



PMA-51106

Workplace Substance Abuse Program

Revision 2

Prepared for:
Portsmouth Mission Alliance, LLC
1425 Higham Street
Idaho Falls, ID 83402
Phone: (208) 528-8781
Fax: (208) 557-7905

Program Manager:
Andy Henderson
Human Resources Director
320 North Cedar Bluff Road
Suite 220
Knoxville, Tennessee 37923
Phone: (865) 556-4399
Fax: (865) 454-8618

Approved:

A handwritten signature in black ink, appearing to read "Andy Henderson", is written over a thin horizontal line.

Human Resources Director

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Date



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DEFINITIONS

<i>Accident or Occurrence</i>	An occurrence, where: an employee is injured; or through an employee's actions, another employee or other individual is injured; an employee creates a hazardous situation, that presents danger, either to the employee or another employee or individual; an employee is involved in a vehicular accident in a PMA vehicle or while on PMA business; or any event or incident that is a deviation from the planned or expected behavior or course of events, if the deviation has environmental, public health and safety, or national security protection significance (i.e., explosion, fire, spill, release of radioactive or dangerous material or pollutant, personal injury or death, or damage to property).
<i>Alcohol</i>	Any beverage, mixture, or preparation containing an intoxicating agent or ethyl alcohol (including any medication).
<i>Alcohol Concentration</i>	The measure of alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.
<i>Collection Site</i>	The location at which individuals are required to provide breath samples and/or urine or blood samples.
<i>Conviction</i>	A finding of guilt, including a plea of guilty, <i>nolo contendere</i> or no-contest, by any judicial body charged with the responsibility to determine violations of federal or state criminal alcohol or drug statutes.
<i>Employee</i>	A full-time, part-time, temporary, or seasonal employee of PMA.
<i>Fail a Test or Test Positive</i>	The drug or alcohol test shows positive for an illegal drug or alcohol in a person's body.
<i>Illegal Drug</i>	A controlled substance with the meaning assigned by 21 U.S.C. 811, 812 of the Controlled Substances Act and includes all substances listed on Schedules I and II, as revised in 21 CFR 1302. Drugs or classes of drugs to be tested under this program for initial and random drug testing shall include marijuana, cocaine, opiates, phencyclidine, and amphetamines. However, when conducting reasonable suspicion or occurrence testing, testing may include any drug listed in Schedule I or II of the Controlled Substance Act.
<i>Medical Review Officer (MRO)</i>	A licensed physician, meeting DOE requirements, to perform functions as described under this policy.
<i>Past a Test or Test Negative</i>	The test does not show evidence of the presence of an illegal drug or alcohol in a person's body.
<i>Random Testing</i>	The unscheduled, unannounced urine drug testing of randomly selected individuals in all positions, by a process designed to ensure that selections are made on a non-discriminatory manner.

<i>Reasonable Suspicion</i>	A suspicion based on an articulated belief that an employee uses illegal drugs, drawn from particularized facts and reasonable inferences from those facts, as detailed further in Section 13.0 of the Workplace Substance Abuse Policy.
<i>Refuse to Submit to a Test</i>	A refusal by an individual who, after receiving notice of the requirement to be tested in accordance with this policy and without a valid medical explanation, refuses to provide adequate breath for an alcohol test or refuses to provide a urine or blood sample for a drug test; or who otherwise refuses to cooperate or engages in conduct that obstructs the testing process.
<i>Substance Abuse Professional</i>	A licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

ACRONYMS

CFR	Code of Federal Regulations
DoD	Department of Defense
DOE	Department of Energy
DHHS	Department of Health and Human Services
EAP	Employee Assistance Program
EBT	Evidential Breath Testing
EMIT	Enzyme Multiplied Immunoassay Technique
FAR	Federal Acquisition Regulations
FMLA	Family Medical Leave Act
FR	Federal Register
GC/MS	Gas Chromatography/Mass Spectrometry
HAZWOPER	Hazardous Waste Operations and Emergency Response
HRD	Human Resources Director
HRP	Human Reliability Program
MRO	Medical Review Officer
NHTSA	National Highway Traffic Safety Administration
PAP	Personal Assurance Program
PMA	Portsmouth Mission Alliance
PSAP	Personnel Security Assurance Program
TDP's	Testing Designated Positions
U.S.C.	United States Code

1. INTRODUCTION

Portsmouth Mission Alliance, LLC (referred herein as PMA) is committed to providing a safe working environment and to making adequate provisions for the safety and health of our employees. PMA is also committed to operating in a safe, responsible, and efficient manner for the benefit of our customers and the public. Recognizing that drug and alcohol misuse and abuse (collectively referred to as "substance abuse") present a major problem throughout society, to which PMA is not immune, has developed this Workplace Substance Abuse Policy.

The use of illegal drugs or alcohol by PMA employees not only threatens the health and safety of fellow employees, our customers, and the public, but also results in increased costs. Illegal drug use increases lost productivity, absenteeism, tardiness, sick leave, health care costs, accidents on the job, and lower morale of other employees who must do the substance abusers' work. Using alcohol or illegal drugs, or being subject to the effects of alcohol or illegal drugs while at work, creates obvious compelling safety hazards for employees, particularly those employees in testing-designated positions. It is our goal to provide a safe and efficient working environment and to preserve the confidence placed in PMA by our employees, customers, and the public by emphasizing and enforcing a drug- and alcohol-free work place.

2. SCOPE

This policy has been developed in an effort to achieve those goals and to comply with the Drug-Free Workplace Act of 1988 and other applicable laws and regulations, which may apply to PMA. Laws applicable to PMA may be:

- Federal Acquisition Regulations (FAR)
- 53 Federal Register (FR) 11979
- 10 Code of Federal Regulations (CFR) Part 707, Workplace Substance Abuse Programs at Department of Energy (DOE) Sites
- 10 CFR Part 710, Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material
- 21 CFR 1302, Labeling and Packaging Requirements for Controlled Substances
- 21 United States Code (U.S.C.) 811, 812 of the Controlled Substances Act
- Department of Defense (DoD) Drug-Free Workplace Rules:
 - 48 CFR Part 223, Environment, Conservation, Occupational Safety, and Drug-Free Workplace
 - 48 CFR Part 252.223, Drug-Free Work Force
- Ohio Code §4123-17-58 Drug-free Safety Program

- 49 CFR 382, Controlled Substances and Alcohol Use and Testing

The provisions of this policy may be amended at any time with or without prior notice to employees. Absent a written agreement signed by an authorized company representative, employment with PMA is at-will and nothing in this policy is intended to alter or change that employment relationship. This policy applies to all PMA subsidiaries employees and subcontractors assigned to contracts awarded to PMA. This plan is subject to addendum with no deletions from this plan for the purpose of compliance with another existing contract or new contract requirements.

3. POLICY

No employee shall:

- unlawfully manufacture, dispense, sell, possess, distribute, use or be under the influence of an illegal drug while:
 - On PMA properties or PMA job sites;
 - On duty for regularly scheduled or Emergency Work;
 - Operating PMA vehicles, equipment or machinery;
 - Off the job so as to affect the employee's job performance or Integrity on the job as a PMA Representative.
- report to work:
 - Under the influence of alcohol or use
- be under the influence of alcohol while:
 - On PMA job sites;
 - On duty for regularly scheduled site/field work or Emergency Work;
 - Operating PMA vehicles, equipment or machinery.

An amount of alcohol or prohibited drug in an individual's body, equal to or higher than the acceptable limits level, as detected by an alcohol or drug test, shall, for the purposes of this policy, be considered a prohibited use by the employee. This prohibited use, in violation of this policy, is subject to review and interpretation of the Medical Review Officer (MRO) consistent with 10 CFR 707.13 and Department of Health and Human Services (DHHS) Mandatory Guidelines. Violation of this policy shall result in disciplinary action up to and including immediate termination.

In addition, employees in testing-designated positions are prohibited from using alcohol within five hours before reporting to duty. When an employee in a testing-designated position is called to duty to respond to an emergency, the employee is prohibited from using alcohol after the employee has been notified to report to duty. An employee who is called for duty to respond to an emergency that has consumed alcohol within the last five

hours, or is under the influence of alcohol, should so inform the person contacting him or her, and the employee will be excused from reporting for emergency duty and will not be subject to any disciplinary action. An employee being paid to be on call for a specified time is prohibited from consuming alcohol during that time.

An employee who refuses to submit to a test for alcohol or illegal drugs in accordance with this policy shall be considered insubordinate which constitutes grounds for immediate termination. An employee who refuses to submit to a test shall also be considered to have failed the test. Failing an alcohol or a drug test is a violation of this policy and shall result in disciplinary action up to and including termination. An employee who is not terminated may, in PMA's discretion, receive a mandatory referral to substance abuse counseling and rehabilitation as described in this policy. Any employee who tests positive for alcohol and/or illegal drugs for a second time under this policy will be removed from all DOE projects and subject to disciplinary action up to and including immediate termination. However, nothing in this policy shall be deemed to preclude PMA from terminating any employee found to be in violation of any part of this policy.

An employee who chooses to engage in drug or alcohol abuse may face the risk of unemployment and the forfeiture of workers' compensation. If a drug or alcohol is found to be present in the employee's system at a level prescribed by statute or by this Policy, the employee may be terminated and forfeits eligibility for workers' compensation medical and indemnity benefits. It is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in the employee's body. If an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for worker's compensation and indemnity benefits. When an injured employee refuses to submit to a drug test, it shall be presumed, in the absence of a preponderance of the evidence to the contrary, that the proximate cause of the injury was the influence of drugs.

Employees may be subject to pre-employment drug testing (Section 10.0), post-accident drug and alcohol testing (Section 11.0), testing during baseline and annual medical examinations (Section 12.0), reasonable suspicion drug and alcohol testing (Section 13.0), random drug testing for all employees (Section 14.0), and return-to-duty and follow-up testing (Section 15.0).

The employee should refer to references provided in Section 21.0 (including Ohio Code §4123-17-58, et seq.) for specific regulatory requirements.

4. TESTING DESIGNATED POSITIONS

PMA may designate positions as "testing-designated positions" as in Appendix A. In general, these are positions where a single mistake or inattention to the performance of duties by a PMA member company employee can create an immediate threat of significant harm to the employee, other employees or individuals, the public, the

environment, public health and safety, or national security. Such positions may include, but are not limited to:

- Positions which require the employee to:
 - Operate heavy machinery or dangerous equipment
 - Bear firearms
 - Perform emergency response functions
- Positions covered by the Personnel Security Assurance Program (PSAP), 10 CFR Part 710, *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*
- Positions which entail critical duties that require an employee to perform work which affords both technical knowledge of and access to nuclear explosives sufficient to enable the individual to cause a nuclear or explosive detonation (commonly known as the Personal Assurance Program (PAP)), 10 CFR Part 710, *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*
- Pilots and/or Firefighters
- Positions directly engaged in nuclear reactors construction, maintenance, or operation
- Positions directly engaged in hazardous materials production, use, storage, transportation or disposal
- Positions allowed unescorted access to DOE reactors
- All personnel with a “L” or “Q” clearance

PMA’s “testing-designated positions” may include radiological control technicians of all levels. PMA may occasionally require drivers with Commercial Driver’s License, whereby the requirements of 49 CFR 382, *Controlled Substances and Alcohol Use and Testing*, shall apply.

5. PROCEDURES FOR NOTIFYING EMPLOYEES OF COVERAGE

PMA will notify all covered employees of this policy and will provide them a copy summary of the policy. Applicants will be given a summary at the time of employment. All employees shall sign a form acknowledging that they have received a summary of this policy, have read and understand its contents, and have been given the opportunity to read the policy in its entirety.

PMA’s subcontractors for DOE projects shall submit a Workplace Substance Abuse Plan subject to DOE approval or shall adopt the requirements of PMA’s Workplace Substance Abuse Policy prior to performance of any work on a jobsite.

6. RESPONSIBILITIES

PMA Project Managers or designees, have overall responsibility for PMA's drug and alcohol prevention and testing program and for handling disciplinary actions that occur because of a positive alcohol or drug test or refusal to submit to a test. The Human Resources Director (HRD) or designee has the functional responsibility for this program's administration, coordinating with the MRO and the laboratory selected, keeping records relative to alcohol/drug testing, and for coordinating and initiating employee testing.

PMA will flow down the provisions of 10 CFR 707.5 to those Subcontractors who are determined to be within the scope of the 10 CFR 707.5(d). Subcontractors shall be required to comply with its requirements as a condition of eligibility for performing the subcontract work. Each subcontractor subject to the CFR must submit its Workplace Substance Abuse Program to PMA, prior to subcontract award and annually for review. PMA will monitor the subcontractor's program for compliance.

PMA will introduce a Baseline WSAP Compliance Matrix to document program compliance in accordance with 10 CFR 707. Results of the Compliance Submittal will be made available to DOE upon request.

7. SUBSTANCE ABUSE COUNSELING (EMPLOYEE ASSISTANCE PROGRAM)

PMA has an Employee Assistance Program (EAP) in place. The EAP is used to assist employees in addressing and resolving both personal and work related problems, including drug and alcohol-related problems. As part of its EAP, PMA provides coverage through the McLaughlin Young. Services may be obtained 24 hours a day, seven days per week, by dialing 1-800-633-3353 or 704-529-1428 or visiting <http://mygroup.com> and selecting the "Work-Life Login" link at the top of the page.

Information concerning the PMA EAP and other approved substance abuse counseling and treatment programs will be available to employees and included in training sessions conducted with employees, managers, and supervisors. Employees may receive confidential counseling assistance by directly contacting any of these resources or by contacting their Human Resources Department for assistance in getting an appointment or obtaining further information about counseling or treatment programs.

PMA strongly encourages employees involved in substance abuse to refer themselves voluntarily to a counseling or rehabilitation program. The costs of counseling, treatment, or rehabilitation may be covered under PMA group health insurance plan, subject to the eligibility requirements, limitations, and conditions of the plan. All costs of counseling, treatment, and/or rehabilitation, whether or not incurred because of a voluntary or mandatory referral, not paid or covered by the group health insurance plan shall be the

employee's responsibility. Rehabilitation after a positive result from an alcohol or drug test will only be available for first time offenders. Further, an employee participating in rehabilitation, whether on a voluntary or mandatory basis, will be removed from TDP's and cleared positions, or will be placed on leave until rehabilitation is successfully completed and pending position availability.

7.1 Voluntary Referral

A voluntary referral is defined as an employee who seeks a counseling appointment that is not disciplinary in nature. Employees are not subject to disciplinary action for voluntary referral even though the reason may involve substance abuse, as long as the employee has not otherwise been found in violation of this policy. A voluntary referral shall not be permitted or allowed once an employee has failed an alcohol or drug test, has refused to submit to a test, or has otherwise been found to be in violation of this policy.

Employees who voluntarily refer themselves to a substance abuse counseling program, and who are, in turn, referred for alcohol or drug rehabilitation treatment, and who release or otherwise disclose that information to PMA, shall be monitored by PMA to ensure they continue to follow the substance abuse professionals' treatment recommendations. When an employee fails to follow such treatment recommendations, PMA reserves the right to issue a mandatory referral for the employee.

7.2 Mandatory Referral

A mandatory referral is defined as a directive from PMA to an employee to seek substance abuse counseling when work performance or the ability to perform safely has been affected by alcohol or illegal drugs or the employee has otherwise violated this policy. An employee who fails an alcohol or drug test and who is not terminated may receive a mandatory referral to a substance abuse professional at PMA sole discretion. Refusal by an employee who fails an alcohol or drug test to be subject to a mandatory referral will result in termination of employment. In the event of a mandatory referral, substance abuse counseling is not confidential, and an employee shall be required to sign a release authorizing the substance abuse professional to furnish PMA with appropriate information.

If an employee is determined by a substance abuse professional to need alcohol or drug abuse rehabilitation, the referral to rehabilitation will not be confidential. The employee must report to PMA's Human Resources Department for approval of entry into the appropriate rehabilitation facility. A release of information will be required enabling certain information to be exchanged between PMA and the treatment center, regarding the employee's diagnosis, recommended program, cooperation, progress, etc.

Disciplinary action related to the actions giving rise to a mandatory referral may occur before, during, or following the mandatory referral. Employees returning to work following a mandatory referral to a substance abuse professional and/or rehabilitation

will be subject to a Return-to-Work agreement to help ensure the employee continues to follow the treatment recommendations of the substance abuse professionals. The Return-to-Work agreement will specify employee's return to duty circumstances and conditions including, among other things, follow-up drug and alcohol testing for a period of not less than twelve months, and the requirement that the employee follow any recommended rehabilitation and after-care program. The employee's failure to comply with and complete the recommended treatment program outlined by the substance abuse professional or rehabilitation facility, or any other violation of the Return-to-Work agreement, will result in disciplinary action up to and including termination.

An employee, who is approved to enter a rehabilitation or treatment program, whether on a voluntary or mandatory referral basis, may be allowed to use any paid time off that the employee had accrued prior to the time of entering the rehabilitation program. If no accrued paid days are available, the employee may be approved for absence without pay, as long as the employee is continuing in the rehabilitation program. Time spent in a rehabilitation program will count toward the employee's entitlement under the Family Medical Leave Act (FMLA). Costs associated with any type of rehabilitation will be borne by the employee. In many cases medical insurance will cover a portion of such care.

Nothing contained in this policy should be construed as restricting right to terminate an employee for violating this policy or any other PMA policy.

8. DRUG AND ALCHOL AWARENESS PROGRAM

To assist employees in understanding and avoiding the perils of drug and alcohol abuse, PMA has developed a drug and alcohol awareness program. PMA will use this program in an on-going educational effort to prevent and eliminate substance abuse that may affect the work place. The drug and alcohol awareness program will inform employees about:

- Dangers of substance abuse in the workplace
- PMA's Workplace Substance Abuse Policy
- Availability of substance abuse treatment, counseling and rehabilitation under the EAP
- Sanctions and penalties PMA may impose for violations of this policy, including penalties for onsite violations
- Health aspects of substance abuse and
- Provisions of the *Workplace Substance Abuse Program at DOE Sites*, 10 CFR 707

PMA will also hold annual training sessions for its managers and supervisors on drug and alcohol awareness, identification or alcohol/drug use, and proper procedures to be

followed with all types of drug and alcohol testing. These training sessions will inform managers and supervisors about the same subjects provided to employees including:

- Physical, behavioral, and performance indicators of probable substance abuse
- Conduct which may be the result of drug use
- Responsibility to intervene and offer employees alternative courses of action
- Handling and referral of employees with possible drug problems and
- Employer policies and practices regarding privacy interests of applicants and employees

9. TESTING PROCEDURES AND METHODOLOGY

To the extent possible and practicable and except as stated otherwise in this policy, PMA will conduct drug testing in accordance with the DHHS: Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 Federal Register 11979, as amended ("DHHS Guidelines"), and if applicable, other Federal Regulations as set forth in Section 1.0. All agents, laboratories, and individuals involved in the testing shall follow the approved, applicable collection methods, preparation of the specimens, chain of custody procedures, and analysis to ensure control, integrity, and accuracy of the test results.

Drug and alcohol testing will be performed at suitable locations designated by PMA. Any applicant or employee who tests positive for drugs may arrange for a retest by a DHHS-certified laboratory; however, a re-test will then also be performed on the original sample and will be at the applicant or employee's costs. An employee who refuses to submit a reasonable sufficient sample for an alcohol or drug test will be considered to have tested positive and immediately removed from his or her position. Refusal to submit to a test is insubordination and constitutes grounds for immediate termination. Subject to Privacy Act requirements, PMA shall notify the DOE Human Resource Representative and Security of an employee's refusal to submit an adequate sample, if the employee holds a Security Clearance and is assigned to a DOE project.

9.1 Drug Testing Procedures

Drug testing under this policy consists of urine samples analysis for the drugs or drug classes as in Appendix B. The initial test performed by the laboratory on the urine specimen will be the Enzyme Multiplied-Immunoassay Technique (EMIT) or Immunoassay (IA) screen, which will be used to eliminate negative urine specimens from further consideration. All specimens identified as positive on the initial screen shall require a confirmed positive test using gas chromatography/mass spectrometry (GC/MS) techniques. Personnel trained or knowledgeable in the process of collecting urine specimens and ensuring that correct Chain-of-Custody procedures are followed shall collect the urine samples at designated collection sites. Designated collection sites can be any suitable location where specimens can be collected under conditions set forth in the

DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. A copy is to be maintained in the PMA Document Control Center.

PMA and any entity performing urine specimen collection, shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping of urine specimen to a certified drug testing laboratory designated by this program. The laboratory used for testing shall provide services in accordance with the DHHS Guidelines. The locations for testing will afford sufficient privacy to the individual being tested to prevent unauthorized persons from seeing or hearing test results unless there is reason to suspect specimen alteration or substitution. All specimens collected for testing must be of sufficient sample volume to allow for initial testing and retesting if required. Mobile collection facilities, which meet the privacy requirements, may be utilized. In the event that a confirmation of a positive result by another laboratory is needed, another DHHS-certified laboratory will be selected from the published list of DHHS-approved laboratories in the Federal Registry.

After completion of all necessary drug tests, the designated laboratory will report the drug test results to PMA's designated MRO, who will be responsible for reviewing each drug test's results before they are reported to PMA. An employee will have up to five working days to explain a positive confirmed result to the MRO. If the explanation is unsatisfactory to the medical review officer, the medical review officer will report a positive test result back to PMA. An employee may contest a positive drug or alcohol test pursuant to rules adopted by the Department of Labor. Union employees should refer to the collective bargaining agreement regarding their rights of appeal. The employee must inform the testing laboratory of any administrative or civil action brought pursuant to Ohio Code §4123-17-58 et seq. (or pursuant to similar statutes in other States).

PMA's designated MRO will be a licensed physician with knowledge of substance abuse disorders. The MRO will be responsible for:

- Reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result (including use of prescription or non-prescription medications);
- Conducting an interview with the individual testing positive;
- Reviewing the medical information provided by the individual to determine if the positive test result occurred from legally-prescribed medication;
- Requiring a retest of the original specimen if it is deemed necessary; and
- Verifying that the laboratory report and assessment are correct

PMA will designate an MRO as set forth in Appendix C of this policy. This Appendix B may be revised at PMA's discretion, with or without notice to employees. Illegal drugs use determination will be made in accordance with the criteria provided in the Medical Review Officer Manual, DHHS Publication No. ADM 88-1526.

If the MRO determines there is an alternate medical explanation for the positive test result, other than the illegal drug use, or if the MRO concludes, based on available data, that a particular test is scientifically insufficient, the MRO will conclude that the test is negative for that individual. If the MRO determines that there is no legitimate explanation for the positive test result other than the use of an illegal drug, the MRO will conclude that the test result is positive. The MRO will advise the individual tested, PMA's Program Procurement Representative, and PMA Human Resources of the test results.

All individuals tested will be required to sign authorization forms necessary to permit PMA to perform the drug test and to allow PMA to be advised of the results. PMA reserves the right to test for any other illegal drug in addition to the drugs identified in Appendix B.

9.2 Acceptable Levels

Urine specimens will be screened for the drugs or classes of drugs against the acceptable levels, which may be adjusted without notice to meet laboratory standards found in Appendix B of this policy.

9.3 Alcohol Testing Procedures

Alcohol testing will be conducted using Evidential Breath Testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). The locations for testing will afford sufficient privacy to the individual being tested to prevent unauthorized persons from seeing or hearing test results unless there is reason to suspect specimen alteration or substitution. All specimens collected for testing must be of sufficient sample volume to allow for initial testing and retesting if required. Mobile collection facilities, which meet the privacy requirements, may be utilized. The testing may be conducted by any individual or entity knowledgeable in operating an EBT including the police or sheriff department, hospital or medical personnel, MRO, laboratory, or other person designated by PMA.

Any screening test with an alcohol concentration less than 0.02 is considered a negative test and no further action will be taken. However, if the alcohol concentration in the screening test is 0.02 or greater, a second or confirmation test will be conducted after a 15-minute waiting period. The confirmation test may be conducted on the same EBT or different EBT.

A confirmation test result with an alcohol concentration of 0.04 or greater is considered a positive test. Where an employee is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, the employee will be removed from his or her position without pay for the remainder of the shift and will be retested before returning to work the next day. If the retest is again between .02 and .04, the employee will be subject to disciplinary action up to and including termination. All test results above .02 will be

reported to the respective Human Resources Department and the PMA Human Resources.

10. PRE-EMPLOYMENT/POST-EMPLOYMENT DRUG TESTING

All applicants considered for employment in certain positions will be required to submit to a urinalysis for illegal drugs detection. This drug test may be conducted as a part of any required post-offer, pre-employment or post-employment physical. An applicant, refusing to complete any part of the drug testing procedure, or testing positive on the drug test, will:

- Not be hired
- Not be eligible to be considered for employment at PMA
- Be eligible when:
 - The applicant shows:
 - Proof of successful completion of a drug rehabilitation program, or
 - Proof that the applicant has otherwise been successfully rehabilitated and the applicant is no longer engaging in illegal drug use. A 6-month period must have passed since the initial positive test.

If already employed, that individual may be subject to termination.

11. POST-ACCIDENT DRUG AND ALCOHOL TESTING

Accidents or occurrences that trigger post-accident drug and alcohol testing under this policy are defined under “Definitions.” Employees involved in an accident or occurrence covered by this policy will be required to submit to post-accident expanded panel drug testing and alcohol testing, if the employee could have caused or contributed to the accident or occurrence. Testing shall be done as soon as possible following the accident and should be done no later than twenty-four hours after the accident. If an employee who is subject to post-accident testing fails to remain readily available for testing, that employee may be deemed by PMA to have refused to submit to substance abuse testing. However, nothing in this policy is intended to require the delay of necessary medical attention for injured people or prohibit an employee subject to post-accident testing from leaving the scene of the accident for a period necessary to obtain assistance or necessary emergency medical care. If the employee is injured, unconscious, or otherwise unable to evidence consent to a substance abuse test, PMA will take all reasonable steps necessary to obtain the testing sample but will ensure that any injury shall be treated first.

Any employee selected for post-accident testing, under this policy will not be allowed to proceed alone to or from the designated collection test site. Because a post-accident drug test will be administered in addition to an alcohol test, after returning from the collection

site an employee will be placed on administrative leave pending the drug test results even if the employee passed the alcohol test.

If the employee fails the alcohol test, the employee shall be immediately removed from his or her position and suspended without pay, pending disciplinary action under this policy. The employee should arrange to be transported home, and the employee should be instructed not to drive any motor vehicle due to the positive alcohol test. If the employee insists on driving, the proper local law enforcement authorities should be notified that an employee, whom PMA believes to be under the influence of alcohol, is leaving PMA, or a DOE's premises driving a motor vehicle.

An employee who fails a post-accident alcohol or drug test will be in violation of this policy. Violation of this policy constitutes grounds for disciplinary action up to and including termination. If the employee is not terminated, the employee is subject to the provisions of Section 7.0, "Substance Abuse Counseling," and the provisions of Section 15.0, "Return-to-Duty, and Follow-up Testing." An employee who refuses to submit to post-accident substance abuse testing shall be immediately removed from his or her position. Refusal to submit to an alcohol or drug test is considered insubordination and constitutes grounds for immediate termination.

Subject to Privacy Act requirements, PMA shall notify DOE of the post-accident/occurrence alcohol and drug testing results for those employees assigned to a DOE project.

12. HAZWOPER BASELINE AND ANNUAL MEDICAL EXAMS

Based on potential safety hazards associated with certain activity, PMA will generally require employees to submit to drug testing during baseline and annual 29 CFR 1910.120, Hazardous Waste Operations, and Emergency Response (HAZWOPER) medical exams. Drug testing during the baseline or annual exams may be conducted in addition to or in lieu of any pre-employment or post-employment drug testing.

13. REASONABLE SUSPICION: DRUG AND ALCOHOL TESTING

Whenever PMA reasonably suspects that an employee's work performance or on-the job behavior may have been affected in any way by alcohol or illegal drugs, or that an employee has otherwise violated this policy, PMA may require the employee to submit to a reasonable suspicion alcohol and/or drug test.

Reasonable suspicion, sufficient to conduct an alcohol or drug test, will be based on:

- A reasonable and articulated belief drawn from particular facts and reasonable inferences from those facts, that the employee is using alcohol or an illegal drug or is otherwise in violation of this policy, which is formed by observation of current or continuing physical, behavioral, or performance indicators of probable alcohol or drug use, or information provided by a reliable or credible source.

Where it is possible, two supervisors, at least one of whom has been trained or is knowledgeable in the detection of the possible symptoms of alcohol or drug use, shall verify, and agree to the decision to test an employee. If it is not possible, the supervisor making the decision to test should be trained or knowledgeable in the detection of possible symptoms of alcohol or drug use.

Suspicion, sufficient to justify alcohol or drug testing, may be based on, but is not limited to, the following:

- A supervisor's direct observation of:
 - Use
 - Possession or
 - Symptoms of alcohol or drug use such as:
 - Impaired motor control
 - Loud or uncontrolled talking or laughter
 - Slurred speech or glassy eyes
 - Unsteady walking
 - Impaired coordination
 - Display of abnormal or erratic behavior or odor
 - Similar conduct, demeanor, or appearance indicative of alcohol or drug use
- Display of violent or threatening behavior
- High rate of tardiness, absenteeism, or other job performance behaviors over a period of time or
- Continued job performance deterioration that has resulted in an event pattern identifiable with alcohol or drug abuse
- Arrest or conviction for a drug-related or alcohol-related offense, or
- Identification as focus of a drug- or alcohol-related criminal investigation into illegal drug possession use, or
- Tracking information that is either provided by a reliable and credible source or is indefinitely corroborated
- Evidence that the employee tampered with or attempted to tamper with a drug or alcohol test
- The urine sample temperature is outside the range of 32.5-37.7 degrees Centigrade or 90.5-99.8 degrees Fahrenheit; or
- A Medical Review Officer's reasonable suspicion, following a return-to-duty examination that the employee may be in violation of this policy.

In determining reasonable suspicion, the supervisor may consider information provided by reliable and credible sources, including the MRO, or information that is corroborated.

When a supervisor observes or is notified of behavior or events that lead the supervisor to believe the employee is in violation of this policy, the supervisor should contact the appropriate Human Resources Department to coordinate the testing and to obtain any other necessary instructions. The employee shall be transported to and from the collection test site. After returning from the collection site, an employee tested for illegal drugs, based on reasonable suspicion, will be placed on administrative leave pending receipt of the drug testing results. The employee should arrange to be transported home and be instructed not to drive any motor vehicle due to the reasonable suspicion that he or she may be under the influence of a drug. If an employee fails an alcohol test administered under this part, the employee will be immediately removed from his or her position and suspended without pay pending disciplinary action under this policy. The employee should be instructed to arrange to be transported home and not to drive any motor vehicle due to the positive alcohol test. If an employee who fails an alcohol test under this part insists on driving, the proper local enforcement authorities should be notified that an employee, whom PMA believes may be under the influence of alcohol, is leaving PMA or a DOE's premises driving a motor vehicle.

An employee who refuses to submit to a reasonable suspicion alcohol or drug test will be immediately removed from his or her position. Refusal to submit to a test is insubordination and constitutes grounds for immediate termination. An employee who tests positive on a reasonable suspicion alcohol or drug test will be in violation of this policy. Violation of this policy constitutes grounds for disciplinary action up to and including termination. If the employee is not terminated, the employee is subject to the provisions of Section 7.0, "Substance Abuse Counseling," and the provisions of Section 15.0, "Return-to-Duty, and Follow-Up Testing."

14. RANDOM DRUG TESTING

Pursuant to 10 CFR 707.7(a)(2), All employees in Testing Designated Positions will be subjected to random drug testing annually at a rate equal to 50% of the covered employees. Employees working in Human Reliability Programs (HRP) will undergo random drug testing at a rate of 100% of the employees each 12 months. The process will be unannounced as well as random. The testing dates' frequency will vary, and be reasonably spread throughout the year. Employees will be selected for drug testing by using a random numbered table or a computer-based random number generator or some equivalent process that is matched with an employee's social security number or other appropriate identification number. Employees will be notified that they have been selected for random testing after they have reported for duty on the day of collection.

PMA shall notify DOE of the initial drug testing results for those employees who have passed and are thereby assigned to a DOE project. Subject to Privacy Act requirements,

PMA shall also provide to DOE semi-annually, a summary of drug testing activity and cases giving rise to a drug or security concern at the project site.

An employee refusing to submit to random drug testing will be immediately removed from his or her position. Refusal to submit to testing is insubordination and constitutes grounds for immediate termination. An employee who tests positive on a random drug test will be in violation of this policy. Violation of this policy constitutes grounds for disciplinary action up to and including termination. If the employee is not terminated, the employee is subject to the provisions of Section 7.0, "Substance Abuse Counseling," and the provisions of Section 15.0, "Return-to-Duty, and Follow-Up Testing."

15. RETURN-TO-DUTY AND FOLLOW-UP TESTING

Return-to-duty and/or follow-up testing are not an option under this policy if PMA terminates an employee who has tested positive, has refused to submit to a test administered under this policy, or who has otherwise violated this policy.

An employee, who has been given the opportunity to undergo counseling or rehabilitation and who is approved to return to work by the substance abuse professional(s), must pass a return-to-duty substance abuse test before the employee will be allowed to return to duty. As a condition of the return to duty, that employee shall be required to submit to reasonable follow-up testing, at a frequency established by PMA. The extent and duration of the follow-up testing will depend upon the nature of the employee's position and the nature and extent of the employee's substance abuse problem, but will continue for at least twelve months after the employee's return-to-duty. PMA will consult with its MRO and/or other substance abuse professionals in determining an appropriate follow-up testing program.

An employee returning to duty will be required to sign a Return-to-Work agreement before returning to work. This agreement will include, among other things, any required follow-up drug and alcohol testing and other conditions pertinent to that employee's continued employment with PMA. Any employee subject to return-to-duty or follow-up testing, who fails an alcohol test or has a confirmed positive drug test result, or who refuses to submit to the return-to-duty or follow-up tests will be in violation of this policy and subject to immediate termination.

A return-to-duty alcohol test required by this Section will be conducted immediately before the employee returns to work, and the employee must have a test result indicating an alcohol concentration of less than 0.02 before returning to duty. A drug test required by this Section will be conducted prior to the employee's returning to work, the results of which must be reported to PMA as negative before the employee will be allowed to return to duty.

16. INSPECTION

PMA, the DOE, and/or a Federal Agency expressly reserve the right, based upon reasonable suspicion of a violation of this policy, to:

- Search an employee's
 - Office
 - Locker
 - Desk
 - Personal effects including those
 - In or on PMA property
 - In or on DOE property
 - Other PMA property in the employee's control
- Such as:
 - Parcels
 - Packages
 - Purses
 - Lunchboxes
 - Briefcases
 - Employee vehicle located on DOE property or parking area

Reasonable suspicion, sufficient to justify a search, through observation or information provided by a reliable or credible source, may be based upon a reasonable belief that:

- Alcohol is being used or Illegal drugs are being:
 - Possessed and/or distributed and/or sold
- Illegal drugs or alcohol are being used while:
 - On Duty
 - Operating PMA, DOE, leased or Government vehicles or equipment on or off said property or job sites
- An employee is otherwise violating this policy

A supervisor in consultation with the respective Human Resources Department should make the decision to search. The supervisor, the respective Human Resources Department, or their respective representatives should conduct the search.

In certain circumstances, an immediate search may be necessary. Generally, an immediate search is necessary where it is likely that the object of the search may be removed, altered, or destroyed before a more thorough evaluation of the situation can be

made. If an immediate search is conducted, the search's purpose should be explained to the affected employee, if the employee is present at the time of the search. In any event, at least two members of supervision or management should be present to observe and conduct the search. Any alcohol, drugs, or paraphernalia, which is discovered, should be marked for identification and turned over to the Human Resources Director.

An employee who refuses to allow a search of his or her personal property or vehicle will be charged with insubordination and will be subject to immediate termination. Searches of PMA or government property under the control of an employee (e.g., offices, desks, filing cabinets, lockers, etc.) are subject to being searched without notice to the employee, once the reasonable suspicion standard has been satisfied.

In addition to the foregoing, PMA reserves the right, where deemed appropriate, to use trained drug-detection dogs and law enforcement personnel to detect illegal drugs or alcohol. Identification of the presence of illegal drugs by the trained dogs will constitute individualized reasonable suspicion to allow PMA, a Government Agency, or the DOE to search any property in accordance with and pursuant to this Section and to request that the employee submit to a reasonable suspicion test.

Possession of open containers (i.e., containers with broken seals, open containers of beer, etc.) of alcoholic beverages or possession of illegal drugs is a violation of this policy and constitutes grounds for immediate termination.

17. CRIMINAL CHARGES AND CONVICTIONS

Any employee, who is criminally charged with or convicted of a drug-related offense or with violating a criminal law related to operating a motor vehicle under the influence of drugs or alcohol, while on duty or off duty, must report the charge or conviction to his or her Human Resources Department and Program Manager. A written report shall be made no later than five days after the individual has been charged with or convicted of such an offense. PMA is required to notify DOE's Human Resources and Manager of Security in writing within ten days of receiving notice of an employee's drug related offense conviction. If an employee, who drives PMA, leased, DOE or government vehicles or equipment, has his or her license suspended, revoked, or canceled because of a criminal offense, or if the employee is otherwise disqualified from driving, due to such an offense, the employee must notify his or her Human Resources Department. This notification shall be made before the end of the business day, following the day notice of the suspension, revocation, cancellation, or the employee received disqualification.

Any employee who is convicted of a drug-related violation occurring in the workplace will immediately be removed from TDP's and will be subject to appropriate personnel action, within 30 days of notice of conviction, up to and including termination. PMA will immediately notify DOE when an individual holding a clearance, in the process of obtaining a clearance or who is in a TDP tests positive for illegal substances or is arrested for and/or convicted of a drug related offense.

Failure to comply with reporting requirements constitutes grounds for disciplinary action up to and including termination. PMA will investigate the circumstances of any charge or conviction and, depending upon the circumstances, such charge or conviction may result in disciplinary action up to and including termination and/or a mandatory referral to substance abuse counseling. PMA must notify the contracting government agency when an employee is convicted of violating a criminal drug statute in the workplace.

Pursuant to the requirements of 10 CFR 707.5(a)(3)(ii), PMA project personnel assigned to DOE projects shall notify PMA if he or she is convicted under a criminal drug statute for a violation occurring on a government site. This notification shall be in writing and within ten days of conviction. In turn, pursuant to 10 CFR 707.5(a)(3)(ii) requirements, PMA shall provide written notification to DOE within ten calendar days after receiving notice of conviction from the employee or otherwise receiving notice of employee's conviction of a drug-related offense.

18. PRESCRIPTION DRUG USE

PMA recognizes prescription drugs use under the appropriate health professionals supervision is protected under the Americans with Disabilities Act. However, employees' legal use of certain prescription drugs may cause impairment and create dangerous situations in the workplace. All employees are directed to advise their prescribing physician of the nature of their job duties before taking prescribed medication, which may prevent them from performing their jobs in a safe manner. Employees who are required to take prescription drugs, which may cause impairment, must strictly conform to the limits prescribed by a licensed medical practitioner familiar with the employee's medical history and assigned job duties. Failure to do so, e.g., by taking drugs without a prescription, or in amounts greater than or more frequently than prescribed, or otherwise in violation of the foregoing requirements is a violation of this policy.

If the employee's personal or prescribing physician determines that working while taking the medication will create a safety risk, the employee is directed to:

- Advise his or her supervisor of any safety risks, so accommodations can be made and assignments or steps taken to eliminate the risks, or
- Notify his or her supervisor and receive permission not to report to work while taking any required medication, which prevents the employee from performing his assigned duties in a safe manner.

Any violation of the foregoing requirements will lead to disciplinary action up to and including termination. This disclosure's purpose is to assist the MRO in determining whether such prescription or non-prescription drug use is the source of any positive test results. An employee should consult with the MRO for technical information regarding prescription or nonprescription medication. Any prescription drug use records in the

MRO's possession will be maintained in a confidential manner and disclosed to PMA only to the extent necessary to address any work-related safety risks.

19. RECORD RETENTION

PMA will maintain for at least five years records relative to its drug and alcohol prevention and testing program. Information regarding an individual's testing results is confidential and will be released by PMA only upon the individual employee's written consent, except that such information will be released, regardless of consent, to proper governmental authorities or in the case of administrative action or a civil action filed in state or federal court. PMA management and supervisory personnel with a "need to know" will be informed of test results and other pertinent information.

Statistical data related to drug and alcohol testing and rehabilitation -- without identifying individuals' names and with all personal identifiers removed -- may be made available to proper governmental authorities upon request. All records retained under this Policy will be maintained in a secure and confidential manner separate and apart from the employee's general personnel file.

The laboratory shall retain for at least five years records relating to positive drug test results, and shall retain for at least six months a frozen sample of all positive specimens.

20. SUBCONTRACTOR PROGRAM EVALUATION

PMA will review each subcontractor's written Workplace Substance Abuse Program Policy ("Subcontractor Policy") within 30 days of subcontractor's start on the project to ensure compliance to the elements of 10 CFR Part 707. The review will ensure that the written Subcontractor Policy includes the baseline elements as outlined in 10 CFR 707. PMA will evaluate each subcontractor's program to ascertain effectiveness and compliance within six months of contract startup and annually thereafter.

21. REFERENCES

- Department of Health and Human Services: "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 53 Federal Regulation 11979, April 11, 1988 as amended ("DHHS Guidelines")
- Department of Health and Human Services (DHHS) Publication No. 88-1526 (ADM), Medical Review Officer Manual
- Drug-Free Workplace Act of 1988, Government Printing Office (GPO) November 18, 1988
- Title 48--*Federal Acquisition Regulations System*, Code of Federal Regulations (CFR) Chapter 1--*Federal Acquisition Regulation*
- Enzyme multiplied-immunoassay technique (EMIT) or Immunoassay (IA) screen manufacturer's manual

- Gas chromatography/mass spectrometry (GC/MS) techniques manufacturer's manual
- Title 10--*Energy Code of Federal Regulations (CFR) Chapter III--Department of Energy, Part 707--Workplace Substance Abuse Programs at DOE Sites; Part 710 Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material; Personnel Security Assurance Program (PSAP); Personal Assurance Program (PAP)*
- Title 21--*Food and Drugs, Code of Federal Regulations (CFR) Chapter II--Drug Enforcement Administration, Department of Justice Part 1302--Labeling and Packaging Requirements for Controlled Substances; Schedule I or II of the Controlled Substance Act*
- Title 21 - *Food and Drugs Code of Federal Regulations (CFR) Chapter 13 - Drug Abuse Prevention and Control Subchapter I - Control and Enforcement Part B - Authority to Control; Standards and Schedules Section 811 Authority and Criteria for Classification of Substances; .812. - Schedules of Controlled Substances*
- Title 29 - *Labor Chapter 28 - Family and Medical Leave Act (FMLA), 29 United States Code (U.S.C.) § 2611 et seq.*
- Title 48-- *Federal Acquisition Regulations System, Code of Federal Regulations (CFR) Chapter 2--Department of Defense, Part 223--Environment, Conservation, Occupational Safety, and Drug-Free Workplace; Part 252.223, 252.223-7004 Drug-free Work Force*
- Title 49--*Transportation Code of Federal Regulations (CFR) Subtitle B--Other Regulations Relating to Transportation Chapter III--Federal Motor Carrier Safety Administration, Department of Transportation Part 382 - Controlled Substances and Alcohol Use and Testing*
- TITLE 72 WORKER'S COMPENSATION AND RELATED LAWS, Worker's Compensation
- Ohio Code §4123-17-58 Drug Free Safety Program



APPENDIX A, TESTING DESIGNATED POSITIONS

Testing-Designated Positions (TDPs) – Positions subject to specific drug and alcohol testing requirements, in addition to the normal requirements of this Plan. Such positions are defined in 10 CFR 707.7(b), but additional positions may be designated by PMA management if they involve duties where failure of an employee to adequately execute his or her responsibilities could significantly harm the environment, public health or safety or national security. The TDPs and estimated number of individuals in those positions, using the definitions in 10 CFR 707, include:

Positions Subject to Random Testing	Estimated Number of PMA Positions
Human Reliability Program	TBD
National Security*	190
Safety and Health and other critical/sensitive positions	TBD

*PMA employees who hold a DOE L or Q Security Clearance

There are no positions subject to additional testing requirements imposed by other federal agencies.

APPENDIX B, Substance Abuse Testing

Drug or Class of Drug	Initial Screen Cutoff	Confirmatory Screen Cutoff
Marijuana	50 ng/mL	15 ng/mL
Cocaine	150 ng/mL	100 ng/mL
Opiates	300 ng/mL	300 ng/mL
6-Aceylmorphine	10 ng/mL	10 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Amphetamines	500 ng/mL	250 ng/mL
Methylenedioxyamphetamine (MDA)	500 ng/mL	250 ng/mL
Methylenedioxyamphetamine (MDEA)	500 ng/mL	250 ng/mL
Methylenedioxyamphetamine (MDMA)	500 ng/mL	250 ng/mL
Methamphetamine	500 ng/mL	250 ng/mL
Oxycodone	100 ng/mL	50 ng/mL
Barbiturates	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	200 ng/mL
Methadone	300 ng/mL	200 ng/mL
Meperidine <i>(Optional)</i>	300 ng/mL	200 ng/mL
Tramadol <i>(Optional)</i>	200 ng/mL	200 ng/mL
Alcohol	Initial Screen Cutoff	Confirmatory Screen Cutoff
Alcohol	0.02 BAT	0.02 BAT



APPENDIX C, Schedule One

Specimen collection is conducted by Southern Ohio Medical Center in Portsmouth, OH, except for pre-employment tests where the candidate lives outside the Portsmouth, OH area. Collections outside the Portsmouth, OH area are handled by local occupational health facilities through the use of LabCorp.

The MRO is established through Southern Ohio Medical Center. Samples are shipped to Clinical Reference Laboratory for analysis.

Southern Ohio Medical Center
1805 27th St.
Portsmouth, OH 45662



APPENDIX D, Employee Notification of Workplace Substance Abuse Program



DRUG/ALCOHOL TESTING

As a condition of employment with Portsmouth Mission Alliance, LLC, I understand that a urine specimen of at least 40 ml. shall be provided for drug examination as part of Portsmouth Mission Alliance, LLC's drug- testing program. I further understand that I may be subject to random drug testing as part of the drug-testing program.

Additionally, I understand that I may be subject to alcohol testing or drug-testing if the Company has reason to suspect that I am coming to work under the influence of alcohol, illegal drugs, or controlled substances, and may be required to undergo testing for their presence.

Testing for the presence of alcohol may require either a Breath Alcohol Test (Breathalyzer Test) or, at the request of the employee, a Blood Alcohol Test.

My failure to comply with the Policy shall be grounds for Portsmouth Mission Alliance, LLC to consider me unsuitable for employment and/or duty status. I further understand that refusal and/or inability to provide necessary urine, breath, or blood specimen on a timely basis or as requested, regardless of the reason or excuse, shall also constitute grounds for a finding of unsuitability for duty and I may be subject to disciplinary action up to and including termination.

Printed Name of Employee

Employee Signature

Date

Human Resources/Witness

Date