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Brunel Energy, Inc.

Drug and Alcohol – Non-DOT

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1. Purpose

- 1.1. Brunel Energy, Inc., herein, the “Company,” has a longstanding commitment to provide a safe, quality-oriented, and productive work environment consistent with the standards of the community in which the company operates.

2. Applicability

- 2.1. This policy applies to employees, subcontractors and/or visitor(s) of the Company. For the purposes of this policy, an employee shall be considered on the job whenever he/she is:
 - 2.1.1. On or in, any company or client property, including parking areas; or
 - 2.1.2. On company time even if off company premises (including paid lunch, rest periods and periods of being on call).
- 2.2. As a condition of employment, Company employees are required to abide by additional governmental or customer policies and requirements that may be imposed at a worksite in addition to the requirements of these policies and procedures. Nothing set forth in this policy constitutes, construes, or interprets in any way as a contract of employment.

3. Definitions

- 3.1. **Company Premises** are all buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased or managed by the Company or on any site on which the Company is conducting business.
- 3.2. **Illegal Drug** is a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)
- 3.3. **Refuse to Cooperate** is to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to termination.
- 3.4. **Under the Influence of Alcohol** is an alcohol concentration equal to or greater than .02, or actions, appearance, speech, or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- 3.5. **Under the Influence of Drugs** is a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug during medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

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4. Procedure

4.1. Pre-Employment

4.1.1. Applicants are required to pass a drug test before beginning work or receiving an offer of employment.

4.2. Random Selection Testing

4.2.1. The Company will randomly test all employees for compliance with its drug-free workplace policy. As used in this policy, “random testing” means a scientifically valid method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the Company has no discretion to waive the selection of an employee selected by this random selection method.

4.3. Reasonable Suspicion

4.3.1. Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession, or impairment. Under no circumstances will an employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

4.4. Post-Accident

4.4.1. Employees are subject to testing when they cause or contribute to accidents that seriously damage a Company vehicle, machinery, equipment, or property or result in an injury to themselves or another employee requiring offsite medical attention in which there is a reasonable basis for concluding that drug use could have contributed to the incident.

4.4.2. Post-Accident/Injury. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a Company forklift, pickup truck, overhead cranes, and aerial/man-lifts) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

4.5. Follow-up

4.5.1. Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including termination. Depending on the circumstances and the employee's work history/record, the Company 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 follow-up drug testing at times and frequencies determined by the Company for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting

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from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate termination from employment.

- 4.5.2. Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.
- 4.5.3. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the Company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.
- 4.5.4. Employees that test positive for alcohol or illegal drug use are subject to appropriate discipline, up to and including termination.
- 4.5.5. Employees that test positive for alcohol or illegal drug use will be removed from Client/Host sites or facilities.
- 4.5.6. Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.
- 4.5.7. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the Medical Review Officers (MRO) will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.
- 4.5.8. The Company 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 termination.
- 4.5.9. The Company prohibits all employees from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting company business. The Company employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.
- 4.5.10. The Company does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the Company reserves the right to take appropriate disciplinary action for drug use, sale, or distribution while off company premises. All employees who are convicted of, plead guilty to, or are sentenced for a

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crime involving an illegal drug are required to report the conviction, plea, or sentence to HR within five days. Failure to comply will result in automatic termination. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the Company.

4.6. Reasonable Suspicion and Post-Accident Testing Protocol

- 4.6.1. The employee will be advised if the Company believes that there is reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
- 4.6.2. The employee will be transported to a testing facility (e.g., health services, prompt care or the emergency department). Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.
- 4.6.3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from the Company will be arriving and will need a drug or alcohol test completed.
- 4.6.4. The employee should be provided water to drink prior to leaving the Company premises.
- 4.6.5. The employee should be given reasonable time—not to exceed 15 minutes—to secure photo ID, in the presence of a Company representative.
- 4.6.6. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained.
- 4.6.7. The employee to be tested must sign a consent form provided by the testing facility. Refusal by employee to submit to a testing procedure will constitute grounds for disciplinary action, up to and including termination
- 4.6.8. After returning to the Company or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will the tested employee be allowed to drive himself or herself home.

5. Reference

- 5.1. Substance Abuse and Mental Health Services Administration (SAMHSA) – Considerations for Safety and Security-sensitive Industries
- 5.2. Substance Abuse and Mental Health Services Administration (SAMHSA) – Federal Laws and Regulations

6. Appendix

- 6.1. Employee Consent to Drug and/or Alcohol Testing Acknowledgement

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APPENDIX 6.1 EMPLOYEE CONSENT TO DRUG AND/OR ALCOHOL TESTING ACKNOWLEDGEMENT

I hereby agree, upon a request made under the Drug/Alcohol testing policy of the Company, to submit to a drug or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under company policy, or if I otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination.

I further authorize and give full permission to have the Company and/or its company physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the Company and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize the Company to disclose any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized company officers, employees, and agents will have access to information furnished or obtained in connection with the test; that they will maintain and protect the confidentiality of such information to the greatest extent possible; and that they will share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I will hold harmless the Company, its company physician, and any testing laboratory the Company might use, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if the Company or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results. I will further hold harmless the Company, its company physician, and any testing laboratory the Company might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

This policy and authorization have been explained to me in a language I understand, and I have been told that if I have any questions about the test or the policy, they will be answered.

I UNDERSTAND THAT THE COMPANY MAY REQUIRE A DRUG SCREEN AND/OR ALCOHOL TEST UNDER THIS POLICY FOR PRE-EMPLOYEEMENT, REASONABLE SUSPICION OR WHENEVER I AM INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS OR ALCOHOL IN THE ACCIDENT OR INJURY EVENT. REFUSAL TO SUBMIT TO A DRUG SCREEN AND/OR ALCOHOL TEST WILL CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

Printed Employee Name	Signature	Date
Company Representative Name- Printed	Signature	Date