



## ***Drug Free Workplace Policy***

Version: 9.0 Applies To: US

## ***Location Policy Governance Policies***

<b>Effective Date</b>	January 1, 2022	<b>Supersedes</b>	July 1, 2013
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<b>Approvals</b>	Callahan, Bob		
<b>Purpose</b>	To ensure a drug and alcohol free workplace which promotes the health, safety, security and performance of all employees and ensures compliance with Federal and State regulations.		
<b>Scope</b>	This Policy applies to all U.S. employees. Non-Powell employees performing work for Powell on Powell premises through a contract or third-party employer are required to meet requirements comparable to those of this Policy. When feasible, these requirements will be reflected in any written agreement between the Company and the contractor or third party providing leased workers.		
<b>Policy</b>	It is a violation of company policy for any employee to use, possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs or alcohol on the job.		

### **I. LEGAL COMPLIANCE**

The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted in accordance with and limited by such laws notwithstanding any terms of this policy to the contrary.

### **II. POLICY**

The Company is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs or alcohol on the job, comes to work with these substances present in his/her body, or possesses, distributes, or sells drugs in the workplace. Therefore, the Company has established the following:

1. It is a violation of Company policy for any employee, contractor or third-party leased employee to use, possess, manufacture, distribution, dispense, transport, promote or sell illegal drugs, drug paraphernalia, or otherwise legal but illicitly used substances, while on Company business or premises.

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- Covered Persons may not be in violation of local, state or federal laws regarding the possession, purchase, sale, trade, transfer, or manufacture of any illicit drug or drug paraphernalia.
  - Covered Persons may not report to work, perform job duties, or work at this Company with any illegally used controlled substance or illicit drug in their system.
2. Powell recognizes that prescription or over-the-counter medication used by employees, contractors or third-party leased employees may create an adverse effect in the workplace under certain circumstances.
- If a Covered Person is prescribed medication or is using over-the-counter medication, he/she must ask his/her physician if the medication will affect his/her work performance or safety.
  - Covered Persons must report any use of medication that affects his/her work performance or safety to his/her supervisor.
  - Prescription medication brought to work must be in the name of the Covered Person, in an appropriate container (prescription bottle or manufacturer's package).
3. These prohibitions also apply to alcohol. The abuse of alcohol can create hazardous work conditions and adversely affect work performance due to impairment of coordination, judgment, and/or work ability.
- Covered Persons may not possess alcohol on Company premises.
  - Covered Persons may not report for work or work impaired by any drug or controlled substance or alcohol.
  - Impaired means under the influence of a substance such that the person's motor senses (i.e. sight, hearing, balance, reaction, or reflex) or judgment either are or may be presumed affected.

In addition, being under the influence of alcohol or drugs at company-sponsored events or office social functions is a violation of Powell policy. As an employee or contractor, you are expected to act responsibly and hold yourself accountable for all aspects of your conduct and behavior the same as you do while performing regular work duties.

### **III. PROCEDURE**

Covered Persons shall be subject to one or all of the following type(s) of testing at the Company's sole discretion:

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- **Pre-employment:** All applicants who have received a conditional offer of employment must pass a drug test as a condition of working for Powell. Pre-employment screenings will be initiated at the time an offer is accepted. In no event will pre-employment screenings be conducted more than 60-days prior to an applicant's anticipated first day of employment.
- **Auto-Accident:** Employees who drive company vehicles are subject to post-accident drug and alcohol testing as a condition of employment with Powell.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management will transport the employee or arrange for a cab and arrange for the employee to be transported home.*

- **Post-Accident, Incidents and Near Misses:** Post-accident, incident or "near- miss" testing of person(s) of any employee whose performance either contributed to or could not be discounted as a contributing factor to a work related accident, incident or near-miss.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management will transport the employee or arrange for a cab and arrange for the employee to be transported home.*

- **Reasonable Suspicion:** A supervisor or a manager of an employee will request an employee to submit to an alcohol and drug test if the supervisor or manager and the next level of management present at the company workplace, if any, have reasonable grounds to believe that an employee is or may be unable to work in a safe manner because of the use of alcohol and drugs. A covered person will be required to submit to drug testing when:
  - Workplace factors such as physical appearance, behavior, absenteeism, other job-related circumstances or other reliable information give good faith reason to question whether the employee is impaired by drugs or alcohol.
  - When drugs or alcohol are found in the presence of employees, but possession is disputed.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management will transport the employee or arrange for a cab and arrange for the employee to be transported home.*

- **Random:** Each calendar year, a certain percentage of Powell employees will be subject to random drug testing. The tests are unannounced, spread throughout the year and selection administered by an independent third party.

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- **Return-to-duty and follow-up:** Employees who test positive for drugs (see Definitions below) or who otherwise violate this policy, but are not terminated, must pass a drug test before they can return to duty and are subject to follow-up drug testing at times and frequencies determined by Powell for up to two (2) years.
- **Site Access Testing:** When a customer directly or by contract requires site access testing, a customer may require alcohol or drug testing of a Powell employee or contractor as a condition of access to the customer's property.

### **Summary of Collection Procedures**

Powell will follow the general collection and testing procedures set forth below:

- 1) Prior to testing, employees and applicants will be provided with a written statement describing the testing procedures and the substances for which the specimen will be tested. A signed, written consent and testing authorization form is required for all testing participants.
- 2) Employees and applicants shall be sent or transported to a designated collection site where they shall be required to verify their identity and otherwise cooperate in the site's normal specimen collection procedures.
- 3) The collection and testing will be conducted, in private, by trained individuals who will use approved testing devices and testing forms. Chain of custody procedures shall be maintained from collection to the time specimens may be discarded to ensure proper identification, labeling, recordkeeping, handling and testing of specimens.
- 4) The laboratory will notify Powell of the test result in a confidential manner.

### **Drug Testing Procedures**

- 1) Collected specimens shall be tested by a certified laboratory. The laboratory shall test specimens for marijuana, cocaine, opiates, amphetamines, phencyclidine, ecstasy, barbiturates, benzodiazepines, methadone, propoxyphene, 6-acetylmorphine and Oxycodone and such other controlled substances as may be dictated by the circumstances in accordance with the requirements of applicable law. The laboratory shall first conduct a screen on the specimen. If the screen test is negative, the laboratory will report to Powell that the employee or applicant has passed the drug test. If the screen test is positive, the laboratory will analyze the employee's or applicant's specimen using gas chromatography/mass spectrometry. The laboratory will send the test results to the Medical Review Officer (MRO) (see Definitions below).

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- 2) The MRO is responsible for ensuring the accuracy and integrity of the drug testing process. If an employee or applicant has a confirmed positive, adulterated, substituted or invalid drug test result (see Definitions below), the MRO will contact the employee or applicant by telephone at the numbers listed on the custody and control form. Employees and applicants will be given the opportunity to fill out and sign a medication disclosure form. Medical information shared with the MRO will be treated as confidential and not shared with Powell. Employees and applicants should promptly cooperate with the MRO.
- 3) The MRO shall advise Powell, in a confidential manner, if an employee or applicant has passed or failed the test, refused to cooperate, if a specimen is diluted (see Definitions below), or if a test should be canceled. If the MRO determines that there is a legitimate medical explanation for a positive, adulterated, or substituted test result, the MRO will report a negative test result to Powell. If the employee or applicant does not provide a legitimate medical explanation for a positive test result, the MRO will verify the test result as positive. If the employee or applicant does not provide a legitimate medical explanation for an adulterated or substituted test result, the MRO will report to Powell that the employee or applicant has refused to take a drug test. Diluted and invalid test results will be canceled and, depending on the circumstances, may subject an employee or applicant to additional observed testing or to disciplinary action up to and including termination of employment or rescission of an employment offer.
- 4) The MRO shall advise employees and applicants that have non-negative results of their rights, if any, to have their same specimens retested or their split specimens tested by a different certified laboratory.

### **Alcohol Testing Procedures**

- 1) When saliva and/or breath tests are used, Powell will follow the U.S. Department of Transportation guidelines for alcohol testing.
- 2) Generally speaking, alcohol tests will utilize saliva and/or breath specimens and will be conducted (including a confirmation test, if indicated) at the collection site.
- 3) On occasion, or in certain locations, urine and/or blood tests will be utilized instead of breath and/or saliva. In these cases, the specimens will be collected and sent to the certified laboratory for screening and confirmation testing as appropriate.
- 4) If initial test is above the state-defined cutoff level a confirmation breath test will be conducted after a minimum 15-minute and no later than 30 minute wait after the initial test. Employee must not drink, eat or put anything in his/her mouth.
- 5) After submitting to the test, the employee will be transported home pending completion of the investigation.

#### **IV. INSPECTIONS**

Powell reserves the right to inspect all parts and aspects of its premises for illegal drugs, alcohol or other contraband. Employees, contractors and visitors are required to cooperate in inspections of their persons, work areas and property (such as purses, wallets, tool boxes, lunch boxes, water coolers, thermos bottles, flasks, briefcases, desks, cabinets, lockers or cars) that might conceal illegal drugs, alcohol or other contraband. Employees failing or refusing to cooperate in such inspections shall be subject to disciplinary action, up to and including termination of employment.

#### **V. POLICY VIOLATION**

- 1) Applicants testing positive for drugs, who have a confirmed adulterated, substituted or diluted test result, or who refuse to cooperate (see Definitions below) in a drug test will have their conditional offers of employment rescinded by Powell.
- 2) Employees who refuse to cooperate in a drug and/or alcohol test may be subject to disciplinary action, up to and including termination of employment.
- 3) Employees who test positive for drugs and/or alcohol or who otherwise violate this policy will be subject to appropriate disciplinary action up to and including termination of employment.
- 4) Depending on the circumstances, an employee's return to work, reinstatement, and/or continued employment may be conditioned on the employee's successful participation in and/or completion of any, and all evaluations, counseling, treatments, and rehabilitation programs, passing of return-to-duty and follow-up tests, and/or other appropriate conditions as determined by Powell.
- 5) Powell may take disciplinary and/or other appropriate action when an employee or contractor is involved in any conduct or crime that damages Powell's operations or reputation.

#### **VI. VOLUNTARY REQUESTS FOR ASSISTANCE**

Powell encourages employees with drug and alcohol problems to seek help from Powell's Employee Assistance Program (EAP) before becoming subject to discipline for violating this or other Powell policies.

Employees will not be disciplined because they request assistance. However, employees may not avoid discipline by requesting assistance after they violate Powell's policies or are notified of their selection for

drug and/or alcohol testing. In addition, employees who request assistance will not be excused from complying with Powell's policies, including its standards for employee performance and conduct.

## **VII. WORKPLACE CRIMES INVOLVING DRUGS**

Employees who are convicted of, plead guilty to (including a plea of nolo contendere or no contest), or are sentenced for a crime involving illegal drugs in the workplace must report the conviction, plea or sentence to Human Resources within five (5) calendar days after such conviction, plea or sentence. If an employee who is convicted of, pleads guilty to or is sentenced for a crime involving illegal drugs performs work directly relating to Powell's contracts with a state or the federal government, Powell will report such conviction, plea or sentence to the appropriate agency within ten (10) calendar days after it receives notice.

## **VIII. RECORDS AND CONFIDENTIALITY**

Information and records relating to test results and other medical information shall be kept confidential and maintained in files separate from employee's personnel files. Such records and information may be disclosed to employees and applicants to whom they relate, any third party designated in writing by an employee or an applicant, the MRO, Powell's EAP, a substance abuse professional, physician or other health care provider responsible for determining an employee, contractor or applicant's ability to safely perform his/her job and/or the individual's successful participation in and/or completion of any and all evaluations, counseling, treatments, and rehabilitation programs, Human Resources personnel, supervisors, and other employees on a need to know basis, where relevant to Powell's defense in arbitration, administrative proceeding, lawsuit or other legal proceeding, or as required or otherwise permitted by law.

## **IX. DEFINITIONS**

**Adulterated specimen** – A urine specimen that contains a substance that is not normally present in human urine, or contains a substance that is normally present but is at a concentration in-consistent with human urine.

**Alcohol** – The intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl or isopropyl alcohol. The term includes beer, wine, spirits and medications such as cough syrup that contain alcohol.

**Company premises** – Company premises include, but are not limited to, all land, property, buildings, offices, facilities, grounds, parking lots, and places owned, leased, managed or used by Powell. Private

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vehicles parked on premises or properties are also included under this definition. Although a vehicle used by an employee is not under the control of the Company, this Policy shall be construed as prohibiting the use of substances by the employee while traveling to and from the premises, or to any other location at which the employee has been designated to work, in such vehicle.

**Company vehicle** – All vehicles owned, leased or used by Powell and all vehicles that are used by employees, regardless of who owns or leases them, while performing work for Powell.

**Controlled substance or medications** – constitutes any substance prescribed by a licensed medical professional.

**Diluted specimen** – A urine specimen that has creatinine and specific gravity values that are lower than expected for human urine.

**Drug testing** – constitutes an analytical process to determine if specific drugs and/or alcohol are present at a given time in a person's system.

**Employee Assistance Program (EAP)** – an agency contracted by Powell to provide access to confidential, professional counseling to help resolve personal problems that are affecting an employee.

**Illegal drugs** – All controlled substances, designer drugs, and other drugs not placed in any schedule by the federal government that are not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 U.S.C. § 812 and 21 C.F.R. Part 1308.)

**Medical Review Officer (MRO)** – A licensed physician who has knowledge, training, and clinical experience regarding substance abuse disorders and who will, among other things, review candidates' and employees' positive drug test results and evaluate any medical explanations for such results.

**Over the Counter Medication** – constitutes any medication legally available as an over-the-counter purchase.

**Prescription** – A valid prescription issued to the employee by a licensed health care provider authorized to issue such prescription and used for its intended purpose as prescribed before any expiration date.

**Refuse to cooperate** – Refusing to take a drug and/or alcohol test, not promptly proceeding directly to a collection site when told to do so, attempting to provide or providing an adulterated or substituted specimen, failing to provide sufficient specimens, failing to sign testing and other required forms and any other conduct that disrupts or interferes with the collection and testing process.

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**Substituted specimen** – A urine specimen that has creatinine and specific gravity values that are not consistent with human urine.

**Test positive for drugs or alcohol** – To take a drug or alcohol test that results in a concentration of alcohol or drugs (or their metabolites) that exceeds the cutoff levels that are established by Powell.

**Under the influence** – The condition wherein any of the body’s sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to substances. This also means the detectable presence of substances within the body, regardless of when or where they may have been consumed, having an alcohol test result of 0.02 or greater alcohol concentration of blood or breath, and/or having a positive test for other substances.