

THE KUESEL GROUP	<i>Substance Abuse Policy</i>	Procedure No.: SP-50 Revision No.: 1 Date: Sep. 2021 Page: 478 of 558
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SP 50 Substance Abuse Policy

1.0 PURPOSE:

- 1.1 The Kuesel Group is strongly committed to providing a safe, healthy, secure, and efficient workplace. The Kuesel Group is also strongly committed to promoting high standards for individual performance to secure the reputation of the company and its personnel within the community and the industry. As part of this commitment, the Kuesel Group strives to maintain a work environment free from the effects of drug and alcohol abuse and has enacted this policy to help achieve its objectives.
- 1.2 Specifically, this policy:
 - 1.2.1 Provides guidelines for all employees regarding the use, abuse, possession or distribution of alcohol, illegal drugs and unauthorized substances
 - 1.2.2 Makes all employees aware of the consequences of non-compliance with this policy
 - 1.2.3 Makes all employees aware of the risks of drug and alcohol abuse
 - 1.2.4 Assures the Kuesel Group complies with drug testing requirements set forth in local, state, and federal laws

2.0 DEFINITIONS:

- 2.1 **Company Premises or Property** – means all property owned, rented, or leased by the Kuesel Group, including, but not limited to, buildings, offices, grounds, lockers, parking lots and vehicles; or any site on which the company is conducting business.
- 2.2 **Illegal Drug** – means any drug or controlled substance which is not legally obtainable under both state and federal law, including but not limited to (recreational and medicinal) marijuana, opiates, PCP (phencyclidine), cocaine, heroin, amphetamines, barbiturates, benzodiazepines, narcotics, hallucinogens, inhalants, designer drugs, and/or any substances and/or materials that are prohibited by federal or state regulations. (NOTE: it is the intention of the Kuesel Group to comply with state and federal laws. Where state and federal law differ, however, the company will typically comply with federal law. Example: medical marijuana is not permitted by federal law; thus the company considers marijuana an illegal drug for purposes of this policy.)
- 2.3 **Unauthorized Substance** – means over-the-counter or prescription drugs that: (a) are not prescribed to the employee and/or prescribed on an invalid or non-current prescription; (b) prescription drugs that are prescribed to the employee at non-therapeutic levels or used in a manner or quantity other than as set forth in the prescription; (c) over-the-counter drugs used in a manner or quantity other than set forth in the directions; or (d) over-the-counter or prescription drugs used in an unsafe manner

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2.4 Under the Influence of Alcohol - means an alcohol concentration equal to or greater than 0.04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use

2.5 Under the Influence of Drugs – means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription or possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization.)

Legalization of marijuana for medicinal purposes in the state of Missouri will be viewed the same as other prescription medication. U.S. licensed physician must prescribe and provide specific restrictions per job function and term of prescription. Employee must report the use to management. Employee may be assigned to non-safety sensitive position if available, otherwise employee will be placed on leave until the prescription is no longer needed.

Failing to inform management of the prescribed use prior to a drug test being initiated will waive the employee’s right to accommodation and leave alternatives. A positive test result will result in the employee’s termination.

Positive Test Result for Cannabinoids (marijuana – THC)

- The testing limits/cutoff for marijuana (analyte; THCA) are:
 - 50 ng/mL Initial Test (Enzyme Multiplied Immunoassay Screening)
 - 15 ng/mL Confirmatory Test (Gas Chromatography/Mass Spectrometry GC/MS)

The same sample is used for both tests. If the initial test is positive, then the confirmation test is performed.

- Presence of Marijuana Metabolites
 - 50 ng/mL – infrequent user **3-4 days**; heavy user **10 days**
 - 15 ng/mL – (6) high dose smoking samples, **5 days +**

2.6 Safety Sensitive Positions – means a position that requires tasks involving a potential risk of injury to self or others. Generally employees who operate or perform maintenance on moving equipment such as overhead cranes, forklifts, bulldozers, backhoes, excavators, loaders, surface mining equipment, coldmilling machines, water trucks, commercial trucks and other company owned or leased motor vehicles, as well as employees who operate non-moving heavy industrial equipment such as shears, punches, presses, drills, lathes, welders and grinders are considered to work in safety sensitive positions. Employees, regardless of

classification, who work in “confined spaces”, require “fall protection” or handle explosives or “hazardous chemicals” as defined in OSHA regulation are generally considered to occupy safety sensitive positions

- 2.7 Reasonable Suspicion** – means a belief based on observed, specific, objective facts indicating the person is under the influence of drugs. The following factors, although not an exclusive list, should be considered: (a) observable phenomena, such as direct observation of drug use and/or the physical symptoms of being under the influence; (b) abnormal conduct, incoherent mental state or erratic behavior that is otherwise unexplained; (c) a workplace incident in which there was actual or potential harm or injury to any person or property; (d) information either provided by reliable and credible sources or independently corroborated; (e) newly discovered evidence that the employee has tampered with a previously administered drug test; (f) other action, conduct or misfeasance that provides reasonable suspicion that the employee may be under the influence; (g) coming forward to seek assistance and rehabilitation for a drug problem and/or successfully completing rehabilitation; and (h) a previous positive drug screen
- 2.8 Refuse to Cooperate** – means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
- 2.9 Adulterated Test Result** – The donor has tainted the specimen with a foreign contaminate, such as bleach, to prevent the detection by the laboratory of an illegal or controlled substance. An adulterated sample is considered an administrative positive and has the same consequences as a confirmed positive test result.
- 2.10 Diluted Test Result** – A diluted test result means that the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl. The following are some of the causes for a diluted sample and the related procedures:

Causes:

- A.** Dialysis or chemotherapy
 - B.** A kidney or pancreas disorder requiring medical attention
 - C.** The individual is attempting to flush out their system of illegal substances. This requires an enormous amount of water to be consumed over approximately twenty-four (24) hours prior to providing a sample. The normal consumption of liquids or consuming liquids prior to testing will not cause a sample to be diluted.
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Procedures:

- A. A diluted specimen with a creatinine level of less than 20 mg/dl but greater than 5 mg/dl will require the employee to provide another sample
- B. 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 employee to provide another specimen under direct observation
- C. 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

- 2.11 Substituted or Not Consistent With Human Urine Test Result** – This test result is self-explanatory and is determined by the laboratory. A substituted or not consistent with human urine test result has the same consequences as a confirmed positive test result
- 2.12 Substance Abuse Professional (SAP)** – A Substance Abuse Professional is a licensed physician or certified counselor who has received appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have a drug and/or alcohol problem.

3.0 DRUG AND ALCOHOL POLICY:

- 3.1** The problem of drug use and alcohol abuse is pervasive throughout society and business. As a responsible business we must address this issue in order to have a safe and productive work environment for all our employees and to perform the best possible work. As a condition of employment (appendix A), all employees agree to comply with this policy and to consent to drug and/or alcohol testing as specified below. We have adopted the following policy and procedures with respect to drugs and alcohol:
- 3.2 Employee Assistance** – Union employees are covered under the Collective Bargaining Agreement. The following pertains to direct employees, not covered under a Collective Bargaining Agreement. The Kuesel Group will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other Kuesel Group policies. Such employees will be allowed to use accrued paid time off, placed on leaves or absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of

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prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

- 3.3 Impairment Prohibited** - Employees are prohibited from reporting to work, being on company premises or property or operating/occupying a company vehicle or equipment under the influence of alcohol, ~~illegal~~ drugs and /or unauthorized substances. Employees who engage in this conduct or otherwise violate the terms of this Policy are subject to discipline up to and including termination of employment.
- 3.3.1 Safety Sensitive Positions** – Employees in Safety Sensitive Positions who are taking a drug or medication which adversely affects, or which may reasonably be expected to adversely affect, the employee's ability to perform work in a safe and productive manner, are required to report the use of such drug and/or medication to management. This includes employees that are prescribed medical marijuana cards. Failure to disclose such use, particularly where it may affect work performance or safety, is grounds for disciplinary action, up to and including termination.
- 3.3.1.1** U.S. Licensed Physician must prescribe medication and provide specific restrictions per job function and term of prescription
 - 3.3.1.2** Safety Director (Jill) or appointed member of Safety Team to receive note and make determination on availability of reasonable accommodation option into non-safety-sensitive position
 - 3.3.1.3** Accommodation: Based on availability of non-safety sensitive position and individual's skills and/or ability to perform it
 - 3.3.1.3.1** If not available, the employee is to be placed on leave until the prescription is no longer needed.
 - 3.3.1.3.2** Sick leave, short-term disability, and/or vacation time may be used if available. All other leave will be unpaid.
 - 3.3.1.4** Regarding medical marijuana. Missouri has legalized marijuana for medical use. Missouri is a "No Need to Accommodate" state. If an employee is in a safety-sensitive position and has been prescribed marijuana for a medical condition, the items addressed above apply (prescribed by U.S. Physician; provide specific restrictions per job function and term of prescription; reasonable accommodations into non-safety-sensitive position)
- 3.4 Possession Prohibited** - Employees are prohibited from using, possessing, purchasing, transferring, dispensing, trafficking, or distributing (or attempting to use, possess, purchase, transfer, dispense, traffic or distribute) alcohol, illegal drugs and/or unauthorized substances, including related paraphernalia, in any amount, in any manner or at any time, on or in company premises or property
- 3.5 Inspections** – The Kuesel Group reserves the right to inspect all portions of its premises, or customer property (i.e. construction site), for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work

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areas and personal property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge. The Kuesel Group's procedure for pursuing an inspection are:

- Document observations. Should include:
 - Name of employee; contract employee or visitor
 - Date, time and location of incident
 - Summary of observations, including pictures if permitted
 - Witness(es) information
 - Actions taken by supervisor
- Contact another member of management; report observations. At least (2) members of management (supervisor, project manager, Safety Director, owner) need to be present for proceedings
- If both members of management believe employee, contract employee or visitor will cooperate, discuss the observations with individual in private and reason for inspection
- Allow individual to respond
- Summarize individuals comments and add to documentation
- Conduct inspection and document findings
- If illegal drugs or other contraband present, employee terminated. Contract employees and visitors will be escorted from the premises and incident will be reported to appropriate authorities.
- Members of Kuesel management will not confiscate.
- If employee, contract employee or visitor is confirmed to be under the influence, do not allow them to drive. Member of management or hired transportation to provide ride home. If individual forcefully gets into vehicle and drives away, contact the police and report individual driving under the influence.
- If members of management do not feel comfortable confronting the employee, contract employee or visitor in this situation, call 911 and report. Allow the law enforcement agency to arrive and take control of the situation.

3.6 Confiscation of Controlled Substances – Any illegal drugs or drug paraphernalia will not be confiscated by Kuesel Group managers. If turned over to an appropriate law enforcement agency, allow them to take control of the situation, confiscate and pursue criminal charges.

3.7 Types of Drug and/or Alcohol Testing - Applicants for employment and referrals from local unions may be tested for alcohol and/or drugs prior to beginning employment with the Company. The Company reserves the right to test for drugs and/or alcohol at any time including:

3.7.1 Pre-Employment/Post-Offer Testing – Individuals extended a conditional offer of employment will submit to a drug test as a prerequisite to their employment with company

3.7.2 Post-Accident Drug & Alcohol Testing – Accident is defined as: An unplanned, unexpected, unintended or intended event which occurs on company property, on

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company business, or during work hours, or which involves company-supplied or personal vehicles while being used for company purposes. Employees will be drug tested following an accident that results in at least one of the following:

- A fatality of any party
- Bodily injury of any party requiring immediate medical treatment away from the accident scene
- Any damage to a motor vehicle in excess of \$10,000.00
- Non-vehicular property damage in excess of \$10,000.00

3.7.2.1 Due to time constraints, formal estimates of accident are not required. A supervisor’s estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

3.7.2.2 Employees are required to immediately notify:

- Kuesel – Jill Heimann
- Amcon – David Ilges
- GS – Kevin Keenoy
- The Safety Director (Jill) should be informed of all reported accidents

3.7.3 Reasonable Suspicion Testing – Employees will be drug and/or alcohol tested when there is a reasonable belief based on specific facts and rational inferences drawn from those facts that an employee is engaged in the inappropriate or illegal use of drugs or alcohol and/or has violated this policy. The Kuesel Group’s intervention process when a potential substance abuse situation has been encountered:

- Document observations. Should include:
 - Name of employee
 - Date, time and location of incident
 - Summary of observations
 - Witness(es) information
 - Actions taken by supervisor
- At least (2) members of management (supervisor, project manager, Safety Director, owner) will meet with employee in private to discuss
- Explain the observations to employee and requirement to undergo drug or alcohol testing
- Allow employee to respond
- Summarize employee comments and add to documentation
- Under no circumstances will employee be allowed to drive to the testing facility. A member of management must transport the employee or arrange for hired transportation; and arrange for the employee to be transported home.

Examples of the circumstances which constitute cause include, but are not limited to:

3.7.3.1 An employee with a past history of drug use or alcohol abuse

3.7.3.2 An employee exhibiting abnormal behavior

3.7.3.3 An employee exhibiting behavior normally associated with persons under the influence of drugs or alcohol

- Odors (smell of alcohol, body odor or urine)
- Movements (unsteady, fidgety, dizzy)
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements)
- Face (flushed, sweating, confused or blank look)
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts)
- Emotions (argumentative, agitated, irritable, drowsy)
- Actions (yawning, twitching)
- Inactions (sleeping, unconscious, no reaction to questions)

3.7.3.4 An employee's involvement in an on-the-job accident or an employee performing negligent or improper work

3.7.4 Random Testing – Where permitted by state law, employees are subject to random drug and alcohol testing. The union consortium will administer Point of Care Testing (POCT) which will take place on the jobsite. The traditional method, once an employee is notified of his/her selection for random drug and alcohol testing, the employee must report to the testing facility and submit to such testing immediately

3.7.5 Periodic Testing – All employees are subject to periodic drug testing to the fullest extent permitted by law and employees in Safety Sensitive jobs are subject to periodic alcohol testing

3.7.6 Return To Work, Post Treatment, Rehabilitation Testing: The Kuesel Group Employees shall be required to successfully pass a drug and alcohol test upon release from an approved rehabilitation and/or assessment program prior to being returned to work. The cost of this test is borne by the employee. Union employees will be covered under the Collective Bargaining Agreement Substance Abuse Consortium Policy.

3.7.7 Follow-up Testing: Individuals who have previously tested positive for drugs and/or alcohol and seeking to resume employment in a safety-sensitive position, must have their Substance Abuse Professional (SAP) provide a written follow-up testing plan. The SAP will determine the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol, or both. At a minimum the SAP will direct that the employee be subject to six unannounced follow-up tests in the first 12 months of safety-sensitive duty. The SAP may also require follow-up tests during the 48 months of safety-sensitive duty following this first 12 month period.

3.8 Employee Refusal – an employee's refusal to take a drug test will result in the employee's termination of employment. Testing will be on company time at company expense, and the employee will be paid, up to one hour, for the time spent traveling to and time spent at the

medical facility in connection with any such testing. Such testing will follow established clinical procedures and will be mandatory.

- 3.9 Altered Drug Tests** – Adulteration, dilutes and substitution of drug test results will result in the employee’s termination of employment. There will not be disciplinary action if employee’s diluted urine sample is due to medical condition involving the kidneys, or employee legitimately drinks a lot of water to avoid kidney stones.

- 3.10 Confidentiality** – Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

- 3.11 Exception for Alcohol Use at Company-Sponsored Events** - Alcohol is served at certain company-sponsored events, industry association events, and client events. At those events, alcohol consumption by employees does not violate the terms of this policy so long as the employee exercises good judgement and so long as the employee acts in a lawful, safe, professional, and responsible manner at all times

REVISION REGISTER:

Date	Description of Change	Page No.	Initials
10/24/19	3.2.1.1 – 3.2.1.4 Incorporated	413-414	KTK
10/24/19	3.5.2 Re-written	414	KTK
10/24/19	3.5.4 Point of Care Testing (POCT) added	415	KTK
9/23/2021	Majority of Section updated	412 - 419	KTK

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The Kuesel Group (Hereafter referred to as the Company) and our Customers recognize a moral as well as legal obligation to provide all workers with a safe and healthy work environment. As such, the Company, in cooperation with our Customers, has instituted a Drug-Free Work Place Policy.

As a condition of employment:

I, _____
(applicant's/employee's printed name)

agree to abide by the stipulations and ramifications of The Kuesel Group Substance Abuse Policy.

I understand that this policy prohibits Company employees from using, possessing, transporting, selling, attempting to sell, purchasing, attempting to purchase, transferring, concealing, receiving, and furnishing to others substances of abuse and alcohol and equipment or paraphernalia related to substance abuse while on company property or while on the customer's property. Furthermore, I understand that Company employees are prohibited from being under the influence of substances of abuse and/or alcohol while on company property or while on the Customer's property. I understand that "under the influence" is defined as having alcohol in my system sufficient to yield a positive alcohol test result and/or with illegal drugs (and/or drug metabolites) in my system sufficient to yield a positive drug test result. Also, it means that the applicant or employee is affected by a prohibited substance or alcohol, either singularly or in combination, in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty maintaining balance. Substances of abuse include, but are not limited to, marijuana, hashish, heroin, cocaine/crack and hallucinogens.

I also understand that the right of entry onto company property or a Customer's property (including but not limited to construction sites, offices, and vehicles) constitutes a consent to inspection for prohibited substances, alcohol, paraphernalia, or possession of unauthorized property or equipment on my person, or in my personal effects and/or vehicle when entering, while on, or upon leaving the property. This inspection may be performed by the Customer, the Company, or their agents.

I understand that violation of this policy or refusal to submit to a search or testing for prohibited substances or alcohol, as required by the policy, shall be cause for immediate termination of employment.

This document is not intended to supersede the collective bargaining agreement between my labor local and the Company or its bargaining agents.

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I HAVE READ AND UNDERSTAND THE ABOVE POLICY AND FURTHER HAVE BEEN GIVEN A COPY OF THE KUESEL GROUP DRUG AND ALCOHOL POLICY AND HAVE READ SAME. I UNDERSTAND AND AGREE TO ITS CONTENTS.

signature)

_____ (applicant's/employee's
(date)

(printed name of applicant/employee)