

POLICY/PROCEDURE NO.: <u>EGG-2</u> REVISION NO.: <u>2</u> SUBJECT: <u>SUBSTANCE ABUSE</u> SUPERSEDES: <u>DRUG & SUBSTANCE ABUSE</u> REVISION NO.: <u>N/A</u>	EFFECTIVE DATE: <u>03/15/04</u> ISSUE DATE: <u>08/20/99</u> EFFECTIVE DATE: <u>N/A</u>
APPLICABLE FORMS:	ISSUING AUTHORITY: Robert Rudisin Vice President, Human Resources <i>Name/Title</i>

1.0 APPLICABILITY AND PURPOSE:

All facilities. Since substance abuse can seriously and adversely affect the safe and efficient operation of the Company, its employees, customers, shareholders and the community, to prevent substance abuse at company work sites, this policy is designed to safeguard the primacy of individual privacy and the need to treat everyone with dignity and respect, while protecting the Company's employees, and physical and financial assets.

2.0 REFERENCES:

None.

3.0 DEFINITIONS:

- 3.1 **Substance Abuse** - The adverse effect upon the human body caused by introducing into the body controlled substances that alter the normal functioning and control of the bodily faculties.
- 3.2 **Company Work Site** - Any office, factory, warehouse, facility work location, vehicle, aircraft (or other conveyance) owned, leased, or rented by EG&G, or the customer, or private vehicle on a company work site.
- 3.3 **Controlled Substance** - Amphetamines, cocaine, opium and opiate derivatives, phencyclidine and cannabinoids or other substances as listed in Schedules I through IV of 21 CFR Parts 1308.11 to 1308.15.
- 3.4 **Drug Screen Urinalysis** - A designated laboratory process designed to detect controlled substances in urine performed by a Testing Laboratory.
- 3.5 **Possess** - To hold on one's person, sell, traffic in, distribute, make, transfer, transport, have custody of or have under one's immediate control. The concept of possession as used in this policy may not include possession by virtue of mere presence in the employee's personal residence or other location that is not a Company work site.

- 3.7 **Testing Laboratory** - A laboratory or organization licensed by the state in which it is located to test for drugs of abuse and which currently maintains National Institute on Drug Abuse (NIDA) certification.
- 3.8 **Use** - Employ, avail oneself of, consume, take, administer, ingest, have present anywhere in or on the body, or other commonly accepted means of use.
- 3.9 **Medical Review Officer (MRO)** - Physician who is licensed in the state in which he/she is practicing and has experience in drug testing and its toxicology.
- 3.10 **Conviction** - Finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- 3.11 **Criminal Drug Statute** - A Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

4.0 POLICY AND PROCEDURE:

4.1 **General Policy** - All EG&G work sites shall be free from the illegal use, possession, or distribution of controlled substances. Any employee who unlawfully possesses, uses, sells, or distributes controlled substances, including inhalants and alcohol, on or at any company work site will be subject to dismissal. The controlled substances will be confiscated and turned over to the appropriate law enforcement agency. Any employee convicted of a criminal drug statute is subject to disciplinary action up to and including termination. All applicants offered employment with the Company must successfully pass a Drug Screen Urinalysis test prior to being hired.

4.2 Alcohol Use

It is Company policy that no employee will be under the influence of, possess, use, purchase, sell, or distribute alcoholic beverages on any customer- or Company-controlled property. This specifically applies when an employee is on duty and when meals and break periods are taken during on-duty periods.

For purposes of this policy, being "under the influence of alcohol" means that the employee is affected by the use of alcohol in any detectable manner. The symptoms of influence are not limited to specific instances of misconduct, nor to obvious physical or mental impairment such as slurred speech or loss of balance. The determination of whether a person is under the influence may be made by professional opinion, or by a lay person's observation; confirmation is made by chemical testing.

The use of alcoholic beverages while on business travel is permitted where appropriate or incidental to travel. Examples include, but are not limited to, consuming alcoholic beverages in commercial aircraft, restaurants, and hotel rooms.

4.3 Drug Testing

4.3.1 Pre-Employment Screening - All applicants offered employment with EG&G must successfully pass a Drug Screen Urinalysis test before commencing employment. Each applicant must complete a drug screening release form, which attests that the applicant knowingly and willingly submitted to such test.

An applicant will not be hired if he/she refuses to submit to the required Drug Screen Urinalysis test after having been advised that such test is a condition of employment. A company designated physician or a contracted Medical Review Officer (MRO) will confirm that all test results are satisfactory prior to permitting the applicant to commence work.

If an applicant's sample produces a positive result on the Drug Screen for any of the listed controlled substances, the applicant will be notified, by certified mail, of the results prior to any action being taken on the application for employment. The applicant will be given opportunity to explain the medical reason for the presence of the controlled substance (e.g., prescription) to the MRO. The MRO will then make a determination of whether or not the results should be considered negative or positive. The applicant may then obtain a second independent analysis of the original sample. The applicant must make a request for the second analysis within three (3) working days from the date of receipt of the MRO's decision.

In the event a subsequent verification analysis is conducted and results conflict with the initial test, the applicant will resume the pre-employment process, to include successful completion of a second Drug Screen Urinalysis test administered by the Company's Testing Laboratory.

If an applicant fails to pass the required Drug Screen Urinalysis test and declines a second independent analysis, the applicant will be disqualified from consideration for employment until the following Re-Application for Employment procedures are successfully met.

4.3.2 Re-Application for Employment - An applicant who has been determined ineligible for hire due to failure to pass the Drug Screen Urinalysis test may re-apply for employment when all of the following are met:

- Submittal of verifiable documentation at the applicant's expense that the applicant has 1) received or is receiving drug counseling from a professional certified counselor or has participated in a certified inpatient or outpatient rehabilitation program; 2) received Drug Screen Urinalysis tests on a random basis at least three (3) times during the period of counseling or rehabilitation and tested negative each time; 3) received a written statement from the counselor or rehabilitation center that the applicant is free of drug dependence and psychologically suitable to assume the position being applied for; and 4) passes a return-to-work analysis.

4.3.3 Post-Accident Testing - An employee involved in an occupational incident or accident or rule violation that involves an OSHA reportable injury or fatality, damage to property, or a motor vehicle accident, will be interviewed promptly by the immediate supervisor. At the interviewer's discretion, and with the concurrence of Human Resources, the employee may be referred to the appropriate medical facility or Testing Laboratory for evaluation at a time to be chosen by the company.

4.3.4 Reasonable Doubt Testing - Reasonable cause to screen an employee for use of controlled substances or alcohol exists when two supervisory personnel suspect, based on independent observations and/or other information that they deem to be relevant and sufficient and after due consideration of evidence to the contrary, if any, that the employee is currently using or is under the influence of drugs or alcohol. Both supervisors shall make observations of the employee, which can be articulated, concerning the employee's appearance, behavior, speech, body odors, absenteeism, job performance, tardiness, etc. These observations must be documented prior to requesting a chemical test and submitted to Human Resources for a final decision. (An observation checklist is available from the Human Resources department.)

If an employee's appearance and behavior at work leads the immediate supervisor to suspect that the employee is unable to work safely or efficiently, the immediate supervisor will not allow the employee to work and will notify Human Resources immediately. The appropriate manager and other personnel in the supervisory chain will be notified. The employee will be referred to an appropriate medical facility or Testing Laboratory for evaluation at a time to be chosen by the company. Any employee being referred for medical evaluation will be accompanied, when possible, to the Testing Laboratory by appropriate supervisory, security or medical personnel.

In the event that an employee is asked to leave the work site because his/her ability to work safely is in question, the employee will be requested not to drive and the Company will attempt to provide reasonable accommodations for alternate transportation to the employee's residence.

Employees will not be tested until they sign a drug screen release form. An employee refusing to sign a drug screen release form and/or refusing to report to a Testing Laboratory is subject to discipline, up to and including dismissal.

Any employee asked to take a test for reasonable cause will be suspended without pay until test results are received. An employee who has negative test results will be returned to work status if he/she has no other problems. The employee will then be paid for any lost time during that period.

4.3.5 Random and Annual Drug Testing – Some employees may be subject to random drug testing or drug testing on an annual basis due to contract requirements or to the sensitive nature of their positions.

- 4.4 **Drug Testing Procedure** - EG&G will contract with a NIDA-certified Testing Laboratory to perform the Drug Screen Urinalysis test in accordance with current industry standards.
- 4.5 **Consequences of Drug Testing** - An employee testing positive for the presence of a controlled substance, except when the positive result is due to the use of lawfully obtained prescription or over-the-counter medications, is subject to discipline or dismissal.

The employee will be given the opportunity to obtain a second independent analysis at the employee's cost. The second analysis will be performed by a NIDA-certified Testing Laboratory that is mutually acceptable to the Company and the employee and will use the same sample that was collected and retained by the original Testing Laboratory. Pending receipt of the second analysis, the employee will be on suspension without pay. If the second analysis on the sample differs from the original test, a third analysis will be performed and paid for by the Company. An employee testing negative on this third analysis will be allowed to return-to-work with restoration of lost pay.

An employee testing positive for the presence of controlled substances who is not dismissed may be given the opportunity to enroll in a rehabilitation program. The decision to allow an employee to enroll in a rehabilitation program will be made by the Vice President of Human Resources and Division Vice President after an analysis of all relevant facts on a case-by-case basis. The facility must be mutually agreed upon by the employee and the Company.

The employee will be suspended without pay while participating in the rehabilitation program. The employee will remain suspended without pay until the rehabilitation facility recommends a return-to-work and the manager also agrees to return the employee to work status. Security services must agree to allow the employee access to secured areas if such access is required by the employee's job. The employee is responsible for those costs of rehabilitation that are not covered by the Company's benefit program. The employee must agree in writing to participate in the plan and be subject to random Drug Screen Urinalysis testing for a period of one-year following return-to-work status.

Selection of times for the Drug Screen Urinalysis test, during the 12-month period, is at the discretion of the Company. The employee's attendance at rehabilitation will be reported to the Company by the rehabilitation facility and will be monitored by Human Resources.

Refusal to enroll in, or failure to continue, rehabilitation until discharged by the rehabilitation facility or any return to use of a controlled substance will result in further disciplinary action, up to and including dismissal for cause. Copies of positive Drug Screen Urinalysis test reports will be kept in the employee's medical file for three years. The rehabilitation agreement will be maintained in the employee's medical file for three years beyond the

completion of rehabilitation. Access to this information will be restricted.

- 4.6 **Possession, Distribution or Sale of Controlled Substances** - Absent reasonable cause, employees will not be searched to determine if they have a controlled substance on their person. If an employee or visitor has a controlled substance on his/her person or voluntarily shows it to a Supervisor or fellow employee, or attempts to give it or sell it to another person, local law enforcement authorities should be immediately informed. Employees found to be in possession or to have distributed or sold controlled substances on a Company work site will be subject to disciplinary action, up to and including dismissal for cause where appropriate.
- 4.7 **Vehicle Searches** - All vehicles, whether Government or private, are subject to search while on a Company work site. Discovery of controlled substances in a vehicle, or refusal to permit the search of a vehicle, will subject the owner or operator to disciplinary action, up to and including dismissal for cause. Any violation of this Policy must be reported to the Vice President, Human Resources, where appropriate. Any searches of an individual's person, personal property or work areas, including but not limited to, lockers, lunch boxes, briefcases, purses, packages, desks, vehicles or any other receptacle or area the employee uses or has access to, will be based on reasonable cause and will be conducted by designated management or Security personnel with the consent of the employee.
- 4.8 **Confidentiality** - In view of the extremely sensitive nature of substance abuse screening test results, information or results obtained or developed must be held in the strictest confidence. Disclosure should be made only on a business need-to-know basis and meet legal contractual requirements for the purpose of serving the valid interest of EG&G in properly administering this Policy. If there are any questions as to whether disclosure would be appropriate in a given situation, first consult with Human Resources before any disclosure is made.
- 4.9 **Communication/Employee Assistance Program** – This policy will be available on the Company's Intranet site and will be available in hard copy for those employees who do not have access to the Intranet.

In conjunction with the Company's Employee Assistance Program, a drug-free awareness program will be established to inform employees concerning:

- The dangers of substance abuse in the workplace;
- Available counseling, rehabilitation, and employee assistance programs (both for self-referral and supervisory referral);
- The penalties that may be imposed by the Company for substance abuse violations; and
- The contractor's policy of maintaining a drug-free workplace.

Supervisors will be trained to identify and address illegal drug use in the workplace.

Each employee must agree, as a condition of commencement or continuation of employment, to notify the Company, within 5 days, of any criminal drug statute conviction for a violation occurring on a Company work site. EG&G must notify the Contracting Officer within 10 days after receiving such notification.

Within 30 days after receiving the notification of a conviction, the Company will take one of the following actions with respect to any employee who is convicted of a drug abuse violation in the workplace:

- Take appropriate personnel action against such employee, up to and including termination; or
- Require such employee to satisfactorily participate in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

Not all behavior that could be related to substance abuse actually is, and not all poor job performance indicates substance abuse. Even if substance abuse is at the root of poor performance, any supervisory action must be based upon the poor performance itself, not upon the substance abuse problem underlying it. Any serious performance or conduct problems must be dealt with in accordance with normal practice and/or policy.

- 4.10 **Interpretations and Changes** - Requests for interpretations of the provisions of this Policy and suggestions for changes should be directed to the Human Resources Department. Additionally, the Company reserves the right to amend, supplement, or rescind any provision of this Policy.

Refer to Site specific policies for additional information.

5.0 CHARTS, TABLES, FORMS:

Reasonable Doubt Observation Checklist