

Company Name: \_\_\_\_\_

Mine Name: \_\_\_\_\_ Mine Index No. \_\_\_\_\_

Date: \_\_\_\_\_

# Substance Abuse Screening Policy and Program

## **Purpose**

This Company is committed to provide and maintain a safe and productive work environment free from the adverse effects of drugs and alcohol. The Company will provide support to the workforce in opposing the use of illegal drugs, alcohol, and/or the misuse of prescription medications and over-the-counter medications. As a condition of employment, employees will abide by the following Policy terms:

## **Policy**

1. The use, consumption, possession, sale, and distribution or transfer of drugs; and the possession of paraphernalia containing the residue of drugs by an employee on Company property or on Company business is prohibited.
2. Employees are prohibited from working under the influence of drugs or alcohol. Employees are required to report to work in a condition that allows them to work safely and efficiently.
3. Any employee under medical care that requires them to take a pain killer, a classified schedule III drug, or any drug that carries a warning label to exercise care when operating heavy machinery or driving, must provide the Company with a copy of the prescription and a letter from his or her doctor certifying that the drug will not impair their mental and/or physical ability that is required for the performance of their job.
4. Notwithstanding the above, the Company reserves the right at any time to suspend an employee from work while taking any prescription drug that may impair their job performance.

## **Scope of Application**

This Policy applies to all Company employees and all contractor employees.

## **Exceptions**

The use of prescription drugs in a manner approved by the employee's physician with the assurance that such usage will not impair safe job performance is not prohibited.

## **Testing**

All newly employed miners will be required to submit to a pre-employment drug screening. Such screening will consist of, at a minimum, a 10-panel urine test to be performed for the following substances:

1. Amphetamines,
2. Cannabinoids/THC,
3. Cocaine,
4. Opiates,
5. Phencyclidine (PCP),
6. Benzodiazepines,
7. Propoxyphene,
8. Methadone,
9. Barbiturates, and
10. Synthetic narcotics

Samples will be collected by providers who are certified as complying with standards and procedures set out in the United States Department of Transportation's rule -- 49 CFR Part 40. Collected samples will be tested by laboratories certified by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA).

Screenings May Also Be Required When:

1. The Company has a reasonable suspicion that an employee has violated the Substance Abuse Policy.
2. An employee who works in a safety-sensitive environment and is involved in an on-the-job accident, as described herein. The Company may, in its exclusive discretion, waive the drug and/or alcohol test requirement of an accident victim.

Reasonable suspicion may be determined by an employee's performance, appearance, or conduct drawn from specific facts as observed by the Company, including but not limited to, exhibiting unusual behavior on the job or a questionable pattern of absences. The Company will, in its sole discretion, determine the existence of such reasonable suspicions.

The DM will be notified within seven (7) days of any of the following events:

1. Failure of any pre-employment substance abuse screening tests.

2. Discharging a miner due to violation(s) of the Company's substance or alcohol abuse policies.
3. A miner testing positive for intoxication while on duty status.
4. A miner testing positive for using any controlled substance without the prescription of a licensed prescriber and failing to complete the Operator's Substance Abuse Program.

***Notices submitted to the DM may result in the immediate suspension of all certificates held by the applicant, pending a hearing before the Board of Coal Mine Examiners.***

Accidents include:

1. On-the-job incidents in which the employee or another individual suffers injuries requiring medical attention or in which substantial damage to property or equipment occurs.
2. Incidents of so-called "near misses" which do not result in either physical injury or substantial equipment or property damage but could have potentially done so.
3. Employees operating Company vehicles will be subject to testing in any event when they have been cited for a moving violation.

Management, at its exclusive initiative, may conduct random drug and alcohol testing. The random testing pool will include any employee who works in a safety-sensitive environment. Employees will be tested on a randomly selected basis; in that, when random testing takes place, all employees that are randomly selected will be tested.

An employee who is being tested must sign an appropriate form or forms to authorize the testing and to release the results thereof to the Company. A refusal to sign such forms will be considered a violation of the Policy and the employee will be subject to discipline up to and including termination.

In the event that the test results are negative, no further action will be taken. If the test results are positive, the appropriate disciplinary action will be taken, which may include termination of employment.

## **Disciplinary Action**

Employees found to be in violation of any part of this Policy, including a refusal to submit to a test, a search, or sign a required consent form, as provided for herein, will be subject to termination of employment on grounds of gross misconduct. Additionally, any employee convicted of violating a criminal drug statute, or who alters or attempts to alter the results of a drug or alcohol test will also be subject to disciplinary action, up to and including termination.

## **Searches**

As a condition of employment, an employee's person may be searched if the Company has reasonable suspicion that the employee has violated this Policy. Further, an employee's locker, lunch box, tool box, or any container or vehicle used to transport objects on Company premises may be searched. By reporting to work, each employee shows his or her agreement to this Policy. Consequently, no employee should have any expectation of privacy in his or her locker, lunch box, tool box, or any container or vehicle used to transport objects on Company premises. Refusal to permit such a search is a violation of this Policy and the employee will be subject to discipline, up to and including termination.

## **Voluntary Rehabilitation**

It remains the Company's desire and intent to encourage any employee with a drug or alcohol abuse and/or dependence problem to seek professional assistance before an employee is subject to testing and the problem leads to an incident requiring disciplinary action. If an employee does not seek professional assistance before testing under this Policy or an incident requiring disciplinary action occurs, Voluntary Rehabilitation under this Policy will not be available to that employee.

Any employee who voluntarily reports a drug or alcohol abuse problem to the Company will be permitted to take personal leave in order to obtain substance abuse counseling. This leave is conditioned upon the employee actually enrolling in a rehabilitation program approved in advance by the Company.

The employee must pass a Company authorized drug or alcohol screen within 30 days from the last day worked or be terminated. If the employee passes the drug or alcohol screen within 30 days, he or she will be eligible to return to work, provided that there is an opening available for a job that the employee is qualified to perform. The employee will be subject to drug or alcohol screens without notice for the next 12 months as a condition for returning to work. If the employee fails any drug or alcohol screen, refuses to permit a required search, fails to sign a required consent form, alters or attempts to alter the results of a drug or alcohol test, or otherwise fails to successfully complete the rehabilitation program, he or she will be terminated.

This Policy does not require the Company to provide or pay for substance counseling or treatment beyond the level of benefits outlined in the Company's benefits plan summary descriptions.

## **Evidence**

Any evidence obtained by the Company of the unlawful use, consumption, possession, sale, distribution, or transfer of mind or behavior altering drugs or alcohol may be turned over to local or state law enforcement agencies for appropriate action.

The following cutoff levels will be used when negative for these drugs or metabolites and alcohol. All levels equal to or exceeding the following will be reported as positive:

<b><u>DRUG CLASS</u></b>	<b><u>SCREEN</u></b>	<b><u>GC/MS</u></b>
Amphetamines	1000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	150 ng/ml
Benzodiazepines	300 ng/ml	150 ng/ml
Marajuana Metabolites	50 ng/ml	15 ng/ml
Cocaine Metabolites	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	150 ng/ml
Opiates		
Codeine	300 ng/ml	100 ng/ml
Morphine	300 ng/ml	100 ng/ml
Hydrocodone	300 ng/ml	100 ng/ml
Hydromorphone	300 ng/ml	100 ng/ml
Oxycodone	100 ng/ml	100 ng/ml
Oxycontin	300 ng/ml	100 ng/ml
Propoxyphene	300 ng/ml	150 ng/ml
Phencyclidene	25 ng/ml	25 ng/ml
Alcohol	.02% blood (grams per deciliter)	.02% blood (grams per deciliter)





