



# NEWFIELDS DRUG AND ALCOHOL POLICY

NewFields' Drug and Alcohol Policy ("Policy") applies to all NewFields<sup>1</sup> employees (full-time, part-time, temporary, exempt, and/or non-exempt). The Policy is administered in accordance with applicable law and NewFields reserves all rights available to it under those laws.

## 1.0 POLICY DESCRIPTION

A drug-and-alcohol-free workplace helps to ensure safety and productivity. Therefore, NewFields has established and administers this Policy in order to maintain a workplace free from the abuse of drugs and alcohol. To that end, employees are prohibited from engaging in the following acts:

1. Using, possessing, selling, manufacturing, distributing, concealing, or transporting a Prohibited Substance<sup>2</sup>, or illicit drug equipment or paraphernalia, while on the premises of any NewFields office or of any NewFields client, or while attending a NewFields sponsored event;
2. Reporting to work, whether at the premises of NewFields or a NewFields client, under the influence of any Prohibited Substance;
3. Using or possessing, while on or handling NewFields property or the property of a NewFields client, prescription drugs or over-the-counter medication that may cause impairment, except when all of the following conditions have been met:
  - a. Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs;
  - b. The prescription was filled by a licensed pharmacist for the person in possession of the drugs; and
  - c. The individual notified his or her supervisor that he or she will be in the possession of or using impairment-causing prescription or over-the-counter drugs, and appropriate steps are taken to accommodate the possibility of impairment, including, but not limited to, removal from work for the period of possible impairment or temporary changes to the individual's work duties so as to eliminate any risks impairment.
4. Being under the influence of a Prohibited Substance while performing any work for or on behalf of NewFields or any of its clients.

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<sup>1</sup> As referred to in this Policy, "NewFields" includes NewFields Companies, LLC together with each and every entity in which NewFields Companies or its members own a majority interest, as well as the members and employees of those entities.

<sup>2</sup> The term "Prohibited Substance" means all drugs, the use or possession of which is illegal under federal, state or local law, unprescribed drugs, prescribed drugs used in a manner inconsistent with the prescription, over-the-counter medication that may impair the individual's mental or physical abilities, and alcoholic beverages. Please note that while marijuana has been legalized under certain state laws, it remains an illegal substance under federal law.



This Policy does not prohibit an employee's responsible use of alcohol in moderation at a NewFields or client authorized social function during non-working hours, provided, however, that NewFields discourages its employees from driving after consuming any amount of alcohol.

## 2.0 PRESCRIPTION AND OVER-THE COUNTER MEDICATIONS

Use and possession of over-the-counter medications and medications prescribed by a physician for an employee's personal use by the employee and in quantities not exceeding specified dosage are not prohibited by or subject to this Policy, unless use of such medications would or could create a safety issue for the employee or others. In such instances, the employee is responsible for and must report such use to his/her immediate supervisor before reporting to work or performing duties for NewFields and is prohibited from working until authorized to do so. An employee is not required to report the medication used or the underlying medical condition requiring use to his/her supervisor. However, a supervisor may ask the employee to discuss this information in order to determine when the employee is able to resume work and/or is in need of a reasonable accommodation.

The physician prescribing the medication should also be made aware (by the employee) of the job duties and functions, or the anticipated job duties and functions, of the employee in order that the physician may choose to restrict some job functions or tasks based on potential side effects or the nature of the duties and job function. A job description can be obtained from the Human Resources Department.

Some industry-specific agencies have regulations prohibiting use of specific prescription drugs. If an employee is using prescription or over-the-counter medication, that employee must consult applicable industry-specific regulations before performing safety-sensitive tasks.

Employees using prescribed medication or using over-the-counter drugs are responsible for reading warning labels, consulting with their physician, and knowing whether such use will create a safety issue for the employee or others.

## 3.0 WORKPLACE SEARCHES AND TESTING

Subject to applicable law, NewFields reserves the right to condition entry upon NewFields premises or the premises of a NewFields client (including any parking areas and all grounds and work areas to which NewFields employees are assigned) and use of NewFields owned, leased, or rented vehicles, upon NewFields' right to search the person and personal property of any entrant or user before such entry or use or at any time while on the premises or in work areas or upon leaving the premises. Workplace searches help to ensure a safe and healthy work environment and to accomplish the objectives of this Policy. Searches may include, but are not limited to, vehicles, tool boxes, lunch kits, purses or backpacks, employee lockers, desks, or other property under the employee's or other personnel's control. Subject to applicable law, refusal to permit a search may subject an employee to immediate discipline up to and



including termination. Illegal substances, drugs, and other illegal items discovered through these searches and inspections will result in law enforcement authorities being advised in this regard consistent with the law.

All employees are expected to respect and adhere to the NewFields Drug and Alcohol Policy as described herein. There are three drug and alcohol testing plans described in this Policy: (A) NewFields Drug and Alcohol Testing Plan (the “NewFields Plan”), which, unless otherwise prohibited by law, is applicable to all employees; (B) Client/Project Specific Drug and Alcohol Testing Plan (“Client Plan”); and (C) the U.S. Department of Transportation, Pipeline & Hazardous Materials Safety Administration Drug and Alcohol Misuse Prevention Plan (the “DOT Plan”). Details regarding these three plans are attached to this Policy as Appendices A, B, and C. Note that employees may be subject to more than one Plan. A positive test result under any Plan can result in discipline of an employee up to and including termination of employment based on NewFields’ authority independent of regulatory mandates.

**Subject to applicable law, all employees, regardless of whether they are a “safety sensitive employee” (as defined in the NewFields Plan) or whether they are subject to testing under a Client Plan or DOT Plan, are subject to reasonable suspicion testing, return-to-duty testing, and post-accident testing when needed, based on NewFields’ sole discretion. These tests are described in Appendix A of the NewFields Plan.**

#### 4.0 VIOLATIONS OF THIS POLICY

**Violation of this Policy may result in disciplinary action (such as suspension and referral to an Employee Assistance Program) up to and including termination, unless otherwise prohibited by law. An employee’s violation of this Policy while performing work for a NewFields client or while on the premises of that client may result in the employee’s permanent removal from the client engagement and/or denial of entry onto the client’s premises. The employee’s violation of this Policy may also be reported to the client pursuant to the terms of the client’s own Drug and Alcohol Policy. Each situation will be evaluated on a case-by-case basis.**

#### 5.0 ADMINISTRATION

NewFields’ Legal and Human Resources Departments are responsible for the administration, revision, interpretation, and application of this Policy. This Policy will be reviewed annually and revised as needed. Questions or concerns about this Policy should be addressed to NewFields’ Legal or Departments.



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## 6.0 APPROVAL

Approved this 10<sup>th</sup> day of February, 2021.

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Patrick C. Gobb  
Chief Executive Officer



## APPENDIX A

### 1.0 NEWFIELDS DRUG AND ALCOHOL TESTING PLAN

A NewFields “safety sensitive employee” is an employee whose duties include (or may include) tasks that require additional precautions to protect the health and safety of others, including the employee. Safety sensitive employees are required to submit to drug and alcohol testing pursuant to the NewFields Drug and Alcohol Testing Plan (the “NewFields Plan”), as detailed in this Appendix A. An employee will be designated as a safety sensitive employee by NewFields within NewFields’ sole discretion, subject to applicable law. In addition, even non-safety sensitive employees may be subject to drug and alcohol testing as detailed herein.

Drug testing will generally be conducted using urine samples. Alcohol concentrations will generally be determined through breath analysis. Nevertheless, subject to law, NewFields reserves the right and/or will conduct testing where required by law through alternative specimens, including blood, hair, oral fluids/saliva and sweat.

NewFields operates in numerous states, including the following states that have imposed mandatory requirements relating to workplace drug/alcohol testing: Montana, California, Massachusetts, Minnesota, and New Jersey. Employees reporting to or working out of locations in those states are subject to state law variations as stated in this Plan and/or the Supplement to this Plan (Attachment 1).

### 2.0 TESTING CIRCUMSTANCES

Under the NewFields Plan, drug and alcohol testing will be conducted in the following circumstances:

#### 2.1 PRE-EMPLOYMENT/PRE-ASSIGNMENT TESTING

Applicants for safety-sensitive positions or current employees who seek transfer to or will be assigned to a position as a safety-sensitive employee are required to submit to and pass a drug test as a condition of employment or transfer/assignment. Only after receipt of a negative drug test result may an applicant or employee begin performing safety-sensitive duties.<sup>3</sup> NewFields will not conduct pre-assignment testing in California; Boulder, Colorado; Massachusetts; Minnesota; Montana; or New Jersey.

#### 2.2 REASONABLE SUSPICION TESTING

All employees are required to submit to drug and alcohol testing where there is a reasonable suspicion that such employee may be under the influence of illegal drugs or alcohol. “Reasonable suspicion” means

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<sup>3</sup> Applicants for positions covered by the DOT-Plan (Appendix C) are not subject to pre-employment drug testing under this Plan.



a basis for forming a belief based on specific facts and rational inferences drawn from those facts, including observations concerning the appearance, behavior, and speech or body odor of an employee.<sup>4</sup> If a supervisor has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the employee will be instructed not to drive and must make arrangements to be transported. If she/he insists on driving, a supervisor will notify the proper local law enforcement authority that an employee believed to be under the influence of drugs or alcohol is leaving the premises driving a motor vehicle. The supervisor should also notify NewFields HR Department as soon as possible.

### 2.3 RANDOM TESTING

Subject to applicable law, safety-sensitive employees are subject to unannounced drug and alcohol testing on a random selection basis as a condition of on-going employment. "Random selection basis" means a mechanism for selection of employees that, (1) results in an equal probability that any safety-sensitive employee will be selected and (2) does not give NewFields discretion to waive the selection of any safety-sensitive employee selected under the mechanism.

Just prior to testing, the employee will be notified of his/her selection and provided enough time to stop work and report to the testing location. Failure to appear at the collection/testing location or interfering with the testing process is a refusal to test.

Employees subject to random testing under the DOT Plan are not also subject to random testing under this Plan.

### 2.4 RETURN-TO-DUTY AND FOLLOW-UP TESTING

If an employee has violated the NewFields Drug and Alcohol Policy (which includes this Plan) and NewFields chooses to continue the relationship with the employee, the employee is: (a) required to take and pass a drug and/or alcohol test before returning to his/her duties and (b) subject to unannounced follow-up testing as many as six times in the first 12 months following return to duties with the possibility of unannounced testing for up to 60 months (as prescribed, if at all, by the Substance Abuse Professional ("SAP")). Return-to-duty tests may be conducted under direct observation, except where direct observation is prohibited by applicable law.

Return-to-duty and follow-up testing may also be conducted as recommended by a SAP to whom NewFields has referred the employee after a Policy violation, or whom the employee has voluntarily contacted for assistance, depending on the circumstances and subject to law. NewFields also may request or require return-to-duty and follow-up testing of employees who self-disclose a substance abuse issue if

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<sup>4</sup> Employees covered by the DOT-Plan will not be required to submit to testing under both that Plan and this Plan because of the same reasonable suspicion and post-accident incidents. However, if the incident does not mandate testing under the DOT-Plan but does require testing under this Plan, then the employee will be tested under this Plan.



the self-disclosure relates a safety issue in the workplace, depending on the circumstances and subject to law.

## 2.5 POST-ACCIDENT TESTING

If an employee may have caused or contributed to a work-related accident or incident<sup>5</sup>, a post-accident drug and alcohol test will be required as soon as practicable after the accident at issue except in limited circumstances where the potential damages or liability from the accident, as determined by NewFields HR or Legal Departments, is de minimis<sup>6</sup>. In no circumstance can the employee drive until cleared for duty. Employees are required to remain available for this testing and are not permitted to refuse testing. In California, Massachusetts, and New Jersey, and as part of its accident investigation efforts, NewFields will only conduct post-accident testing when there is reasonable suspicion to test following an accident as defined in this Plan when an employee may have caused or contributed to the accident.

Please also refer to NewFields Driving Policy for more information regarding driving restrictions that may be imposed following an accident or incident.

## 3.0 THE DRUG TESTING PROCESS

The drug testing process consists of four components: employee notification, sample collection, laboratory testing, and review by the Medical Review Officer (MRO). The following is a summary of each testing component.

NewFields reserves the right, in connection with reasonable suspicion testing, to request or require that an employee be transported to the collection facility by NewFields-supplied transportation as well as home following the collection. If an employee fails or refuses to cooperate with the provision of NewFields-supplied transportation in those circumstances, he/she will be subject to discipline and NewFields reserves the right to notify local law enforcement of the facts surrounding the referral/situation, including the make, model, and license plate number of any vehicle an employee chooses to operate following a referral. In no event may an employee operate a NewFields vehicle to travel to or from the collection site in reasonable suspicion circumstances.

### 3.1 WORKER NOTIFICATION

Employees will be notified that they have been selected for testing and of the reason required for testing by the NewFields Human Resources Department. The notified employee must:

- Notify his/her supervisor/Project Manager of the need for testing, if necessary;

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<sup>5</sup> An accident or incident means a situation where an employee has been involved in or potentially contributed to a situation where medical treatment is required (beyond first aid) or has been involved in or potentially contributed to an accident or incident causing property damage in excess of \$500, as estimated by NewFields. NewFields senior management will determine testing requirements for these conditions on a case-by-case basis (See HSE SOP 17 Accident of Incident Investigation, July 2019 located on NewFields Intranet, HSE section).

<sup>6</sup> Employees, partners, supervisors and manager should not make this determination on their own and should report the accident to HR regardless of the extent of damages. Whether or not to forgo a drug test due to the minor nature of the accident will be decided solely by HR or Legal.



- Read and follow instructions for determining testing site location, take appropriate ID and follow all other instructions provided by the Human Resources Department and collection site personnel; and
- Locate and proceed to the sample collection site as soon as possible as directed by the Human Resources Department.

### 3.2 SAMPLE COLLECTION

At the collection site and during the collection process for a drug test, a collection site technician will:

- Verify the employee's identity using current valid photo ID, such as driver's license or passport, etc.;
- Create a secure collection site by restricting access to the site to only those being tested;
- Secure all water sources and place blue dye in any standing water;
- Afford employee privacy to provide a urine sample, unless the technician concludes that the employee may have attempted to switch, tamper, substitute, or adulterate the sample or the purpose of the test is a return-to-duty or follow-up test, in which case an observed collection, unless prohibited by law, will be conducted;
- Ask the employee to remove any unnecessary garments and empty pockets (employee can retain wallet);
- Instruct employee to wash and dry hands before providing the sample;
- Select or have employee select a sealed collection kit and open it in the employee's presence;
- Request employee to provide a sample (a minimum of 45 mL) of urine into a collection container;
- Check the temperature and color of the sample;
- In the employee's presence, pour the sample into two separate bottles (sample A or primary and sample B or split), seal them with tamper-evident tape, and then ask the employee to sign the seals after they have been placed on the bottles;
- Ask the employee to provide name, date of birth, and daytime and evening phone numbers on the sample Chain-of-Custody (CoC) form so that the Medical Review Officer (MRO) reviewing the test results can contact the employee directly if there are any questions about the test;
- Complete necessary documentation on the CoC to ensure proper handling of the sample;
- Give the employee the employee Copy of the CoC and may suggest listing, if employee wishes to do so, any prescription and over-the-counter medications employee may be taking on the back (this may serve as a reminder in the event the MRO calls to discuss test results);
- Package and ship both sealed bottles and completed CoC to a testing laboratory certified, accredited or licensed in accordance with applicable law; and
- If the employee is unable to provide 45 mL of urine on the first attempt, the time will be noted, and employee will be required to remain in the testing area under the supervision of the collection site personnel, its supervisor, or a NewFields representative, urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours, and asked to provide a new specimen (into a new collection container).





### 3.3 LABORATORY TESTING

The laboratory will conduct sample or Specimen Validity Tests (SVTs) to determine if the sample was tampered with or substituted. Tests found to be tampered with or substituted are also reported to the Medical Review Officer (MRO) and may be considered a refusal to test.

At the laboratory, the staff will:

- Determine if flaws exist in the sample provided. If flaws are present, the sample may be rejected for/from further testing;
- Open only sample A bottle and conduct a screening test. Samples that screen positive will be analyzed again using a different testing methodology known as Gas Chromatography/Mass Spectrometry (GC/MS);
  - If the sample tests negative in either test, the result will be reported to the MRO as a negative test
  - If the sample tests positive under both methods, the result will be reported to the MRO as a positive test
- The laboratory may store sample A and B bottles for any reported positive, tampered, or substituted result for at least 12 months.

### 3.4 REVIEW BY THE MEDICAL REVIEW OFFICER (“MRO”)

MROs are licensed physicians who are responsible for receiving and reviewing laboratory results generated by NewFields’ drug testing program and evaluating medical explanations for certain drug test results. All laboratory results are sent to an MRO for verification before NewFields is informed of a test result.

Upon receipt of the test result from the laboratory, the MRO will:

- Review laboratory provided paperwork for accuracy;
- Report a negative result to NewFields’ Designated Employer Representative (“DER”)<sup>7</sup>;
- If the result is positive, conduct an interview with the employee to determine if there is a medical reason for the result. If a medical reason is established, the MRO will report the result to the DER as negative. If no acceptable medical reason is established, the MRO will report the result to the DER as positive;

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<sup>7</sup> NewFields’ Designated Employer Representative is NewFields’ Human Resources Manager who is authorized to take immediate action(s) to remove employees from duties or positions that could threaten the health and/or safety of the employee or others. The DER is also authorized to make decisions in the testing and evaluation processes and is the person who receives test results and other communications relating to the testing process (as conveyed by the MRO).



- If the result is a tampered or substituted test, conduct an interview with the sample provider and the sample collection technician to ensure there were no complications with the sample collection site; and,
- Inform the employee they have 72 hours from the time of a verified positive result to request to have sample B “split” bottle sent to another accredited, certified, or licensed lab for retesting.

#### 4.0 THE ALCOHOL TESTING PROCESS

Breath Alcohol Testing is performed where applicable law allows and, as with drug testing, it is performed so as to ensure the validity of the testing and confidentiality of the employee’s testing information.

A collection site technician, using only an approved and calibrated Breath Alcohol Testing device, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing employee test results;
- Require employee to sign and date a Consent to Testing Form; and
- Perform the Breath Alcohol screening test and show the employee the test result. If the screening test result indicates an alcohol concentration of less than 0.02 percent, no further testing is authorized. The technician will document the result, provide employee a copy, and provide the MRO a copy.

If the screening test result indicates alcohol is present exceeding 0.02 percent, the employee will be required to take a confirmation test. For the confirmation test, the collection site technician will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, the employee may not be allowed to eat, drink, smoke, put anything in the mouth or leave the testing area;
- Perform an “air blank” (which must read 0.00 percent) on the device to ensure that there is no residual alcohol in air within the device or in the air around it;
- Use a new mouthpiece for the test;
- Display the test result to the employee on the device and on the printout from the device, if equipped;
- Document the confirmation test result, provide the employee a copy and provide the MRO a copy; and
- Report any result of 0.02 percent or greater immediately to the DER, before leaving the collection site.



## 5.0 TEST REFUSALS

Subject to applicable law, employees may not refuse to submit to alcohol or drug testing required under the NewFields Plan. If an employee is instructed to submit to a drug or alcohol test and does not agree with the reason or rationale for the test, the employee should not interfere with the testing process or refuse the test. As soon as possible after the test, the employee should express testing concerns to the Human Resources Manager.

The following are some examples of conduct that may constitute refusing a test:

- Failure to appear for any test after the employee is directed to do so,
- Leaving the testing area or collection site without authorization,
- Failure to provide a urine or breath sample for any required test,
- Failure to take a second test when directed to do so,
- Failure to cooperate with any part of the testing process, or
- Providing a specimen that is verified as tampered with or substituted.

## 6.0 TEST RESULTS, CONSEQUENCES, AND RESOURCES

The NewFields drug test screens for 6-acetylmorphine (6AM), amphetamines, Barbiturates, Benzodiazepines, Cocaine metabolites, Ecstasy, Marijuana (including metabolites), Methadone, Opiates, Phencyclidine, Propoxyphene (met), synthetic Marijuana (Spice and others), and URN Creatinine. NewFields reserves the right, subject to applicable law, to use other drug screens and panels and to test for other substances.

Applicants for employment who do not pass a pre-employment drug test or who refuse to submit to drug testing or comply with the testing process or procedures may not be selected for employment with NewFields.

If it is determined that an applicant or employee has switched, substituted, intentionally diluted, altered or tampered with a sample or attempted to do so, the individual may not be selected for employment with NewFields and conditional employment offers will be withdrawn or, for employees, the relationship with that employee may be terminated.

NewFields may terminate its relationship with any employee who refuses to submit to drug and alcohol testing or who refuses to comply with the drug and alcohol testing process or procedures.

If an employee tests positive, his/her supervisor or Project Manager, as applicable, will relieve him/her of his/her duties. NewFields may consider reinstating an employee, if the employee submits to a substance



abuse evaluation and successfully completes any prescribed or recommended rehabilitation. The individual will not be permitted to return to work until s/he has:

- Undergone an evaluation by a Substance Abuse Professional (SAP).
- Successfully completed any education, counseling, or treatment prescribed or recommended by the SAP prior to returning to service; and
- Provided a negative test result for drugs and/or a test result of less than 0.02 percent for alcohol. (Return-to-duty testing).

During the rehabilitation period, the employee may not perform work or attend meetings at Client/Host sites or facilities. Upon return-to-duty, the employee will be subject to unannounced testing for drugs and/or alcohol up to six times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed, if at all, by the SAP). These tests (including the return-to-duty test) may be directly observed, except as may be prohibited by law.

In addition, unless otherwise required by applicable law, immediate loss of Driver status will result if a Driver tests positive for drugs and/or alcohol under the NewFields Drug and Alcohol Policy, even if the positive test is not related to driving for a work-related reason. The employee may apply for reinstatement of driving privileges a minimum of three months after the positive drug and/or alcohol test as long as the employee has either completed a treatment program pursuant to the NewFields Drug and Alcohol Policy and/or obtained clearance from a Substance Abuse Professional that there is no known reason to continue the employee's loss of Driver status.

#### 6.1 DESIGNATED EMPLOYER ADMINISTRATOR ("DER")

NewFields' Human Resources Manager is its Designated Employer Representative (DER). NewFields' current DER is:

Eli McKee, Human Resources Director  
NewFields Companies, LLC  
1349 W Peachtree Street, Suite 1950  
Atlanta, GA 30309  
[emckee@newfields.com](mailto:emckee@newfields.com) or 404-969-0985

#### 6.2 EMPLOYEE ASSISTANCE PROGRAMS

Employee Assistance Programs (EAPs) are intended to help employees deal with personal problems, including addiction that might adversely affect their job performance, health, and well-being. EAPs generally include short-term counseling and referral services for employees and their household members. NewFields provides employees with access to an EAP through Mutual of Omaha. For more information contact NewFields' DER or contact Mutual of Omaha at [mutualofomaha.com/eap](http://mutualofomaha.com/eap) or call 1-800-316-2796 for a confidential consultation.



## 7.0 CONFIDENTIALITY AND RELEASE OF INFORMATION

All employee test results are confidential. NewFields or the various service agents (e.g. collection locations, testing laboratories, MRO or SAPs) are not permitted to disclose employee test results to outside parties without the employee's written consent or as may be required or permitted under law. However, employee test information may be released (without employee consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by the employee or on behalf of the employee, which resulted from a confirmed positive test result or a refusal to test. If a NewFields' client's Drug and Alcohol Policy or the contract between NewFields and the client requires that NewFields notify the client of the test results of a NewFields employee, NewFields may provide such notification to the client, without the employee's consent, unless otherwise prohibited by law.

## 8.0 RESERVATION OF RIGHTS

NewFields reserves the sole right to interpret and administer this Policy, and at any time and at its sole discretion, amend, supplement, modify, revoke, rescind or change this Policy, in whole or in part, with or without notice and with or without consideration. This Policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this Policy does not in any way affect or change the status of any at-will employee. Where at-will employment is the applicable law, all employees who do not have a written employment contract with NewFields are at-will employees. In such instances, at-will employees continue to be free to terminate their employment or resign from employment at any time and NewFields continues to be free to terminate employees, with or without cause, with or without notice, for any lawful reason or for no reason at all. Nothing in this Policy is a promise or guarantee or should be construed as a promise or guarantee that NewFields will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.



## APPENDIX A – ATTACHMENT 1

### SUPPLEMENT TO THE NEWFIELDS DRUG AND ALCOHOL TESTING PLAN

This Supplement adds to and where necessary modifies NewFields Drug And Alcohol Testing Plan to comply with laws in the states and cities identified below for applicants applying to and employees working in those states/cities. All Plan provisions continue to apply to such applicants and employees unless and to the extent modified by this Supplement.

#### Minnesota

##### Testing Circumstances

**Reasonable Suspicion Testing:** NewFields will only conduct reasonable suspicion testing of an employee for drugs and/or alcohol when a supervisor and/or manager has reasonable suspicion that the employee: (1) is under the influence of illegal drugs or alcohol; or (2) has violated NewFields' written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while the employee is working or while the employee is on NewFields premises or operating NewFields vehicles, machinery or equipment. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts. NewFields will not otherwise conduct Reasonable Suspicion testing as outlined in the Plan.

**Post-Accident Testing:** NewFields will only conduct post-accident testing of an employee for drugs and/or alcohol when a supervisor and/or manager has reasonable suspicion that the employee: (1) has caused or contributed to an accident in which he/she sustained a personal injury, or has caused another employee to sustain a personal injury, which injuries are arising out of and in the course of employment; or (2) has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts. NewFields will not otherwise conduct post-accident testing as outlined in the Plan.

**Return-To-Duty or Follow-Up Testing:** NewFields may request or require an employee to undergo drug and alcohol testing if an employee has been referred by NewFields for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program. NewFields will not otherwise conduct Return-To-Duty or Follow-Up testing as outlined in its Plan. NewFields will not otherwise conduct Return-To-Duty and Follow-Up Testing as outlined in the Plan.

##### Procedural Rights

**Right to Refuse.** Applicants and employees have the right to refuse to be tested. Any applicant who refuses to be tested will not be hired and his/her conditional offer of employment will be withdrawn. Any employee who refuses to be tested will be subject to discipline, up to and including termination of employment.

**Explaining Result.** Within three (3) working days after notice of a positive drug or alcohol test result on a confirmatory test, an employee or applicant may submit information to NewFields to explain a positive result.



Additionally, after a positive test result, NewFields can request that the employee or applicant indicate any over-the-counter or prescription medication he or she is currently taking, or has recently taken, as well as any other information relevant to the reliability of, or explanation for, a positive test result.

**Confirmatory Retest.** An employee or job applicant with a confirmed positive test result may request a confirmatory retest of the original sample, at his or her own expense. Within five (5) working days of receiving notice of the confirmatory results, the employee or applicant must make this request and notify NewFields, in writing, of the intention to obtain a confirmatory retest. The laboratory selected by an applicant or employee for a confirmatory retest must be accredited, certified or licensed in accordance with Minnesota Statutes § 181.953. If the confirmatory retest does not confirm the original positive test result, NewFields cannot take any adverse personnel action based on the original test.

### **Consequences**

All positive initial tests must be verified by a confirmatory test before discipline is imposed or a conditional job offer is withdrawn. Employment offers of applicants who test positive or refuse to test will be withdrawn. Employees who refuse to test will be subject to discipline up to and including termination of employment. NewFields will not discharge an employee if the employee tests positive on a confirmatory test and the confirmed positive is the first such result under the NewFields' policy (i.e., a first-time offender). Instead, NewFields will give the employee an opportunity to participate in a drug or alcohol counseling or rehabilitation, whichever is more appropriate, as determined by NewFields after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, at the employee's expense or pursuant to any coverage under an employee benefit plan. NewFields may discharge an employee who refuses to participate in counseling or rehabilitation, has failed to successfully complete the program as evidenced by withdrawal from the program before its completion, or has a positive test result on a confirmatory test after completing the rehabilitation program.

### **Appeal Procedures**

Appeal procedures are specified elsewhere in this Policy. No other appeal procedures exist with respect to this Policy, except as may be set forth in other NewFields internal complaint procedures/policies, employment contract and/or in applicable labor agreements.

## **Montana**

**Limited Policy Coverage.** Only employees engaged in performance, supervision, or management of work in the following positions are subject to NewFields-required (Non-DOT) testing:

- (a) employees in positions in a hazardous work environment;
- (b) employees in security positions; or,
- (c) employees in any position:
  - (i) affecting public safety or public health;
  - (ii) in which driving a motor vehicle is necessary for any part of the individual's work duties;  
or,



- (iii) involving a fiduciary responsibility for the company.

**Applicable Legal Sanctions.** Individuals who unlawfully manufacture, distribute, possess, or use an illegal drug or who operate a motor vehicle while under the influence of alcohol or drugs are subject to legal sanctions, including imprisonment, probation and/or fines, under applicable federal, state and local laws. More information regarding the nature and scope of applicable legal sanctions may be obtained by directly contacting federal, state, or local drug or law enforcement authorities.

**Samples, Sample Collection and Testing Procedures.** Samples subject to collection for testing include urine, breath or saliva. Sample collection and testing procedures will conform to the requirements of the Montana Workforce Drug and Alcohol Testing Act.

#### **Testing Circumstances**

**Reasonable Suspicion Testing.** NewFields may require an employee submit to alcohol or drug testing if NewFields has reason to suspect that an employee's faculties are impaired on the job as a result of the use of alcohol or an illegal drug. NewFields will not otherwise conduct Reasonable Suspicion testing as outlined in the Plan.

**Post-Accident Testing.** NewFields may require an employee to be tested for drugs or alcohol if NewFields has reason to believe that the employee's act or failure to act is a direct or proximate cause of a work-related accident that has caused death or personal injury or property damage in excess of \$1,500. NewFields will not otherwise conduct post-accident testing as outlined in the Plan.

**Random Testing.** NewFields may manage or contract with a third party to establish and administer, and covered employees will be subject to a random drug and alcohol testing program that complies with the Montana Workforce Drug and Alcohol Testing Act as set forth at Mont. Code Ann. § 39-2-208 (2).

**Follow-Up Testing.** NewFields will require an employee to submit to follow-up tests if the employee has had a verified positive test for drugs or alcohol. Follow-up tests may be conducted for up to 1 year from the time that NewFields first requires a follow-up test. NewFields will not otherwise conduct Return-To-Duty and Follow-Up Testing as outlined in the Plan. NewFields may also require an employee who tests positive on a drug or alcohol test to participate in a substance abuse assessment and, if recommended, an appropriate drug or alcohol counseling, treatment or rehabilitation program as a condition of continued employment.

#### **Testing Procedures/Protocols**

**DOT Standards.** DOT testing standards will be observed for all urine and breath testing as set forth in 49 CFR Part 40.

**Positive Drug Test Results.** Initial and confirmatory cut-off concentrations for marijuana, cocaine, opiates, phencyclidine and amphetamines will be as set forth in 49 C.F.R. § 40.87, as may be amended from time to time. NewFields will not test for drugs other than marijuana, cocaine, opiates, phencyclidine and amphetamines in Montana.

**Positive Alcohol Test Result.** A confirmed positive alcohol test result showing an alcohol concentration of 0.04 or more is a positive alcohol test result.





**Education.** NewFields' program for regularly providing education to employees on the health and workplace safety risks associated with the use of alcohol and drugs consists of Policy and Supplement distribution and periodic review of its Policy and this Supplement (e.g., at safety meetings) and maintenance of resource materials on workplace substance abuse.

**Employee's Right of Rebuttal.** NewFields will provide an employee who has been tested with a copy of the test report. Except with respect to a breath test, NewFields will also obtain, at the employee's request, an additional test of the split sample by an independent laboratory selected by the person tested. NewFields will pay for the additional tests if the additional test results are negative, and the employee shall pay for the additional tests if the test results are positive. The employee will be provided the opportunity to rebut or explain the results of any test.

**Dispute Resolution.** In addition to any dispute resolution mechanisms identified in the Policy, any dispute concerning test results will be handled in accordance with established NewFields policies and procedures, as well as, if any, applicable labor agreements and DOT dispute resolutions procedures.

**Confidentiality.** All information, interviews, reports, statements, memoranda, and test results are confidential communications subject to Montana law confidentiality requirements that may not be disclosed to anyone except:

- (a) the tested employee;
- (b) the designated representative of NewFields; or
- (c) in connection with any legal or administrative claim arising out of NewFields' implementation of its Policy under Mont. Code §§39-2-205 through 39-2-211 or in response to inquiries relating to a workplace accident involving death, physical injury, or property damage in excess of \$ 1,500, when there is reason to believe that the tested employee may have caused or contributed to the accident; or,
- (d) as otherwise permitted under Montana law.

Information obtained via testing unrelated to use of illegal drugs or alcohol will be held in strict confidentiality by the medical review officer and will not be released to NewFields except as may be required or permitted under law.



## APPENDIX B

### CLIENT/PROJECT SPECIFIC DRUG AND ALCOHOL TESTING PLANS

Certain clients and projects will require that employees be tested pursuant to the client/project's drug and alcohol testing plan, which may include, unless limited by law, pre-assignment/pre-placement testing, random testing, and other testing circumstances. Employees and potential employees will be notified that they are subject to such testing and they will be provided with the details for those tests by the Human Resources Department. NewFields will not conduct pre-assignment testing under or pursuant to Client/Project Specific Drug and Alcohol Testing in California; Massachusetts; Minnesota; Montana; or New Jersey.

Please refer to the intranet for client/project specific drug and alcohol testing plans:

<https://corp.newfields.com>.



## APPENDIX C

### THE U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION DRUG AND ALCOHOL MISUSE PREVENTION PLAN

PLEASE USE THE LINK TO ACCESS THE POLICY, BROCHURE OR FORMS.

[NEWFIELDS COMPANIES, LLC](#)  
[DOT ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PLAN](#)  
[PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF:](#)  
[49 CFR PART 199](#)  
[49 CFR PART 40](#)

[WHAT EMPLOYEES NEED TO KNOW ABOUT DOT DRUG & ALCOHOL TESTING](#)

[DOT REASONABLE CAUSE/SUSPICION OBSERVATION CHECK LIST](#)

[DOT POST ACCIDENT REASONABLE CAUSE/SUSPICION WRITTEN RECORD](#)

[APPENDIX A – ACKNOWLEDGEMENT/RECEIPT OF DOT POLICY FORM](#)



## ACKNOWLEDGEMENT OF RECEIPT OF POLICY AND CONSENT TO TESTING

I certify that I have received, seen, and understand NewFields Drug and Alcohol Policy, including Appendices A through C ("Policy"). I understand that, if I have any questions about which testing plan applies to me at any time during my employment with NewFields, that I can and should review the Policy again on the Intranet, ask my supervisor, and/or contact the Human Resources Department. I agree to comply with the Policy and understand failure to comply is grounds for disciplinary action, up to and including termination.

I consent to submit to drug and/or alcohol testing as outlined in the Policy. I understand that such testing may include the use of on-site collections and/or screens and testing where lawful and as provided in the Policy. I consent to provide samples at the assigned collection site(s) and, if applicable, on-site. I further consent to have samples tested for drugs and/or alcohol at a certified, licensed, or accredited laboratory.

I consent to the release of drug and/or alcohol screen/test results on tests administered under the Policy: (1) to the NewFields' Medical Review Officer ("MRO"); (2) to the NewFields' third-party administrator; (3) within NewFields management on a need-to-know basis; (4) to additional parties in accordance with my written authorization; (5) to state unemployment or workers' compensation agencies and/or relevant government agency; and/or (6) as otherwise required or permitted by applicable federal, state, or local law or regulations or court decisions. I will be given an opportunity to discuss a positive drug test result with the MRO before the result is reported as a verified confirmed positive test result to anyone listed above. The MRO also may disclose the use of prescription medication in connection with reporting any results, including negative results, if, in his or her professional medical opinion, use of the medication may create a safety issue or an undue risk of harm in connection with the performance of an employee's duties.

In the event of a post-accident test performed on the basis of reasonable suspicion testing, I understand and agree that the drug and/or alcohol test result(s) may also be provided to the NewFields' workers' compensation and motor vehicle insurance carriers unless prohibited by law.

Print Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Social Security Number: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

I am the parent/guardian of \_\_\_\_\_, and I acknowledge that I understand NewFields' Drug and Alcohol Policy and consent to his/her participation as outlined above.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Parent/Guardian Name: \_\_\_\_\_