

# DRUG AND ALCOHOL POLICY

## TABLE OF CONTENTS

PURPOSE .....	3
SCOPE .....	3
STATEMENT OF POLICY .....	3
SUPERVISOR TRAINING .....	4
EMPLOYEE AND APPLICANT DRUG AND ALCOHOL TESTING.....	4
CATEGORIES OF EMPLOYEE SUBSTANCE TESTING.....	4
Post Offer Pre-employment Testing.....	4
IMPAIRMENT OR SUSPICION OF IMPAIRMENT.....	4
Reasonable Suspicion Testing .....	5
Post-Accident Testing:.....	5
Return to Duty/Follow-up Testing.....	6
CLIENT POLICIES .....	6
MARIJUANA.....	6
INSPECTION AND SEARCHES .....	7
VOLUNTARY TREATMENT .....	7
SAFEGUARDS AND CONFIDENTIALITY .....	7
DISCIPLINARY ACTION AND REASONS FOR TERMINATION .....	8
AT WILL EMPLOYMENT .....	9
ACKNOWLEDGMENT.....	9





## **DRUG AND ALCOHOL POLICY**

### **PURPOSE**

E Light Electric Services, Inc. is committed to a safe, healthy, and productive work environment for all employees free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

### **SCOPE**

This policy applies to all employees. All employees have been issued upon initiation of this policy or upon hire a copy of the company policy, describing in detail what substances will be tested for and under what conditions employees will be tested.

### **STATEMENT OF POLICY**

To ensure a safe and productive work environment the company prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs, controlled substances, or drug paraphernalia on any company premises or worksites. This prohibition includes company owned vehicles, or personal vehicles being used for company business or parked on company property. **NOTE:** The prohibition of usage of alcohol does not apply to company functions in which alcohol is served as part of that function, however, alcohol use at these company functions must be in moderation.

No employee shall report to work or be at work with alcohol or marijuana in their system above the detectable amount or with any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing. Although marijuana is legal in Colorado and in other states, E Light Electric Services reserves our lawful right to screen for marijuana use and at management discretion withdraw employment offers based on screening results.

Employee shall, when drugs are prescribed by a medical professional, inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the medical professional is yes, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.

Illegal use of drugs off duty and off company premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public, and our customers in the company's ability to meet its responsibilities.

**Any violation of this policy may result in disciplinary action up to and including termination.**

## **SUPERVISOR TRAINING**

Managers and supervisors responsible for field operations are required to complete Drug Recognition and Substance Abuse Recognition training annually.

## **EMPLOYEE AND APPLICANT DRUG AND ALCOHOL TESTING**

To promote a safe and productive workplace, E Light Electric Services, Inc. will conduct the following types of Drug/Alcohol test for all employees:

- Pre-employment
- Reasonable Suspicion
- Post-accident
- Return-to-Duty/Follow-up Testing
- Client testing / Project Specific

## **CATEGORIES OF EMPLOYEE SUBSTANCE TESTING**

### **Post Offer Pre-employment Testing**

All persons seeking employment with E Light Electric Services, Inc., shall undergo post-offer, pre-employment drug testing. Applicants will be informed that, as a condition of employment, they must pass a drug-screening test.

Applicants who test positive will be notified that they have not met the standards for employment. An applicant who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result.

Applicants who test positive may request a review of their individual circumstances and results by senior management. Senior management reserves the right to determine employability of applicants who test positive based on this review.

## **IMPAIRMENT OR SUSPICION OF IMPAIRMENT**

In order to maintain a safe working environment, E Light Electric employees shall report to work prepared to perform their job duties safely and efficiently. Employees shall not report to work smelling of the odor of alcohol or marijuana. Supervisors who observe employees demonstrating signs of intoxication, the odor of alcohol or marijuana, or inability to perform their work safely and efficiently shall counsel the employee and determine the appropriate action. The construction industry is hazardous and requires employees to be focused, mentally prepared for work and capable of making sound judgment decisions and physically able to

perform their job assignments. Employees that are not capable of the above, endanger themselves and their coworkers.

Employees may be sent home without pay, suspended or terminated at management discretion for violation of this policy. Absences by employees in order to comply with this policy shall be considered unexcused absences.

### **Reasonable Suspicion Testing**

An employee will be asked to submit to tests for alcohol and/or illegal drugs when the employee is reasonably suspected of being impaired in the performance of his or her job.

Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:

- Specific and personal observations concerning the appearance, behavior, speech or performance of the employee; or
- Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s) /manager(s) to believe that the employee's functioning is impaired; or
- Any physical, circumstantial, or other indicators of impairment.
- When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site, and will arrange for the employee's transport home.
- Employee will be placed in an unpaid status pending the receipt of drug testing results by E Light Electric Services, Inc. If the test comes back negative, the company will pay this employee the time he would have worked.

### **Post-Accident Testing:**

An employee must submit to drug and alcohol testing whenever employee drug use is likely to have contributed to the accident at the discretion of the Director of Education and Loss Prevention.

1. An employee who is involved in an accident must immediately report the accident to his or her supervisor/manager.
2. Whenever a supervisor/manager observes or is notified of an accident where employee drug use is likely to have contributed to the accident, the supervisor/manager will initiate drug and alcohol testing with the approval of the Director of Education and Loss Prevention. The supervisor/manager will order the employee to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.

3. E Light Electric Services will place the employee on an unpaid status pending the receipt of drug testing. If the test comes back negative, the company will pay this employee the time he would have worked.

### **Return to Duty/Follow-up Testing**

If the company elects to allow an employee to return to work following a positive test result, it is mandatory that the employee must first pass a drug test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.

## **CLIENT POLICIES**

If you are assigned to a project for which the client has an alcohol and drug policy, you are required to abide by that policy. These policies generally prohibit the use of drugs or alcohol at any time on the client's premises or during meals or breaks if you are returning to work afterward. Further, you are not to report to work showing any effect of drug or alcohol use.

### **THE KINDS OF SUBSTANCES TESTED FOR WILL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING SUBSTANCES OR THEIR METABOLITES:**

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines
- Alcohol

E Light Electric reserves the right to change the substances that are tested for or add to the above list at any time.

## **MARIJUANA**

An employee who tests positive for marijuana is in violation of E Light Electric's drug policy as outlined in this section, even if the employee is exempt from criminal prosecution under Colorado's medical marijuana laws or is using marijuana recreationally in conformity with Colorado's Amendment 64.

*Be advised that a positive drug test for marijuana constitutes a violation of E Light's drug and alcohol policy and may lead to your termination. For more information, please speak with Human Resources.*

## **INSPECTION AND SEARCHES**

The company may conduct unannounced inspection for violations of this policy in the workplace, worksites, or company premises. Employees are expected to cooperate in any inspection.

## **VOLUNTARY TREATMENT**

The Company supports sound treatment efforts. Whenever practical and at our discretion, the Company may assist employees in overcoming drug and alcohol, as long as this policy has not already been violated.

If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and /or alcohol treatment program either through E Light Electric, Inc.'s medical insurance program or at his or her own expense.

If the employee elects to enter an appropriate treatment program, E Light Electric, Inc. may place the employee on unpaid status, but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program, so long as the employee is complying with the conditions of treatment. E Light Electric, Inc. can require verification from the health care provider for a release to work and/or verification of treatment as covered in the company's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

## **SAFEGUARDS AND CONFIDENTIALITY**

The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. In the event the drug and/or alcohol test results are a negative dilute, the applicant, or employee will be required to re-test. A positive breath alcohol test will be confirmed by a second breath test.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The company shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the

MRO retained by the company. The MRO or the testing laboratory reports the negative results to the company. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the five drugs tested or if the blood alcohol test comes back positive, a second confirmatory test shall be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The MRO has the responsibility of reporting to E Light Electric Services, Inc. whether the test results are positive or negative.

An applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result.

Each applicant or employee will have an opportunity to discuss the drug and/or alcohol test with a Medical Review Officer in a confidential setting. Each applicant or employee upon his or her request may be provided with a written copy of the positive test result, upon written request. Upon written request within seven days of taking the test an employee may access records relating to his drug and/or alcohol test.

## **DISCIPLINARY ACTION AND REASONS FOR TERMINATION**

- Testing Positive

Employees who test positive for drugs or alcohol are in violation of this policy.

- Refusal to comply

Employees who refuse required testing are in violation of this policy.

- Interference with testing

Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this policy.

- Any employee, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on E Light Electric Services, Inc. premises is in violation of this policy.

## **AT WILL EMPLOYMENT**

Nothing in this policy is to be construed to prohibit E Light Electric Services, Inc. from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by E Light Electric Services, Inc., or the employee at any time, with or without notice and with or without cause.

## **ACKNOWLEDGMENT**

I have received a copy of E Light Electric's Drug and Alcohol Policy and understand that in order to continue my employment with this employer I must abide by the terms of the policy. I agree to notify the employer of any drug violation occurring in the workplace.

I understand that this policy in no way modifies my status as an at-will employee and in no way implies, infers, or guarantees my continued employment for any definite term and that I may be dismissed at the discretion of the employer for other reasons than failing to follow the terms of the policy.

Employee copy