

## **POLICY**

Hawk Energy, LLC has established this drug and alcohol policy to protect its employees from the hazards created by the use of alcohol and illegal drugs in the workplace.

In accordance with the [Drug-Free Workplace Act](#), which was enacted by The Department of Labor (DOL) in 1988, Hawk Energy, LLC prohibits the unlawful cultivation, manufacturing, dispensing, distribution, possession, use or sale of illicit drugs and the abuse of alcohol in the workplace.

David Slim is responsible for implementing and ensuring that the requirements of this policy are followed.

## **RESPONSIBILITIES**

### **Employer**

- Develop, implement and enforce a written drug and alcohol policy with clear expectations and the disciplinary actions if those expectations are not met
- Develop a system to protect the confidentiality of employees and their testing records
- Provide adequate drug and alcohol awareness training
- Offer an employee assistance program (EAP) that provides employees substance abuse counseling and/or treatment
- Communicate the importance of confidentiality to management and employees and the expectations they are required to follow
- Maintain an ongoing effort for a drug-free workplace

### **Employee**

- Comply with all aspects of the policy regarding testing and follow-up actions
- Attend all Company provided training
- Report all observed or suspected occurrences of substance abuse to the Company immediately
- Disclose any conviction for a drug-related offense in the workplace within five (5) days after such conviction

## **SAFE PRACTICES**

### **Affected Employees**

All employees, full time, or part time will be subject to a drug and alcohol test randomly, for reasonable cause or suspicion, or post incident.

Employees holding safety sensitive positions will be subject to regularly scheduled drug and alcohol testing, these positions include employees that:

- Operate heavy machinery or Company transportation
- Handle hazardous chemicals
- Responsible for Company financial activities
- Hold a supervisory position

## **Drug and Alcohol Testing Parameters**

Hawk Energy, LLC will designate a trained qualified Medical Review Officer (MRO) to review all test results and make recommendations to the Company.

Samples may be collected by saliva, hair samples, or breathalyzer and will be tested by a U.S. Department of Health and Human Services (DHHS) certified laboratory under the National Laboratory Certification Program (NLCP). The following substance categories may be tested for:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines
- Benzodiazepines
- Barbiturates
- Methadone
- Propoxyphene
- Quaaludes

Hawk Energy, LLC may require testing in any of the following situations:

- Pre-employment and post offer
- Reasonable Cause/Suspicion
- Post-incident
- Randomly
- Annual physicals

## **Pre-Employment and Post-Offer Testing**

Potential hires are subject to a drug and alcohol test before employment and all individuals will be tested before their initial assignment. Testing will be scheduled during the hiring process and conducted by a third-party laboratory in a location that ensures a timely receipt of the results.

Any offer of employment will be deemed conditional upon the potential hire having a negative test result, all test results will be reported by the designated medical records officer (MRO).

## **Reasonable Cause/Suspicion Testing**

Employees observed showing behaviors that a competent employees or Company official determine as reasonable cause or suspicion they are performing work under the influence, will be required to submit a drug and alcohol test.

Testing will be conducted promptly at a designated sample collection site after the suspected employee is removed from duty. The employee under suspicion will not be allowed to drive themselves to the collection site (or elsewhere) and will be provided transportation. If testing at a collection site is not feasible, a qualified technician may be brought to the worksite to conduct the testing.

## **Post-Incident Testing Procedures**

Employees involved in any type of work-related incident or accident will submit a drug and alcohol test to determine whether drugs were a factor in the incident. Testing will be conducted if drug or alcohol use was likely the cause of the incident and any employee whose behavior may have had an impact on it. Employees will not return to work until the test results have been received.

## **Random Testing Procedures**

Hawk Energy, LLC may conduct a random drug and alcohol test on a monthly, quarterly, or annual basis depending on its needs. Employees will be selected using a computer based random number generator that is matched with an employee's social security number or employee ID number. This will result in an unbiased and equal probability for any employee from the entire selection to be tested. Regardless of any previous selections, all employees will be subject for selection each time.

Random testing will be unannounced and employees selected will be notified the day of collection after they have reported for duty. Testing will be conducted immediately, but no later than 24 hours after being notified.

Specimen collection will be conducted on different days of the week throughout each test cycle to prevent employees from matching their drug-use patterns to the schedule for collection.

## **Positive Results**

Employees with positive test results will be viewed as a violation of Company policy and will be subject to disciplinary action. Other drug-related activity such as possession or sale or attempting to cheat testing will also be viewed as violation of Company policy.

A substance abuse assessment will be provided to employees following a positive result or for those who voluntarily seek assistance for a substance abuse issue. Employees with a positive test result may be subject to disciplinary action such as suspension or termination.

## **Returning to Work**

Employees returning to work after completing any mandated treatments following a policy violation, may be subject to a return-to-duty process or an unannounced testing program.

Employees will sign a return-to-work agreement that defines any required expectations Hawk Energy, LLC and the employee assistance or medical professional involved may have for that employee. The agreement will also state any consequences if those expectations are not achieved.

## **EAP**

Hawk Energy, LLC will provide employees who have drug and alcohol abuse issues with options for an EAP. This may include a program that is internal or through an outside source that is management-sponsored or peer-assisted and provided by a union.

**NOTE:** Employees may have special protections under the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 or the Family and Medical Leave Act of 1993.

## **Notification**

Before a testing program being implemented, Hawk Energy, LLC will post notices throughout the workplace and notify employees in writing 30-60 days before the program goes into effect. Programs will be available to all employees upon request.

## **Confidentiality**

Hawk Energy, LLC will maintain employee medical and testing records in accordance with Health Insurance Portability and Accountability Act (HIPAA) requirements to assure the confidentiality.

Confidentiality is a crucial component of a drug-free workplace. If employees feel that their privacy is not protected, they may be reluctant to seek help.

## **State, Local and Jurisdictional Regulations**

Many states and municipalities have specific drug-free workplace regulations that define when and how employees can be tested for illegal drugs. Always check with your state or local government to identify these requirements and obtain any other regulations or assistance regarding drug-free workplace programs.

Drug and alcohol testing cutoff levels will meet or exceed the jurisdictional regulations in which the testing is taken place.

## **Medicinal/Recreational Marijuana**

Marijuana use, medical or recreational, can potentially impact workplace safety and the performance of the user by impairing the cognitive and physiological functions for long periods of time. Hawk Energy, LLC prohibits employees from being under the influence or impaired due to any drug or alcohol during working hours. Employees will notify management of any prescribed drug before the start of the workday.

As many states have legalized marijuana for medicinal purposes, it remains illegal under federal law.

## **Client/Host Requirements**

Employees that receive an unacceptable test result will be prohibited from working on a client/host facility.

# **TRAINING**

## **Employee Training**

Hawk Energy, LLC ensures the substance abuse prevention director and EAP administrator will provide all employees with ongoing awareness training and adequate education on drug and alcohol use in the workplace. New-employee training will include the following:

- Company policies and procedures
- Importance of a drugfree workplace
- Effects of drug and alcohol
- Recognizing and reporting suspicious behavior
- Types of testing and the requirements
- Consequences of unacceptable results or refusal
- Seeking help and assistance programs

### **Supervisor Training**

Supervisors will receive additional training that has been developed and implemented by the general manager and/or the substance abuse program director. This training program will include at least 60 minutes of training on the use of controlled substances and consist of the following topics in addition to ones covered in employee training:

- Supervisory responsibilities
- Recognizing signs and symptoms drug and alcohol use
- Determining reasonable suspicion
- Procedures for intervention
- Actions to take for unacceptable test results or refusals
- EAP and ways to assist employees seeking help

### **Training records**

Training records will be documented, maintained for at minimum three (3) years and made available to employees upon request. Documentation for each training program will include the date and time training was conducted, name of the instructor and any other applicable information or signatures.



