

DRUG-FREE WORKPLACE PROGRAM

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The USA ENVIRONMENTAL, INC. (USAE) program is an extension of our work safety and employee health programs. The program requires refraining from substance abuse both on and off the job as a condition of continued employment.

WHAT IS SUBSTANCE ABUSE?

Federal Acquisition Regulation Clause 52.226-7 defines substance abuse as the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. USAE's program further expands upon that definition as follows: Substance abuse includes (but is not limited to) the consumption (by any means) of any legal or illegal substance that alters an individual's normal behavior and results in intoxication and/or renders the employee incapable of safe/efficient job performance. Substance abuse also includes the overuse or abuse of legally prescribed drugs. Also prohibited is the use of, selling, trading, giving away, possession, or offering for sale illegal drugs, prescription drugs, or alcohol whether on company property, while operating a company vehicle or company-leased vehicle (on or off company property and during working or non-working hours), or operating a personal vehicle while on company business.

USAE SUBSTANCE ABUSE TESTING PROGRAM

The Substance Abuse Program includes substance abuse testing under the following situations:

1. Pre-employment testing.
2. Testing for reasonable suspicion of substance abuse.
3. Testing following on-the-job accidents.
4. Testing as part of all "fitness for duty" medical examinations.
5. Quarterly testing for a period of 2 years after program completion for all employees participating in a substance abuse rehabilitation program.
6. Random testing of employees to promote abstinence.
7. Testing following a 30-day or greater layoff or return to work following a leave of absence or termination.

Urine, saliva, or blood specimen(s) will be analyzed for the presence of any of the following substances (this will also include alcohol [as required through a breathalyzer or other testing means], and Ethyl Alcohol [as a beverage or as part of a medication]):

1. Marijuana - Cannabinoids, THC.
2. Cocaine.
3. Methadone - Dolophine, Methadose.
4. Barbiturates - Nembutal, Tuinal, Seconal, etc.
5. Amphetamines - Desoxyn, Biphedamine, Dexedrine, etc.
6. Methaqualone – Quaaludes.
7. Opiates - Codeine, Percodan, Paregoric, Morphine, etc.
8. Propoxyphene - Darvon, Dolene, etc.
9. Phencyclidine - PCP.
10. Benzodiazepines - Librium, Valium, Xanax, Serax, Halcion, etc.

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A list of the most common drugs or medication by brand name, common name, as well as chemical name, which may alter or affect a drug test, will be provided to all job applicants and employees at the time of testing.

A form is provided for employees or job applicants to report, voluntarily and confidentially, the use of prescription or non-prescription medications both before and after, being tested.

Specific confirmation testing will be performed for all positive screening test results. Employees testing positive for prescription drugs that are commonly abused must produce evidence from their attending physician to justify the treatment necessary for use of the drug(s).

USAE is responsible for testing costs, except for testing costs incurred by the employee or job applicant challenging test results.

RANDOM TESTING

Unless prohibited by law, USAE reserves the right to randomly test its employees for substance abuse. The number of personnel tested, and the frequency of tests will be solely at the discretion of USAE, or as contractually specified by USAE's clients.

REASONABLE SUSPICION TESTING

Employees reporting to work (or a USAE job site) who demonstrate impaired conduct will be interviewed by two (2) supervisors or managers to determine the cause of the irregular behavior.

If both supervisors conclude the irregular behavior is unsafe, the employee will not be allowed to continue working and will be transported home or to a medical facility. The employee will not be allowed to drive any motor vehicle. If a medical problem is not the cause, the employee may be tested for substance abuse. The employee may also be tested for substance abuse, regardless of the cause of irregular behavior.

Reasonable suspicion testing shall also be conducted when there is:

1. An independently corroborated report of observed substance abuse.
2. Evidence that an individual tampered with a drug test during his or her employment with USAE.
3. Information that an employee caused or contributed to an accident (while at work).
4. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working on USAE premises or while operating vehicles, machinery, or equipment belonging to USAE.

Supervisors will complete an incident report for observed irregular conduct, documenting their observations and the results of the employee interview. A final disposition of the incident will be documented with signatures and the dates listed by both supervisors.

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A copy of the supervisor's report will be provided to the employee with the appropriate employee's signature of receipt.

This confidential Incident Report will be retained by USAE, for a period of at least one (1) year.

CONSEQUENCES OF POSITIVE TEST OR TEST REFUSAL

Refusal or failure to submit to testing, or positive test results following an on-the-job injury, disqualifies an employee from Workers' Compensation benefits.

Testing positive for abused substances will eliminate applicants from employment consideration.

Any employee may be terminated from employment for a positive test result. Refusal or failure to submit to testing following an on-the-job accident, or random test, will result in the termination of employment.

Any employee who is given a "second chance" must seek treatment. Time away from work for treatment will be a leave without pay status. The USAE Employee Assistance Program (EAP) will coordinate the employee's treatment plan. If the employee is enrolled in the employee health benefit plan or another medical plan, it may provide benefits to help pay for this treatment.

A second positive test for abused substances will result in termination.

OTHER GROUNDS FOR TERMINATION

An employee bringing onto USAE premises or job sites; having possession of; being under the influence of; possessing in the employee's body, blood or urine (at levels exceeding or equal to established cut-off levels, 38F-9.007 [4]); or using, consuming, transporting, selling, attempting to sell, or giving away any illegal drugs (including prescription drugs illegally obtained or prescribed for the individual only), or alcohol, at any time, is guilty of misconduct and is subject to discipline to include discharge, suspension without pay, or other actions (even for a first offense). USAE reserves the right to inspect the property and person of individuals suspected of illegal drug, or alcohol possession, while on company property or at company job sites (see Right to Inspect).

CHALLENGING TEST RESULTS

An employee may challenge a confirmed positive test by submitting an explanation in writing to the Human Resources Department concerning personal circumstances that might have affected test results. This challenge must be submitted within five working days following the employee's notification of a confirmed positive test result. The donor of a tested specimen will be responsible for providing all necessary documentation (e.g., a doctor's report, a signed prescription or current prescription container with relevant information, and other related supporting documents).

USAE will, within 15 days of the receipt of the employee's written explanation or challenge of positive test results, provide a written explanation to the employee as to whether and, if so, why the employee's explanation is unsatisfactory, along with a copy of the positive test results.

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The employee or job applicant desiring to challenge a test result will be responsible for notifying the original testing laboratory of an alternate HRS licensed laboratory, for the purpose of transferring, under Chain of Custody, a portion of the employee's or job applicant's specimen for re-testing. The employee may have a portion of their original specimen re-tested during a period of 180 days following written notice of a positive test result. When an employee undertakes a challenge to the result of a test, it shall be the employee's responsibility to notify the laboratory. The sample shall then be retained by the laboratory until the matter is settled. Retesting will be at the employee's expense.

In the case of a denial of a workers' compensation claim, an employee may undertake an administrative challenge by filing a claim for benefits with a judge of compensation claims concerning workplace injury. Other challenges not involving workplace injuries must challenge a test result in a court of competent authority.

Employees or job applicants may call the testing laboratory for technical information regarding prescription or non-prescription medications that may affect test results.

Employees and job applicants may report, in confidence, to their manager or Human Resources Director, the use of prescription or nonprescription medications that may affect job performance or testing results, either before or after testing.

Job applicants or employees whose drug test results are confirmed positive shall not, by virtue of the result alone, be defined as having a "disability" under the Americans with Disabilities Act.

GETTING HELP

Employees who require a treatment program will be referred to USAE's EAP.

Employees may inspect this program file and/or receive more information on the program on a confidential basis, in the USAE Human Resources Office, during normal hours of operation.

REQUIREMENT TO NOTIFY USA OF A CONVICTION

Any employee convicted of a criminal drug statute violation must notify USAE's Human Resources Department within five calendar days of the conviction. This notification must be in writing.

CONFIDENTIALITY OF INFORMATION

All drug test information, reasonably suspicious reports, or other related information concerning an employee or applicant will remain confidential and will not be disclosed except under conditions required by law.

Release of such information, under any circumstances (other than those required by law), will be solely pursuant to a written consent voluntarily signed by the person tested. The consent duration and precise information to be disclosed will be stated.

GOVERNMENTAL COMPLIANCE

The Drug-Free Workplace Program is implemented pursuant to the requirements of Florida Statute 440.102 and Administrative Rules 69L-5.220 of the Florida Department of Labor and Employment Security, Division of Workers' Compensation, and 48 CFR (Federal Acquisition Regulation 52.226-7). Laws may be amended at project sites in other states due to those states' requirements.



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and Administration