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## MPC ALCOHOL AND DRUG POLICY

### 1. PURPOSE

MPC places a priority on minimizing health and safety risks associated with all business activities. We recognize that the inappropriate use of Alcohol, the use of Illicit Drugs, and the misuse of Medications may have serious adverse effects on health, safety and job performance. This in turn can negatively impact other employees and contract workers, members of the public and the environment. Therefore, appropriate measures are necessary to ensure the safe and successful conduct of our Company Business.

This policy is intended to outline the standards and guidelines associated with Alcohol and Drug use which have been set for all Contractors. For the purposes of this policy "Contractors" includes any contractor, alliance partner, sole proprietor, consultant, subcontractor and their respective representatives, agents, servants, affiliates, or suppliers providing goods or services to MPC. Contractors will be expected to enforce these requirements for their employees, sub-contractors and agents when they are engaged in Company Business, working on Company Premises or operating a vehicle on behalf of MPC.

These provisions are effective April 21, 2011. Contractors are expected to implement their own Alcohol and Drug Policy, including contracting for qualified testing services. Contractors may be granted the right to be subject to MPC's Alcohol and Drug Policy by the MPC Law Department. This policy represents MPC's minimum expectations, and is not intended to diminish any existing Contractor policy or program. Specific guidance is available to assist sole proprietors, consultants and others who request assistance with compliance.

Accountability for administration and enforcement of this policy rests with every Contractor and contract worker having a supervisory capacity. MPC reserves the right to audit a Contractor's program as to compliance at any time, and management must be informed if a contract worker is no longer qualified to perform work for MPC.

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## 2. DEFINITIONS

Words used in this policy and the appendices will have the following meaning:

- a) “Alcohol” means the intoxicating agent in Beverage Alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl;
- b) “Alcohol and Drug Test” means a scientifically recognized test which analyses an individual’s urine, breath or in certain situations, saliva, for evidence of drug or alcohol exposure (Refer to Alcohol and Drug Testing Procedures contained in Appendix A);
- c) “MPC” or “the company” means Maintenance Projects & Construction;
- d) “MPC Representative” refers to the individual in authority over a particular area or shift, including team leaders, managers and others in positions of authority who are trained Supervisors under MPC’s Alcohol and Drug Policy;
- e) “Beverage Alcohol” refers to beer, wine and distilled spirits;
- f) “Contractors” includes any contractor, alliance partner, sole proprietor, subcontractor and their respective representatives, agents, servants, affiliates, or suppliers providing goods or services to MPC;
- g) “Contract Manager” means any individual working for the Contractor in a leadership or supervisory position or position of authority over a particular area, job or shift;
- h) “Company Business” or “MPC Work” includes all business activities undertaken by individuals in the course of the company’s operations whether conducted on or off Company Premises for which the individual is compensated;
- i) “Company Premises” means all land, property, vehicles, offices, buildings, desks, lockers and any other facilities that are owned, leased, operated or otherwise directly controlled by MPC;
- j) “Drug” means any chemical or biological substance (including alcohol) that has known mind or motor function altering effects on the human body - a general term for any substance, stimulating or depressing, that can ultimately be habituating or addictive. For purposes of this policy, drugs of concern are those that inhibit a worker’s ability to perform his or her job safely and productively;
- k) “Drug Paraphernalia” refers to miscellaneous equipment or personal belongings used in the course of introducing drugs into the body;



- l) “Fitness for Work/Duty” in the context of this policy means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of Alcohol, Illicit or Illegal Drugs or Medications;
- m) “Illegal Drug” means any drug or substance which is legally obtainable but has not been legally obtained (e.g. sedatives for which a prescription should have been obtained);
- n) “Illicit Drug” means any drug or substance which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street drugs such as marijuana and cocaine);
- o) “Medication” refers to any substance used for medicinal purposes which is obtained through prescription or over-the-counter;
- p) “Scheduled Call” means employees who have been designated as being on-call in accordance with a written schedule and who have been notified of such duties by their Contract Manager.

### 3. POLICY STANDARDS

Contractors are expected to ensure that their representatives remain free from any adverse performance effects of Alcohol or other Drugs, adhere to the fitness for duty standards that have been set out below, and conduct themselves in an appropriate manner while on Company Business or Company Premises. Violation of these standards will be considered a breach of a condition of contract with MPC.

Everyone is expected to report Fit for Duty, and remain fit throughout their work day or shift. If unexpected circumstances arise where a contract worker is requested to perform services outside of their regularly scheduled hours and has recently used Alcohol or Drugs, the individual is expected to request that responsibility be delegated to another contract worker. This request will not be considered a breach of contract.

### 4. ILLICIT AND ILLEGAL DRUGS

The following are prohibited when on Company Business or Company Premises and at all times when on duty or Scheduled Call, including during meals or other breaks (whether on or off Company Premises):

- a) the use, possession, distribution, offering or sale of Illicit or Illegal Drugs or Drug Paraphernalia;
- b) the possession, distribution, offering or sale of prescribed Medications (illegally); and



- c) reporting for duty under the influence of Illicit Drugs or having a Drug test result at or above the cut-off levels.

## 5. ALCOHOL

- a) The following are prohibited when on Company Business / Company Premises:
  - i) any use of Alcohol, including during meals and other breaks (whether on or off Company Premises);
  - ii) possession, distribution, offering or sale of Beverage Alcohol;
  - iii) reporting for duty under the influence of Alcohol or having an Alcohol test result of .04 BAC (Blood Alcohol Content) or greater; and
  - iv) use of Alcohol within the first eight hours after an incident or until tested or advised a test is not required.
- b) In addition, contract workers are prohibited from using Alcohol when on Scheduled Call.

## 6. MEDICATIONS

Everyone is expected to use Medications, both prescribed and over-the-counter, responsibly. The intentional misuse of prescribed Medications, over-the-counter Medications and other substances while on Company Business or Company Premises is prohibited. Misuse of Medication includes:

- a) taking in excess of the prescribed or recommended amount of a Medication;
- b) taking Medication prescribed for someone else;
- c) taking Medication for other than its intended purpose; or
- d) taking Medication improperly (for example, in combination with Alcohol).

Medications of concern are those that inhibit an individual's ability to perform their job safely and productively. Accordingly, contract workers are expected to investigate, through their physician or pharmacist whether a Medication can affect safe operation and take appropriate steps to minimize the associated risk, which would include advising the site Contract Manager of any concerns and abiding by any requirement for modified work or other appropriate course of action to minimize the risk.



## 7. ALCOHOL AND DRUG TESTING

Contractors must be prepared to have their workers tested in a post-incident or reasonable cause situation at the direction of MPC in the circumstances outlined below. Contractors must make their workers aware of the testing program.

## 8. REASONABLE CAUSE

Testing will be required whenever a MPC Representative or a Contract Manager has reasonable cause to believe that the actions, appearance or conduct of an individual while on duty are indicative of the use of Drugs or Alcohol. If the decision to test is made by a MPC Representative, it must be made with the concurrence of a second MPC Representative whenever possible. This would include testing after any incident where the investigator has reasonable grounds to believe Alcohol or Drug use may have been a contributing factor. The basis for the decision to request a test must be documented as soon as possible after the request has been made. Referral of a contract worker for an Alcohol or Drug test will be based upon specific, personal observations including, but not limited to:

- observed use or evidence of use of a Drug or Alcohol;
- changes in the job performance;
- erratic or atypical behaviour;
- changes in the physical appearance;
- changes in the behaviour; or
- changes in the speech patterns.

In all situations when a MPC Representative believes a contract worker is unfit to be on the work site, responsible escort procedures will be followed (See Section 7 below). Reasonable cause testing must be conducted by the Contractor as soon as reasonably practicable once the determination has been made that reasonable cause exists and a request has been made by the MPC Representative. Where an Alcohol test cannot be conducted within 8 hours from the time of the request and/or a Drug test cannot be conducted within 32 hours of the request, attempts to obtain a sample will cease and the Contractor must provide MPC with a valid reason for the delay.

## 9. POST-INCIDENT

Contract workers will be subject to Alcohol and Drug Testing after a “significant work-related incident” or “high potential incident” (as defined below), unless there is clear evidence (e.g., structural or mechanical failure) that the acts and omissions of the worker could not have been a potential contributing factor (as determined by a MPC Representative) or the MPC Representative investigating the incident decides that a test will not be conducted. Because post-incident testing is part of an investigative procedure, testing will be required even in the absence of direct evidence or reasonable cause to believe Alcohol or Drug abuse was a contributory factor. The decision to refer someone, or a group of individuals, for a test in a post-incident situation must be made by the MPC Representative investigating the accident, in conjunction with a second MPC Representative (i.e., preferably Occupational Health, Human Resources, Law Department,



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Corporate Security or, if none of these individuals is available, another MPC Representative) whenever possible. Generally, a “significant work-related incident” or “high potential incident ” is one which resulted in:

- a fatality or serious personal injury to an Employee, contract worker, member of the public or any other individual;
- an environmental spill with significant implications;
- significant loss or damage to property, equipment or vehicles (with a minimum threshold of \$10,000.00);
- significant loss of company or client revenues (with a minimum threshold of \$100,000.00); or
- any other significant work-related incident or high potential incident.

In addition, MPC may, at its discretion, require a post-incident test after any other work-related incident or near miss as part of an investigation where there are reasonable grounds to believe that Alcohol or Drugs may be a contributing factor. Post-Incident testing must be conducted as soon as reasonably practicable following an incident. Where an Alcohol test cannot be conducted within 8 hours from the time of the incident and/or a Drug test cannot be conducted within 32 hours of the incident, attempts to obtain a sample will cease and the Contractor must provide MPC with a valid reason for the delay. Failure to report an incident or high potential incident is a violation of this policy, will constitute a breach of contract and may result in triggering penalty clauses under the contract, suspension or termination of the contract.

#### 10. OTHER CIRCUMSTANCES

Contract workers may be subject to testing as a requirement of regulatory compliance or contractual compliance.

#### 11. UNABLE TO TEST

If an Alcohol test cannot be conducted within 8 hours of the incident or request and/or a Drug test within 32 hours of the incident or request, the Contractor should cease attempting to obtain a sample and must provide MPC with a valid reason why the test could not be completed.

In any situation where a reasonable cause test cannot be done, the individual must be held out of service for at least 24 hours and an investigation must take place to MPC’s satisfaction. The individual will not be allowed to return to work for MPC without written permission from the MPC Representative in charge of the site and the individual will be required to adhere to any conditions governing their return.

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## 12. REFUSAL TO COMPLETE TESTING PROCESS

Failure to report directly for a test, refusal to submit to a test, refusal to sign the required acknowledgment form, refusal to agree to disclosure of a test result to management, or a confirmed attempt to tamper with a test sample are all considered violations of this policy and are grounds for disciplinary action up to and including permanent removal from MPC work or termination of contract.

## 13. TEST ADMINISTRATION

All Alcohol and Drug Testing is solely the responsibility of the Contractor. At a minimum, all testing must be conducted through a U.S. laboratory certified by the U.S. Department of Health and Human Services (“DHHS”), and follow DHHS procedures for sample collection, analysis, medical review and reporting (Refer to Appendix A for guidance).

## 14. TESTING STANDARDS

Contractors are expected to meet MPC’s Alcohol and Drug Testing standards with respect to substances to test for and positive cut-off levels as a minimum and as shown below in Appendix A.

## 15. IMPAIRED DRIVING

All individuals that operate a motor vehicle on behalf of MPC are required to maintain a valid driver’s license. It is the responsibility of the Contractor to ensure that their employees and subcontractors’ employees have a valid driver’s license and may be required to furnish proof upon request by MPC. Any loss of license (i.e., either temporary or permanent) must be reported by the Contract Manager to the MPC Representative in charge of the site and the individual will no longer be qualified to drive on behalf of MPC.

In addition, any individual charged with or convicted of an impaired driving offense (including but not restricted to blowing over the legal BAC in that jurisdiction, driving while impaired, or refusal to blow into a breathalyzer) when operating a vehicle on behalf of MPC is subject to the following:

- a) they must inform their supervisor immediately who must inform the MPC Representative as soon as reasonably practicable;
- b) the situation must be investigated; and
- c) a range of actions will result, which may include medical assessment to determine if the individual has an Alcohol or Drug problem, alternative work, removal from MPC Work, or any other appropriate action depending on the circumstances.

Each situation will be fully investigated. The action taken will depend upon the circumstances surrounding the event. Failure to report the loss of license will be grounds for removal from MPC Work and will be considered a breach of contract.



## 16. SEARCHES

MPC reserves the right to conduct unannounced searches for Alcohol, Drugs, or Drug Paraphernalia on Company Premises where there are reasonable grounds to believe that they may be present. Searches of individuals and personal property will only be conducted by appropriate law enforcement agencies. Searches will be directed by Corporate Security in accordance with applicable laws and agreements, and be undertaken in cooperation with appropriate law enforcement agencies where required. (See Appendix B)

## 17. ESCORT FROM COMPANY PREMISES:

- a) If a contract or subcontract employee is unfit for work or otherwise in violation of this policy while on Company Premises, their supervisor will be notified and, if necessary, they will be escorted from the workplace by a representative of the Contractor.
- b) The MPC Representative in charge of the site is responsible for assessing the situation and, where there are reasonable grounds to believe Alcohol or Drug use may be a factor, will request that the individual be tested for Alcohol or Drug use (Refer to reasonable cause testing; Section 3.01). Where the Contract Manager on-site does not believe Alcohol or Drug use are a contributing factor in the circumstances, he or she must discuss this belief with the MPC Representative in charge of the site. The MPC Representative may still request that the individual be tested or, in the alternative, may request that the individual be removed from the site until such time as the Contractor furnishes MPC with satisfactory proof that the worker is fit for duty.
- c) In all situations where escort is required, the individual will be provided with transportation to their place of residence provided they are left in the care of another responsible person. If there is no responsible person available, they should be taken to the local Hospital emergency room or to their family physician's office.





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**APPENDIX A**  
**ALCOHOL AND DRUG TESTING PROCEDURES FOR CONTRACTORS**

Contractors are expected to have a policy that meets the MPC fitness for duty standards as set out in the “Alcohol and Drug Policy Expectations for Contractors” dated July 1, 2000. This includes having an Alcohol and Drug testing program that meets MPC’s requirements.

At a minimum, Contractors covered by these provisions are expected to contract for Alcohol and Drug testing services that meet the following guidelines.

1. Sample collection, testing and reporting of results must be conducted in accordance with standards established by the U.S. Department of Health and Human Services in order to ensure the accuracy and integrity of results. Rigorous sample collection, storage and chain-of-custody procedures must be followed.
2. Except for the release of information in accordance with this policy and in situations affecting the health and safety of workers and the public, results of all testing should be maintained by a designated company official and will be kept confidential. MPC should only be advised of a confirmed violation of their policy requirements.
3. Testing must be conducted in post incident and reasonable cause situations as outlined under this policy to determine the presence of cannabinoids, amphetamine/methamphetamine, cocaine, opiates, phencyclidine, and Alcohol. The testing program required by MPC must cover Alcohol and the specified Drugs only; it should not include testing for other substances or medical conditions.
4. Alcohol tests should be administered by a calibrated breathalyzer that meets evidentiary standards, with a printout of test results. In those limited instances where a breath analyzer is not readily available, Alcohol tests can consist of a saliva screen and confirmation through laboratory analysis of a urine sample. All Drug tests must be administered by urinalysis.
5. Collection of urine specimens and administration of Alcohol tests must be performed by trained third party nurses or trained collection agents. In post incident and reasonable cause testing situations, samples must be collected as soon as possible after the triggering incident or request, but collection attempts will end 8 hours after the incident or request for an Alcohol test, and 32 hours after the incident or request for a Drug test.
6. Urine samples must be analyzed by a fully qualified laboratory, located either in Canada or the United States and accredited by the U.S. Department of Health and Human Services. The lab must use a two-step process with initial screening by immunoassay and all confirmations being performed by gas chromatography/mass spectrometry (GC/MS). Generally, collection services are contracted through the laboratory. MPC’s Occupational Health Department can be contacted for a list of Canadian labs certified to perform these services.

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7. Confirmed positive test results must be reviewed by a trained and qualified Medical Review Officer (“MRO”) who will give the individual concerned an opportunity to explain the finding to the MRO before it is communicated to management. If the MRO concludes that there is a legitimate medical reason for the positive result, it will be reported as a negative to management; otherwise it will be reported as a verified positive result. The MRO will notify the Contract Manager, who will in turn notify the MPC Representative who requested the test to be done or who is in charge of the site the individual was working on. “MRO” means a licensed physician with training and experience in interpreting Alcohol and Drug testing results and who is contracted separately from the laboratory in order to confirm and verify a true positive Alcohol and Drug Test. The MRO communicates with the individual over the telephone and, therefore, does not need to be located in the immediate community. MPC’s Occupational Health Department can be contacted for a list of Canadian MRO’s qualified to perform these services. The laboratories will also have a list of qualified MROs.
8. For the purpose of this policy, a positive Alcohol test will be one in which the blood alcohol concentration is at or above .04% BAC. A positive Drug test is one in which the amount of drug in the sample identified by the confirmation test is at or exceeds the cut-off levels established by the U.S. Department of Health and Human Services for workplace testing programs, as indicated in the table below. A sample will be confirmed as positive if the Drug is present at or above the cut-off level.

Drug	Initial Test Levels (ng/ml)*	Confirmation Test Levels (ng/ml)*
Marijuana	50	15
Cocaine	300	150
Opiates	2000	
Morphine		2000
Codeine		2000
Phencyclidine (PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

\* A ng/ml means nanograms per millilitre. A nanogram is one billionth of a gram. A millilitre is one thousandth of a litre.



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9. Any positive test result will be considered a violation of the MPC Alcohol and Drug Policy Expectations for Contractors policy, whether or not the Drugs or Alcoholic beverage were actually consumed on Company Business or Company Premises. A positive test result, failure to report directly for a test, refusal to submit to a test, refusal to sign the required acknowledgment form, refusal to agree to disclosure of a test result to management, or a confirmed attempt to tamper with a test sample are all considered violations of this policy and these testing requirements and are grounds for disciplinary action up to and including permanent removal from MPC work or termination of contract.
10. In the case of a verified positive test result, the person who has been tested may request that the MRO direct the split sample to another accredited laboratory to be retested. This request must be made by the donor within 72 hours of receiving the results.
11. MPC reserves the right to audit a Contractor's Alcohol and Drug Testing program to confirm compliance to these standards.

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## **APPENDIX B** **SEARCH PROCEDURES**

MPC reserves the right, as a term of the contract between MPC and the Contractor to conduct unannounced searches for and seizure of Alcohol, Drugs, or Drug Paraphernalia on Company Premises where there are reasonable and probable grounds to believe that they may be present and there has been a suspected breach of this policy. The Contractor acknowledges that their entry onto Company Premises is deemed consent to a search and seizure at any time while entering, on, or leaving Company Premises and when carried out pursuant to this policy. The Contractor and each of its employees, agents or subcontractors expressly acknowledge that their right to privacy and to be secure against unreasonable search or seizure is expressly subject to the right of MPC to maintain a safe workplace and to ensure that no laws are being violated.

Under no circumstances whatsoever will searches of individuals and their personal property be conducted by MPC. For greater certainty, those items listed as being included in the definition of Company Premises are not considered as personal property. Examples of items considered to be personal property include briefcases, coveralls and lunch pails. Searches of individuals and their personal property will only be conducted by appropriate law enforcement agencies.

Searches will be conducted by Corporate Security in accordance with applicable laws and any applicable agreements and may be undertaken in cooperation with appropriate law enforcement agencies where required.

Where searches and seizures are conducted with the contract worker present, the individual will be immediately informed prior to the search and seizure (i) that a search and possible seizure is being conducted, (ii) the reason for the search, (iii) that there are reasonable and probable grounds to believe that the individual has Alcohol, Drugs or Drug Paraphernalia in their possession and is suspected to be in breach of this policy, (iv) that the individual need not cooperate or provide any statement unless they so choose, but that appropriate law enforcement agencies may be contacted, (v) that the search and seizure is a term of the contract between MPC and the Contractor, and (vi) that the individual has the right to retain and instruct counsel without delay.

Where searches and seizures are conducted without the contract worker present, MPC will advise the affected individual as soon as is reasonably possible after the search and seizure as to what has occurred, and will also immediately inform the individual on points (ii) through (vi) above.

Any attempt by a Contractor to impede or prevent a search and seizure of Alcohol, Drugs, or Drug Paraphernalia on Company Premises carried out pursuant to this policy will be considered a serious breach of this policy and may, at MPC's sole discretion, result in disciplinary action up to and including immediate termination of the contract.

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