

DRUG AND ALCOHOL POLICY

I. PURPOSE - The purposes of this Policy are as follows:

- A. To establish and maintain a safe, healthy, alcohol and drug-free working environment for all employees, clients and the general public.
- B. To reduce the incidence of accidental injury to people or damage to property resulting from alcohol or drug abuse.
- C. To reduce absenteeism, tardiness and indifferent job performance.
- D. To initiate and maintain an alcohol and drug-free workplace and to comply with State and Federal regulations governing substance abuse.
- E. Violation of this Policy will result in disciplinary action up to and including termination.

II. POLICY STATEMENT

- A. It is the policy of TSI (Tri-State Painting LLC) to maintain a workplace that is free from the effects of alcohol and drug abuse. Alcohol and drug abuse is harmful to an employee's health and interferes with the employee's productivity and alertness. Employees under the influence of alcohol or drugs are a danger to themselves and to their fellow workers.
- B. This policy applies to all TSI employees, including but not limited to office employees, sales and administrative personnel, yard and shop employees, and employees assigned to job sites.
- C. All TSI employees are prohibited from the use, sale, dispensing, distribution, possession or manufacture of all illegal drugs and narcotics or alcoholic beverages on company or client premises, or while on company business. In addition, employees are discouraged from the off-premise use, possession, or sale of illegal drugs when such activities adversely affect job performance, job safety, or TSI's reputation within the industry or community.
- D. All TSI employees are required to report to work in proper condition to perform their duties. Violation of these prohibitions or requirements may result in unpaid suspension, termination of employment and/or mandatory enrollment in an approved substance abuse rehabilitation program.
- E. In implementing this policy TSI will take into consideration the requirements of and will consult with the International Union of Painters and Allied Trades District Council having jurisdiction.

III. CONDITION OF EMPLOYMENT

- A. Prospective employees will be expected to submit to drug testing. A negative result will be required for an offer of employment. Initially the prospective employee must pay for third-party drug screening and will be reimbursed by TSI only if the test is negative.
- B. Current Employees and all newly hired employees will be required to sign a Statement of Understanding acknowledging their agreement to abide by the terms and conditions of this policy.

IV. SCREENING

- A. Reasonable suspicion is defined as unsatisfactory behavior or job performance which gives rise to the supervisor's belief that alcohol or drug abuse may be a contributing factor. Supervisors will be properly trained in identifying such abuse.
 - 1. Aberrant (Unusual) Behavior – Any employee reasonably suspected of using or being under the influence of controlled substances, as manifested through deteriorating job performance, uncharacteristic behavior and/or other credible evidence, may be subject to chemical screening. Whenever possible, observation will be by two (2) persons, one of whom is a supervisor. Failure to submit to chemical screening will result in immediate termination.
 - 2. Post-Accident Testing – Any employee involved in an accident which results in personal injury and/or property damage may be subject to chemical screening. Failure to submit to chemical screening will result in immediate termination.
- B. Unannounced Random Screening
 - 1. Selection – All TSI employees, including but not limited to office employees, sales and administrative personnel, yard and shop employees, and employees assigned to job sites will be subject to one yearly, unannounced, random drug and alcohol test per calendar year. This includes, but is not limited to supervisors, QC inspectors, field office employees, abrasive blasters/painters, containment builders/dismantlers, equipment operators and removers of spent media and blasting debris. Equipment operator includes, but is not limited to recycling machine, dust collector, air compressors, truck-mounted crane, industrial fork truck, telescoping fork truck (telehandler), scissor lift, snorkel with manbasket, versa lift, air-powered chipping tools, needle guns, bristle blasters, right angle grinders, sanders, drill press, mag drill, screw guns, drills, table saws, radial arm

saw, hand-held saws, chain saws, generators, paint pumps, spray painting, abrasive blasting, propane and oil-fired portable heaters, and steam pressure washers. In addition, all CDL drivers are automatically included in a screening pool per US DOT requirements. This drug pool is administered by Lakes Region General Healthcare with hospitals and occupational health clinics in Laconia and Franklin, NH.

2. Full Jobsite Testing – Because it is normal for TSI to have several jobs in full operation simultaneously, one entire work site can be selected for the annual, unannounced testing. Once an employee has completed the annual drug and alcohol testing, they will not be required to repeat this test until the next calendar year. A qualified test administrator will arrive at the jobsite unannounced and administer the test to all employees present, including supervisors.
- C. Client-Required Drug and Alcohol Testing - TSI and its employees will comply with requirements of owners and general contractors with regard to drug and alcohol testing.
 1. When this is required by contracts and / or project specifications, for work being conducted within Painters and Allied Trades District Council 35, the cost for testing of DC 35 members shall be borne by the DC 35 Health Benefit Fund. TSI will notify the Painters and Allied Trades District Council 35 Health Benefits Fund of the name of the organization conducting the testing for their review and approval.
 2. When working outside DC 35, TSI will discuss the owner's / general contractor's requirements with representatives of the District Council having jurisdiction.
 3. When the cost of mandatory testing and / or training is borne by the owner / general contractor, they will choose the drug testing / training facility.

V. Testing Procedures

- A. Testing may be oral fluid-based or urine-based.
- B. Testing of DC 35 employees will be conducted by service providers who have been approved by the DC 35 Health Benefits Fund.
 1. TSI will provide DC 35 a current list of the medical facilities that we currently use to conduct drug and alcohol testing for their review and approval.
 2. Should DC 35 disapprove of a medical facility submitted to them by TSI, DC 35 must notify TSI in writing within five (5) business days after

receiving notice from TSI. Such notification must include the reason that the medical facility is not approved.

- C. Full jobsite testing will be conducted by a third-party firm. This will involve a medical facility with an occupational health department and / or an occupational health clinic with properly trained and experienced personnel to conduct jobsite drug testing. Such facility will comply with Section V.B., above.
- D. Specimens will be analyzed for:
 - Marijuana Metabolites
 - Cocaine Metabolites
 - Opiate metabolites
 - Phencyclidine
 - Amphetamines
 - Barbiturate Metabolites
 - Benzodiazepine Metabolites
 - Propoxyphene
 - Methadone
 - Alcohol

VI. INSPECTIONS

- A. Occasional Inspections: In order to insure the safety of the workplace, and to protect and preserve Company property, TSI may from time to time inspect Company vehicles, tool boxes, desks, file cabinets and other property. These inspections may be unannounced 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 to cooperate with these inspections. Refusal to consent to such an inspection may constitute cause for immediate termination.
- B. Reasonable Suspicion: In addition, when the Company has a reasonable suspicion that an employee or group of employees may be violating this Policy while in the workplace, they may be required as a condition of continued employment to submit to reasonable inspections of their clothing, purses, lunch boxes, brief cases or other containers or property or personal vehicles which have been brought onto the workplace.

VII. TRAINING

- A. Reasonable Suspicion The following TSI employees will be trained to recognize symptoms of substance abuse for the purpose of determining the need for testing:

Supervisors, Leadsman, & Safety Director

VIII. CONFIDENTIALITY

TSI will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a need to know will have access to the results. The employee will be asked for his/her consent before tests are released to anyone other than those listed herein. Be advised, however, that test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's testing. Also, results will be sent to federal agencies as required by federal law. In the case of screening mandated by a client or owner, results will be divulged to their representative if required. If the employee is to be referred to a treatment facility for evaluation, the employee's test results will also be made available to the employee's counselor. The results of drug testing in the workplace will not be used against the employee in any criminal prosecution.

IX. POSITIVE TEST RESULTS

- A. Prospective Employees who have tested positive will not be offered employment. They may re-apply in six (6) months.
- B. Current Employees who have tested positive will be referred to an assistance program.
 - 1. In the case of bargaining unit employees represented by Painters and Allied Trades District Council No. 35, they shall be the sole and exclusive responsibility of the employee assistance program selected by the Painters and Allied Trades District Council 35 Health Benefits Fund. A second positive test result will be cause for immediate termination.
 - 2. In the case of bargaining unit employees represented by other district councils, the requirements of the district council having jurisdiction will be taken into consideration. A second positive test result will be cause for immediate termination.
 - 3. Non-bargaining unit employees will be referred to counseling. If counseling is refused, immediate termination will result. A second positive test result will be cause for immediate termination.

Employee Keep This Policy for Your Records