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I. COMPANY SAFETY PROGRAM

A. Statement of Policy and Purpose

1. Townsend & Schmidt Masonry is dedicated to the promotion of safe and healthful work practices by all employees. Safety and health in our business must be part of every operation and every employee's responsibility at all levels.
2. The company maintains a comprehensive safety and health program conforming to the best practices in the masonry construction industry. This program must embody proper attitudes toward safety and health through cooperation among management, supervisors and employees in injury and illness prevention

B. Responsibilities

1. The company safety officer will have the overall responsibility for administering the company's personnel safety and injury prevention program. The company superintendent will be responsible for implementing the program and in charge of overall job safety.
2. Supervisors are responsible for developing the proper attitudes toward safety and health in themselves and in those they supervise, for providing thorough training in each and every aspect of the job safety policies and practices, and for ensuring that all operations are performed within the established requirements and guidelines for safe work practices and conditions.
3. Employees are responsible for wholehearted, genuine cooperation with all aspects of this policy and program, including compliance with all rules and requirements, and for continuously practicing safety while performing their duties.
4. All employees are strongly recommended to make safety and health a 24-hour a day habit by observing these principles in all their activities.

C. Standards and Compliance

1. Safety standards, policies and procedures established by government regulations and contractual obligations are herein incorporated as part of company policy and requirements for employees.
2. Compliance with safety standards, policies and programs is mandatory and not a matter of individual decision. Initial minor violations will result in a warning by the foreman or immediate supervisor. Repeated or serious violations will be referred to the company superintendent for reprimand, suspension or termination.
3. Deliberate circumvention or repeated negligence of safety requirements--such as failure to use or wear safety equipment; unsafe setup of scaffolding; reckless driving; disablement of warning devices--is cause for immediate dismissal.

II. CODE OF SAFE PRACTICES

A. General Rules

1. General Safety Rules

- A. The code of safe practices provided herein has been adopted to give each employee specific guidelines for safe work practices. The superintendent and foreman will require that every rule and order necessary to the safe conduct of the work is obeyed, and take such action as necessary to obtain observance and maintain discipline.
- B. All employees are required to:
1. Comply wholeheartedly with these safe practice rules.
 2. Render every possible aid to safe operations.
 3. Report all unsafe conditions or practices, whether encountered by you or those around you, to the foreman or superintendent.
 4. Report immediately any injury or illness suffered by you or a fellow employee, no matter how slight.
 5. Use all protective gear and safeguards available.
- C. No employee shall:
1. Be given or undertake a task without having received proper training, necessary protective clothing and/or equipment, and authorization to safely perform that job.
 2. Be given or undertake a job that involves hazardous materials or chemicals without understanding the hazards involved and possible toxic consequences of unsafe practices.
 3. Undertake a job that appears unsafe.
 4. Hesitate to report to the appropriate supervisor any unsafe working condition, including that involving a fellow employee (whether due to lack of ability, physical impairment or emotional instability).
 5. Be allowed or report to work while under the influence of fatigue, a medical condition or chemical substance that impairs the employee's ability to safely perform assigned duties.
- D. Any physical, mental or general health problem including fear of heights, confined spaces, darkness, or any other disorder that may prevent an employee from working safely or that may endanger the health and safety of a fellow employee, must be reported to the foreman or superintendent immediately.
- E. Horseplay, scuffling, throwing objects, and other acts which may have an adverse influence on the safety or well being of any person is prohibited.
- F. Portable radios or cassette players are not allowed on jobsites.
- G. Poor housekeeping is a major cause of construction accidents. Help prevent accidents to self and co-workers by keeping the work area clean at all times.
- H. Falls are the number one cause of construction related injuries and can often be prevented with proper preplanning and additional awareness and care on the employee's part. Be aware of typical "fall" situations and take precautions to prevent a fall.
- I. Each employee will receive training as set forth in the company hazardous material and hazard communication programs prior to undertaking a task involving hazardous materials.

B. Common Sense

No list of rules can encompass every possible dangerous situation that might be encountered; therefore the above-mentioned rules are guidelines and are not intended to be a substitute for common sense.

C. Safe Work Practices

1. Lifting Safety

Many muscle strains and back injuries can be prevented by following proper lifting techniques.

- A. Do not try to lift too much. Get help if you need it.
- B. Position your feet so one foot is behind the load and the other is just slightly to the side of the load.
- C. Bend with your knees, not your back.
- D. Grip the load firmly.
- E. Lift with your legs and keep the load close to you.
- F. Lift smoothly--do not jerk the load.

2. Scaffolding

- A. Scaffold planking must overlap a minimum of 12 inches and extend over end supports between 6 and 12 inches.
- B. Scaffolding must be properly supported and braced, with necessary guardrails installed.
- C. Report unsafe scaffolding to your foreman.

3. Power and Hand Tool Safety

- A. Use hand tools only for the purpose they were intended.
- B. Maintain all tools in good condition.
- C. Remove damaged tools or equipment for service and tag them "defective".
- D. Do not lift or lower electric tools by means of the power cords.
- E. Guards, safety devices, or safety appliances are not to be made ineffective or removed except to make repairs or adjustments.
- F. Do not use any tool or equipment that appears to be in an unsafe condition. Remove it from service and report the condition to your foreman immediately.

D. Vehicles and Construction Equipment

- 1. Only authorized persons may operate equipment and machinery.
- 2. Motor vehicles will be operated only by licensed and trained drivers. If you do not feel qualified to operate a vehicle or piece of equipment, notify your foreman at once.
- 3. Do not operate a forklift unless you are authorized to do so and are properly trained.
 - a. Do not allow riders on forklifts.
 - b. Lower forks all the way down before leaving the equipment.
 - c. Be aware of, and avoid, overhead hazards, including power lines.

E. Personal Protective Equipment

1. Body Protection-Clothing

- A. Clothing appropriate for the work being done will be worn. Loose clothing will not be worn around tools, machinery, or equipment in which it might be entangled.
- B. Minimum clothing to be worn is long pants, T-shirt and boots.
- C. Shorts, cut-offs, or mesh shirts are not allowed to be worn on jobsites.
- D. Clothing saturated with flammable liquids or corrosive or oxidizing agents is hazardous and unacceptable for use.

2. Eye and Face Protection

- A. Goggles or safety glasses are required and will be worn when working in locations, or performing the type of work where there is a risk of receiving eye injuries from flying particles, hazardous substances, or injurious light rays.
- B. The wearing of contact lenses in working environments where there is potential exposure to harmful materials or where light flashes may exist is hazardous and therefore prohibited.

3. Head Protection

- A. Non-metallic safety hard hats will be worn at all times, by all company employees on the jobsite.
- B. Plastic caps are not a substitute for safety hard-hats and will not be allowed.

4. Foot Protection

- A. Hard solid leather work boots are required unless conditions dictate otherwise.
- B. Tennis or court-type shoes are not allowed.
- C. Footwear that is defective or inappropriate, to the extent that ordinary use creates the possibility of foot injuries, must not be worn.

F. Accident Reporting

Any employee witnessing or involved in an accident must report it to the foreman or superintendent immediately. If a supervisor is not available, call the office immediately at (916) 383-5354.

1. Report all injuries, no matter how minor. Failure to report an injury may result in denial of benefits and/or disciplinary action.
2. Always notify your supervisor prior to leaving the jobsite due to a work related injury or illness.
3. If you get outside medical treatment, you must notify your foreman or the superintendent at the start of the next scheduled workday. Failure to properly report an injury may result in delays in obtaining your worker's compensation benefits.
4. Prior to returning to work after a job-related injury, you must present a medical clearance (return to work notice) from the attending physician.
5. Following an accident the management needs your full and immediate cooperation if we are to provide prompt medical attention and prevent a similar accident from happening. Please help your foreman determine the cause of the accident. Voice any suggestions you may have which could help prevent future accidents.

III. INJURY/ILLNESS PREVENTION PROGRAM

A. Responsibilities

1. General

- A. The injury and illness prevention program (IIP Program) administrator has the authority and responsibility for implementing the provisions of this program for Townsend & Schmid Masonry.
- B. All managers and supervisors are responsible for implementing and maintaining the IIP Program in their work areas and for answering worker questions about the IIP Program. A copy of this IIP Program is distributed to all new employees and is also available from each foreman and supervisor.

B. Implementation and Administration

- 1. The company president will provide the direction, motivation, and accountability to ensure a dynamic safety and injury prevention program.
- 2. The company safety officer has the overall responsibility for developing, maintaining and administering the company safety program, code of safe practices, injury/illness prevention program, hazard communication program and substance abuse policy and program.
- 3. The company field superintendent is responsible for implementing the company program for all construction employees and construction project sites.
- 4. The job foreman is responsible for the safety and training of all company employees on his project, and for implementing the specific project site safety, hazard prevention and loss control procedures established to comply with government, company and contractual requirements and standards.
- 5. Each employee is expected, as a condition of employment, to:
 - A. Work in a manner that will not cause injury to anyone.
 - B. Comply with company safety policies and standards, and all safety rules and regulations that apply to the project.
 - C. Report all unsafe conditions and work practices to the job foreman or superintendent.
 - D. Obtain and use the proper tools and personal protective equipment for the job assigned.
 - E. Report all accidents and injuries immediately.
 - F. Help to maintain a safe and clean work area.
 - G. Participate positively and fully in all training provided.
 - H. Study and learn all written safety material provided.
 - I. Understand that responsibility for safety is an integral job requirement.

C. Compliance

1. Accountability

- A. Each employee is held accountable for his or her actions and those of subordinates, in maintaining company standards of safety and loss control performance. This accountability will be reflected in retention, advancement, wage increases and/or bonuses.

- B. Supervisors will determine compliance with company safety policies and standards by daily observation of the employee's attitude, work habits, and safety practices.
- C. Non-compliance by an employee may also be identified as a direct or contributing cause for an accident, reports of "near miss" incidents or unsafe work practices or conditions revealed through periodic inspections, incident investigations or performance evaluations.

2. Enforcement

- A. Compliance will be enforced or reinforced through counseling, additional remedial training, and/or disciplinary actions, depending on the type and extent of the violation.
- B. A minor infraction will be handled by the foreman through immediate counseling, a verbal warning and/or additional training. Minor infractions include unconcerned or "day-dreaming" attitude, negligent or poor housekeeping or equipment-handling habits, or incorrect practices, which have not jeopardized the safety of personnel.
- C. Violations of a more serious nature will be referred to the company superintendent or management for formal disciplinary procedures, which include reprimand, demotion in skill level with required additional training, suspension, or termination of employment.
- D. Any employee considered by a supervisor to be an imminent or immediate hazard to self or other personnel will not be allowed to remain on the job site.

3. Employee Recognition

- A. Outstanding safety service and performance is a goal that the company encourages as foremost in the attitudes and actions of every employee, whether on or off the job.
- B. The company will emphasize recognition of outstanding service or performance by an employee as appropriate to the individual situation.
- C. Examples of outstanding safety service or performance include:
 - 1. Suggesting or developing a unique method to minimize or prevent occurrence of a recognized hazard.
 - 2. Reporting a previously unrecognized serious hazard.
 - 3. Responding in an exceptional manner, above and beyond the call of duty, to a serious accident or hazard.
 - 4. Performing an outstanding safety service to the company or community.

4. Company Goals

- A. The primary long-term goal of this company is to provide a completely safe and healthful work environment for our employees through attaining zero accidents and injuries.

D. Safety Communication

1. General

- A. Communication on a two-way basis is of prime importance in maintaining an effective safety program.
 - 1. Management must convey to all personnel the company policies and standards, demonstrate its interest in personnel safety, and notify and/or train personnel whenever occupational safety and health hazards are recognized, identified or introduced at the workplace.
 - 2. Employees are encouraged and expected, without fear of reprisal, to question any matter not completely clear; to inform management of workplace hazards, unsafe conditions or practices; and to offer suggestions toward improving company safety programs and training at any time.

- B. Methods for communication between management and employees include formal training programs, periodic safety meetings, and written communications.
1. Written communications include the company manual; posters and communiqués displayed at the company office; training material and hazard notifications provided at the job site, reports of accidents or near miss incidents, inspections and investigations; and employee unsafe condition reports.
 2. Safety suggestion forms and unsafe condition reports may be unsigned. This permits employees to remain anonymous if so desired; however, special recognition may not be forthcoming. Management will give prompt and serious attention to all such communications whether signed or not, and will provide feedback as soon as possible.

B. Reports of Accidents and Hazards

1. It is the responsibility of every company employee observing or involved in an accident or a situation creating the potential for personnel injury or illness, or property damage, to communicate the incident to on-site supervision and/or company management.
2. The imminence and seriousness of the hazard will determine the nature and type of communication.
 - a. A minor condition will be immediately called to the attention of the foreman (and corrected on the spot).
 - b. A potentially hazardous situation involving no immediate danger will be reported to company management using the unsafe condition report or similar form.
 - c. A report of every occupational accident involving property damage or personnel injury or illness will be made by the foreman using the supervisor's report of accident or similar form.
 - d. A serious occupational hazard or accident will be immediately reported to company management by phoning the company office.
3. The company considers the following situations of a serious nature requiring immediate notification:
 - a. Any occupational injury or illness resulting in hospitalization, potential permanent disability or death.
 - b. Any occupational accident involving property damage.
 - c. Any occupational incident involving hazardous material contamination or exposure.

4. Accident Reports And Records

A. Purpose and Requirements

1. Accident and injury reports and records are necessary to meet the requirements of the company, insurance carriers, government regulatory agencies and contracts. Therefore, every incident involving personnel injury or property damage will be reported, no matter how minor.
2. Initial reports of employee injury and vehicle accidents will also form the basis for the need and extent of further investigation. Therefore, they must be accurate, timely and complete.
3. Company accident reports and records are confidential, and copies or information therein will not be provided to non-company personnel or agencies without management approval.
4. Any occupational accident involving serious injury, property damage or hazardous exposure/contamination requires immediate verbal notification to management at the company office.

B. Vehicular Accident Procedures

1. The employee driving a company vehicle involved in an accident will provide:
 - a. A verbal report to the supervisor as soon as possible following the accident.
 - b. A written report using the drivers report of motor vehicle accident to the company office by 9 a.m. of the next workday.
2. In all cases the report will include:
 - a. Date, time, location of accident
 - b. Name of driver (and passengers) and identification of vehicle
 - c. Description of accident and circumstances
 - d. Names, addresses, phone numbers of witnesses
 - e. Nature and extent of property damage and personal injury
3. Whenever, another vehicle is involved, the report must also include:
 - a. Name, address, phone number and driver's license number of driver
 - b. Name, address, phone number of owner
 - c. Name, address, phone number of insurance agent
 - d. Name of insurance company and policy number
4. Whenever employee injuries are sustained, an employee's or supervisor's report of injury must also be completed and procedures in part 'C' followed.
5. Management will direct notification of insurance and other outside agencies.

C. Personnel Injury Procedures

1. The injured employee or co-worker will immediately notify the foreman or supervisor of any accident involving personal injury.
2. In the event of a serious injury, the supervisor will notify management at the company office as soon as possible after immediate actions, necessary to minimize further injury and safeguard personnel and property, have been taken.
3. The Supervisor will complete a supervisor's report of accident, sending the original copy to the company office (by 9 a.m. of the next work day) and retaining one copy.
4. The supervisor will provide the injured party with the employee's claim for worker's compensation benefits forms within 24 hours after learning of the injury.

5. Hazard Investigation, Evaluation And Correction

A. Purpose and Scope

1. Investigation of accidents and reported potential hazards is a responsibility of all levels of management and supervision, and a concern of every employee.
2. The basic purpose is to analyze reported accidents, incidents and potential hazards to:
 - a. Identify the probable causes in the sequence of events leading to the unsafe situation/accident

- b. Evaluate their nature and severity
 - c. Correct immediate unsafe or unhealthy conditions and work practices
 - d. Make recommendations to management to expand or revise policies, standards and/or training programs to prevent a recurrence of the situation
 - e. Provide the basis for employee disciplinary actions if needed
3. The nature and type of reports and the severity of the hazard or violation will determine the kind of investigation and corrective actions taken.
- a. Reports of potential hazards or minor incidents not involving the safety of personnel will be immediately investigated and corrected by the foreman.
 - b. Any occupational accident involving property damage or personnel injury or illness, or the potential for same, will be investigated by the company superintendent and/or management.
4. Investigations will be performed on every accident, "near miss" incident and reported unsafe condition, with findings, recommendations and/or corrective actions documented on the appropriate report (i.e. accident investigation report or unsafe condition report).

6. Safety And Health Training Program

A. Purpose and Scope

1. Timely, proper and continuous training is a prerequisite to implementation of safety programs and open communication between management and employees, to the mutual benefit of all. This program will:
- a. Introduce new employees to the company's code of safe practices and its policies and standards for general safe work practices.
 - b. Provide specific instructions with respect to hazards unique to the employee's job and special training in new duties.
 - c. Perform continuing training to maintain employee awareness of safety and health practices and requirements, identify new situations and familiarize employees with new methods of accident prevention and first aid, and review applicable government and industry codes and regulations.
 - d. Assist in developing and instilling the proper attitudes towards accident prevention and safe, healthful working practices and habits.
2. Safety education of all employees, from supervisors to trainees, will be conducted through all phases of company operations. This program will provide training:
- a. To each new employee and each employee given a new job assignment.
 - b. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
 - c. Whenever a new or previously unrecognized hazard has been identified.
 - d. To ensure that all employees understand and comply with all company policies, standards and procedures, as well as contractual and government requirements to maintain a safe, healthful working environment.

B. New Employee Orientation

1. The company president, safety officer, field superintendent or designated representative will conduct an initial orientation for each new employee within one day after date of hire as part of the employment process.
2. The new employee will be provided with a copy of the company manual, the code of safe practices, the hazard communication program, the injury/illness prevention program, and the worker's compensation benefits pamphlet as part of the orientation.
3. Instruction will be given in general company rules and policies, employee responsibilities and accountability, and safe work practices as part of the safety concerns on the new employee orientation checklist.
4. The new employee and the person giving the orientation will sign and date the orientation checklist after discussing and checking each pertinent item. This checklist will then be filled as part of the employee's personnel records.

C. Initial Jobsite Safety Orientation

1. The company field superintendent and/or foreman will conduct an initial safety orientation for the initial crew and for each newly assigned employee at a specific jobsite.
2. The supervisor and crew personnel will sign and date the jobsite safety orientation checklist after discussing all pertinent items, checking those listed and adding unlisted safety topics.

D. Regular "Tailgate" Safety Meetings

1. The foreman will schedule regular safety training sessions for all members of the crew of the current project to be conducted at least every ten days. The foreman or another designated qualified individual will perform the training.
2. Crew safety meetings should be motivational as well as instructional, providing employees with the opportunity to contribute questions, ideas and suggestions to improve quality, productivity, morale and safety.

E. Special Operations Training

1. The company president, field superintendent or another designated qualified person will train employees assigned to special tasks involving some potential hazards. These tasks include:
 - a. Forklift operation
 - b. Driving flatbed trucks
 - c. Masonry cutting
 - d. Heat illness prevention
2. Training will normally be conducted on an individual basis.

E. Return To Work Program

1. Policy

Townsend & Schmidt Masonry is committed to returning injured employees to full time employment as soon as possible following the injury. The intent is to enable the employee to return to the original position held, but if this is not immediately possible, to provide modified or alternative work whenever practical.

2. Procedures

A company employee when incurring a work related injury, is required to report it to the supervisor or foreman immediately, and submit a claim as soon as possible thereafter.

The supervisor or foreman will insure that the employee receives first aid, or if necessary, proper medical treatment at a medical facility identified in the job safety folder. If possible, he will accompany the injured employee to the medical facility. He will complete a job accident report and assist the employee in completing a workers' compensation claim form, to be submitted to the company office.

The office manager will handle all paperwork once a report and claim form has been submitted. It is his responsibility to notify the medical provider that the company has a return-to-work program and intends to bring this employee back to work as soon as possible. If the injured employee cannot return to work within three work days of the injury, he will be placed on a disability leave of absence status.

The supervisor field superintendent will work closely with the office manager to maintain contact with the employee and coordinate the return to work efforts. They will determine whether modified/alternative work is available commensurate with any limitations or restrictions given by the attending physician.

The employee will, as soon as possible following treatment, return to the job site or contact the company office to report his medical situation. If he is unable to return to work immediately, he will maintain contact with his supervisor, keeping the company abreast of his condition and his ability to return to full, modified or alternative work.

An injured employee on disability leave will keep regular medical appointments with his/her treating physician to help monitor the progress of his/her recovery, and will advise the superintendent or office manager following each visit. Upon receiving a physician's release to return to full or modified duty, the employee will immediately report to the supervisor, and provide the appropriate release to the company office.

If the employee is not able to return to his/her usual and customary duties within thirty (30) days, a complete re-evaluation of the situation will be made in cooperation with the treating physician and the employee.

IV. HAZARD COMMUNICATION PROGRAM

A. Introduction

Townsend & Schmidt Masonry is firmly committed to providing all of its employees with a safe and healthy work environment. It is a matter of company policy to provide our employees with information about hazardous chemicals on the worksite through our hazard communication program, which includes container labeling, material safety data sheets, (MSDS) and employee information/training.

Townsend & Schmidt Masonry has prepared this hazard communication program to comply with the requirements of the Federal OSHA Standard 1926.59, and to insure that information necessary for the safe use, handling and storage of hazardous chemicals is provided and made available to all employees.

The company safety officer will have the overall responsibility for administering and coordinating the hazard communication program, including:

1. Making the hazard communication program available to employees.
2. Updating the program as necessary for OSHA standards.
3. Maintaining and providing current MSDS files.
4. Monitoring the training program (administered by the superintendent) and maintaining training records.
5. Coordinating the exchange of hazardous material information with other employers scheduled at job sites either directly or through the superintendent.

B. Inventory List Of Hazardous Chemicals

1. The company safety officer will maintain a master list of all known hazardous chemicals that may be used by company personnel on the worksite. The list will be updated as necessary.
2. The master inventory list will be kept on file at the company office, with copies provided to job foremen.

C. Container Labeling

1. The superintendent and/or foreman, by company policy, will ensure that each container of hazardous chemicals on a jobsite is properly labeled.
2. Manufacturer applied labels will be maintained and relied upon whenever possible. Containers that are not labeled or on which the manufacturer's label has been removed will be relabeled. The labels will list:
 - A. The contents of the container and identity of any hazardous material.
 - B. Appropriate hazard warnings.
3. All chemicals on site will be stored in their original or approved containers with a proper label attached, except small quantities for immediate use. Any container not properly labeled should be given to the foreman for labeling or proper disposal.
 - A. Workers may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical left after work is completed must be returned to the original container or the foreman for proper handling.
 - B. No unmarked containers of any size will be left in the work area unattended.

4. Secondary containers will be labeled with either an extra copy of the manufacturer's label, or with a sign or generic label that lists the container's contents and appropriate hazard warnings. (Exception: No labeling is required on portable containers transferring materials for immediate use.)

D. Material Safety Data Sheets

1. The company safety officer will keep, at the company office, a master file of MSDS for all hazardous chemicals to which employees may be exposed.
2. The superintendent is responsible for providing to each foreman copies of MSDS for all hazardous chemicals to which employees may be exposed at each job site.
3. The foreman will maintain the job site file of MSDS on site and readily accessible to employees in the work area during each work shift.
4. Other employers on site are required to maintain MSDS and provide hazard information on products they introduce on the job site. The company's and general contractor's supervisors will coordinate the exchange of such information.
5. In an emergency the foreman will immediately contact the company office or other contractor, as the case may be, for additional MSDS information and assistance.

E. Employee Training

1. Employees will attend a training session on hazardous chemicals in their work area at the time of their initial work assignment. The training session will cover the following:
 - A. An overview of the hazard communication requirements.
 - B. A review of the chemicals present in their workplace operations.
 - C. The location and availability of our written hazard communication program, a list of hazardous chemicals, and MSDS.
 - D. Methods and observation techniques that may be used to detect the presence or release of hazardous chemicals in the work area.
 - E. Physical and health hazards of the chemicals in the work area.
 - F. How to lessen or prevent exposure to hazardous workplace chemicals by using good work practices, personal protective equipment, etc.
 - G. Emergency procedures to follow if employees are exposed to hazardous chemicals.
 - H. An explanation of this hazard communication program, including how to read labels and MSDS to obtain appropriate hazard information.
2. When a new type of product is introduced into a work area or the chemical composition of a product changes, the superintendent or foreman will review the above items as they relate to the new chemicals.
3. The employee has the responsibility for using the training and information provided to protect himself and maintain a safe workplace. Personal Protective Equipment (PPE) is available from the superintendent and will be provided whenever a potential exposure to hazardous chemicals requires such protection. Any employee not using personal protective gear when required and available is subject to disciplinary action up to and including discharge.

F. Emergency Response

1. Any incident of over exposure or spill of a hazardous chemical/substance must be reported to the foreman at once.
2. The foremen or the immediate supervisor will be responsible for insuring that proper emergency response actions are taken in leak/spill situations to include notifying the company office and other contractors as necessary.

G. Non-Routine Tasks

1. Selected employees may be required to perform non-routine tasks that may involve exposure to additional hazardous chemicals. Prior to the start of such tasks each affected employee will be informed by the foreman or superintendent about hazards to which they may be exposed and appropriate protective and safety measures that will be required, including use of PPE.
2. Tasks considered non-routine include masonry waterproofing and cleaning methods using acid, water blasting and sandblasting.
3. Where necessary, the area will be posted to indicate the nature of the hazard involved.

H. Other On Site Employers

1. All on site employers are required to adhere to the provisions of the health communication standard, and to provide the necessary information and training to their employees.
2. The company safety officer and/or general superintendent will be responsible for coordinating with other employers in the exchange of information on hazardous chemicals known to be present or introduced in their respective tasks. The following information will be exchanged:
 - A. The location(s) on site where MSDS are available.
 - B. The kind, location, and periods of use of hazardous chemicals to which employees may be exposed.
 - C. Appropriate protective measures to be taken at those locations and times.
 - D. Any labeling systems requiring explanation.
3. The foreman will be responsible for day-to-day coordination with other employers' supervisors. He will maintain the information thus provided and insure that appropriate information and PPE is given to company employees that may encounter other employer hazardous chemicals.

V. HEAT ILLNESS PREVENTION PROGRAM

A. Background and Purpose

1. Need

When employees work in hot conditions, employers must take special precautions in order to prevent heat illness. Heat illness can progress to heat stroke and be fatal, especially when emergency treatment is delayed. An effective approach to heat illness is vital to protecting the lives of California workers.

Employers of outdoor workers must comply with the new permanent heat illness prevention standard. This standard requires employers to take four simple steps that include shade, water, training and written procedures. These can greatly reduce the risk of outdoor workers developing heat illness.

Heat illness results from a combination of factors including environmental temperature and humidity, direct radiant heat from the sun or other sources, air speed, and workload. Personal factors, such as age, weight, level of fitness, medical condition, use of medications and alcohol, and acclimatization affect how well the body deals with excess heat.

B. Heat Illness Risk Reduction

1. Recognize the Hazard.

There is no absolute cut-off below which work in heat is not a risk. With heavy work at high relative humidity or if workers are wearing protective clothing, even work at 70 degrees Fahrenheit can present a risk. In the relative humidity levels often found in hot areas of California (20 to 40 percent) employers need to take some actions to effectively reduce heat illness risk when temperatures approach 80 degrees Fahrenheit. At Temperatures above 90 degrees Fahrenheit, especially with heavy work, heat risk reduction needs to be a major concern. It is especially important to be vigilant during periods of abnormally high heat.

2. Water.

There must be an adequate supply of clean, cool, potable water. Employees who are working in the heat need to drink 4 eight-ounce glasses of water per hour, including at the start of the shift, in order to replace the water lost to sweat. For an eight-hour day this means employers must provide two or more gallons per person. Many people can be very dehydrated and not feel thirsty at all. Employees need ongoing encouragement to consume adequate water.

3. Shade and Rest Breaks.

Employers are required to provide shade for recovery periods when employees need relief from the heat. The direct heat of the sun can add as much as 15 degrees to the heat index. Heat illness occurs due to a combination of environmental and internal heat that cannot be adequately dissipated. Rest breaks are important to provide time for cooling and provide an opportunity to drink water. Breaks should be taken in cooler, shaded areas. Wide brimmed hats can also decrease the impact of direct heat.

4. Acclimatization.

People need time for their bodies to adjust to working in heat. This “acclimatization” is particularly important for employees (1) returning to work after a prolonged absence or recent illness, (2) recently moving from a cool to a hot climate, or (3) working during the beginning stages of a heat wave. For heavy work under extremely hot conditions, a period of 4 to 10 days of progressively increasing work time starting with about 2 hours work per day, though not required, is recommended. Also recommended, for less severe conditions at least the first 2 or 3 days of work in the heat should be limited to 2 to 4 hours. Monitor employees closely for signs and symptoms of heat illness, particularly when they have not been working in heat for the last few days or when a heat wave occurs.

5. Prompt Medical Attention.

Recognizing the symptoms of heat illness and providing an effective response requires promptly acting on early warning signs. Common early symptoms and signs of heat illness include headache, muscle cramps, and unusual fatigue. However, progression to more serious illness can be rapid and can include unusual behavior, nausea/vomiting, weakness, rapid pulse excessive sweating or hot dry skin, seizures, and fainting or loss of consciousness. Any of these symptoms require immediate attention.

Even early symptoms may indicate serious heat exposure. If first aid trained personnel are not immediately available on-site to make an assessment and workers show any abnormal response to the heat, you should call 911 immediately. Regardless of the worker's protests, no employee with any of the symptoms of possible serious heat illness noted above should be sent home or left unattended without medical assessment and authorization.

6. Training.

Supervisors and employees must be trained in the risks of heat illness and the proper measures to protect themselves and their co-workers. Training should include:

- A. Why it is important to prevent heat illness
- B. Procedures for acclimatization
- C. The need to drink water frequently
- D. The need to take breaks out of the heat
- E. How to recognize the symptoms of heat illness
- F. How to contact emergency services and how to effectively report the work location to 911
- G. The importance of choosing water instead of soda or other caffeinated beverages and avoiding alcoholic beverages all together during high heat.

7. Written Procedures.

Employers are required to put their heat illness prevention procedures, including employee training in writing. It is recommended this document be incorporated into the employers Injury and Illness Prevention Plan. Other recommended procedures include account for all your workers during and at the end of the work shift. Check the heat index prior to starting work each day. If the temperatures are high, consider beginning and ending your shifts early. If possible, work should be performed in the shade.

VI. SUBSTANCE ABUSE POLICY AND PROGRAM

A. Background and Purpose

1. Need

Both the federal and state governments have determined that drug and alcohol abuse in the workplace presents a significant threat to the safety of employees. To combat this problem, both governments have enacted Drug-Free Workplace Acts that require many employers to maintain drug-free workplace policies. The U.S. Department of Transportation (DOT) also has issued regulations that require drug and alcohol testing for employees who drive certain commercial motor vehicles requiring a commercial driver's license (CDL) to operate. (These requirements are outlined by the DOT Federal Highway Administration (FHWA) under Title 49 CFR Part 382 and Part 40.) While Townsend & Schmidt Masonry considers alcohol and substance dependency as an illness and a major health problem, the Company also recognizes substance abuse as a potentially serious safety and security problem.

2. Intent

Townsend & Schmidt Masonry is committed to providing a safe work environment and to fostering the well being and health of its employees. Drugs and alcohol can seriously impair an employee's performance, as well as jeopardize the health and safety of all employees, customers and others who come in contact with them. Although the Company has no intention of intruding into the private lives of its employees, it recognizes that involvement with alcohol or other drugs off the job eventually takes its toll on job performance. Therefore, this Substance Abuse Policy has been adopted for the benefit of everyone with the intent to reduce accidents and injuries, and eliminate the hazards to health and job safety, created by alcohol and drug abuse. It is not intended to and does not confer legal rights or impose legal obligations, except those required by government regulations. The Company retains the right to unilaterally interpret, administer, change, modify, or amend this Policy within its sole discretion.

3. Scope

This Policy applies to applicants when required by government regulations, and to all employees of the Company while on the job during working hours.

4. Policy Statement

Townsend & Schmidt Masonry will not tolerate or condone substance abuse. It is the Policy of this Company to maintain a workplace free from alcohol and other drug abuse and its effects. In addition, this Company will comply with the requirements of the Drug-Free Workplace Act of 1988, the drug-free work force rules promulgated by the U.S. Department of Defense, U.S. Department of Transportation, and all other Federal agencies as well as all other Federal, State, and local laws and regulations. Townsend & Schmidt Masonry expects the full support of this Policy by all employees and all persons doing business with the Company. Violations of this Policy by Company employees will subject them to disciplinary action up to and including termination.

B. Responsibilities

1. The Company President, his designee, or the Company Superintendent will carry out this Policy to maintain the safety and health of all employees by insuring a drug/alcohol-free work environment. This includes the responsibility to determine, discipline and/or remove from the workplace any employee suspected of violating this Policy. Furthermore, the Company President will insure that this Policy is in compliance with all applicable laws and regulations.
2. Everyone shares responsibility for maintaining a safe work environment. All employees are expected to thoroughly understand and to comply wholeheartedly with this Policy. Each employee is required to report any incidence of prohibited conduct observed during the course of Company business directly to the Company President, the Company Superintendent, or when necessary, their on-site designee.

As a condition of employment, employees must notify the Company in writing of any conviction of a violation of a criminal drug/alcohol statute occurring in the workplace no later than five calendar days after such conviction.

3. Every employee (and every applicant for employment) must consent to the alcohol and drug testing requirements of this Policy as a condition of employment. Consent to testing includes an obligation to fully cooperate, to include promptly completing any required forms and releases and promptly providing a sample for such testing. Failure to provide an adequate sample for alcohol or drug testing without a valid medical explanation after having received notice of the testing requirement, or conduct that clearly obstructs or invalidates the testing process (including a refusal to complete and sign required forms) constitutes refusal of consent. Such refusal will result in disciplinary action up to and including termination.
4. While Townsend & Schmidt Masonry does not sponsor any drug or alcohol rehabilitation/employee assistance program, the Company encourages those employees who suspect they have an alcohol or drug misuse problem to voluntarily seek diagnosis and treatment by substance abuse professionals. Conscientious efforts to seek such help will be kept confidential and will not jeopardize any employee's job. Such employee may continue to be employed (subject to the Company's contractual requirements, etc.) while successfully continuing in such programs and maintaining negative results from random drug testing. The Company President or Superintendent may authorize unpaid time off or a medical leave of absence for the employee to seek counseling or enter a rehabilitation program. The employee may return to work, provided work is available, upon successful completion of all components of the rehabilitation program, a clearance by a Substance Abuse Professional, and passing any test requirements.
5. The Company Office Manager is designated as the Alcohol and Drug Testing (ADT) Program Manager responsible for administering this program for Townsend & Schmidt Masonry. The Program Manager will maintain detailed records of all aspects of this program, with employee medical matters and test results kept in a confidential file separate from routine personnel records. Any requests for information or assistance in understanding or meeting the requirements of this program should be directed to the Program Manager. The release of individual alcohol and/or drug test records will be permitted only with the specific written consent of the employee, with the follow exceptions:
 - A. When requested by the Secretary of Transportation, any DOT agency, or any State or local officials.
 - B. When requested by the National Transportation Safety Board as part of an accident investigation for information related to the administration of a post-accident alcohol and/or drug test.

C. Conditions

1. Prohibited Conduct

The following activities by Company employees are prohibited and will lead to discipline or discharge.

- A. Use, possession, sale, offer for sale, purchase, transfer, manufacture, or distribution of any illegal, unauthorized or controlled substances or drug paraphernalia on Company time, business or property, which includes jobsites or other workplaces, during breaks or meal periods, while driving personal vehicles for Company business, or while driving Company-owned or leased vehicles at any time. This Policy also prohibits the use, consumption, sale, offer for sale, or distribution of alcohol on Company time, business or property, except for Company-sponsored activities where alcohol consumption is authorized by Management.
- B. Reporting for work or working while under the influence of alcohol (which means having a breath alcohol concentration of 0.04 percent or greater as measured by an alcohol breath test) or having any illegal, unauthorized or controlled substance in the employee's body. This

Policy therefore prohibits the use or consumption of alcohol within four (4) hours prior to the start of an employee's scheduled work shift.

**For employees at work whose duties include driving a commercial motor vehicle requiring a Commercial Driver's License (CDL) to operate, an alcohol concentration of 0.02 percent or greater will necessitate the taking of a second confirmation test. If such an employee has an alcohol concentration level of 0.02 but less than 0.04, the employee will be removed from duties for a period of 24 hours. Furthermore, if such an employee's behavior or appearance suggests impairment because of alcohol, and a breath test cannot be administered, the employee will be removed from duties for a period of 24 hours. Employees whose breath test shows an alcohol concentration of 0.04 percent or greater are subject to removal from duty and disciplinary measures, as well as assessment by a Substance Abuse Professional.

2. Inspections

In order to promote a safe, productive and efficient workplace, the Company reserves the right to inspect employees as well as any articles or property in their possession to detect violations of this Policy while on Company premises or outside Company premises on Company business.

- A. All Company property is made available to employees for their convenience. Employees have no expectation of privacy in using Company property.

- B. The Company reserves the right to inspect lockers, desks, Company vehicles, personal vehicles, packages, lunch boxes, containers, articles, and other objects brought onto Company premises, workplaces and vehicles that could conceal evidence of violations of this Policy. The Company also reserves the right to take any other action, in accordance with applicable legal requirements, to enforce this Policy.

3. Testing

- A. This Company has adopted testing practices to identify employees who use illegal drugs either on or off the job. It is a condition of employment for all personnel to submit to alcohol and/or drug testing under the following circumstances:
 - 1. When applying for a position requiring a Commercial Driver's License or a related safety-sensitive position regulated by the Department of Transportation (see below).
 - 2. When there is reasonable suspicion to believe that an employee is using illegal drugs.
 - 3. When an employee is transferred to a DOT regulated position.
 - 4. When an employee is involved in on-the-job accidents where personal injury or damage to Company property occurs.
 - 5. As part of a follow-up program for treatment for drug abuse.
 - 6. On a random basis as explained below.

- B. All testing will follow the guidelines set forth by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (DHHS) to the extent feasible as determined by the Company. The testing will cover certain "controlled substances" and detection levels specified by the DHHS-5 Drug Panel Group.

- C. An alcohol breath test is the preferred method of testing for alcohol. Testing will be for a Blood Alcohol Concentration (BAC) of .04 dl/mg, for both initial screening and confirmation tests, for employees not covered by DOT regulations. An employee whose alcohol concentration is 0.04 or greater is subject to the disciplinary measures stated in this Policy. Employees covered by DOT regulations are subject to the 0.02 cut-off levels stated in the DOT regulations (see above).

- D. Townsend & Schmid Masonry will bear the cost for alcohol and/or drug testing.

4. Medications

- A. Medications, whether prescription or non-prescription, may cause drowsiness, disorientation or otherwise adversely affect an employee's ability to safely perform assigned duties, thereby

endangering himself and others, or damaging property.

- B. Should medication be prescribed by a licensed physician, the employee must ask the physician whether such drug could adversely affect his safe job performance. If so, the employee is required to advise the Company President or Superintendent of that fact, show the original container label and any accompanying warning information, and advise of any recommended work restrictions. The decision to permit an employee to work while taking such medications will be made solely by the Company President, his designee or the Company Superintendent.
- C. Employees should also advise Company Supervisors when using self-prescribed "over-the-counter" medications that may affect performance.

5. DOT-Regulated Safety-Sensitive Positions

- A. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) rules require alcohol and drug testing of safety-sensitive employees who drive and/or perform certain duties affecting commercial motor vehicles requiring a Commercial Driver's License (CDL) to operate. Such vehicles include those having a gross vehicle weight rating (GVWR) of 26,001 or more pounds, or having a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds.
- B. An employee/driver is performing a DOT-regulated safety-sensitive function when:
 - 1. Waiting at a terminal, facility, or other property to be dispatched
 - 2. Performing pre-trip inspections or servicing the motor vehicle;
 - 3. Driving the motor vehicle
 - 4. Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
 - 5. Performing duties and services at an accident scene; or,
 - 6. Repairing, obtaining assistance, or in attendance of a disabled vehicle.
- C. This Policy and program for alcohol and drug testing, including the specific DOT rules, apply (but are not limited) to full-time, casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to Townsend & Schmidt Masonry, or who operate a commercial motor vehicle at the direction of, or with the consent of, Townsend & Schmidt Masonry.

6. Employee Education and Training

- A. Townsend & Schmidt Masonry will designate Management/Supervisory personnel, to include the Company President and Superintendent, to receive at least one hour of training on the symptoms and effects of alcohol misuse, and at least one hour of training on the signs and symptoms of drug abuse. The training shall cover the physical, behavioral, speech and performance indicators of alcohol and drug misuse. These trained Company officials will have the sole responsibility for making appropriate determinations for reasonable suspicion testing.
- B. Townsend & Schmidt Masonry will insure that all safety-sensitive drivers are provided detailed information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; the Company Substance Abuse Policy; testing requirements; and community resources available for evaluating and resolving problems associated with alcohol misuse and substance abuse.

7. Employment at Will

Townsend & Schmidt Masonry is concerned with the use of alcohol or illegal drug that would be regarded as inappropriate by our customers or other employees. Any use of alcohol or illegal drug during our normal business day not related to a Company-sponsored event, that results in the odor of alcohol or suspicion of drug use can be very detrimental to our Company's image, and be a reason for discipline up to and including termination, with or without prior substance abuse testing. Nothing contained in this Substance Abuse Policy requires the testing of employees for substance

abuse prior to termination. The employer and the employee retain the right to terminate the employment relationship at any time, with or without notice.

D. Testing Requirements and Procedures

1. DOT-required Pre-employment Screening

Applicants for a position requiring a Commercial Driver's License (CDL) or related safety-sensitive position regulated by the DOT, as a condition of employment, must submit to and successfully pass appropriate tests for controlled substances as required by DOT regulations.

A. Such applicants will also be required to sign a release of information allowing Townsend & Schmidt Masonry to obtain previous employer records relating specifically to information indicating whether the applicant had a positive alcohol test with a concentration of .04 or greater, or positive drug test results, or refusals to test, within the preceding two years.

B. Any failure to successfully pass required tests, or a record of a positive alcohol or drug test or refusal to test, will result in the withdrawal of the offer or termination of employment. The Company ADT Program Manager will maintain a written, confidential record with respect to each past employer contacted.

2. Post-Accident Testing

A. Any employee who is involved in any accident resulting in an injury reportable on OSHA Form 300, or property damage of sufficient extent to require reporting to any governmental or contractual agency, where the employee is determined to be at fault, may be tested at the discretion of Management for controlled substances and alcohol. The Company also reserves the right to test for controlled substances and alcohol when employees suffer work-related injuries or illnesses that are not reportable on OSHA Form 300. Urine testing and alcohol breath tests shall be the preferred methods of testing unless the independent medical professional in charge of the testing decides that blood testing is more appropriate under the particular circumstances of the case.

B. In addition, employees covered by DOT regulations who are involved in a vehicular accident and whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation), where the accident results in serious injury or disabling damage to an involved vehicle, will also be tested for controlled substances and alcohol.

1. Each driver will complete the post-accident report form that provides instructions to follow in completing any required alcohol and drug testing. Drivers are then obligated to follow the instructions and insure that the tests are conducted. Any driver subject to post-accident testing who leaves the scene of an accident before a test is administered (other than for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care), or who fails to remain readily available for testing, may be deemed by the Company to have refused to submit to testing.
2. In the event a driver is so seriously injured that the driver cannot provide a urine or breath specimen at the time of the accident, the driver is required to provide necessary authorization for Townsend & Schmidt Masonry to obtain hospital records or other documents that would indicate whether there were drugs or alcohol in the driver's system at the time of the accident.

C. In the event that Federal, State or local officials conduct a breath or blood test for the use of alcohol, and/or urine tests for the use of drugs, following an accident, these tests shall be considered to meet the DOT requirements, provided the tests conform to applicable Federal, State or local requirements. The employee involved is required to sign a release allowing Townsend & Schmidt Masonry to obtain the test results from such officials.

D. Alcohol testing will be conducted within two (2) hours after an accident has occurred; drug testing will be required within thirty-two (32) hours after an accident.

1. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until having undergone a breath-alcohol test, whichever occurs first. If an alcohol test is not administered within two (2) hours following the accident, the Company

shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the accident, the Company shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

2. If a drug test is not administered within thirty-two (32) hours following the accident, the Company shall cease attempts to administer a drug test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.
3. Records shall be submitted to the FHWA upon request by the Associate Administrator.

3. Reasonable Suspicion Testing

- A. When an employee is acting in an abnormal manner and the Company has "reasonable suspicion" to believe that the employee is working under the influence of controlled substances and/or alcohol, the Company may require the employee to submit to testing for controlled substances and/or alcohol.
- B. "Reasonable suspicion" means suspicion based upon specific personal observations that the Company representative can describe, or valid circumstantial evidence concerning the employee's appearance, behavior, speech or breath odor.
- C. Factors that may lead to reasonable suspicion sufficient to warrant testing include, but are not limited to, the following:
 1. Observable symptoms of being under the influence of alcohol or drugs;
 2. The odor or smell of alcohol or drugs on the employee's breath or clothes or in an area immediately controlled or occupied by the employee;
 3. Unexplained significant deterioration in job performance;
 4. Unexplained significant changes in behavior;
 5. Criminal convictions for marijuana or other drug offenses (within the last two years);
 6. Drug-related arrests for which an employee is currently out on bail or on his or her own recognizance pending trial;
 7. Unexplained or suspicious absenteeism or tardiness;
 8. Credible reports of drug or alcohol use in violation of this Policy;
 9. Employee admissions regarding drug or alcohol use;
 10. Unexplained absences from normal work areas when the Company suspects drug-or alcohol-related activity; and/or
 11. Drug paraphernalia in the employee's possession or in an area immediately controlled or occupied by the employee.
- D. The foregoing are only examples of factors that may give the Company cause to test. The individual facts and circumstances of each case will be considered in deciding whether to require an employee to submit to testing.
- E. Reasonable suspicion testing will be administered within the same time limits as imposed under post-accident testing. The Company Supervisor shall make and sign a written record of the observations made, the surrounding circumstances, and the test results or reasons why testing was not promptly administered.

4. Random Substance Abuse Testing

- A. This Policy applies to all employees working on projects in which Townsend & Schmidt Masonry is required by the owner or prime contractor to conduct random substance abuse testing, and as required for those employees subject to DOT/CHP regulations.
- B. All employees within this category will be selected for periodic random testing for the presence of controlled substances or alcohol on a non-discriminatory basis. Townsend & Schmidt Masonry has contracted with a third party administrator to manage the random selection of safety-sensitive employees (e.g. drivers subject to DOT regulations) via consortium pool. At least 50 percent of the employees in DOT regulated positions will be subject to random controlled

substance testing. At least 25 percent of the employees in DOT regulated positions will be subject to random alcohol testing. Employees not covered by DOT regulations will be in a separate testing pool and be subject to random testing at the rate of 50% of all employees in this pool.

- C. Random selections will be unannounced and spread reasonably throughout the year. When an employee is selected, the ADT Program Manager will notify that employee, who must thereupon take action intended to lead to an immediate sample collection. If the employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test, leading to disciplinary action up to and including termination. In the event the employee selected for testing is off work due to a layoff, illness, injury or other leave of absence, that employee's test will be cancelled and another name on the selection list will be drawn. The reason why the employee selected for testing was not tested will be documented by the Company and the third party administrator.

5. Return to Duty/Follow-up Testing

Any applicant or employee who enters or returns to the workforce after testing positive for controlled substances or alcohol under this Policy is subject to random, follow-up testing. Follow-up tests are unannounced and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to work, and may be continued for up to sixty (60) months, as recommended by the Substance Abuse Program professional.

6. Conduct of Testing

- A. All controlled substance testing will be performed at an independent testing facility certified and monitored by the Department of Health and Human Services (DHHS)/Substance Abuse and Mental Health Services Administration (SAMHSA) in accordance with standard industry procedures. All tests will be performed at the Company's expense unless otherwise noted herein. Strict chain-of-custody procedures for collection and handling of test specimens will be observed at all times. "Split sample" procedures will be followed automatically for DOT-regulated testing; persons not under DOT regulations may request these procedures at the time of collection. Persons testing positive for a controlled substance will be permitted to take a "split sample" to a DHHS/SAMHSA-certified laboratory of their choice, at the employee's expense, for retesting. The individual must make this request within 72 hours of notification of test results.
- B. All alcohol breath tests will be conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA) unless otherwise noted, and administered by a certified breath alcohol technician.
- C. When an employee is asked to submit to controlled substances and/or alcohol testing, the employee shall be informed of the reason that he or she is being asked to submit to the test. Each employee will sign a Consent Form. A refusal to submit to testing is cause for discipline up to and including discharge.
- D. All controlled substance and alcohol testing will be by initial screening followed by confirmatory testing if the initial screening shows a positive test result.
- E. For employees covered by DOT regulations, all controlled substances test results will be reported to a medical review officer (MRO). Positive test results of all others tested will also be referred to an MRO. The MRO will conduct an interview with the employee to determine if there is an alternative medical explanation for any positive test result for the presence of controlled substances. The MRO will report all test results to the Company ADT Program Manager. In addition, the testing lab will mail positive test results for DOT-regulated personnel to the California Highway Patrol within three (3) days of the test. The test results for other employees will be reported to the Company ADT Program Manager either directly by the lab or the MRO.

F. All test results will be disseminated only to those with a business need to know, and will be kept in confidential medical files separate from employee personnel files.

7. Discipline and Discharge

- A. Employees who test confirmed positive will be disciplined up to, and including, discharge. Employees discharged under this Policy will be permitted to reapply for employment after six (6) months from the date of discharge, and will be considered for reemployment upon proof of completion of, or continued participation in, a substance abuse rehabilitation program by a Substance Abuse Professional and upon testing negative for controlled substances under this Policy. However, a former employee who reapplies and tests negative will not be guaranteed reemployment, but will be considered eligible for reemployment on the same basis as any other applicant. In addition, employees rehired after being discharged for testing positive will be subject to random screening for drugs and/or alcohol under the Follow-up Testing Policy. Employees rehired under this Policy who again test positive will be discharged and will be ineligible for rehire.
- B. Employees subject to "Reasonable Suspicion" testing will be placed on leave of absence without pay pending the test results. Employees whose test results are negative will be reinstated.
- C. Employees who test negative (including unconfirmed positive initial results) will not suffer any adverse effect on their employment status or pay.
- D. Consistent with the Company's legal obligations under state and federal laws, evidence of the illegal or unauthorized possession or use of controlled substances on Company property or at job sites may be turned over to outside legal authorities for further investigation.