

Drug-Free Workplace

Dunn Construction has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Dunn Construction is committed to maintaining a drug free workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Dunn Construction. The Human Resources/Safety department is responsible for policy administration.

Employee Assistance and Drug-Free Awareness

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resources/Safety department, whose members have been trained to make referrals and assist employees with drug/alcohol problems.

Dunn Construction will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of the presence of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees are not, however, to disclose underlying medical conditions unless directed to do so.

Work Rules

The following work rules apply to all employees:

- Whenever employees are working, are operating any company vehicle, are present on company premises, or are conducting related work off-site, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
 - Being under the influence of an illegal drug or alcohol as defined in this policy.
- The presence of any detectable amount of any illegal drug, alcohol, or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
- Dunn Construction will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry

it in the container labeled by a licensed pharmacist and be prepared to produce it if asked. Employees must also advise the company verbally through their immediate supervisor when using any prescription or over-the-counter drugs that contain instructions, restrictions, or warnings indicating that the use of the drug may cause impairment from safely performing their duties, or that otherwise could impair the employee's judgment or ability to perform certain job tasks. A physician's release may be required in the case of prescription medications described above.

- Any illegal drugs or drug paraphernalia may be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

The company retains the right to require the following tests:

- **Pre-employment:** All applicants will be screened when a conditional job offer has been made by the Company. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor when there are reasonable grounds for believing that an employee is under the influence of drugs, alcohol, or other impairing substances, or based upon other circumstances constituting reasonable suspicion.
- **Post-accident:** In the event that an on the job accident or incident occurs and the company feels drugs and or alcohol likely could have contributed to the accident and or incident the company may send the employee(s) involved in an accident or incident on the job, whether involving damage to property or an injury, and/or an accident that seriously damages a company vehicle, machinery, equipment or property and/or results in an injury to themselves or another employee.
- **Random:** All employees may be selected for testing without prior notice where allowed by applicable state or local law. The names and/or numbers of those employees to be tested will be selected in an unbiased manner by computer or other random method. Employees selected for testing must present themselves for testing at the time set by the Dunn. Random testing will be conducted in accordance with applicable federal and state laws or other regulations.
- **Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, Dunn Construction may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include rehabilitation program and follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

Consequences

- Refusal to submit to a test or unreasonable delay in submitting to a test, refusal to sign a consent form or other forms utilized in the testing process, or any attempt to tamper with the testing process will be grounds for immediate termination of employment in the case of an employee and for denial of employment in the case of an applicant.
- Employees who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be subject to immediate termination of employment.
- When there is a positive test result for an applicant or employee for a prohibited substance, confirmatory tests will be performed. Any applicant or employee testing positive after completion of the confirmatory tests will first be contacted directly by the third-party Medical Review Officer (MRO) to determine the reason for the presence of the identified substance. Employment will not be offered to an applicant whose test reveals the presence of drugs, alcohol, or other Intoxicants. An employee with a positive test result will be subject to immediate termination of employment, regardless of when, where or how the drug or substance entered the employee's system.
- An employee who fails a drug or alcohol test for the first time may, under certain circumstances, be placed on suspension in lieu of termination of employment. These employees will be placed on suspension and referred to a SAP (Substance Abuse Professional) or EAP (Employee Assistance Program) for evaluation and/or treatment. They must successfully complete the prescribed program before consideration for reinstatement can be made. Payment for professional help is the responsibility of the employee. The suspension shall be a period of up to 30 days following the successful completion of the prescribed program. At the end of a suspension period, if work for the employee is still available, the employee may be subject to reinstatement conditioned upon successfully passing another drug or alcohol screen. An employee who tests positive following a suspension period will be subject to discipline up to and including termination of employment. The above suspension will be extended for an additional 30 days if the rehabilitation program the employee has entered requires more time. A written request for an extension must be submitted by the employee to Human Resources for approval prior to the first 30 day suspension expiration.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

Inspections

Dunn Construction reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

Crimes Involving Drugs

Dunn Construction prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over-the-counter

(OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

Under the Drug-Free Workplace Act of 1988, an employee who performs work for a government contract or grant must notify the Human Resources Department of a conviction of any criminal drug-related activity occurring in the workplace. The report must be made within five days of the conviction. We, in turn, will, as required by the Act, report such convictions within 10 days of our learning of the conviction to the appropriate federal agency.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with the Director of Human Resources without fear of reprisal.