

## EXHIBIT A

### **SUBSTANCE ABUSE GUIDELINES FOR CONTRACTORS AND SUBCONTRACTORS**

COMPANY has a strong commitment to provide a safe and healthy work environment and to establish programs promoting high standards, work-site health and safety. Consistent with the spirit and intent of this commitment, COMPANY has established this special condition of the Work regarding drug and alcohol abuse for its Contractors and sub-Contractors of any tier (“Contractor”) who perform work (services, deliveries, inspections, etc.). It is COMPANY’s desire to continue the establishment and maintenance of a work environment that is free from the effects of drug and alcohol abuse.

#### **I. Minimum Requirements**

COMPANY requires, and Contractor agrees, as a condition of acceptance of work, to adopt and enforce a written drug and alcohol abuse policy. Contractor’s policy shall be consistent with and at a minimum, contain the following requirements.

- A. Contractor agrees to notify its employees of the contents and requirements of its policy. For purposes of this Guideline, a Contractor employee is any employee, associate, agent, representative, assignee or successor in interest who performs work (services, deliveries, inspections, etc.) on COMPANY property or in the course of COMPANY related business.
- B. Contractor’s policy shall be in complete compliance with any and all federal, state and local governmental regulations and legal requirements in effect for the COMPANY facility.
- C. The minimum requirements for Contractor’s Substance Abuse Policy shall include, but not be limited to:
  1. The use, abuse, presence in the body or reporting to work under the influence, bringing onto company property, unlawful manufacture, distribution, dispensation, possession, purchase, transfer, storage, concealment, transportation, promotion or sale of any illegal and unauthorized drugs, synthetic/designer drugs, controlled substances (except legally prescribed drugs) or drug related paraphernalia by Contractor or his employees is strictly prohibited on all COMPANY properties, job sites or work areas during work hours and/or while on COMPANY property or on COMPANY related business.
  2. The use, abuse, presence in the body or reporting to work under the influence, bringing onto company property, unlawful manufacture, distribution, dispensation, possession, purchase, transfer, storage, concealment, transportation, promotion or sale of alcohol by any person is strictly prohibited on all company properties, job sites or work areas during work hours and/or while on COMPANY property or on COMPANY related business. In addition, it is strictly prohibited for any employee to have a blood alcohol level (BAC) at or over 0.04% during working hours or while operating machinery or other equipment while on any company property, job site or work area and/or while on COMPANY property or on COMPANY related business.
  3. Employees undergoing prescribed medical treatment with a prescription drug or using over-the-counter preparation (including, but not limited to, painkillers or tranquilizers) that may affect their performance shall report this treatment use to Contractor’s authorized supervisor. Contractor will

determine whether the employee can remain at work, and whether medical consultation or work restrictions are required.

4. ILLEGAL DRUGS are described as, but not limited to, marijuana (pot, dope, hash or hashish) cocaine (coke, rock, crack, or base), LSD (acid), PCP (angel dust, crystal), MDMA (ecstasy), heroin (smack, black tar), opium (morphine, white stuff, tar, black stuff), or any other unauthorized or unlawfully obtained drugs.

DESIGNER AND SYNTHETIC DRUGS are described as, but not limited to, ice, icecube, crank, china white, synthetic heroin, MDA, Adam, Eve, Love Drug or any other drugs that are made in clandestine laboratories where the chemists alter the molecular structure of legal or illegal drugs to create a drug that is not specifically banned by federal law.

UNAUTHORIZED ALCOHOLIC OR INTOXICATING BEVERAGES are described as, but not limited to, beer, wine or liquor.

## **II. Coordination with COMPANY**

A. COMPANY, through its authorized representative's and agents reserves the right, at all times, while on COMPANY premises and properties and as circumstances warrant, to search and inspect Contractor and his employee's possessions, including but not limited to, their lockers, baggage, desk, clothing, tool boxes, lunch boxes, briefcases, vehicles or any other such repositories for the purpose of determining if such person(s) are in possession, use, transportation or concealment of any of the items or substances prohibited by the Guidelines. Any employee found to be in violation of this Guideline shall be removed immediately pending further investigation. If violation is substantiated, administrative action up to and including removal and barring from COMPANY property will be imposed.

B. Contractor's employees on COMPANY sites shall be certified substance free prior to commencement of work on the COMPANY site.

1. Pre-access Training. Contractor agrees to certify to COMPANY that every one of its employees assigned to COMPANY has been tested and confirmed negative for substance abuse within the previous thirty (30) days of assignment to a COMPANY site and that the test has been confirmed negative for illegal substances as described in Paragraph I.C. and defined in Paragraph III.B. Contractor's employees who have been absent from the facility for a period of thirty (30) days or longer are considered to be new assignees should they return to the work-site for work and as such Contractor shall certify to COMPANY that the employee has been tested and confirmed negative for substance abuse within the previous thirty (30) days of their reassignment.

2. Current Existing Contracts. Contractor further agrees that within thirty (30) days after this guideline is implemented at a COMPANY site, all of its employees already assigned to the COMPANY site shall be tested and confirmed negative for substance abuse, although they may continue in their assignment while awaiting test results.

3. Employees Annual Testing. Annually, Contractor shall certify to COMPANY that every one of its employees continuously assigned to a COMPANY site for a period of one year, or longer, has been tested and confirmed negative for substance abuse within thirty (30) days of the anniversary date of assignment to the COMPANY site. Any EMPLOYEES testing positive for drugs or alcohol and properly confirmed shall be removed from any work assignment on a COMPANY site.

C. "For Cause" testing of any employee (including Urine and Blood sampling and/or Breath Analysis Testing) may be conducted without prior announcement when there is a reasonable suspicion. It shall be the responsibility of Contractor whose worker is being tested to have the appropriate test(s) performed when reasonable suspicion exists. Testing will be performed with concern and respect for the personal privacy and dignity of the employee. "For Cause" is defined by, but not limited to, the following circumstances:

1. When a supervisor has reasonable suspicion or cause to suspect that an employee shows signs of possible intoxication, is using or under the influence of drugs or alcohol, or when other articulable facts would lead a prudent supervisor to be concerned about the individual's safety or the safety of the general public and others due to the employee's physical condition or behavior while working.
2. A urine and/or blood test is required when an employee is found in possession of illicit or unauthorized drugs and/or alcohol, drug paraphernalia or when any of these items are found in an area used exclusively by designated employees.
3. A urine and/or blood test is required when an employee suffers an on-the-job injury which requires a visit to a doctor (as allowed by law) or following a serious or potentially serious accident or incident in which safety precautions are violated, unsafe instruction or orders were given, equipment or property was damaged (including, but not limited to, automobile, trucks and other equipment), unusually careless acts were performed, or where the cause was due to an Employee's failure to wear prescribed personal protective equipment, or failure to follow prescribed safety rules while working on company premises or while on COMPANY property or COMPANY related business.
4. In the case of unusual circumstances where employee error cannot be ruled out, COMPANY reserves the right to demand urine and/or blood tests.

### **III. Enforcement**

A. Contractor shall be responsible for and shall monitor all substance testing of its employees assigned to a COMPANY site. Upon request, Contractor shall furnish to COMPANY a completed and signed certification of testing for each of Contractor's employees as requested.

1. Contractor shall keep and maintain all records pertaining to the substance abuse testing conducted for the COMPANY site for the life of the Purchase Order under which the work was performed plus one full year after the fulfillment of the Contract or as long as required by law, whichever period is longer.
2. Contractor agrees to allow COMPANY or its agent full and complete access to its substance abuse program and to all substance abuse testing records related to applicable COMPANY sites for the purpose of auditing those records.
3. Contractor shall not allow any employee access to a COMPANY site until all substance abuse tests have been confirmed negative if that employee was tested under any of the "For Cause" provisions in Paragraph II.C.
4. Prior to the return to work of any employee on an COMPANY site, who is removed under one of the "For Cause" provisions of Paragraph II.C., Contractor shall obtain a written statement from a properly licensed and practicing physician certifying that the employee is fit for

duty (able to perform the exact same job and functions being performed when the EMPLOYEE'S behavior triggered the original test).

5. Contractor shall not allow access to any COMPANY site to any employee who has been removed from any site for substance abuse and whose substance abuse test has been confirmed positive until that employee has successfully completed an approved counseling and/or rehabilitation program and has remained "clean" for at least six (6) months after completion of the counseling and/or rehabilitation program. Contractor shall test such employee reassigned to a COMPANY site on at least a three (3) month interval for the next year. A second positive test for any such employee shall result in their being denied access to any COMPANY site.

B. Substance testing shall be conducted by a properly qualified and competent laboratory which follows the standards of and is certified/accredited by the Substance Abuse and Mental Health Services Administration (SAMSHA) formerly, NIDA. Laboratory qualifications shall be furnished to COMPANY's demand. All samples shall be collected, sealed and transported according to the chain-of-custody protocol as defined by SAMSHA. Unless otherwise bound by existing laws, statutes or agreements, testing shall include, as a minimum, the following types and allowable levels of substances:

	Emit	gc-ms level
<u>Substance</u>	<u>(nanograms/ml)</u>	<u>(nanograms/ml)</u>
Amphetamines	1000	500
Alkaloids, Opiates (Heroin, Morphine, Codeine)	2000	2000
Barbiturates	300	300
Benzodiazepines (e.g. Valium, Librium)	300	300
Benzoylegonine (Cocaine)	300	300
Cannabinoids (THC, Marijuana)	50	15
Phencyclidine (PCP, Angel Dust)	25	25
Methamphetamine	500	500
Methadone	300	300
Methaqualone (Qualudes)	300	300

C. Contractor shall insure that all employees assigned to an COMPANY project or site have read and understand COMPANY's Substance Abuse Guidelines, which confirms that Contractor's substance abuse policy applies to all work performed on an COMPANY site or while on COMPANY related business and which provides notice of COMPANY's right to conduct or to have conducted searches in accordance with this guideline. **This action must be completed with each employee prior to assignment of such workers to COMPANY'S Facility.**

D. Violation of any of the provisions of these Guidelines is strictly prohibited and will be proper cause for administrative action by COMPANY, up to and including termination of this Purchase Order and removal and barring of Contractor from COMPANY property.

E. Prior to the commencement of work, Contractor shall place on file with COMPANY's Project Manager or COMPANY's designated contact its Substance Abuse Policy and written procedures for the implementation and administration.