing positive for marijuana or its components. Please refer to the Company’s Substance Free Workplace Policy.

However, the Company prohibits all employees – including those with valid registry identification cards – from using or possessing marijuana while on the Company’s premises or during the hours of an employee’s employment. This prohibition against marijuana use or possession applies to any of the Company’s properties or work sites, including exterior areas, parking locations, personal vehicles or Company vehicles and during any hours of employment when an employee is performing work or providing services. The prohibition also applies to customer, client or other third party locations or premises where an employee is performing work or providing services. If an employee’s hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or traveltime.

The Company prohibits all employees – including those with valid registry identification cards – from being under the influence or impaired by marijuana during any hours of employment, regardless of location. An employee is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application please contact your HR Business Partner or the Vice President of Human Resources.

## **MARIJUANA USE, POSSESSION OR IMPAIRMENT POLICY FOR OKLAHOMA NON-DOT EMPLOYEES**

Oklahoma employees and applicants with valid Oklahoma medical marijuana license cards who are not covered by Federal substance testing requirements will not be discriminated against or penalized solely based upon their status as a medical marijuana license holder. Nor will Welty-Flintco Joint Venture (“Company”) take action regarding Oklahoma employees and applicants with valid Oklahoma medical marijuana licenses who are not covered by Federal substance testing requirements solely based upon the results of a drug test showing positive for marijuana or its components. Please refer to the Company’s Substance Free Workplace Policy.

However, the Company prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from using or possessing marijuana while on the Company’s premises or during the hours of an employee’s employment. This prohibition against marijuana use or possession applies to any of the Company’s properties or work sites, including exterior areas, parking locations, personal vehicles or Company vehicles and during any hours of employment when an employee is performing work or providing services. The prohibition also applies to customer, client or other third party locations or premises where an employee is performing work or providing services. If an employee’s hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or travel time.

The Company prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from being under the influence or impaired by marijuana during any hours of employment, regardless of location. An employee is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application please contact your HR Business Partner or the Vice President of Human Resources.

ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge that I have received Welty-Flintco JV's Statement of Substance-Free Workplace Policy and Marijuana Use, Possession or Impairment Policy for Non-DOT Employees. I certify and promise that I will abide by all terms of this policy and understand that my failure to do so will result in disqualification for employment.

\_\_\_\_\_  
Recipient (PLEASE PRINT)

\_\_\_\_\_  
Recipient Signature

\_\_\_\_\_  
Date

EMPLOYEE/APPLICANT  
CONSENT AND WAIVER

I, \_\_\_\_\_ (PRINT NAME) authorize Welty-Flintco JV to conduct, through its designated physician or laboratory testing facility, tests to screen for alcohol and/or drugs and understand that this is a requirement for employment and/or continued employment. I voluntarily authorize the release of all test results to the Company and for the Company to use the results for decisions relating to my employment and/or continued employment.

As an applicant, I fully understand and acknowledge that an offer of employment is entirely conditional upon several factors including but not limited to voluntary submission to substance tests(s) and satisfactory test(s) results.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date