



Policy Owner:	Vice President of Human Capital
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DRUG & ALCOHOL POLICY

PURPOSE

ATC Management Inc. ('ATC' or the 'Company') is committed to providing a safe, productive work environment for our employees, suppliers and customers. Consistent with the spirit and intent of this commitment, ATC has established this Drug and Alcohol Policy to communicate the Company's expectations regarding the use and possession of drugs and alcohol in the workplace, drug and alcohol testing, and working under the influence of drugs or alcohol.

SCOPE

This policy applies to all ATC employees and Contingent Workers.

DEFINITIONS

Alcohol – Includes but is not limited to, distilled spirits, liquor, beer, wine, malt liquor or any other intoxicants used for beverage purposes.

Contingent Worker – See [Worker Classification Policy](#)

Employee Assistance Program (EAP) – A program that provides a confidential resource for employees and their families on a broad range of issues or concerns, such as stress, anxiety, depression, marital problems, family counseling, financial difficulties, and alcohol and drug abuse. Additional information regarding available EAP resources may be found on ATC's Total Rewards site or from Human Resources.

Illegal Drug – Any drug or controlled substance which is not legally obtainable under federal or state law, including but not limited to marijuana, opiates, PCP (phencyclidine), cocaine, heroin, amphetamines, barbiturates, benzodiazepines, narcotics, hallucinogens, inhalants, designer drugs, and/or any substances and/or materials, the use or possession of which are prohibited by federal or state regulations. It is the intention of ATC to comply with federal and state laws; however, where state and federal law differ, ATC will typically comply with federal law. For workers in federally regulated positions, ATC will comply with all applicable federal regulations. Note: Marijuana (whether used for recreational or medicinal purposes) is considered an Illegal Drug under this policy for workers in Wisconsin, Michigan, and all other states, absent a specific state law requiring a contrary or alternative result.

Medical Review Officer (MRO) – A licensed physician who is responsible for receiving and reviewing laboratory results generated by the drug testing program and evaluating medical explanations for positive drug test results.

Point of Contact – The primary liaison at the vendor providing Contingent Worker services to ATC.

Positive Drug Test – Result that occurs when the test indicates the presence of the drug(s) and/or drug metabolites for which the test was conducted at or above then current Department of Transportation ('DOT')

established levels or, where no such DOT level exists for the applicable drug tested at or above levels deemed positive by the testing laboratory and confirmed as positive by the Medical Review Officer.

Positive Alcohol Test – Result that occurs when the test indicates a blood alcohol content (‘BAC’) equal to or greater than 0.04 blood-alcohol content, or the then-current DOT standard. A positive test result also occurs when both the initial test and the confirmation test indicate the presence of alcohol equal to 0.02-0.039 BAC if the employee’s ability to safely and adequately perform the functions of the job is impaired.

Unauthorized Substances – Includes prescribed drugs, over-the-counter drugs, and other controlled substances, which are legally obtainable but which have not been legally obtained, or are not being used for prescribed purposes or in the prescribed manner, or that are used in violation of any federal or state statute, rule or regulation. This includes, but is not limited to, prescribed drugs used by someone other than the person to whom they were lawfully prescribed. Unauthorized substances also include any substance used to produce an altered state that impairs an individual’s ability to safely and adequately perform their job (including without limitation synthetic drugs, bath salts, compressed aerosol products or inhalants, glue/rubber cement, paint thinner, refrigerants, ether, chloroform, nitrous oxide/laughing gas, helium, nitrites, or any other substance used for a similar purpose).

PROHIBITED ACTIVITIES

All employees or Contingent Workers (collectively ‘Covered Workers’) who engage in any of the prohibited activities described below or otherwise violate the terms of this policy are subject to discipline up to and including termination of employment or, for Contingent Workers, cancellation of their Contingent Worker assignment at ATC. In addition, depending upon circumstances, violations of this policy may result in notification to appropriate law enforcement agencies.

1. Covered Workers are prohibited from reporting to work, being on Company premises or property, conducting Company business (including in a personal vehicle), or operating/occupying a Company vehicle or equipment under the influence of or impaired by alcohol, Illegal Drugs and/or Unauthorized Substances.
2. Covered Workers are prohibited from reporting to work, being on Company premises or property, conducting Company business (including in a personal vehicle), or operating/occupying a Company vehicle or equipment with alcohol in the Covered Worker’s system sufficient to yield a positive alcohol test result and/or with Illegal Drugs (and/or drug metabolites) in the Covered Worker’s system sufficient to yield a positive drug test result.
3. Covered Workers 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, while conducting Company business (including in a personal vehicle), or while operating/occupying a Company vehicle or equipment.¹
4. ATC employees who are on-call must remain able to respond to a call by reporting to work or working without being under the influence of alcohol, Illegal Drugs or Unauthorized Substances. For employees on-call, reporting to work or working “under the influence of alcohol” means reporting to

¹ On limited occasions, alcohol may be consumed at company-sponsored events with prior approval of an ATC Director or above. In addition, alcohol may be consumed by an employee entertaining or being entertained by a non-employee business associate for a specific business purpose. Temporary possession of bottles of unopened alcohol given or received as a gift does not violate policy.

work or working with a blood alcohol concentration at or above 0.04 BAC; or reporting to work or working with a blood alcohol concentration less than 0.04 but at or above 0.02, if the ability to safely and adequately perform job-related responsibilities is impaired.

REQUIRED ACTIVITIES

All Covered Workers must comply with the requirements below and all terms of this policy. Failure to do so may subject Covered Workers to discipline up to and including termination of employment or cancellation of Contingent Worker assignment.

1. Covered Workers are required to submit to drug and alcohol testing as applicable and otherwise comply with the drug and alcohol testing expectations described in this policy.
2. The proper use of over-the-counter medication or medication prescribed by a physician for a Covered Worker's use is not prohibited by this policy; however, Covered Workers must not work under the influence of any legally prescribed or over-the-counter medication or substance that could impair the individual's ability to perform their work in an effective and safe manner. Covered Workers are responsible for checking with a pharmacist or physician regarding whether the use of any over-the-counter or prescribed medication may adversely affect the individual's performance or safety at work.
3. Covered Workers are required to notify ATC's Human Resources Department (in the case of employees) or their Point of Contact or their employer's Human Resources Department (in the case of Contingent Workers) if they are taking any legally prescribed or over-the-counter medication or substance that may affect the worker's fitness for duty. ATC does not unlawfully discriminate on the basis of a disability that requires medication. Employees who seek a reasonable accommodation due to an underlying disability are encouraged to submit any requests to ATC Human Resources. Contingent Workers who seek a reasonable accommodation due to an underlying disability should communicate with their Point of Contact or their employer's Human Resources Department.
4. An employee who is using or tests positive for a prescription drug for which he/she has a valid prescription, but for which use may pose a direct threat to the employee or others in the workplace, may be subject to further assessment. In such case, ATC will conduct an individualized assessment of the employee's ability to perform the essential functions of the job in question while utilizing such drug without posing a direct threat to the health or safety of the employee or others in the workplace.

DRUG AND ALCOHOL TESTING

In furtherance of this policy, ATC conducts drug and alcohol testing: 1) prior to an employee commencing work for ATC, 2) prior to a Contingent Worker being granted access to ATC facilities and/or cyber systems, 3) based on reasonable suspicion, 4) post-accident, 5) in connection with participation in rehabilitation programs, and 6) as may be required by Federal regulations.

1. **Preplacement Testing.** All candidates for employment with ATC will be required to submit to drug testing following their acceptance of a conditional job offer and prior to beginning work. All candidates for placement as a Contingent Worker may be required, as provided in the [Personnel Risk Assessment Policy](#), to submit to a drug test prior to placement on assignment at ATC.
2. **Reasonable Suspicion Testing.** Covered Workers will be drug and/or alcohol tested when there are reasonable grounds to believe, based on specific and personal observations, and rational inferences drawn from those observations, that the actions, appearance or conduct of a Covered Worker while on duty indicate that the Covered Worker may be unfit for duty, under the influence of drugs or alcohol,

or otherwise in violation of this policy. Examples of reasonable grounds for suspicion include, but are not limited to, the following:

- Erratic behavior
- Sudden mood swings
- Excessive risk taking
- Lack of cooperation
- Excessive tardiness
- Excessive absences (e.g. Mon/Fri and paydays)
- Frequent mistakes
- Declining performance
- Dilated or constricted pupils
- Glassy or reddened eyes
- Slurred speech
- Alcohol or marijuana odor on breath or clothing
- Staggering or unsteady gait
- Stumbling or falling

Reasonable suspicion shall be confirmed by a member of ATC management and/or a member of management from the employer of the Contingent Worker. Reasonable suspicion regarding employees will be evaluated and documented using the Reasonable Suspicion Behavior Checklist. If reasonable suspicion testing of an employee is required, a designated Company representative will transport or escort the employee to the collection site.

In the case of Contingent Workers, reasonable suspicion testing required based on observations of ATC management will be coordinated with the Point of Contact for the Contingent Worker.

3. **Post-Accident Testing.** Where permitted by applicable law, Covered Workers will be drug and/or alcohol tested when they are involved in, or contribute to, a workplace injury or accident while performing job duties or while on company premises if the following conditions exist: (a) there is a reasonable possibility that drug or alcohol use by the worker to be tested may have contributed to the reported injury or accident, and (b) the injury or accident resulted in medical treatment beyond first aid, or resulted in property damage in any amount, or the individual to be tested is reasonably suspected of contributing to a safety violation related to the accident or injury. Post-accident testing will be applied in a neutral fashion, to foster a safe work environment, and only to identify drug or alcohol use in the recent past. Post-accident testing will not be undertaken to retaliate against Covered Workers for reporting workplace injuries. In the case of Contingent Workers, post-accident testing required by ATC will be coordinated with the Point of Contact for the Contingent Worker.
4. **Rehabilitation/Return to Work Testing.** Employees who participate in a drug or alcohol treatment or rehabilitation program may be required to provide a negative drug and/or alcohol test prior to returning to work from a leave and may be subject to unannounced follow up drug and/or alcohol testing for a period of time as determined by ATC Human Resources.
5. **Government or Regulatory Required Testing.** Drug and/or alcohol testing may be conducted if required by the DOT or by other federal, state or local governmental agencies. Additionally, drug and/or alcohol testing may be conducted as required by other companies or entities as may be required for ATC employees or Contingent Workers to obtain access to and/or to perform work at their facilities.
6. **Testing Procedures for Reasonable Suspicion and Post-Accident Testing.**
 - ATC employees who are subject to alcohol or drug testing will be directed or transported to a designated facility to provide required specimens. A third-party administrator will perform collections, and a certified laboratory will perform testing.
 - Covered Workers subject to alcohol testing will submit to testing within 2 hours. If the test is not administered within 2 hours, a written record will be prepared stating why the test was not administered within that window.

- Covered Workers subject to drug testing will submit to testing as soon as possible, but no later than 32 hours. If the test is not administered within 32 hours, a written record will be prepared stating why the test was not administered within that window.
- Positive test results (or results determined to be adulterated, diluted, or substituted) will be communicated to an MRO. The MRO will discuss the results with the employee or Contingent Worker. If the MRO determines there is no legitimate medically supportable reason for the positive test result, the MRO will confirm the test result as a positive.
- For employees, ATC will make a determination regarding the appropriate response to positive test results, which may include discipline, up to and including termination of employment.
- For Contingent Workers, a positive test result will generally result in cancellation of their Contingent Worker assignment at ATC.
- Covered Workers may be subject to termination of their employment with ATC or cancellation of their contingent work assignment at ATC for failure or refusal to submit to a requested drug and/or alcohol test. “Failure or refusal to submit to a test” includes, but is not limited to: excessive delay in reporting for a required test; refusing or failing to provide a specimen, or refusing or failing to attempt to provide a specimen without an adequate medical explanation; adulteration or substitution of a specimen, or attempting to adulterate or substitute a specimen; failing to complete any paperwork required by the collection facility; failing to remain at the testing site until the test is completed; failing or refusing to submit to a second test that may be required by the collector or the company; or failing to cooperate with any aspect of the testing process.
- In the case of Contingent Workers, compliance with their employer’s post-accident drug and alcohol testing policies and procedures, provided those policies and procedures are sufficiently similar in all material respects to those outlined here, will be considered sufficient to meet the expectations of this policy.

EMPLOYEE ASSISTANCE

ATC supports employees who voluntarily seek help for alcohol or drug related problems *before* being subject to testing, violating this policy, or becoming subject to discipline or termination under other ATC policies. Such employees may be able to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Employees on leave to participate in a drug or alcohol treatment or rehabilitation program may be required to document that they are following prescribed treatment.

ATC provides employees with access to an EAP to provide confidential information concerning the dangers of substance abuse and to help in obtaining counseling, treatment and/or rehabilitation for drug or alcohol abuse and other personal/emotional problems. EAP eligibility information and EAP contact information can be obtained from Human Resources.

An employee’s request for assistance from EAP or participation in other rehabilitation services *before* being asked to take a drug or alcohol test under this policy or *before* any violation of this policy will not itself be used as the basis for disciplinary action. However, an employee’s request for assistance from EAP or participation in other rehabilitation services *after* a positive drug or alcohol test or other violation of this policy will not eliminate or avoid the imposition of appropriate disciplinary action.

IMPLEMENTATION RESPONSIBILITIES

ATC Human Resources is responsible for:

- Coordinating pre-employment/post-conditional offer drug testing for all individuals offered employment by ATC.
- Working with the Point of Contact for Contingent Workers to ensure drug screening tests are completed prior to a Contingent Worker being provided access to ATC facilities and/ cyber systems if

a drug screening test is applicable to such Contingent Worker's role as defined in the [Personnel Risk Assessment Policy](#).

- Confiscating and turning over illegal substances found in the workplace to law enforcement.
- Coordinating Reasonable Suspicion drug or alcohol testing for employees and ensuring that coordination of Reasonable Suspicion drug or alcohol testing of Contingent Workers is handled by the Point of Contact or employer HR for the Contingent Worker.
- Arranging for transportation to screening facilities for individuals selected for a Reasonable Suspicion drug or alcohol test.
- Coordinating drug or alcohol screening tests in connection with any ATC-mandated rehabilitation.
- Coordinating any required drug or alcohol screening tests pursuant to federal regulations.
- Offering employees who voluntarily seek assistance for an alcohol or drug dependency problem prior to violating this policy an opportunity to obtain assistance from EAP and/or be approved for time off to participate in a rehabilitation program.
- Obtaining periodic assessments of employee's progress in an EAP or rehabilitation program. (Note: Every effort will be made to maintain confidentiality to the extent possible, consistent with legal requirements and without impeding good management practices.)

Safety Department is responsible for:

- Coordinating Post-Accident drug or alcohol testing for employees and ensuring that coordination of Post-Accident drug or alcohol testing of Contingent Workers is handled by the Point of Contact or employer HR for the Contingent Worker.
- Arranging for transportation to screening facilities for individuals selected for a Post-Accident drug or alcohol test.

Point of Contact is responsible for:

- Coordinating drug screening tests for Contingent Workers prior to their beginning a work assignment at ATC if a drug screening test is applicable to the Contingent Worker's role as defined in the [Personnel Risk Assessment Policy](#).
- Notifying ATC's Human Resources Department if a Contingent Worker is or is suspected to be under the influence of any illegal drugs or alcohol, or if a Contingent Worker is or is suspected to be under the influence of any legally prescribed or over-the-counter drug or substance that could affect the individual's ability to perform work in a safe manner.
- Working with ATC's Human Resources Department to complete a drug or alcohol screening test for any Contingent Worker that is selected based on Reasonable Suspicion.
- Working with ATC's Safety Department to complete a drug or alcohol screening test for any Contingent Worker that is selected for a Post-Accident test.

REPORTING

It is the responsibility of all ATC employees and Contingent Workers to report any suspected violations of this policy to Human Resources or their immediate supervisor or in accordance with ATC's [Open Door Policy](#).

EXCEPTIONS

Exceptions to this policy require the approval of the Policy Owner listed above.