



May 22, 2012

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION  
3075 112<sup>th</sup> Ave. NE, Suite 100  
Bellevue, WA 98004

ATTENTION: Brian Dobbins, Construction Engineer Manager

REFERENCE: SR520 Eastside Transit and HOV Project  
WSDOT Contract No. 7963

**SUBJECT: Drug and Alcohol-Free Workplace**

Brian,

Eastside Corridor Constructors (ECC) is in receipt of your letter regarding a drug and alcohol-free workplace, either at the project site or co-located office. This letter is to assure you that our policy **prohibits** the use of alcohol on the project or at our co-located office. Our Substance Abuse policy has been provided to WSDOT at the inception of the contract with ECC Accident Prevention Policy. I am attaching it again for your information.

ECC appreciates the partnership we have with WSDOT and looks forward to continuing to work together on our commitment to project safety. Please forward this letter to the appropriate WSDOT personnel. Thank you for your attention on this, please feel free to contact me if you have any questions regarding this matter.

Sincerely,  
**EASTSIDE CORRIDOR CONSTRUCTORS**

A handwritten signature in black ink, appearing to read "Ralph Gleffe", is written over a light blue horizontal line.

Ralph Gleffe  
Project Manager

SL #: 00086  
Attachment: ECC Substance Abuse Policy

cc: T. Case  
T. Zamzow  
C. Deane  
C. Stack  
N. Lupo  
M. Ottele  
E. Regnier  
Document Control

**EASTSIDE CORRIDOR CONSTRUCTORS  
SUBSTANCE ABUSE POLICY**

**I. STATEMENT OF PURPOSE**

- A. Eastside Corridor Constructors, its subsidiaries and sponsored joint ventures (referred to herein as "Company") has a vital interest in ensuring a safe, healthy and efficient working environment and in preventing accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace presents a danger to everyone. For these reasons, the Company has established the following substance abuse policy. As provided below, drug and alcohol testing is an integral part of our substance abuse policy. Compliance with the policy is required as a condition of continued employment with the Company.
- B. This policy applies to applicants for all positions, including any applicant for any position who was formerly employed by the Company and all Company employees including employees in managerial or supervisory positions. For testing purposes, the following classifications have been deemed "safety-sensitive":

Company Vehicle Drivers	Operational Managers
Superintendents	Foremen/Supervisors
Drivers	Equipment Operators
Laborers	Surveyors
Mechanics	Carpenters
Iron Workers	Cement Finishers
Miners	Helpers

This policy does not apply to employees employed in driver positions that are subject to the drug and alcohol testing requirements of the U.S. DOT, Federal Motor Carrier Safety Administration. (Those employees are subject to a separate drug and alcohol testing policy).

- C. Questions regarding the meaning or application of this policy should be directed to the Company's Safety Department.
- D. This policy is not a contract of employment. All Company employees are "employees at-will," except as provided below. This means that employment can be terminated at any time either by the employee or Company with or without cause and with or without notice. If an employee fails to comply with this policy, the employee will be subject to discipline, up to and including termination. Where any provision of this policy conflicts with the provisions of a collective bargaining agreement between the Company and a union representing its employees, the provisions of the collective bargaining agreement will control\*. However, failure to comply with this policy as so interpreted shall constitute just cause for discipline, up to and including discharge.

**II. PROHIBITED CONDUCT CONCERNING ALCOHOL AND DRUGS**

- A. The following conduct by employees is prohibited:
  - 1. Reporting for work, remaining on duty or driving company vehicles or personal vehicles on company business after the employee has consumed alcohol in any amount that adversely affects the employee's job performance.
  - 2. Consuming alcohol at any time during an employee's workday. This includes, but is not limited to, while an employee is on or off the premises of the Company, as well as during the employee's meal and other break periods.

Exception: This prohibition does not include the authorized and reasonable consumption of alcohol by employees of legal drinking age at functions or activities sponsored by the Company or a client during the workday. However, an employee who is requested to submit to a "reasonable suspicion" alcohol test as a result of such drinking and whose breath alcohol test result is 0.04 or greater will be considered to have consumed more than a reasonable amount and will be in violation of this policy.

3. Consuming alcohol within the eight-hour period immediately following a work-related accident (as defined in Section III. D.) or until the employee has submitted to a post-accident alcohol test, whichever comes first.
  4. Engaging in any illegal or unauthorized use of drugs at any time while on or off-duty. This includes, but is not limited to, while an employee is on or off the premises of the Company, as well as during the employee's meal and other break periods.
    - a. This prohibition does not apply to prescription or over-the-counter medications taken by employees in safety-sensitive positions which:
      - (1) Have been lawfully prescribed to, or obtained by, the employee;
      - (2) Are being used by the employee in accordance with the prescription's guidelines (if applicable); and
      - (3) Before reporting to work under the influence of such medication, the employee has inquired whether the drug manufacturer or the employee's physician warns against driving, operating machinery or performing other work-related safety-sensitive tasks. If such warnings exist, the employee taking the medication must inform his or her supervisor of such restrictions before reporting to work under the influence of such substances. When informing his or her supervisor(s) or the Human Resources Department of such restrictions, the employee should not identify the medication(s) being used or the reason for its use. The Company will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation, and/or an instruction that the employee not work until the restriction is removed. Any employee reporting to work in a safety-sensitive position without first advising the Company about warnings accompanying lawfully prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this rule.
  5. Failing to stay in contact with the Company or its medical review officer while awaiting the results of a drug test.
  6. Engaging in the unlawful or unauthorized manufacture, distribution, dispensation, solicitation, sale, purchase, transfer or possession of drugs or alcohol while on Company-paid time, on Company premises, in Company vehicles, or while otherwise engaged in activities for or on behalf of the Company. This prohibition does not include the authorized distribution, dispensation, solicitation, sale, purchase, transfer or possession of alcohol at Company sponsored functions or activities. In addition, an employee's illegal conduct involving drugs or alcohol during non-work times may also result in discipline, up to and including discharge.
  7. The refusal to submit to any drug or alcohol test that is required under the Company's policy will result in the employee's immediate termination of employment. This includes tests which employees agree to take in conjunction with rehabilitation provided under Section VII. (For details concerning what conduct will constitute a refusal to submit to a test, refer to Section II. B.).
  8. Testing positive on any drug or alcohol test required under this policy.
- B. Refusal to Submit to a Test: An applicant or employee who engages in any of the following conduct will be considered to have refused to submit to a test:
1. Refusing or failing to appear for any substance abuse test within a specified time, as determined by the Company, after being directed to do so by the Company;
  2. Failing to sign an authorization form permitting the release of the drug test result to the Company;
  3. Failing to remain at the testing site until the testing process is complete;
  4. Failing to provide a urine specimen, or breath or saliva specimen for testing;

5. Failing to attempt to provide a urine, breath or saliva specimen for testing;
6. Failing to provide a sufficient amount of urine or breath when directed, without an adequate medical explanation;
7. Failing or declining to take a second drug or alcohol test that the Company or collector has directed to be taken;
8. Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Company as part of the "shy bladder" procedures, or the insufficient breath procedures;
9. Adulterating or substituting a urine specimen, or attempting to adulterate or substitute a urine specimen;
10. In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (unless prohibited by law);
11. Refusing or failing to notify the Company promptly that the employee was involved in a work-related accident (as defined in Section III. D. of this policy), without a valid excuse; or,
12. Failing to cooperate with any part of the testing process such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.

### III. REQUIRED TESTS

- A. Except as otherwise provided in this policy, applicants and employees are required to submit to testing under the circumstances described below. Except where conditions otherwise require, all tests will normally be conducted either during or immediately after the regular work period, which includes any period when an employee is working overtime.
  1. The Company shall transport or make arrangements for the transport of employees subject to reasonable suspicion of post accident testing to and from the collection site.
  2. An employee who is required to submit to a "reasonable suspicion" or post-accident test will be suspended after the completion of the drug or alcohol tests. The Company also reserves the right to evaluate the safety-sensitive employee's conduct that triggered the drug and/or alcohol test, to determine if the conduct in and of itself warrants discipline, up to and including termination.
- B. Pre-employment Drug Testing Of Applicants\*

All applicants to whom the Company has given a conditional offer of employment are required to submit to a pre-employment drug test and must receive a negative result as a condition of employment.

- C. "Reasonable Suspicion" Drug and Alcohol Testing of Employees\*
  1. An employee must submit to a drug test, and/or an alcohol test, whenever the Company has reason to suspect the employee has or may have used drugs or alcohol in violation of the Company's policy.
  2. The Company's "reasonable suspicion" determination will be based on specific, current observations that can be verbalized, including but not limited to the safety-sensitive employee's appearance, behavior, conduct, speech, or body odors. These observations may also include indications of a safety-sensitive employee's chronic use of, or the effects of withdrawal from, drugs or alcohol. The determination may be based on a single instance of conduct involving a serious potential risk of harm to the safety-sensitive employee or others, or to Company property or the property of others. "Reasonable suspicion" determinations will be made by personnel who have received training on the signs and symptoms of alcohol misuse and drug use.

D. Post-Accident Drug and Alcohol Testing of Employees\*

1. Whenever it appears there is reasonable suspicion that an employee has caused or contributed to a work-related accident (as defined below), the safety-sensitive employee will be required to submit to a drug test, and/or an alcohol test.
  - a. As used in this policy, "work-related accident" means an accident:
    - (1) which occurs while the employee is on the premises of the Company or at another work-site location, or is off-site while engaged in activities for or on behalf of the Company, or while the employee is operating a vehicle, including the employee's, for or on behalf of the Company, and
    - (2) the accident results in one or more of the following: (i) a fatality; or (ii) bodily injury to any individual who, as a result of the accident, requires immediate medical treatment (excluding first aid) at or away from the scene of the accident; or (iii) property damage to Company property, to the property of a customer or public property with a reasonably expected volume that exceeds \$1000; or (iv) in the case of a vehicle accident, one or more vehicles involved in the accident incurs disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by another vehicle.
2. Employees who are involved in a work-related accident must remain readily available for testing or will be considered to have refused to submit to a test. However, an employee who is involved in a work-related accident is not prohibited from leaving the scene of an accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care for the employee or others who injured as a result of the accident.

E. Random Drug Testing of Safety-Sensitive Employees\*

1. The Company may conduct random drug tests on safety-sensitive employees. Notice to employees in safety sensitive job categories will be given at least 60 days prior to the commencement of random testing in that job category.
2. Random testing will be unannounced ahead of time and the dates of such tests will be spread out reasonably throughout the calendar year.
3. Safety-sensitive employees subject to random testing will be put into one or more random selection pools and will be selected for testing by the Company using a scientifically-valid random selection process that ensures that each employee in the selection pool has an equal chance of being selected each time a selection is conducted. Appropriate safeguards will be used to ensure that the identity of individual employees who could be selected cannot be determined until after an employee is actually selected.
4. Whenever a safety-sensitive employee is notified of his or her selection, the safety-sensitive employee must proceed to the test site immediately and no safety-sensitive employee will be excused.

F. Other Drug and Alcohol Testing of Employees

1. All employees may be subject to testing as follows:
  - a. Where, as a contractual condition of performing work for various owners and/or governmental agencies, the Company must certify that employees working at Company work location have passed a pre-access test within a prescribed period and also agree to perform specified tests. Employees who are assigned to those Company work locations will be subject to testing for drugs as specified in those contracts. If an employee does not wish to submit to testing, he or she may, at the discretion of the Branch or Project Manager, be assigned to other work, to the extent other work is available.
  - b. Follow-up testing under terms and conditions agreed to by the employee and the Company in a Voluntary Rehabilitation Agreement.

- c. Where required by law as a condition of performing their job duties.

#### **IV. CONSEQUENCES FOR POLICY VIOLATIONS.**

##### **A. Applicants and employees who violate the Company's policy are subject to the following consequences:**

1. **Refusal To Submit:** Although applicants and employees have a right to refuse to submit to a test, applicants and/or employees who refuse to submit to a test when requested will be ineligible for employment or terminated from employment. Refer to section II. B. of this policy for a description of the conduct which will be considered as a refusal to submit to a test.
2. **Positive Test Results:** Any applicant who receives a confirmed positive drug test result will be ineligible for employment with the Company. Any employee who receives a verified confirmed positive drug test result or an alcohol test result of 0.04 or greater will be suspended and may be subject to discipline, up to and including termination.
  - a. The Company, at its discretion, in lieu of terminating an employee after receiving a verified confirmed positive drug test result or alcohol test result of 0.04 or greater, may impose discipline other than termination and may give the employee an opportunity to sign and comply with the Company's "Voluntary Rehabilitation" Agreement. This agreement provides an employee with the opportunity to be evaluated by a substance abuse professional and, if determined to be necessary by the evaluating substance abuse professional, to participate in a counseling, treatment or rehabilitation program, whichever is determined to be more appropriate by the substance abuse professional. Unless covered through the employee's medical plan, the cost of the evaluation and any counseling, treatment or rehabilitation will be paid at the employee's own expense. The employee also will be subject to a return-to-duty drug testing, and follow-up testing, if recommended by the substance abuse professional.
  - b. Even where a Voluntary Rehabilitation Agreement has been offered, an employee who tests positive for the first time will be terminated, if the employee: (i) refuses to sign the "Voluntary Rehabilitation" Agreement; (ii) refuses or fails to be evaluated by a substance abuse professional; (iii) refuses to participate in the counseling, treatment or rehabilitation program recommended by the substance abuse professional, or (iv) fails to successfully complete the program, as evidenced by, for example, the employee's withdrawal from the program before its completion, or by a positive test result during or after the completion of the program.
  - c. Any employee, who, after entering into a "Voluntary Rehabilitation" Agreement, receives a verified positive drug test, will be terminated from employment.
3. **Other Policy Violations:** The employee will be immediately removed from his or her job duties and will be subject to discipline, up to and including termination. In addition to the consequences imposed under this policy, an employee who unlawfully manufactures, distributes, possesses, or uses a controlled substance may be subject to criminal fines and/or imprisonment under federal, state and/or local law.
4. **Fitness-For-Duty Evaluation:** Whenever an employee is required to submit to a "reasonable suspicion" test and receives a negative test result, the Company may require the employee to submit to a fitness-for-duty evaluation. The evaluation may include a review of the employee's medical records and/or a medical examination. The purpose of the evaluation is to determine whether the employee poses a significant risk of substantial harm to the health and safety of the employee or others in the workplace, including customers and visitors. Employees will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. Depending upon the results of the evaluation, the Company will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.

#### **V. NOTIFICATION OF TEST RESULTS, CONFIDENTIALITY, TESTING EXPENSES AND COMPENSATION FOR TESTS**

- A. Applicants and employees will be provided with a copy of their test results if they test positive, or if there are other confirmed non-negative results.

- B. The Company will maintain records of its substance abuse program in a secure location with controlled access. These records are confidential and will not be disclosed, except in accordance with applicable law.
- C. The Company will pay for all drug or alcohol tests required by the Company, which includes a confirmation drug test performed on an applicant's or an employee's primary urine specimen. The Company will also pay for the cost of the employee's transportation to a collection site when the test is conducted at a place other than the employee's normal work site. Unless state law otherwise requires, applicants must pay for retesting their urine split-specimen, but will be reimbursed if the test result is negative.
- D. All time a safety-sensitive employee spends providing a saliva, breath or urine specimen, including travel time to and from the collection site in order to comply with a test required under this policy, shall be considered as working time.

## **VI. TESTING PROCEDURES**

The Company's drug and alcohol testing procedures comply with applicable state and local law, and generally will be conducted using the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as a guide. The Company's procedures ensure the integrity, confidentiality and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. These procedures are also intended to minimize the impact upon the privacy and dignity of employees being tested. A summary of the applicable drug and alcohol testing procedures is provided to employees in a separate document as part of this policy.

## **VII. SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM**

The Company encourages employees who have or are developing a substance abuse problem to contact the Safety Department for referral to an assistance program. An employee who requests assistance for his or her substance abuse problem will not be disciplined as a result of making a request, provided that the investigation/disciplinary process has not already been set in motion at the time of the employee's request. Nor may any employee use this self-identification opportunity to avoid or refuse taking a test required under this Policy.

The cost of any evaluation, counseling, treatment or rehabilitation program is the employee's responsibility to the extent not covered under the employee's medical insurance. For further details, contact the Safety Department or Human Resources Department.

## **VIII. EMPLOYEE ASSISTANCE PROGRAM**

As part of the Company's commitment to provide a safe, healthy and efficient working environment for our employees, the Company maintains an Employee Assistance Program ("EAP"). The EAP provides information concerning the effects and consequences of alcohol and drug use on an individual's health, work, and personal life and the signs and symptoms of an alcohol or drug problem. In addition, the EAP provides referral services to employees and their families seeking help with problems resulting from alcohol misuse and drug use. Participation in this program is voluntary and confidential. The EAP can discuss available counseling, treatment and rehabilitation programs, fiscal responsibilities, and can help the employee decide what program might be best for his or her situation. For further information or to arrange an appointment, employees may contact the Human Resources Department.

## **IX. INSPECTIONS**

- A. Inspections Of Company Property: The Company may conduct unannounced inspections at any time and without cause for the presence of illegal drugs or unauthorized alcohol on Company facilities and property such as (but not limited to) Company-issued vehicles, desks, file cabinets, and lockers. Employees are expected to cooperate in the conduct of such inspections.
- B. Inspections Of Individual Property: Personal inspections of employees and their personal property, such as (but not limited to) vehicles, clothing, packages, purses, brief cases, lunch boxes, or other containers brought onto or being taken off of Company premises, may be conducted by the Company when there is reasonable suspicion to believe that the individual may have or has violated the drug or alcohol prohibitions contained in this policy.

X. LIST OF DRUGS TO BE TESTED

Common Name	Brand Name(s) and/or Chemical Name(s)*
Alcohol	Ethyl alcohol; Ethanol. Some liquid medications contain ethyl alcohol (ethanol); read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
Amphetamines	Adderall, Biphedamine, Desoxyn, Dexedrine, Didrex, Fastin, Ionamine, Obetrol.
Cannabinoids	Cannabis, Marijuana, Marinol, THC, delta-9-tetrahydrocannabinol.
Cocaine	Cocaine HCl topical solution (Roxanne).
Opiates	Narcotics, Heroin, Morphine, Meperidine, Paregoric, Parepectolin, Tonnage PG, Tylenol with codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Phencyclidine	Not legal by prescription

\*Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive.

**ACKNOWLEDGMENT**

I have carefully read, understand and agree to comply with the Company's Substance Abuse Policy.

Dated \_\_\_\_\_ By \_\_\_\_\_

Printed Name \_\_\_\_\_

Driver's License Number; or  
Employee Number; or  
Last 4 of Social Security Number \_\_\_\_\_