



PURPOSE

The purpose of this policy is to establish and implement a procedure for testing prospective and existing employees for the presence of alcohol and/or drugs in their body systems. The Company intends to prevent drug and alcohol influenced employees from endangering their own safety, the safety of other employees, or the public safety.

SCOPE

All employees, regardless of position, are subject to this policy and are required to be free from the influence and use of alcohol and/or drugs while on duty, whether or not engaged or involved in a safety-sensitive activity.

All testing will be conducted by a laboratory certified under the DHHS “Mandatory Guidelines for Federal Workplace Drug Testing Programs,” 53 FR 11970, April 11, 1988, with attendant Chain-of-Custody procedures in place to ensure continuity in specimen handling.

GOAL

It is the goal of Rival Services (“Rival”) to maintain a drug and alcohol free workplace, provide a safe work environment, a healthy, effective work force, and to reduce the probability of accidents, incidents and problems related to the use and/or abuse of alcohol and other drugs by employees. It is also the stated goal, while ensuring safety of the workplaces, to provide the highest level of customer safety and service. In order to accomplish a drug free workplace, management has adopted the following policy to provide a workplace free from substance abuse.

DEFINITIONS

Alcohol Use - the consumption of any beverage mixture or preparation, including any medication, which contains alcohol.

Company - means Rival Services and/or any of its affiliates or subsidiaries.

Chain of Custody - means procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory, in addition to appropriate chain of custody forms and/or account(s) for the sample aliquot within the laboratory.

Controlled Substances - A drug or chemical substance whose possession and use are regulated under the Controlled Substances Act.

Drugs - shall mean all non-medically prescribed controlled substances, including those drugs designated as marijuana, cocaine, opiates, amphetamines, and PCP (phencyclidine).



DRUG & ALCOHOL (NON-DOT)

Number: 1.6

Date of Issue: 07/01/2015

Section: HSE Management Principles

Date of Revision: 10/23/2019

Drug Test - shall mean procedures to ascertain the abuse of the most commonly used drugs, as are shown on Table A.

Drug Testing Laboratory - Rival shall use a drug-testing laboratory certified under Department of Health and Human Services (SAMSHA labs).

Evidential Breath Testing Device (EBT) - means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.

Employees - shall mean all personnel employed in any capacity by the Company regardless of position and/or title of qualifications; an individual to be tested or an applicant for employment as designated in DOT agency regulations.

Fail a Drug Test - means that a confirmed drug test result shows positive evidence of the presence of a prohibited drug in a person's system in excess of the minimum initial and confirmatory test levels set forth on the table listed below ("Table "A""), and the MRO determines there is no legitimate medical explanation for the confirmed positive test other than unauthorized use of a prohibited drug. An employee will also be deemed to have failed a drug test if he/she refuses to submit to any of the required tests set forth in the plan.

Medical Review Officer (MRO) - shall mean a primary, overseeing physician whose name shall be identified in chain of custody document in conjunction with the requirements of this policy, and which may be amended as necessary. The MRO shall be a licensed and certified physician with the knowledge of substance abuse disorders and may not be an employee of the lab conducting the drug tests.

Prohibited Drug - any of the following substances specified in Schedule I or II of the Controlled Substances Act as amended (21 U.S.C. 801. 812): including, but not limited to, Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). This includes any synthetic derivative/product that produces a marijuana type high and any herbal products not intended for human consumption.

Refusal to Submit - to an alcohol test means that an employee fails to provide an adequate sample or breath for testing, without valid medical explanation after receiving notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process or fails to provide adequate urine, after receiving notice of the requirement for urine testing, for controlled substance testing without a valid medical reason or engages in conduct that clearly obstructs the testing process.

POLICY

CONTROLLED SUBSTANCES

- The illegal use, manufacture, presence in the body, distribution, or possession of controlled substances by employees while working or while present on company property or location is prohibited and will result in disciplinary action up to and including



DRUG & ALCOHOL (NON-DOT)

Number: 1.6

Date of Issue: 07/01/2015

Section: HSE Management Principles

Date of Revision: 10/23/2019

termination. For the purposes of this policy, the term "Company Property" of shall encompass all property offices, facilities, land, buildings, structures, fixtures, installations, automobiles, trucks, and equipment, whether owned, leased, rented or otherwise used by .

- The illegal manufacture or distribution of controlled substances by employees on or off duty and on or off company property is prohibited and will result in disciplinary action up to and including termination.
- The illegal possession and use of unauthorized controlled substances off duty and off company property is not acceptable, as it may affect job performance. Unauthorized controlled substances include, but are not limited to:
 - Illicit or un-prescribed drugs, controlled substances and mood or mind-altering substances or look-alikes (i.e. any synthetic derivative/product that produces a marijuana type high and any herbal products not intended for human consumption), inhalant of abuse, designer and synthetic drugs.
 - Prescribed drugs used in a manner inconsistent with the prescription
 - Alcoholic or intoxicating beverages (including the presence of a detectable amount in the employee's body while working).
 - Any other drugs or substances which may affect a person's perception, performance, judgment, reactions, or senses while working or while on Rival's property (as defined above), or the storage, concealment, promotion, or sale of alcoholic or intoxicating beverages is prohibited.
- Over-the-counter drugs and drugs prescribed by a physician for employee's personal use in quantities not exceeding reasonable or specified dosage requirements are not subject to this policy except in the case where prescription is more than a year old or the employee is found to possess quantities in excess of reasonable and specified dosage requirements. Employees using medication prescribed by a physician or using over-the-counter drugs are responsible for being aware of any potential side effects caused by the drugs and the affects these drugs may have on their reactions, judgment, or ability to perform their duties. If impairment is possible, the employee is to report such use of medication to the safety department before beginning work. All information relating to medication will be held in confidence. Please read labels and instructions carefully for any warnings that may affect job performance or safety.
- The possession or the reporting to work or working with drug-related paraphernalia, including any material or equipment used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal, unauthorized controlled or dangerous substance as defined by this policy is prohibited.
- Employees undergoing prescribed medical treatment with a drug or controlled substances that have the potential to affect performance are permitted, however:
 - Employees shall immediately inform their supervisor prior to using prescribed drugs/medication on the job.



- Medication shall be in its original vial or be in a vial provided by the pharmacist, and shall be in the employee's name and shall have the doctor's name and the prescription number on the label, as well as the date of issuance.
- Each prescription shall not be older than one (1) year of the date issued.
- Employees shall only possess a reasonable amount of medication for a normal work shift.
- The employee whose name appears on the label of the vial shall not allow any other Rival employee, visitor, guest, subcontractor, or any other person to consume the prescribed drug or medication.
- The employee shall not consume the drug or medication more often than as prescribed by the employee's physician and as set out on the label of the vial.
- An employee who refuses to test according to the provisions of this policy or plan or in any way obstructs or adulterates the test required by this policy and plan is subject to disciplinary action up to and including termination.
- Any employee engaging in the misuse of drugs while on company premises or while on company business for the Company is subject to immediate termination.
- An immediate preliminary evaluation will be performed in the event of any and all accidents, injuries, or near misses in accordance with Rival's HSE policy series 2.0, *Incident Investigation and Reporting*.

ALCOHOL

No employee shall report for duty or remain on duty while having an alcohol concentration of greater than 0.0001, nor will an employee report for duty within four hours after using alcohol, and no employee will use alcohol while on duty or within eight hours following an accident or until a post-accident alcohol test is performed.

Testing for the existence of alcohol will be conducted in conformity with the testing procedures set forth in Part 40 of the Federal Motor Carrier Safety Regulations and are applicable to all employees of regardless of duty or job description. Testing for the presence of alcohol will be conducted as a regular part of pre-employment testing as well as post-accident testing, as noted in "Testing Parameters," below.

TESTING PARAMETERS

Rival tests for a minimum of nine (9) drugs in addition to alcohol in certain circumstances. Each circumstance listed below identifies the type of testing that is to be completed:

A. Pre-employment Testing

Applicants for employment must submit to a pre-employment drug test performed by urinalysis before they can be hired. The pre-employment test will be conducted by means of a rapid, one-step screening test or a designated collection site. Applicants will also be screened for the presence of alcohol within their bloodstream. All potential candidates for



employment with must successfully pass both the drug and alcohol components of the screening process.

1. A confirmed positive response to the drug test in excess of those listed below ("Drugs to be Tested by Urine Specimen Collection, Table A") will constitute an applicant being ineligible for employment.
2. A result not greater than 0.0001 alcohol concentration is required prior to becoming eligible for employment with the Company.
3. The Company will only notify an applicant of the results of a pre-employment drug test if the applicant requests such results within 60 days of being notified that his/her employment application was denied.

B. Post – Accident/Incident Related Testing

The Company requires post-accident testing whenever authorized or allowed under state and federal law.

1. The employee will be instructed to visit a designated collection site near his location as soon as possible for the purpose of submitting to a urine drug test and alcohol test.
 - A. An employee so instructed by management shall comply with those instructions as soon as possible. An alcohol test should be performed within two hours and attempts to obtain an alcohol test will cease after eight hours. The Company will prepare and maintain on file a record stating the reason the test was not performed. In no case may the drug test be performed later than 32 hours after the accident. If the employee does not remain readily available for testing during this time such actions will be considered a refusal to test.
 - B. Company management will contact the designated collection site and provide instructions on sample collection and information on the proper laboratory if on location testing cannot be performed.
 - C. An employee who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs in their system.
 - D. Employees who test positive for drugs and/or alcohol, who refuse or fail to submit to a post-accident drug and alcohol test, who unnecessarily delay reporting to the test site following an accident, or who otherwise fail to comply with the Company's post-accident testing procedures, will be subject to termination.

C. Reasonable Cause

Any employee employed by the Company, may be requested to provide a urine sample or submit to a breath alcohol test when there exists reasonable cause to believe that an employee is or has used illegal substances, or is under the influence of alcohol.



Reasonable cause testing is designed to provide management with a tool in conjunction with supervisor awareness training covering the signs and symptoms of drug use in order to identify affected employees who may pose a danger to themselves and others in their job performance. Employees may be at work in a condition that raises concern regarding their productivity or their safety and that of others. Supervisors must then make a decision as to whether there is reasonable cause to believe an employee is using or has used a prohibited drug. Initial determinations of reasonable cause suspicion by a supervisor will be confirmed by a member of the next highest level of management and consultation with the local drug program coordinator prior to a test being ordered. Employees who are to be tested based on reasonable suspicion shall be escorted to the sample collection site.

Employees will be allowed a maximum of two (2) hours to produce an acceptable urine sample for testing and alcohol testing will be performed immediately. Failure to provide a sample within a specified time limit will be proper cause for disciplinary action up to and including termination of employment.

The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use, and must be made by a supervisor trained in Reasonable Suspicion, on the signs and symptoms of drug and alcohol abuse.

In making a determination of reasonable cause, the factors to be considered include, but are not limited to the following:

1. Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment related reason, exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of drug related behavior on or off the work site.
2. Physical signs and symptoms consistent with substance abuse.
3. Evidence of illegal substance use, possession, sale, or delivery while on duty.
4. Occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.

D. Random Testing

Employees may be subject to unannounced random drug and alcohol testing.

1. The Company may conduct a number of random drug tests
 - A. Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
 - B. Employees shall be selected for testing by using a computer-based random number generator or equivalent random selection method that is matched with an employee's social security number or employee ID number.



- C. The process will be unannounced as well as random. Employees will be notified that they have been selected for testing after they have reported for duty on the day of collection.

E. Owner Initiated (Wall-to-Wall) Testing

All employees on Company property are subject to unannounced en masse testing for alcohol and the substances listed on Table "A", below. Wall-to-Wall testing shall be scheduled at the discretion of management and shall be administered to all members of a specific group on site at a pre-designated time. Such groups may include, but are not limited to:

- All employees on site,
- All employees identified by shift,
- All employees identified by crew,
- All employees identified by location.

Upon notification of such testing, employees shall immediately proceed to the designated collection site or the Company-sponsored vehicle designated to transport them to the collection site. Collection and testing protocols of wall-to-wall tests will be the same as any other testing and collection process within this policy.

Employees within the group identified for testing who were physically present upon notification or commencement of testing and who subsequently leave shall be reported as a 'refusal to test.' Individuals who test positive or who refuse to test may be subject to disciplinary action up to and including termination of employment.

F. Return to Duty Testing

Employees returning to duty after completion of rehabilitation must be given unannounced drug/alcohol tests, as scheduled by the MRO, in addition to being subject to the other types of testing. The period of such testing may not exceed sixty (60) months after the employee has returned to duty.

G. Follow-up Testing

Employees who have previously violated Rival's drug testing policies must submit to return to duty and consequently, follow-up drug testing. Follow-up tests are conducted unannounced and at least six (6) are required for duration not to exceed 60 months following the return to duty test. All results from the follow-up tests must be negative.

H. Contractual Compliance

Rival will test employees in order to comply with contractual agreements, client/customer jobsite requirements, or governmental/regulatory regulations and requirements.

I. Comment Regarding Prescription Drugs and Testing



Should an applicant's pre-employment drug test be non-negative and later validated to be a prescription drug, the employee must provide a Fitness for Duty evaluation from their family doctor indicating a full release to work, PRIOR to employment.

Should a current employee's drug test be non-negative, the employee shall be suspended from work until results are received from the MRO. If results are validated to be a prescription drug, the employee must gain a full release to work from a Fitness for Duty evaluation on their time and cost prior to returning to duty. Employees will receive back pay for the days missed awaiting results of the specimen. Time missed acquiring the Fitness for Duty evaluation will be at the expense of the employee.

DRUGS TO BE TESTED BY URINE SPECIMEN COLLECTION (TABLE "A")

DRUG	SCREEN RESULT	INITIAL LC/MS CUTOFF NG/ML	INITIAL GC/MS CUTOFF NG/ML	CONFIRMATORY CUTOFF NG/ML
CARBOXY-THC (MARIJUANA-MET)	NEGATIVE	50		15
AMPHETAMINES				
• Amphetamine	NEGATIVE	500		250
• Methamphetamine	NEGATIVE	500		250
• mda	NEGATIVE	500		250
• mdma	NEGATIVE	500		250
• mdea	NEGATIVE	500		250
BENZOYLECGONINE (COCAINE-MET)	NEGATIVE	150		100
OPIATES (CODEINE/MORPHINE)	NEGATIVE	300		300
6-ACETYLMORPHINE	NEGATIVE	10		10
PHENCYCLIDINE "PCP"	NEGATIVE	25		25
BARBITURATES	NEGATIVE	200		200
BENZODIAZEPINES	NEGATIVE	200		200
PROPOXYPHENE	NEGATIVE	300		200
METHADONE	NEGATIVE	300		200
METHAQUALONE	NEGATIVE	300		200



NOTE: Detection cutoff levels and drugs to be tested for may change as technological advances or government regulations require.

COLLECTION PROCEDURES

The Company has taken great care to choose a reputable laboratory to conduct the testing of urine drug screen samples. The laboratory we utilize is certified by the National Institute On Drug Abuse and follows very strict guidelines to assure quality control and chain-of-custody procedures for test samples.

All urine samples will be initially screened using an approved immunoassay method. If an initial screening assay shows a sample as being non-negative, a second assay using gas chromatography mass spectrometry will be performed to confirm the initial result.

For purposes of alcohol testing, an initial screen will be done immediately by use of a breathalyzer or other approved saliva alcohol test. Employees testing above 0.000 breath alcohol content on a confirmation test will be determined to have tested positive.

CONFIDENTIALITY & INTEGRITY OF PROGRAM

Chain-of-custody and specimen possession integrity require the immediate labeling and initialing of the specimen in the presence of the tested employee. If the sample container is received at the laboratory in an undamaged condition with properly sealed, labeled and initialed specimen container, as certified by that laboratory, management may take disciplinary action based upon the properly obtained laboratory results.

1. Confidentiality and the integrity of the employee shall be protected throughout any testing procedure.
2. Positive photographic identification will be required at time of collection to assure the integrity of specimen identification.
3. Only individuals that have an absolute need-to-know should be advised of the nature of any specific test, result, individual involved or reason for disciplinary action that might occur.

SEARCHES & INSPECTIONS

All employees are expected to comply with the guidelines, procedures, and intent of this policy. Entry onto Company property, job-sites, or work locations constitutes the recognition of the right of or its authorized representatives to search, inspect, or test its employees for drugs or alcohol, as well as search containers, clothing, and any other property of its employees while entering onto, or departing from, Company property as described in this policy.

All searches and inspections will be performed with the concern of the employee's personal privacy. No employee search or inspection will be conducted without the written consent from the employee(s) involved. A sample of a consent form appears in Rival's HSE policy 1.5, *Contraband*.



An employee found to be in possession, use, or transportation of illegal substances, alcohol, contraband, unauthorized possession of Company property or other employee's property, or any of the herein mentioned drugs, chemical substances or property, will be considered to be in violation of this policy and will be subject to appropriate disciplinary action up to and including termination. Illegal drugs, stolen property, or other illegal acts discovered through searches and inspections will be reported to appropriate law enforcement authorities.

Any employee who refuses to submit to a drug or alcohol test shall be considered to have failed a test. Employees may be suspended with or without pay, pending completion of an investigation.

VIOLATION OF THIS POLICY

While specific violations have been addressed within the sections for which they apply, employees who are in any manner found to be complicit in failing to follow the guidelines, procedures, and intent of this policy shall be deemed in violation, and subject to appropriate disciplinary action up to and including termination. Employees who are found to be in violation of this policy shall not be allowed to work on any client site/facility. The following serve as examples of failure to comply, although they are neither a categorical nor inclusive list:

- An employee produces a sample for testing which is unusable due to “low creatinine” or “specific gravity” without producing a medical explanation.
- Furnishing a contaminated or substituted sample or attempts to do so or attempts to help another employee do so.
- Refuse to comply or cooperate with any part of the testing process (e.g., refuse to empty pockets or failure to wash hands when so directed by the collector, behave in a confrontational way that disrupts the collection process, tampering with a specimen).
- Possess or wear a prosthetic or other device that could interfere with the collection process.
- An employee leaves the jobsite to avoid testing, after having reason to believe he or she has been chosen to provide a sample.
- An employee who tests positive on any test, violates any portion of this policy or refuses to cooperate with any portion of this policy, will be permanently banned from the premises.

Employees who are found to be in violation of this policy may be subject to disciplinary action up to and including termination, and may be considered ineligible for rehire.

An employee will be terminated and considered ineligible for rehire for the following reason:

1. Possession, sale, or distribution of drugs or alcohol on the jobsite.

RECORDKEEPING

Rival will maintain the administrative and testing records associated with this policy. These records will be maintained in a secure, locked storage area within corporate headquarters.



Records of positive drug/alcohol test results, including the type of test failed (e.g. Random, Post-Accident, etc.) will be retained for five years, and include the following information:

- The disposition of each employee (termination, etc.)

EMPLOYEE IDENTIFICATION

Photo identification is required (passport, employee's driver's license, etc.) at the time of testing. Social Security number will be used for donor identification of urine specimens.

REHABILITATION PROVISIONS

Rival Services supports drug or alcohol rehabilitation before an employee's job is in jeopardy, and the Company will make reasonable efforts to assist employees in overcoming drug and alcohol problems. Employees, who voluntarily request assistance in dealing with such problems before screening or a search is scheduled, may participate in a rehabilitation program on a confidential basis without jeopardizing their continued employment, provided they stop any and all involvement with alcohol, narcotics, drugs, or other controlled substances. Human Resources will refer employees to an appropriate treatment source.

Participation by an employee in a rehabilitation program will not excuse an employee's failure to comply with Company policy, rules, and regulations, nor will it preclude discipline for rule violations.

CHANGES TO POLICY

This policy is subject to change as regulatory requirements make necessary or as company needs change. Any changes in this policy will be posted in a location visible to all employees.

TRAINING

All personnel must be trained in the provisions of this policy during New Hire and/or Leadership orientations. Training must include the following:

- Rival's drug/controlled substances and alcohol policies;
- The effects and consequences of controlled substance and alcohol on personal health, safety, and the work environment;
- The details of Rival's Employee Assistance Program, and available treatment sources;
- The consequences for failing to comply with Company policies.

Supervisors must be trained on the previous 4 topics as well as the physical, behavioral, and performance indicators that may indicate controlled substance and alcohol use or abuse.



Number: 1.6

Date of Issue: 07/01/2015

Section: HSE Management Principles

Date of Revision: 10/23/2019

METHODS & PROCEDURES

The Designated Employee Representative(s) "DER" responsible for administering and record-keeping requirements of the drug and alcohol testing program for Rival shall be:

Name: Tom Keller

Name: Chad Lambert

Phone: 970-380-6077

Phone: 970-441-0625

The certified laboratories used in connection with the plan will be:

Medical Services

Colorado Mobile Drug Testing

7257 W 4th Street Ste. 3

411W. Platte Ave, Unit B

Greeley, CO 80634

Ft Morgan, CO 80701

(970) 351-7447

(970) 370-2890

The current Medical Review Officer(s) for this plan shall be:

David Nahin M.D.

9501 Northfield Blvd.

Denver, CO 80238



Number: 1.6

Date of Issue: 07/01/2015

Section: HSE Management Principles

Date of Revision: 10/23/2019

EMPLOYEE NOTIFICATION LETTER

The employee signature noted below certifies that he/she has been provided with a copy of Rival's Drug and Alcohol Policy. Also, the employee acknowledges that he/she has been provided with any additional informational drug materials, employee assistance program materials, or any other educational and training materials regarding drug abuse and alcohol misuse.

He/She authorizes and gives full written permission to the doctor, clinic, hospital, or its agents and associates to send specimens to the laboratory for screening tests to detect the presence of alcohol and/or amphetamines, Opiates, Cocaine, Cannabinoids, Phencyclidine, Barbiturates, Benzodiazepines, Methadone, Propoxyphene, or other substances whose characteristics allow them to fall under the jurisdiction of the Controlled Substances Act; and hereby authorize these results to be given to , its authorized agents and/or employees, partners or associates.

He/She agrees that they may be subject to any level of disciplinary action, up to and including termination, if he/she is found to be in violation of any of the provisions and/or requirements as set forth in the written anti-drug policy/plan. I understand that as a condition of employment as an employee, I must comply with these guidelines, and do agree that I will remain medically qualified by these procedures. If I develop a problem with alcohol or drug abuse during my employment with the company I will seek assistance.

Signed

Printed Name

Date

Location