

DRUGS AND ALCOHOL IN THE WORKPLACE



Purpose -

The Company is committed to providing and maintaining a safe and productive work environment, free from the adverse effects of drugs and alcohol. Employees who come to work after using or while impaired by drugs or alcohol can be a safety hazard to themselves and others, as they may make errors that can be life-threatening to themselves as well as to their co-workers. This policy applies to all employees and applicants for employment with the Company.

Employee Assistance Program -

The Company encourages any employee with a drug or alcohol dependency problem to seek professional assistance before the problem leads to an incident requiring disciplinary action. The Company encourages an employee's voluntary participation in a drug or alcohol rehabilitation program and will provide assistance with expenses of the program to the extent allowable under the benefit plan for salaried employees. Employees who need assistance in locating such a program should contact the REACH Employee Assistance Program ("EAP") at 1-800-788-7322.

Definitions -

Illegal Controlled Substances are drugs which are not legally obtainable and drugs which are legally obtainable but have been obtained illegally or are misused.

Reasonable Cause is a reasonable good faith objective suspicion on the part of management that an employee has used drugs or alcohol prior to reporting to work or is impaired by drugs or alcohol. Reasonable Cause can be based upon an employee's performance, appearance or conduct, including but not limited to any of the following:

- a. Odor of alcohol or other intoxicant about the employee or on the employee's breath;
- b. Abnormally impaired speech, stumbling, weaving, or other loss of motor coordination;



- c. Unexplained animated signs of intoxication or influence of drugs on the part of the employee;
- d. Other discernible signs of intoxication or influence of drugs on the part of the employee;
- e. Possession of alcohol, drugs or associated paraphernalia;
- f. An employee's apparent lack of judgment, inattentiveness or specific unsafe act that substantially contributes to the cause of an accident.

Policy Statement -

1. Employees are required to report to work in a mental and physical condition that allows them to work safely and productively. Employees are prohibited from working on Company property, operating Company equipment, or coming onto Company property at any time after using or while impaired by drugs or alcohol.
2. The use of drugs obtained by prescription in a manner approved by the prescribing physician is permitted, as long as the usage does not impair safe and productive job performance or the ability to exercise sound judgment. An employee undergoing prescribed medical treatment with any drug or controlled substance that impairs his or her ability to work safely must immediately report this to his or her supervisor.
3. The use, consumption, manufacture, possession, sale, distribution, or transfer of alcohol, mind or behavior altering substances, Illegal Controlled Substances, the possession of associated paraphernalia, or the misuse of prescription drugs by an employee while on Company property is strictly prohibited.

Testing -

The Company requires drug and alcohol tests in the following circumstances:

- a. before an individual is hired;
- b. when an employee returns to work from an absence of more than six calendar months;
- c. when there is Reasonable Cause to believe an employee is at work after using or while impaired by drugs or alcohol;

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- d. random testing will be conducted where permissible by applicable law;
- e. when testing is required under Department of Transportation (“DOT”) policies.

Searches -

An employee’s person and personal property on Company premises shall be searched if there is Reasonable Cause to believe that the policy has been violated and such property may contain prohibited substances or associated paraphernalia. Searches will be conducted according to Title 36 Series 22 of the administrative regulations for the Board of Coal Mine Health and Safety.

Any evidence that is found will be seized. If the substance seized is believed to be an Illegal Controlled Substance, law enforcement authorities will be contacted and arrangements will be made to transfer the suspected Illegal Controlled Substance to law enforcement authorities.

Confidentiality –

Confidentiality of the results of drug and alcohol tests will be maintained by the Company except as part of a disciplinary procedure, as required or permitted by law, or when disclosure is otherwise allowed by a release signed by the employee.

Disciplinary Action -

Employees who are tested and whose drug or alcohol confirmation levels meet or exceed established cut-off levels will be subject to disciplinary action up to and including discharge. This includes employees being tested under DOT policies.

Violation of any of the situations outlined below will also result in disciplinary action up to and including discharge:

- a) the use, consumption, manufacture, possession, sale, distribution, or transfer of alcohol, mind or behavior altering substances, Illegal

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- Controlled Substances, or possession of associated paraphernalia while on Company property; or
- b) the use of drugs obtained by a prescription in a manner not approved by the prescribing physician; or
 - c) the use of masking agents or adulterants; or
 - d) refusal to take a drug or alcohol test, refusal to consent to a search, refusal to sign an authorization for release of test results to the Company, attempts to delay the testing process; or
 - e) conviction of a drug-related crime, which occurs in the workplace.

An applicant for employment will not be hired if he/she refuses to take or fails to pass a drug and/or alcohol test.

Questions -

Please contact your local Human Resources representative if you have any questions regarding this policy.