

**U.S. CONCRETE, INC.
SAFETY POLICY and PROCEDURE MANUAL**

FUNCTION	Safety	TOPIC	Non-Regulated Controlled Substance & Alcohol Testing Program
-----------------	--------	--------------	--

OBJECTIVE(S): To provide a work atmosphere that is conducive to attaining a high work standard and as free as possible from safety and health hazards. To that end, U.S. Concrete has developed this policy to ensure that the work environment is free from drug and alcohol use, distribution, and/or possession.

GENERAL POLICY: (Defined below)

APPLICATION: U.S. Concrete, Inc.

RESPONSIBILITY: President/General Manager

(1) STATEMENT OF POLICY

- a. All applicants and employees will be tested in accordance with the procedures set forth by this policy. This includes the use of “chain of custody” forms, trained personnel, and technical processes and handling to ensure the integrity and accuracy of test results. Information related to testing shall be treated as confidential, except as required to safeguard the safety of personnel and the general public, or as otherwise legally required.
- b. Controlled substance testing shall include the taking of urine samples, which are sent to a federally certified laboratory to test for the presence of amphetamines, cannabinoids (marijuana), cocaine, opiates (codeine or morphine), and phencyclidine (PCP). Positive test results shall be confirmed by Gas Chromatography Mass Spectrometry (GCMS) and will be reviewed by a qualified physician - a medical review officer (MRO) - to determine if the individual has a medically valid reason for the positive test result.

- c. Alcohol testing shall include the taking of breath, saliva, and/or blood samples to test for alcohol concentration. A second confirmation test shall be performed for all positive alcohol test results.
- d. All applicants for employment shall sign a Consent for Drug and Alcohol Testing form.
- e. All applicants for employment requiring a Commercial Drivers License (CDL) shall also sign a Consent and Release of Drug and Alcohol Testing Information form.

(2) **REQUIRED TESTING**

A. Pre-Employment

Controlled Substances

1. Prior to beginning work at a U.S. Concrete company, prospective employees must undergo testing for controlled substances and receive a verified negative test result.

B. Post Accident

Vehicle Accidents

1. Post accident employee alcohol and/or controlled substance shall be conducted at the discretion of the investigating law enforcement officer. If the investigating officer does not require a controlled substance and/or alcohol test in furtherance of his/her investigation then no test shall be conducted.

Industrial Accidents

1. Controlled substance testing shall be conducted as soon as practical following any work related accident resulting in injury that requires “off-site” medical treatment, including first aid treatment.
2. Employees tested under this provision shall include the injured employee and employees directly involved in an industrial accident that results in a coworker injury requiring off-site medical treatment
3. Where possible controlled substance tests for qualifying work related injuries must be as soon as practical following the accident but under no circumstances shall a test be performed later than the end of business on which the injury occurred.

C. Random

1. In those operations where random testing may be conducted the tests shall be conducted at management's discretion and may include the selection of all employees at a randomly selected worksite.
2. Random test shall be unannounced.
3. Employees are subject to such tests at any time while in the course of their employment.

D. Reasonable Suspicion

1. Employees shall submit to an alcohol and/or a controlled substance test, when reasonable suspicion exists that the employee has violated the prohibitions of this policy.
2. The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations, concerning the appearance, behavior, speech, or body odors of the employee.
3. Observations must be made and documented by a supervisor or company official who is trained in reasonable suspicion recognition of alcohol and controlled substance use.
4. Where possible, a second supervisor trained in reasonable suspicion recognition should be summoned to observe the behaviors for confirmation purposes.
5. Alcohol test performed as a result of reasonable suspicion shall be conducted as soon as possible but no later the end of the business day on which the reasonable suspicion determination was made.
6. The person who makes the determination that reasonable suspicion exists, may not conduct the alcohol test.
7. Saliva and/or breath, and urine samples shall be required for testing.

(3) SEARCHES

U.S. Concrete, Inc. reserves the right, at all times, to have authorized personnel conduct searches or inspections for the purpose of determining if any such person is in possession of items prohibited by this policy. These searches may be conducted at the company's discretion without prior announcement and may include searches and inspections of personal effects, vehicles, lockers, baggage, and work areas of employees and other personnel while on company premises, in company owned leased or rented vehicles, or on company business.

(4) **PROHIBITIONS**

- a. No applicant shall be considered for employment if he or she has had a prior criminal conviction for the use, possession, distribution or transportation of controlled substances.
- b. No employee shall use, possess, sell, distribute or transport controlled substances or alcohol on company premises, in company vehicles, or while on company business.
- c. No employee shall report for duty or remain on duty with an alcohol concentration of 0.02 or greater.
- d. No employee shall use alcohol while on duty.
- e. No employee shall report for duty within four hours after consuming alcohol.
- f. No employee required to take a post-accident alcohol test shall consume alcohol until he/she undergoes a post- accident alcohol test.
- g. No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely perform his/her duties in an industrial setting or while operating equipment and machinery including motorized vehicles.
- h. No employee shall report for duty or remain on duty after taking prescribed medication that may render the employee unable to safely perform his/her duties while operate a vehicle or other industrial machinery or equipment.
- i. No employee shall refuse to submit to a test required by this policy.
- j. No employee shall operate a company owned, leased or rented vehicle while under the influence of a controlled substance or alcohol.
- k. No employee shall have in his/her possession medication that is not prescribed to the employee.
- l. No employee shall attempt to adulterate samples nor shall the employee attempt to submit adulterated samples
- m. No employee shall refuse to submit to a search as required by this policy
- n. No employee shall refuse to sign a consent and or release form as required by this policy.

(6) **POSITIVE TEST RESULTS**

Alcohol

1. Alcohol concentrations above .02%
2. Alcohol tests that indicate levels at or above .02% shall be confirmed by an evidentiary breath-testing machine.

Controlled Substances

1. Test results indicating levels below specified “cut off levels” shall be considered negative.
2. Test results indicating levels above specified “cut off levels” shall be considered positive.
3. Positive test results shall be confirmed by Gas Chromatography Mass Spectrometry (GC/MS) and verified by a Medical Review Officer (MRO).

(7) **U.S. CONCRETE MANDATORY DISCIPLINARY ACTION**

- a. Employees found to be in violation of this policy shall be terminated and shall not be eligible for rehire with the following exception;
 - Alcohol test with results at or above .02% but below .04% shall require suspension from duty for a period of not less than twenty-four (24) hours. A second offense shall result in immediate termination.

6) **RESPONSIBILITIES**

- a. Employees are responsible for reporting any violation of this policy and informing their supervisor if they are using a prescribed medication that may affect their performance.
- b. Supervisors shall notify the Human Resources Department of any policy violation. Documentation of actual or suspected violations shall be completed immediately.