



SECTION 1
SUBSTANCE ABUSE POLICY



MEMORANDAM OF UNDERSTANDING

Drug and Alcohol Abuse Policy/Program

1. Understanding

Abuse of alcohol and drugs is recognized as a serious problem in today's workplace that affects Maul Electric, Inc. "Company" as well as society and creates a need for guidelines regarding assistance. Accordingly, when it is determined that an employee is suffering from an alcohol or drug abuse problem, the individual is advised to utilize their existing Health & Welfare programs for treatment and rehabilitation. Additionally, efforts will be made to assist the employee using available health care and community resources. However, this does not preclude, under the policy, the Company's right to administer discipline up to and including discharge.

2. Policy

Drug and alcohol abuse is a problem of serious concern in society today. In the workplace substance abuse is reflected in increased cost, lower productivity, and increased risk to the health and safety of employees and customers. Recognizing that we have an obligation to provide a working environment that is safe and productive and not in any way detrimental to the conduct of the business of Maul Electric, Inc., the Company has established this policy for addressing alcohol and prohibited substances in the workplace.

It is the policy of Maul Electric, Inc. that all employees shall at all times be capable of performing safely and up to satisfactory standards while on Maul Electric's premises or while acting as a representative of the Company. To this end, Maul Electric, Inc. expressly prohibits the possession, sale, use, or distribution of prohibited substances or related paraphernalia on company or client premises. Such an act is grounds for immediate dismissal. While at work or performing on behalf of Maul Electric, Inc., employees shall not have a measurable level of prohibited substances or alcohol in their system. Additionally, Maul Electric, Inc. will provide training with regard to drug awareness to appropriate levels of supervision.

Prescription medicines for which the employee has a valid prescription, and over the counter medications may be present at the work location in one day supply or must be kept in the original container. Employees shall notify their Supervisor when taking medication that may affect job performance.

All subcontractor/supplier personnel and other third parties on company premises will be subject to this policy. Any such individual found in violation to this policy will be subject to removal from the premises. Violation of this policy by subcontractor/supplier employees may also cause cancellation of the contract



between Maul Electric, Inc. and such subcontractor/supplier, and may result in the subcontractor/supplier losing the right to do business with Maul Electric, Inc..

3. Definitions

Company Premises- Any properties owned, leased, or occupied by Maul Electric, Inc. and/or its subsidiaries including the facilities of clients occupied for the intent of conducting business at the Maul Electric, Inc. project location.

Prohibited Substance- Substances not authorized by law for sale, possession, or use. This includes, but is not limited to, prescription medicines for which the possessor has no valid prescription, marijuana, mood, or mind altering drugs, depressants, stimulants, designer, and synthetic drugs.

Measurable Level- Any amount of substance found in the system that exceeds cutoff levels established by the prescribing physician or by the Medical Review Officer.

4. Enforcement/Testing

Due to the importance of this policy, Maul Electric, Inc. will utilize the methods outlined below to detect drug and/or alcohol abuse or use on company premises and to ensure that all employees are in compliance with this policy. When required, a laboratory mutually approved by the Employer and Union will conduct testing. A National Institute of Drug Abuse (NIDA) certified laboratory with chain of custody procedures in place to insure continuity of specimen handling shall perform all testing of specimens. A company-approved informed consent form will be signed by each person to be tested. Refusal to take the alcohol/drug test will subject the employee to company disciplinary procedures up to and including dismissal.

A. Reasonable Suspicion/Post Accident Drug and Alcohol Abuse Testing

Employees will be subject to urine tests to detect the presence of drugs and/or alcohol under the following conditions:

1. In the opinion of two of the employer's management, one of which must be the project manager/superintendent or designate, there is "reasonable suspicion" of drug/alcohol use or impairment.
2. "Reasonable Suspicion" in the above two instances would include but not be limited to instances where drugs and/or alcohol have been detected on site or in Company vehicles; when there are



observable signs of impairment to the employees ability to perform (i.e. difficulty in maintaining balance, slurred speech, significant changes in performance or behavior); or at any time an unusual or

3. Unexplained incident occurs where drug or alcohol use could have been a contributing factor.

5. Employees involved in “work-related” accidents shall be subject to testing. A “work-related” accident is defined as an accident resulting in an injury requiring treatment by a physician or resulting in damage to property or equipment. In the event of a work-related accident, the Superintendent or Project Manager, and the craft Foreman shall decide which individuals are to be tested.

A. **Pre-Employment/Pre-Access Drug and Alcohol Abuse Testing**

Except for the exemptions provided for herein, no employee will be permitted to perform work on the owner’s site unless such employee has passed a pre-employment or pre-access drug and alcohol test within a 120-day period immediately prior to commencing such work.

6. **Exceptions**

- A. Individuals who have not successfully completed an equivalent pre-employment drug screening in accordance with the preceding will immediately upon employment submit to drug and alcohol testing. It is further understood that individuals who have not successfully completed the required drug and alcohol abuse testing prior to starting work on the project shall be hired on a probationary basis pending the results of testing. Should the results of testing be positive (i.e. the individual is not within the limits prescribed), then the individual would be terminated immediately.

This exception does not apply to employees hired to work in owner “designated positions”. They must be certified prior to starting work on the site.

B. **Other Drug and Alcohol Abuse Testing/Designated Positions**

Unannounced periodic or random urinalysis testing will be conducted when an employee meets any one of the following conditions:

1. The employee has had a substance abuse problem.
2. The employee is working in a “designated position” identified by Maul Electric, Inc., management as requiring such testing.



3. The employee is working in a position where such testing is required by law.

It should be noted that Maul Electric, Inc., has advised that there are currently no Maul Electric, Inc., employees that fall into categories 2 or 3 above. Although Maul Electric, Inc. will specifically identify such “designated positions,” they may include but are not limited to positions that have:

1. A high exposure to catastrophic operational incident, and
2. A direct role in the operating process where failure could result in serious harm to public or employee well-being, and,
3. No direct or very limited supervision available to provide operational checks.

C. Searches for Drug and/or Alcohol

Maul Electric, Inc. and/or the owner may from time to time conduct unannounced searches for drugs and/or alcohol on owner or company-owned property. The owner, company supervisors, or an outside security guard force may conduct these searches. Specially trained animals may be used on the searches to aid in the detection of certain controlled substances.

7. Enforcement/Penalties

- A. If an employee tests positive, he/she will be terminated and will be ineligible for rehire for thirty (30) days. In the event an individual is redispached after 30 days and tests positive a second time, the individual will be terminated and ineligible for rehire for a minimum of twelve (12) months or until the individual provides written confirmation of current involvement and completion of a rehabilitation program and successfully passes the drug and alcohol test. Any individual hired or rehired under these circumstances shall be subject to unannounced random testing for an indefinite period of time.
- B. All specimens testing will be conducted in accordance with the provisions outlined in this policy/program.
- C. Refusal to submit to drug and alcohol abuse testing as described herein shall result in the individual being denied access to the project site. Employees who refuse testing shall be subject to disciplinary action, including termination.
- D. Employees shall be required to sign the attached “Employee Consent Form”. Failure to do so will result in termination.



Health & Safety Policy and Procedures Manual

- E. The Employer agrees that the grievance procedure contained in the applicable labor agreement shall apply for dispute resolution relative to this policy, providing that such grievance procedure's final step is impartial and binding third party arbitration.
- F. The Employer agrees to release and hold harmless from any and all claims which the Employer now has or may in the future have against the
- G. Union concerning allegations of negligence in the referral of employees to work who the Union knows or should have known has in the past tested positive for drug or alcohol use. The Employer acknowledges that the Union does not screen persons it refers to work through the hiring hall for drug or alcohol use, and that it is strictly the responsibility of the Employer to test its employees for drug or alcohol use.

8. Other

- A. The Employer agrees to review this Drug/Alcohol Abuse Policy/Program every six months of the first two years that it is in effect. Any changes to the policy/program will be written and made a part of this document.



EMPLOYEE CONSENT FORM

I, _____, hereby consent and agree to give specimens of my Urine at a medical facility designed by Maul Electric, Inc., hereinafter referred to as "Employer" in Accordance with the provisions of the Company's Drug and Alcohol Policy/Program, And if applicable, the Memorandum of Understanding regarding drug and alcohol abuse between the Employer and the Union.

It is agreed that upon my written request, I will be furnished with results of the tests performed on my urine specimens by the testing laboratory.

I acknowledge that I have read and understood the Employer's Drug and Alcohol Abuse Policy/Program. I understand that refusal to submit to a drug screening test in Accordance with the provisions of these documents will result in termination of Employment and that the presence of one or more of the prohibited substances at or above the defined threshold level will result in termination of employment.

Witness

Employee Signature

Employee Social Security #



Health & Safety Policy and Procedures Manual

This Substance Abuse Program, Including Attachment # 1 and the Employee Consent Form, Agreed To This _____ Day Of _____ 20__.

For The Employer

Organization
By _____
Signature / Date

Print Name/Title

Organization
By _____
Signature / Date

Print Name/Title

For The Unions

Organization
By _____
Signature / Date

Print Name/Title

Organization
By _____
Signature / Date

Print Name/Title

Organization
By _____
Signature / Date

Print Name/Title

Organization
By _____
Signature / Date

Print Name/Title



<u>DOT DRUG TESTING PROGRAM DETECTION LEVELS</u>				
<u>SUBSTANCE</u>	<u>SCREEN LEVELS</u>		<u>CONFIRMATORY LEVELS</u>	
	Maul Electric, Inc.	DOT	Maul Electric, Inc.	DOT
Cocaine	300 ng/ml	300 ng/ml	150 ng/ml	150 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml	25 ng/ml	25 ng/ml
Marijuana	20 ng/ml	100 ng/ml	15 ng/ml	15 ng/ml
Opiates, Codeine, Morphine	300 ng/ml	300 ng/ml	300 ng/ml	300 ng/ml
Amphetamines Methamphetamines	1000 ng/ml	1000 ng/ml	500 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	Not Required	300 ng/ml	Not Required
Methadone	300 ng/ml	Not Required	200 ng/ml	Not Required
Methaqualone	300 ng/ml	Not Required	200 ng/ml	Not Required
Propoxyphena	300 ng/ml	Not Required	300 ng/ml	Not Required
Alcohol	Detection	Not Required	.04 gm/dl	Not Required
Benzodiazaphines	300 ng/ml	Not Required	300 ng/ml	Not Required