

SUBSTANCE ABUSE POLICY AND DRUG FREE PROGRAM

Clayco, Inc. ("Clayco") requires compliance with the standards of the Drug Free Workplace Act of 1988, as well as other applicable laws, established policies, rules and regulations. Clayco has developed, implemented and has overall responsibility for a Substance Abuse Policy and a Drug Free Program, collectively known as the "Policy," outlined herein.

DEFINITIONS & TERMS USED IN THE ADMINISTRATION OF THE POLICY

Active Status - Eligibility for employment without having to take another Substance Test.

Adulterated Test Result – The specimen is tainted with a foreign contaminant to prevent the detection of an illegal drug or controlled substance. This result is considered an administrative positive and has the same consequences as a Positive Test Result.

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Breath Alcohol Technician – A person trained to proficiency and certified in the use of Evidential Breath Testing device (EBT) in a DOT course.

Communicator – A Clayco representative(s) designated to receive information concerning Substance Testing and test results.

Clayco Premises – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of Clayco, and any job site to which Clayco assigns an Employee.

Diluted Test Result – The specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl.

Employee – A person employed by Clayco.

Illegal/Unauthorized Drug –

1. Any drug that is illegal.
2. Use of a controlled substance or a prescription drug by an Individual other than the person for whom it was prescribed.
3. Abuse of a controlled substance or a prescribed drug by the Individual for whom it was prescribed, including usage in excess of that prescribed amount and/or being used for non-prescribed purposes.

Inactive Status - Ineligibility for employment as a result of missing a test (without fault) or as a result of receiving a Diluted Test Result or an Unsuitable Test Result.

Individual – An Applicant who has been offered and has accepted employment with the Company, Employee or a Terminated Employee.

Legal Drugs – Any prescribed or over-the-counter drug, which has been legally prescribed and/or obtained and is being used for the purpose for which it was prescribed and manufactured.

Mandated Testing - Any Employee for whom Substance Testing is mandated under a Federal Substance Testing Program will remain subject to such requirements as well as the requirements of the Policy. This applies to Substance Tests mandated by any applicable state or local authority, as required by an owner/customer, or pursuant to any other binding contract.

Medical Review Officer (MRO) – A licensed physician, certified by the American Association of Medical Review Officers, who has knowledge of substance abuse disorders and has received the appropriate medical training to interpret and evaluate Non-Negative Test Results. The MRO has responsibility for the following aspects of the Policy:

1. Reviews chain-of-custody forms to ensure adherence to proper SAMHSA protocols.
2. Notifies and discusses results with Individuals.
3. Reviews information and documentation provided by Individuals pertaining to results.
4. Confirms test results.

Negative Test Result – A result, as detected by a laboratory, with an alcohol level below .04 BAC and/or Illegal/Unauthorized Drug levels below that described in the Policy.

Non-Negative Test Result – A result, as detected by a laboratory, with an alcohol level of .04 BAC and above and/or an Illegal/Unauthorized Drug levels above that described in the Policy.

Pending Status - Eligibility not determined as Substance Test results have not been received from the MRO.

Positive Test Result – A result, as detected by a laboratory, with an alcohol level at .04 BAC or above and/or Illegal/Unauthorized Drug levels above that described in the Policy which has been confirmed by an MRO.

Possession – Actual or constructive care, custody, control or immediate access to Illegal/Unauthorized Drugs.

Post-Accident/Incident Testing - An Employee will be subject to Substance Testing after having been involved in, or after causing, an incident/accident, which caused or could have caused personal injury or damage to equipment or property.

Pre-Hire Testing/Pre-Assignment - Substance Testing is required of all Applicants prior to the beginning of employment. A Positive Test Result may cause the revocation of a job offer. If an Applicant begins work before a Substance Test is administered, his or her employment will remain subject to receiving a Negative Test Result. Employees assigned to a project are subject to the Substance Testing requirements of that project and/or the owner/customer.

Probationary Status/Follow-up Testing - Individuals, who have received Positive Test Results, who complete the reinstatement requirements of the Policy and are subsequently employed by Clayco will be subject to random Substance Testing for a period of up to sixty (60) months at Clayco's discretion.

Prohibited Substance –

1. Illegal/Unauthorized Drugs, “look-alike,” designer and synthetic drugs and mood or mind altering substances.
2. Alcohol used while working and/or on Clayco Premises when outside of an office function.

Random Status - Selected for a random Substance Test.

Random Testing - Random Substance Testing will occur if required by applicable law, owner/customer requirements or by any binding contract and will follow the policies and procedures of the applicable requirements. If no random test selection requirements are specified in the requirements, Clayco’s general policy will be to use a computer generated numerical program. Unless otherwise required by the foregoing, random testing will only apply to temporary and/or seasonal employees and to Individuals who have completed reinstatement requirements and are subsequently employed by Clayco. Temporary and/or seasonal employees are those employees hired to work on a special assignment with the specific understanding that their work is on a temporary basis.

Reasonable Suspicion Testing - An Employee will be subject Substance Testing when, in the judgment of management, it is determined that the Employee may be Under the Influence.

Reinstate Status - Ineligibility for Active Status until reinstatement requirements are completed.

Retest - An Individual receiving a Positive Test Result will have the right to request that his or her **original sample** be retested by a SAMHSA certified laboratory of his or her choice. The request must be submitted in writing to the MRO and postmarked within two (2) business days (M-F) of the notification of a Positive Test Result.

Return to Work, Post-Treatment, and Rehabilitation Testing - Terminated Employees will be required to successfully pass a Substance Test upon release from an approved rehabilitation and/or assessment program prior being returned to Active Status. The cost of such testing will be borne by the Individual, unless otherwise provided by law or binding contract.

Substance Abuse Professional (SAP) – A licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance, and recommendations to Employees who have a drug and/or alcohol problem.

Substance Test and/or Substance Testing – Drug and alcohol analysis.

Terminated Employee – An Employee that has been suspended or terminated from his or her employment as a result of a Positive Test Result.

Third Party Administrator (TPA) – An independent third party professional organization responsible for the following aspects of the Policy:

1. Selects and utilizes the services of a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
2. Selects a MRO.
3. Provides chain-of-custody forms, test kits, and collection locations that utilize SAMHSA procedures to ensure compliance with custody and confidentiality controls.

4. Maintains appropriate systems, databases, records, and administrative procedures to provide accurate and timely information.
5. Performs random selections by use of a computer generated numerical software program.
6. Notifies the Communicator when Employees are selected for Substance Testing.
7. Provides Non-Negative Test Results to the MRO for confirmation.
8. Notifies the Communicator of a Non-Negative Test Result being provided to the MRO.
9. Notifies the Communicator of all MRO confirmed results.
10. Ensures compliance with follow-up and reinstatement procedures.
11. Ensures that the Policy complies with applicable federal, state and local laws and regulations.
12. Maintains hard copy Negative Test Results for one (1) year and Positive Test Results and rehabilitation records for five (5) years.

Under the Influence – The presence of a Prohibited Substance in body fluids or breath that affects the Employee in any detectable manner and refers to a breath alcohol content of .04 or greater.

Unsuitable Test Result – A result, as detected by a laboratory, which contains a foreign contaminant to mask Illegal/Unauthorized Drugs but the levels are not in the range to legally determine if the specimen is adulterated.

Worker Status - Compliance or non-compliance with the Policy.

The following are strictly prohibited:

1. Working, reporting to work, being on Clayco Premises and/or operating a Clayco owned, leased or rented vehicle or piece of equipment while Under the Influence.
2. Possession and use of Prohibited Substances on Clayco Premises.
3. The unlawful manufacture, distribution, transfer, storage, concealment, transportation, promotion or sale of Illegal/Unauthorized Drugs.
4. Failure or refusal to sign Notice of Policy and Consent to be tested.
5. Failure to report as directed for Substance Testing and/or otherwise refusal to be tested (will carry the same consequences as a Positive Test Result).
6. Switching, adulterating, or attempting to tamper with any specimen submitted or otherwise interfering or attempting to interfere with the Substance Testing process.
7. Failure to contact the MRO as directed.
 - After a Non-Negative Test Result by the laboratory, it is necessary for the MRO to speak with the Individual.
 - An Individual who fails to contact the MRO within 2 days of his or her notification will be treated as if he or she refused to take a Substance Test.
8. A Positive Test Result.

To ensure compliance with the Policy, Clayco requires Pre-Hire Testing/Pre-Assignment. Clayco also reserves the right to conduct Random Testing, Reasonable Suspicion Testing, Post-Accident/Incident Testing, Return to Work, Post-Treatment, and Rehabilitation Testing, Probationary Status/Follow-up Testing, Mandated Testing and Retests.

Should an Employee be convicted of a drug-related crime that occurred in the workplace, he or she must notify Clayco within 5 days of the conviction.

An Employee who violates the foregoing or who is disqualified from employment or who is convicted as referenced above will be subject to discipline, up to and including termination. Furthermore, such Employees may be required to participate in an approved counseling or rehabilitation program.

Clayco reserves the right to search and inspect work areas, Employees' personal vehicles, Employees' personal property and Clayco property while on Clayco Premises. Desks, storage areas, lockers, etc. on Clayco Premises and Clayco owned, leased, or rented vehicles and other equipment are Clayco property. All Employees are expected to consent to such searches as a condition of continued employment. Refusal to permit such a search is grounds for disciplinary action.

Clayco has the right to change the Policy at any time.

SUBSTANCE TESTING PROTOCOLS

Certified collection specialists and Breath Alcohol Technicians will collect all specimens, utilizing SAMHSA procedures to ensure custody and confidentiality protocols. All specimens will be collected with concern for personal privacy, dignity, and confidentiality. The TPA will provide the following three (3) options for specimen collection:

1. **Mobile On-Site Collections:** Certified collectors will be available to conduct the specimen collection at the job site, the Clayco's office or union hall.
2. **Clinical Collections:** The TPA will make arrangements with clinical collection sites for specimen collection and Substance Testing.
3. **TPA Office Collections:** Specimen collection will be available at the TPA's office.

All samples collected under the Policy will be analyzed by a SAMHSA certified laboratory, and will include an initial Enzyme Multiplied Immunoassay Screening Test (EMIT) and, when necessary, confirmed by a Gas Chromatography/Mass Spectrometry (GC/MS) Confirmation Test. Substance Testing must screen, at a minimum, for the following substances and below the following levels to result in a Negative Test Result:

Drugs Tested	(EMIT) Initial Test Cut- Off Level Drugs Tested	(GC/MS) Confirmation Test Cut-Off Level (ng/ml)
Amphetamines/Methamphetamines/MDMA	500	250
Barbiturates	300	200
Benzodiazepines	300	200
Cannabinoids (Marijuana – THC)	50	15
Cocaine Metabolite	150	100
Methadone	300	200
Opiates	2,000	2,000
(i) Codeine/Morphine		
(ii) Heroin	10	10
Phencyclidine (PCP)	25	25
Propoxyphene	300	200
Breath/Blood Alcohol Content (BAC)	.04%	.04%
Removal from the job site (BAC)*	.0200 - .0399%	.0200 - .0399%

*** Any Employee whose BAC level is between .02 and .0399% will be removed from the Jobsite and will not be permitted to return to work until the start of the Employee's next regularly scheduled shift, but not less than 8 hours following the administration of the test. Employees will only be paid for actual hours worked.**

Substance Testing is performed using urine, blood, saliva specimens or breathe screen.

Blood, saliva, or breath screen tests are acceptable for Alcohol testing. Saliva screening for alcohol will utilize the QED-A150, which gives a quantitative reading (a range of alcohol from 0 - 150 mg/dl). If the QED-A150 registers any level equal to or greater than 20 mg/dl (.02%), then a Breath Alcohol Test will be performed. A confirmed screening level less than 20 mg/dl (.04%) is considered negative.

A diluted specimen with a creatinine level of less than 20 mg/dl but greater than 5 mg/dl will require the Individual to provide another specimen. A diluted specimen with a creatinine level greater than or equal to 2 mg/dl, but less than or equal to 5 mg/dl will require the Individual to provide another specimen under direct observation. A diluted specimen with a creatinine level of less than 2 mg/dl will be ruled as a substituted specimen and will have the same consequences as a Positive Test Result. Any Individual who provides two (2) diluted specimens will be encouraged to seek medical assistance to determine if there is a valid medical reason for such results. If a medical reason cannot be determined or if the Employee refuses to seek medical assistance, the third (3rd) test resulting in a Diluted Test Result will be performed at the Individual's expense.

Any Individual who provides an Unsuitable Test Result will be required to provide another specimen under direct observation.

A result indicating that a specimen was not consistent with human urine will have the same consequences as a Positive Test Result.

All specimens resulting in a Non-Negative Test are referred to a MRO for interpretation and final confirmation.

RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS

1. Each Individual must contact the MRO after a Non-Negative Test Result.
2. Each Individual will be allowed the opportunity to discuss any relevant information to explain a Non-Negative Test Result with the MRO.
3. Each Individual will be allowed the opportunity to submit a written request to the MRO asking for a retest of the original sample from a SAMHSA certified laboratory of the Individual's choice.
 - This request must be postmarked within two (2) days of the date of being notified of a Positive Test Result.
 - The Individual requesting the retest will pay the initial cost for a retest to the MRO in advance and will be furnished the result in writing.
 - Retest results will be communicated in writing to the Individual.
4. In the event the retest results in a Negative Test Result, the Individual will be reimbursed for the cost of the retest and returned to Active Status.

5. An Employee who is suspended or terminated solely on the basis of a Positive Test Result who undergoes a retest and receives a Negative Test Result has the right to be (1) reimbursed for the cost of the retest; (2) returned to Active Status; (3) reinstated, if work is available; and (4) reimbursed for all lost wages and benefits.
6. Substance Testing by use of blood will only be used for Post-Accident/Incident Testing and only when the Employee is unable to provide a negative urine specimen and/or negative breath screen. In this situation, transportation arrangements for Substance Testing will be arranged by Clayco. If Substance Testing under the Policy is ever required of an Employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the specimen. However, the Employee will promptly, upon request, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.
7. Transportation for Substance Testing will be arranged by Clayco when an Employee is requested to undergo Reasonable Suspicion Testing.
8. Except for Retests and Return to Work Testing, all costs associated with the Policy will be borne by the Clayco (unless said costs are paid by an alternative manner).

REINSTATEMENT REQUIREMENTS

An Individual with a Positive Test Result who does not undergo Retest Testing is not eligible for Active Status until all of the following conditions are satisfied:

1. The SAP notifies the TPA in writing that the Individual has completed or is actively participating in a program approved drug and/or alcohol assessment, treatment, and/or counseling program and that the Individual is released to return to duty.
2. The Individual agrees to submit to a Substance Abuse Test through the TPA and receives a Negative Test Result. The cost of this test will be borne by the Individual.
3. The Individual agrees, in writing and to the TPA, to continue the prescribed treatment, counseling or rehabilitation as required by the SAP. If the Individual returns to work and does not complete the required treatment, he or she will be subject to disciplinary action, up to and including immediate termination.
4. The Individual agrees to be subject to probationary status and follow-up Substance Abuse Testing.

Upon completion of the reinstatement requirements, Individuals, employed by Clayco, will be subject to additional random Substance Testing at Clayco's discretion for a period of up to sixty (60) months. During this period, Clayco has the right to conduct up to six (6) random tests in any twelve (12) month period.

Except as required by law or binding contract, any rehabilitation period will be subject to Clayco's discretion. Clayco reserves the right to discipline any Employee, up to and including termination, for any violation of the reinstatement requirements.

CONFIDENTIALITY

All Substance Test results and records will be considered confidential and will only be released upon written consent of the Individual, and in accordance with Clayco's policy pertaining to such, except that such information will be released, regardless of consent, to inform the designated Communicator and Clayco in accordance with the Policy and/or upon issuance of a subpoena compelling release of such information from a duly situated and authorized

administrative or judicial forum or to workers' compensation carriers and the Unemployment Compensation Commission in which the test results are a material issue or as otherwise required by applicable law.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Each Employee is responsible for seeking help before an alcohol or drug problem leads to disciplinary action. The Employee's decision to seek assistance prior to a violation of the Policy will not be used as a basis for disciplinary action and will not be used against the Employee in any disciplinary proceeding. Employees are encouraged to contact Employee Relations for assistance and benefits available through the EAP.

Clayco will follow all applicable state Substance Abuse Testing laws and regulations.