

EXHIBIT E – DRUG, ALCOHOL, AND SEARCH POLICY

1. DEFINITIONS

1.1 As used in this Drug, Alcohol, and Search Policy (“**DAS Policy**”), these terms have the following meanings:

- (A) “**Controlled substance**” means:
 - (1) Opiates, including Codeine, Morphine, Heroin, Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone.
 - (2) Hallucinogens, including Marijuana, Mescaline, and Peyote.
 - (3) Cocaine, Methamphetamine, and Ecstasy.
 - (4) PCP.
 - (5) Prescription drugs, which (a) are not obtained and used under a prescription lawfully issued to the person possessing them or (b) have been prohibited by Company for use in the Area(s) of Operation(s) by any personnel or personnel performing specified functions.
 - (6) Any other substance included in the U.S. Federal Controlled Substances Act or its regulations, or any substance that is unlawful to possess or sell under Applicable Law(s).
- (B) “**Controlled substance testing**” means testing to detect the presence of controlled substances.
- (C) Controlled substance or alcohol “**test**” means any collection and analysis using urine, breath, or other samples to determine the presence of controlled substances or alcohol in the body.
- (D) “**Under the influence of alcohol**” or a “**positive alcohol test**” means having a breath alcohol concentration (percent of BAC) of 0.04 percent or above, or lower level specified by the Company’s business unit.
- (E) Terms defined in the HES Guidelines have the same meaning in this DAS Policy.

2. GENERAL POLICY

- 2.1 **Compliance.** Supplier shall ensure that all members of Supplier Group comply with this DAS Policy while performing Work (which term, if not defined in the Contract, shall have the same meaning as “Services” as defined in the Contract) in the Area(s) of Operation(s), except to the extent that compliance would violate Applicable Law(s).
- 2.2 **Program and Training.** Supplier and all members of Supplier Group shall have in place a controlled substance and alcohol testing program, and a training program that meets or exceeds the requirements provided in this Policy.

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- 2.3 **Notice to Personnel.** Prior to their performance under this Contract, Supplier shall provide written notice in accordance with the requirements of Section 3.1 of this DAS Policy to all members of Supplier Group who will be engaged in performing Work in the Area(s) of Operation(s). Supplier shall further ensure that (A) any notice required under Applicable Law(s) is given and (B) any consent required under Applicable Law(s) is obtained from each member of Supplier Group in relation to Company's and Supplier's rights to search under this DAS Policy.
- 2.4 **Search.** Supplier shall maintain the authority to perform unannounced searches of any member of Supplier Group, at any time, while they are in or entering into the Area(s) of Operation(s), including searches of personal vehicles and personal effects. Prior to conducting a search or test of members of Supplier Group while on Company premises, Supplier must notify the relevant Company representative identified in the Purchase Order.
- 2.5 **Pre-Access Testing.** Supplier shall ensure that all members of Supplier Group have passed a controlled substances test 60 days prior to performing Work for Company. This pre-access requirement is waived if the individual had a negative drug and alcohol test on record, and has been continuously enrolled in a random testing program.
- 2.6 **Stop Work and Removal from Area(s) of Operation(s).** If an alcohol or controlled substance test is confirmed positive, or the individual does not take a test when requested, or the individual exhibits physical, behavioral, or performance indicators which may reflect non-compliance with this DAS Policy, Supplier shall remove the individual from the Area(s) of Operation(s) and cease performance of Work.
- 2.7 **For-Cause Testing.** Supplier and Company shall have the right to perform controlled substance and alcohol tests based on a belief by Supplier or Company that an individual may be using alcohol or controlled substance on the basis of specific physical, behavioral, or performance indicators (and both tests must be performed if cause for testing is indicated). The affected members of Supplier Group must be removed from the Area(s) of Operation(s) pending results of the tests.
- 2.8 **Post-Accident Testing.** Post-accident testing for controlled substances and alcohol use is referenced in the HES Guidelines.
- 2.9 **Random Testing.** Supplier shall cause members of Supplier Group to undergo unannounced random testing for alcohol and controlled substances for anyone performing Work. Such testing must be performed pursuant to a random selection method, with a minimum annual testing rate of 50% for safety sensitive employees, as designated in the Plan. Company shall also have the right to require members of Supplier Group to undergo unannounced random testing with similar requirements.
- 2.10 **Training.** Prior to entering the Area(s) of Operation(s), members of Supplier Group shall receive training on items listed in Sections 2.10(A) through 2.10(D), and members of Supplier Group who are considered supervisors shall receive training on all items listed in Sections 2.10(A) through 2.10(E):
- (A) Company's and Supplier's controlled substances and alcohol policies, including this DAS Policy.

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- (B) The effects and consequences of controlled substance and alcohol use on personal health, safety, and the work environment.
- (C) The details of Supplier's employee assistance program, if any, and available treatment resources.
- (D) The consequences of failing to comply with Supplier's and Company's policies.
- (E) The physical, behavioral, and performance indicators that may indicate controlled substance and alcohol use or abuse.

2.11 **Records.** Supplier shall keep records of activities in compliance with this DAS Policy and submit annual reports to Company to include the following: (A) controlled substances and alcohol testing statistics, (B) list of covered employees and additional information required by Company, (C) confirm that members of Supplier Group who are considered supervisors have received training and education on controlled substances and alcohol, and (D) copy of controlled substance custody and control form.

3. NOTICE TO MEMBERS OF SUPPLIER GROUP

3.1 **Company's Drug, Alcohol, and Search Policy.** Supplier shall ensure that written notice is provided to each member of Supplier Group performing Work within the Area(s) of Operation(s), addressing the following matters:

- (A) The manufacture, use, possession, distribution, dispensation, purchase, or sale of any controlled substance or alcohol by members of Supplier Group is prohibited.
- (B) The use of any controlled substance or alcohol which causes or contributes to unacceptable job performance or unusual job behavior is prohibited. Being under the influence of alcohol or other intoxicating substances (e.g., intentional inhalation of glue or gasoline fumes) is prohibited.
- (C) Unless prohibited by Applicable Law(s):
 - (1) Company and Supplier may carry out reasonable searches of individuals, their personal effects, and vehicles when entering, leaving, or while within the Area(s) of Operation(s). These searches may be carried out at any time and without prior announcement.
 - (2) Entry by an individual into the Area(s) of Operation(s) constitutes a consent to search the individual and their personal effects, including packages, briefcases, purses, lunch boxes, and vehicle, or any office, locker, closet, or desk.
 - (3) An individual may elect to decline to cooperate; however, refusal to cooperate may result in the individual being removed from the Area(s) of Operation(s) and disqualified from performing the Work.
 - (4) Company or Supplier may conduct or have conducted a controlled substance or alcohol test(s) on members of Supplier Group upon

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entering, leaving, or while within the Area(s) of Operation(s). This testing may be carried out at any time and without prior announcement.

- (5) A positive test or a failure to take a requested test is cause for removal from the Area(s) of Operation(s) and disqualification from performing the Work.

END OF EXHIBIT E