	<b>FITNESS FOR DUTY / DRUG &amp; ALCOHOL SUBSTANCE ABUSE</b>	Document No.:	HSE-OP-044
		Department:	Operations
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## **Purpose**

The purpose of this Drug and Alcohol Substance Abuse and Fit for Duty Policy is to define substance abuse, outline the testing procedures, state the protocol for searches and inspections, and address Trinity's policies on illegal drug use and alcohol use on any and all company worksites.

## **Scope**

This policy applies to all employees of Trinity. Trinity further requires all employees to report any known violations of this policy or drug convictions by co-workers.

## **Responsibilities**

The Operations Manager is responsible for the administration, interpretation, and maintenance of this document to keep it current with business conditions.

Trinity Supervisors at all sites are responsible for the implementation and enforcement of this document.


## **Policy**

This document covers Trinity's commitment to maintain a safe and healthy workplace free from illegal drug use and the misuse of alcohol. The intent of this policy to comply with all applicable drug and alcohol related rules, laws and regulations relating to maintaining a workplace free from the use of drugs and alcohol.

Trinity has a vital interest in maintaining a safe, healthful and productive work environment for our employees and others on Company property. Pre-employment physicals will be included in the hiring process, and also when changing into certain job functions and different work environments.

Being under the influence of an illegal drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, manufacture, purchase, transfer, concealment, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol pose unacceptable risks for safe, healthful, and efficient operations.

Trinity recognizes its own health is dependent upon the physical and psychological health of its employees. It is the right, obligation and intent of the Company to maintain a safe, healthful and efficient workplace for all of its employees and to protect their property, equipment, operations, and reputation. Therefore, locations will train employees specific to their assigned tasks. Examples might be welding, instrumentation, scaffold building, or equipment operation.

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Safe work policies and procedures, such as permitting, LOTO, and Electrical Safety, are in place and employees are required to comply with all safety policies and procedures as a condition of employment. Employees' activities and behaviors will be monitored to determine if employees are fit for duty or should be removed from the work site.

Employees are responsible for ensuring they are physically and mentally fit to perform their job safely. Employees must take responsibility for their own safety, as well as not reporting to work in a condition endangering the safety of their fellow workers. Employees are responsible for notifying their supervisor if they are fatigued to the point of not being able to perform their duties safely.

Trinity further recognizes contractual obligations to its clients for the provision of services free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide such drug-free services. Employees' cooperation with and consent to Company and client testing, searches and inspections are a condition of employment. Violation of Trinity and/or client policy, including refusal to test, search and inspection may result in removal from Trinity/client property and disciplinary action, up to and including discharge.

## Definitions

For the purpose of this policy, the term:

**"Contractor Personnel"** means any contractor's employees, agents, subcontractors, or subcontractors' employees working on Company or customer's property


**"Company Property"** means all real or tangible personal property, including facilities and surrounding areas, parking lots, storage areas, buildings, owned or leased vehicles, products and equipment wherever located either owned, leased or controlled by the Company. It also includes the premises where the Company performs contract services.

**"Prohibited Substances"** means illicit or non-prescribed drugs and controlled substances; mood or mind altering substances; prescribed drugs used in a manner inconsistent with the prescription, or alcoholic beverages.

**"Under the Influence"** means the presence of a prohibited substance, or metabolites in body fluids, which is above commonly, accepted cut-off levels established, or other commonly accepted cut-off levels and/or the presence of a prohibited substance affecting an individual in any detectable manner.

**"Legal Drug"** means any prescribed drug or over-the-counter drug, which has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

**"Illegal Drug"** means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being

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used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances (i.e., marijuana and hashish), cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

**"Alcohol"** means any beverage containing ethyl alcohol (ethanol), including, but not limited to beer, wine, and distilled spirits.

**"Possession"** is meant to also include the presence in the body system of any detectable amount of an illegal drug.

**"Biological Testing"** means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting an illegal drug or alcohol.

**"For Cause Situation"** is any situation in which an employee's job performance is in conflict with established job standards relating to safety and efficiency. The term includes accidents, near accidents, erratic conduct suggestive of illegal drug or alcohol use, any unsafe performance behaviors, and unexplained deviations from productivity.

**"Reasonable Suspicion"** means a belief based on objective facts sufficient to lead a prudent person to conclude a particular person performed a particular act.


**"Random Testing"** means a testing process in which selection for testing is made by a method employing objective, neutral criteria which ensures every person subject to testing has a substantially equal statistical chance of being selected. The method does not permit subjective factors to play a role in selection.

**"Safety Sensitive"** means high exposure to catastrophic operational incident and has access to operations where failure could result in serious harm to public or employee well being, Company assets or the environment.

**"Tests Positive on an Alcohol Screen"** means at a level of .02% or greater and confirming at a level of .02% or greater for Department of Transportation (DOT), USCG, FHWA, and RSPA regulated individuals and below the level set forth by applicable law for Non-DOT regulated individuals.

## Applicants

All applicants for employment will be subject to drug and alcohol testing for pre-employment, post-accident, or random as prescribed by the location, host facility or DOT. The employment process will be terminated if evidence of the use of illegal drugs or alcohol by an applicant is discovered, either through biological testing or other means, or if the applicant refuses to be tested.

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## **Refusal to Submit to Testing**

The Federal Motor Carrier Safety Regulations state a employee will not refuse to submit to a post-accident test, reasonable suspicion test, random selection test, or follow-up test.

Trinity will not permit a driver or other employee who refuses to submit to a required test to perform or continue to perform safety-sensitive functions. Trinity will regard any employee's refusal to submit as a positive test result. Refusal to submit is as follows:

- Failing to provide adequate breath for alcohol testing without a valid medical explanation.
- Failure to provide adequate urine for drug testing without a valid medical explanation.
- Refusing to complete the second section of the breath alcohol testing form.
- Not reporting to the assigned collection site within the prescribed time after notification.
- Engaging in conduct clearly obstructing the testing process, such as attempting to submit a urine sample other than theirs.

## **Supervisor's Responsibility**


Employees and contractors are never permitted to be under the influence of prohibited substances while on any Trinity work site. Supervisors and Managers are required to observe and monitor the performance and behavior of all employees. If an employee's actions are suspicious, the Supervisor or Manager must address these concerns and determine if the employee should be tested.

If an employee is requested to perform any job duties and is under the influences of any prohibited substance, legal or illegal, it is the employee's responsibility to communicate this to their Supervisor, Manager or person(s) requesting them to perform job duties while under the influence.

## **Legal Drugs**

It is the responsibility of every employee at work to be free of the influence of any impairing substances, including legal drugs. Employees must notify their Supervisor they will be in possession of or using impairment-causing prescription drugs or over-the-counter medication. Appropriate steps will be taken to accommodate the possibility of impairment, including but not limited to, removal from work for the period of possible impairment.

Employees who must take prescription drugs at work must keep all prescribed medicines in their original containers identifying the drug, the date of the prescription and the prescribing physician. Similarly, employees who must take over-the-counter medication while on duty must keep the medication in its original packaging which sets forth dosage information and side effects.

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At all times the Company reserves the right to judge the effect a legal drug may have upon work performance and to restrict the using employee's work activity or presence at the workplace accordingly.

