

Drug Free Workplace Policy

MIDSTATE CONTRACTORS INC.

EFFECTIVE DATE: APRIL, 2024

Purpose and Goal

Midstate Contractors Inc. is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

Midstate Contractors Inc. encourages employees to voluntarily seek help with drug and alcohol problems. Our company makes a list of local resources available to assist employees who may need help with drug or alcohol problems.

Covered Workers

An employee of Midstate Contractors Inc. or applicant for a position at the company is covered by our drug-free policy. Our policy includes, but is not limited to all management positions, supervisors, full-time or part time employees, off-site employees and includes contractors or temporary staff employed by outside agencies.

Individuals employed by the company who are under the age of 18 are required to comply with all parts of this program. Parental consent may be required.

In the event the company requests an off duty employee report to work on an otherwise off day, the employee is responsible to notify the company if the employee has consumed alcohol or is otherwise impaired.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to report to work fit for duty and without impairment due to the use of alcohol or other drugs.

In addition, employees should:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Seek assistance before a positive drug or alcohol test occurs.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Follow a "needs to know" policy when communicating information related to drug and alcohol use, rehabilitation, performance issues or violations of this policy.
- Counsel employees as to expected performance improvement.

- Provide information on the local resources available to assist employees.
- Clearly state consequences of policy violations.
- Know where to take employees for drug and alcohol testing, when applicable.

Applicability

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for Midstate Contractors Inc. Therefore, this policy applies while on Midstate Contractors Inc. property at any time or whenever conducting business or representing Midstate Contractors Inc., and at company-sponsored events.

This policy does not create an express or implied contract of employment. All employment relationships remain "at will".

Company Sponsored Events

Possessing, consuming or using alcoholic beverages at a company sponsored functions is only acceptable with prior approval from the executive management. Employees who choose to drink alcoholic beverages at a company function are expected to behave in accordance with usual business standards and all company policies and codes of conduct. An employee who appears to be impaired at the company sponsored event is subject to immediate removal from the premises. Employees found to be impaired at a company sponsored event may be subjected the company's disciplinary procedure up to and including termination of employment. Additionally, at no time will employees who have been drinking at a company sponsored event be allowed to drive for at least ten hours after consuming the last drink.

A person, including employees, under the age of 21 attending a company sponsored event are strictly prohibited from consuming alcohol. Employees who provide alcohol to those under the age of 21 will be subject to discipline up to and including termination of employment.

Alcohol and Company Vehicles

Employees who drive company vehicles are prohibited from driving after drinking alcohol. Employees are prohibited from possessing or storing alcohol in company vehicles during work hours or during off hours. A violation of this policy will result in discipline up to and including termination of employment.

Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy upon hire.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- Employee may request a copy of this policy from human resources at any time.
- Additional training for employees and supervisors may be offered from time to time.
- When an update to this policy is made, employees will be notified.

Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants or use prescription medication in a manner not intended by the physician. Violations of this policy will result in disciplinary action up to and including termination.

While we encourage employees to voluntarily seek help for substance use, employees who first violate this policy before seeking assistance will be subjected to disciplinary action.

Prescription Medication

Taking prescription medication is not a violation of company policy when the medication is prescribed by a licensed medical professional and taken as directed. Due to safety concerns, employees who are prescribed medication that has a risk of causing impairment are required to self-report to the drug free coordinator. The employer has the right to request a written clearance from the prescribing physician or require a fitness for duty test from a physician of the employer's choice. Employees who present a safety risk may be reassigned temporarily under a physician's discretion when a safe accommodation is available. Reassignment is temporary and will last a maximum of four weeks.

Recreational and Medical Use of Marijuana

In accordance with Ohio law on marijuana use, Midstate Contractors Inc. bans the use of recreational and/or medical marijuana by employees. Employees are subject to testing for marijuana as described in this policy and a violation of this policy, including a positive test will be grounds for discipline up to and including termination of employment.

Use of Cannabidiol (CBD) products

Employees should be aware that CBD products are not regulated by the Federal Drug Administration and run the risk of containing more than the federally permissible amount of THC causing a positive THC (marijuana) drug test. Using a CBD product is not an acceptable explanation for a positive drug test and employees will be subjected to disciplinary action.

Assistance

Midstate Contractors Inc. recognizes that alcohol and drug misuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, the company:

- Encourages employees to seek help if they are concerned that they or a family member may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of a qualified professional in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Allows the use of sick, vacation, comp time or unpaid time while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Employees undergoing treatment are subject to the same job performance and policy requirements as other employees.

Notification of Conviction

Any employee, who is arrested or convicted of a criminal drug violation, including a DUI, must notify Midstate Contractors Inc. in writing within five (5) calendar days of the arrest or conviction.

Drug and Alcohol Testing Process

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to HHS guidelines, including cut off levels in effect at the time of drug screen collection. Testing will be a urine specimen, will be subjected to GC/MS confirmation and will be reviewed by a Medical Review Officer. Any employee testing positive will have the opportunity to explain the results with the Medical Review Officer before final results are released to Midstate Contractors Inc. The Medical Review Officer may verify prescription medication with the prescribing physician.

All drug-testing information will be maintained separately from personnel records, in separate confidential files. Employees may have access to their files at any time after signing a written consent. No drug or alcohol testing results will be released to third parties, including other employers, except where required by federal regulations or by law.

Testing for the presence of alcohol will be by breath alcohol machine. When the breath alcohol machine is not available, saliva or blood may be used. Initial tests at or above .02 on the breath alcohol machine will require a confirmation test conducted 15 minutes after the initial test. .02 or above on the confirmation will indicate a positive alcohol test result.

The substances that will be tested for are:

- Amphetamines
 - Amphetamine
 - Methamphetamine
 - MDMA
 - MDA
- Cocaine Metabolite
- Opiates
 - Heroin (6MAM)
 - Hydrocodone
 - Oxycodone
- Phencyclidine (PCP)
- Marijuana Metabolite
- Alcohol

Role of the Medical Review Officer

All drug test results will be reviewed by a Medical Review Officer (MRO). The MRO is a licensed physician who has been trained and certified to review drug results and investigate whether a test is positive. After testing, the results will be sent to the MRO who will determine if there is a medical explanation for a laboratory confirmed positive, adulterated or substituted specimen. The MRO will report the result to the employer's designated contact.

Employees who are contacted by the MRO are required to provide an explanation for the test results to the MRO within 24 hours of the request by the MRO. If the explanation is found to be valid by the MRO, the MRO will report "negative" test results.

Failure to contact the MRO will result in a positive test and disciplinary action up to and including termination of employment.

Types of Testing

Employees are required to provide a sample for drug and/or alcohol testing within three (3) hours after notification of the testing requirement. As a condition of employment, employees and applicants may be required to test in the following situations:

- Applicants will be required to submit to and pass a drug test prior to beginning work.
- Post-accident testing may be required:
 - After a work-related injury requiring medical attention.
 - After property or equipment damage in excess of \$500.
 - When an employee causes bodily injury to an employee, vendor or other while on duty.
 - After a motor vehicle accident regardless of fault or injury.
- When a supervisor determines reasonable suspicion exists.
- Random testing may be required for employees working on certain job sites. Impacted employees will be notified prior to testing requirement. Random test selection will be conducted by a third party using a random software program. Employees will be eligible each time a random selection is conducted.
- Return to work testing after a positive test or after an absence of over 90 days.
- Follow up testing when a Last Chance Agreement is in place.

The company is responsible for the cost of testing except "follow up testing" when an employee is under a Last Chance Agreement. Employee is responsible for all costs associated with a follow up test when under a Last Chance Agreement.

"Dilute" Specimen

An employee who has a test reported as "negative dilute" by the Medical Review Officer will be required to provide a new specimen in a witnessed collection. The employer will accept the result of the second test as the final result. A positive diluted drug test is always positive.

Definition of Positive Test Results

A positive test result will be any result that:

- Drugs exceeding the cut off levels established by federal guidelines in effect at the time the sample is taken and is determined not to have a valid explanation by a medical review officer.
- When an alcohol test is at or above the BAC cut off level of .02, the employee is required to take a confirmation test. A BAC cut off level of .02 on a confirmation test is a positive test.
- An employee who refuses a confirmation test after testing at or above .02 BAC on the initial test will be considered a positive test with a refusal to test and will be immediately terminated from employment.
- An employee who does not contact the Medical Review Officer after a request by the MRO is made is in violation of this policy and subject to disciplinary action up to and including termination of employment.

When an employee disagrees with the positive drug test result, he/she may request that the sample be retested using a split specimen from the original sample. The request shall be made to the Medical Review Officer within 72 hours after notice of a positive test result. The employee is responsible for the costs associated with the additional test.

Procedures after a Positive Test Result

Employees with a BAC result of .02 - .039 will be removed from all work activity and receive a written warning. A second result of a BAC of .02 - .039 will be subjected to discipline up to and including termination of employment.

Employees found to have a positive drug test or an alcohol test level at .04 will result in disciplinary action up to and including termination of employment.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment will be withdrawn. The applicant may reapply thirty days from the date of the positive test.

Last Chance Agreement

Employees who violate this policy may be offered a Last Chance Agreement in lieu of termination. A Last Chance Agreement allows the employee to return to their job after completing the following:

- Employee is immediately suspended from all work activity.
- An initial evaluation by a Substance Abuse Professional.
- Abide by the treatment and education recommendations provided by the Substance Abuse professional.
- Return to work after a negative drug and alcohol test and clearance by the Substance Abuse professional.
- Continue to abide by the after care plan provided by the Substance Abuse professional.
- Follow up testing required for a minimum of one year after the positive test.

Employee is required to pay for the initial evaluation and any required treatment. Another drug or alcohol test positive will result in immediate termination of employment.

Employees who are assessed and not in need of treatment may be required to attend additional education and will only be returned to work after a negative drug and/or alcohol test. The company may require follow up testing for a minimum of one year after the positive test.

Refusal to Test, Adulteration of Test or Substitution of Specimen

An employee will be subject to immediate termination if he/she refuses to provide a specimen for a test, adulterates, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment will be withdrawn. Applicants may not reapply.

Confidentiality

All information received by Midstate Contractors Inc. through the drug-free workplace program is confidential communication. Access to this information is limited to those who have legitimate need to know in compliance with relevant laws and management policies.

All supervisors are required to keep confidential any information regarding employees who are in a recovery program, who have tested positive or otherwise have violated this policy. Violation of confidentiality are subjected to discipline up to and including termination of employment.

Signed Acknowledgement of Receipt

All employees and new hires will be required to sign an acknowledgement of receipt of this policy annually .

Midstate Contractors Inc.

CURRENT POLICIES AND ACKNOWLEDGEMENT OF RECEIPT OF DRUG AND ALCOHOL POLICY

THE UNDERSIGNED EMPLOYEE IS IN RECEIPT OF THE CURRENT DRUG AND ALCOHOL POLICY IN FULL AND ACKNOWLEDGES THE FOLLOWING:

- Midstate Contractors Inc. conduct drug and alcohol testing as a condition of employment.
- Alcohol levels at or above .02 will be subject to disciplinary action.
- Employees will be tested for the following drugs/alcohol:
 - CANNABINOID (MARIJUANA)
 - PHENCYCLIDINE (PCP)
 - COCAINE
 - OPIATES (INCLUDING HEROIN AND PRESCRIPTION MEDICATION)
 - AMPHETAMINE
 - ECSTASY
 - ALCOHOL
- Employees must report the use of prescription drugs that may cause impairment before beginning use.
- Employees may not possess, sell, transport illegal or other drugs or use prescription medication in a manner not intended by a physician.
- Midstate Contractors Inc. may test employees in the following circumstances:
 - Pre Employment
 - Post Accident Testing
 - Reasonable Suspicion
 - Random
 - Return to Work
 - Follow up testing

MEDICAL AND RECREATIONAL MARIJUANA: The use of marijuana for medical or recreational purposes is banned. A violation of this policy, including a positive drug test, will result in discipline up to and including termination of employment.

DISCIPLINARY ACTIONS: A violation of this policy, including a refusal to test or an adulterated test will be terminated. Please refer to full policy for disciplinary process.

BY SIGNING THIS FORM IN THE SPACE PROVIDED BELOW YOU ARE ACKNOWLEDGING THAT YOU HAVE RECEIVED A FULL COPY OF MIDSTATE CONTRACTORS INC. DRUG-FREE WORKPLACE POLICY, THAT YOU SPEAK AND UNDERSTAND ENGLISH, AND THAT YOU HAVE HAD THE OPPORTUNITY TO DISCUSS THE POLICY AND HAVE YOUR QUESTIONS ANSWERED. YOU FURTHER UNDERSTAND THAT IT IS YOUR RESPONSIBILITY TO READ THIS POLICY IN FULL AND ABIDE BY IT AT ALL TIMES. ANY VIOLATION OF THIS POLICY COULD LEAD TO DISCIPLINE UP TO AND INCLUDING TERMINATION OF YOUR EMPLOYMENT.

DATE SIGNED _____

EMPLOYEE'S SIGNATURE _____

WITNESS SIGNATURE _____

PRINTED NAME OF EMPLOYEE _____