

EXHIBIT L

Contractor Drug, Alcohol and Contraband Policy Requirements High and Medium Exposure¹. Purpose

To insure a safe, healthy, and productive work environment for the employees of Contractor and Infineum and others on Infineum property, to protect Infineum property and assets, and to ensure efficient operations, Contractor shall have and enforce a written policy on drugs, alcohol, and other prohibited items that, at a minimum, meets the requirements outlined below ("Contractor's Policy").

2. Definitions

- A. Contractor Personnel - Any of Contractor's employees, agents, subcontractors or subcontractors' employees working on Infineum Property.
- B. Infineum Property - All real or tangible personal property, including facilities, buildings, vehicles, products and equipment either owned or controlled by Infineum.
- C. Prohibited Substances - (1) illicit or unprescribed drugs, controlled substances and mood or mind altering substances, (2) prescribed drugs used in a manner inconsistent with the prescription, and (3) alcoholic beverages.
- D. Reasonable Suspicion - A belief based on objective and articulable facts sufficient to lead a supervisor to suspect.
- E. Under the Influence - (1) the presence of a Prohibited Substance, or metabolites of a Prohibited Substance in body fluids above the cut-off level established by Contractor's Policy, or other commonly accepted cut-off level and/or (2) the presence of a Prohibited Substance that affects an individual in any detectable manner. The symptoms of influence may be, but are not limited to, slurred speech or difficulty in maintaining balance.

3. Prohibitions

Unless specifically authorized in writing by Infineum, Contractor's Policy and its implementation shall prohibit Contractor and Contractor Personnel from the following:

- A. Using, possessing, selling, manufacturing, distributing, concealing, or transporting on Infineum Property any of the following items:
 - i. Any Prohibited Substance;
 - ii. Contraband, including firearms, ammunition, explosives, and weapons;
 - iii. illicit drug equipment or paraphernalia.
- B. While on Infineum Property possessing or using prescription drugs or over-the-counter medication that may cause impairment except when all of the following conditions have been met:
 - I. Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs.

- ii. The prescription was filled by a licensed pharmacist for the person possessing the drugs.
 - iii. The individual notifies his supervisor, if he will be in possession of, or using, impairment-causing prescription drugs or over-the-counter medication 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.
- C. Being Under the Influence of Prohibited Substances while performing any work for Infineum.
 - D. Switching or adulterating any urine, blood or other sample used for testing.
 - E. Performing work for Infineum if that person has tested positive, or refused testing, in any employment-related test except that Contractor Personnel seeking access to Infineum Property may be considered if the positive employment-related test in question was an initial pre-employment test administered more than twelve months before and the employee will not perform in a designated-like position. The prohibition in part 3(E) will not apply to Contractor Personnel seeking access to Infineum Property for low-exposure positions whose employment-related positive test did not occur during employment on Infineum Property, or work.
 - F. Upon request Contractor will certify in writing that it has enforced all provisions of Paragraph 3.

4. **Searches and Inspections**

On Infineum Property Infineum may, at any time, have Infineum supervisors, Contractor supervisors and/or authorized search and inspection specialists, including scent-trained animals, conduct unannounced searches and inspections of Contractor and/or Contractor Personnel and their property; that property may include, but is not limited to, the following wallets, purses, lockers, baggage, offices, desks, tool boxes, clothing, and vehicles.

5. **Testing**

A. Categories

All Contractor Personnel shall be assigned to one of the following categories based on the individual's job function:

Comparable-to-Designated: Has a high exposure to a catastrophic operational incident; has a direct role in operations where failure could result in serious harm to public or employee well-being, company assets, or the environment; and has no direct or very limited supervision available to provide operational checks.

Safety-Sensitive: Has a high exposure to catastrophic operational incident and has access to operations where failure could result in serious harm to public or employee well-being, company assets, or the environment.

Low-Exposure: Has an indirect role and no access to operations where failure could result in serious harm to public or employee well-being, company assets or the environment.

All positions are “safety-sensitive” unless a position, or positions, is/are identified as “low-exposure” or “comparable-to-designated” in Attachment 1 to this exhibit. If during the course of this contract, Infineum determines that additional positions require treatment as “low-exposure” or “comparable-to-designated,” Infineum may at its sole discretion, after notifying the Contractor of a change, or changes, modify Attachment 1. Infineum must confirm the modification in writing.

Contractor shall ensure that alcohol and drug tests are conducted **annually** for all positions according to the following requirements as defined in Paragraph B below:

<u>Job Category</u>	<u>Reasonable Suspicion</u>	<u>Post-Incident</u>	<u>Pre-Access</u>	<u>Random</u>
Comparable-to Designated	X	X	X	X
Safety-Sensitive	X	X	X	
Low-Exposure	X	X		

In addition, executives of Contractor are encouraged to be subject to the same random alcohol and drug testing program that they require of their employees to demonstrate commitment to a substance-free workplace.

B. Requirements

i. Pre-Access Testing:

- a. Each Contractor Personnel requiring pre-access testing must have received a negative result on a comprehensive alcohol and drug test within the 12 months preceding that Contractor Personnel’s first access to Infineum Property. In addition each Contractor Personnel requiring pre-access testing must have received a negative result on a comprehensive alcohol and drug test in any calendar year in which that Contractor Personnel performs work on Infineum Property. Upon Infineum’s request Contractor shall so certify in writing. Contractor shall not send laboratory test results to Infineum.
- b. A single letter certifying negative test results for all Contractor Personnel requiring site access is preferred.
- c. Contractor will provide no information to Infineum identifying individuals who have positive pre-access tests.
- d. Upon completion of the screenings, Contractor is required to notify the appropriate Infineum designated representative of the status of the screenings in writing by identifying the employee’s name, birth date, and last 4 digits of their Social Security Number and the date the screening was completed. **DO NOT SEND** the screening reports. If there are extenuating circumstances that

prevent you from proceeding with the screenings in that time period, please contact your Infineum designated representative immediately.

ii. Random Testing:

- a. Contractor Personnel requiring random testing must be subject to unannounced and continuous random selection and testing for Prohibited Substances while performing work for Infineum.
- b. The number of tests randomly conducted during each calendar year must be at least the current DOT required percentage or, where testing is not required by DOT, at least fifty percent (50%) of the number of Contractor Personnel in the random selection pool.

iii. Post-Incident Testing:

- a. If Contractor or Infineum determines from the best information available immediately after a work-related incident that performance of one or more Contractor Personnel contributed to the incident, or cannot be completely discounted as a contributing factor to the incident, Contractor shall remove that/those individual(s) from Infineum Property and surrender his/her/their site credentials to Infineum. For purposes of this part "incident" means an incident that caused personal injury requiring medical treatment beyond first aid administered at the work site, or property damage of more than \$100, or an incident that carried the potential for serious personal injury or significant property damage.
- b. An individual so removed will be allowed to return to work on Infineum Property only after Contractor conducts alcohol and drug testing on the individual as soon as possible following the individuals removal from the site, and the Contractor certifies in writing the test identification number, the individual's social security number, the test date and time, and a negative test result. On that written certification the Contractor will include a consent signed by the individual permitting disclosure to Infineum of the test result. See Attachment 2.

iv. Reasonable Suspicion Testing:

- a. Upon Reasonable Suspicion of Contractor or Infineum that a Contractor Personnel is Under the Influence of a Prohibited Substance while on Infineum Property, Contractor shall remove the individual from Infineum Property and surrender his/her site credentials to Infineum.
- b. An individual removed from Infineum Property for Reasonable Suspicion will be allowed to return to work on Infineum Property only after Contractor conducts alcohol and drug testing on the individual as soon as possible following the individual's removal

from the site, and the Contractor certifies in writing the test identification number, the individual's social security number, the test date and time, and a negative test result. On that written certification the Contractor will include a consent signed by the individual permitting disclosure to Infineum of the test result. See Attachment 2.

- C. Contractor's Policy will specify substances, and threshold levels that comply, at a minimum, with the Department of Transportation (DOT) alcohol and drug testing regulations. Contractor shall adopt collection, chain-of-custody and other related procedures consistent with sound industry practice. Contractor will include alcohol in any test panel regardless of any lesser DOT requirement. Contractors that do not have an existing program are strongly encouraged to adopt Infineum's alcohol and drug testing standards.
- D. Contractor shall use only testing laboratories that are properly certified under a recognized state or national program.

6. **Non-Compliance**

Any Contractor Personnel found in violation of Contractor's Policy or who refuse to cooperate with the searches and tests included in Contractor's Policy shall be permanently removed by Contractor from Infineum Property and from performing work for Infineum. Contractor must immediately notify Infineum that the individual has become "disqualified under Exhibit L." Contractor will immediately review with Infineum the nature of the work previously performed by the individual. At Infineum's request Contractor shall, at its sole cost and risk, inspect all work in which the individual may have participated, and submit a written report to Infineum that documents the inspection, any findings, and the actions taken to assure all deficiencies have been corrected.

7. **Drug Awareness**

Contractor warrants that Contractor Personnel performing work have each been fully informed of the requirements of this Exhibit and Contractor's Policy, and that before beginning work each has signed a written certification that he has been so informed and agrees to be bound by those requirements.

8. **Exemptions**

Local Infineum management may, at its sole discretion, grant certain exemptions to Contractor from the requirements of Contractor's Policy. Exemptions are valid only if in writing. No exemption will be construed by Contractor as a promise of any future exemptions. Any exemption granted to Contractor may be revoked by local Infineum management at any time.

9. **Special Provisions - Infineum-Approved Consortium**

Enrollment in, and maintenance of, "active status" in an Infineum-approved consortium that requires pre-enrollment testing and continuously subjects active members to random drug and alcohol testing at an annual effective rate of at least 50% will be recognized as satisfying Infineum's pre-access and random testing requirements. Upon request, Infineum will provide Contractor with a list of all approved consortiums. Contractor may request approval by Infineum of other consortiums.

10. **Applicable Laws**

Contractor shall comply with all applicable federal, state, and local drug and alcohol related laws and regulations (e.g., DOT regulations, Department of Defense (DOD) Drug-Free Workforce Policy, Drug-Free Workplace Act of 1988).

11. **Audit**

- A. Contractor shall keep records required by this exhibit available for inspection by Infineum during the term of this agreement and for a period of three (3) years after its termination.
- B. Infineum shall have the right, at its discretion, to perform unannounced audits of the Contractor's alcohol and drug program to verify that Contractor's policy and its enforcement comply with these guidelines.
- C. At Infineum's request Contractor will provide separate lists of Contractor Personnel (including name and Social Security Number) who were eligible for Infineum work on a date specified by Infineum in Safety-Sensitive Contractor Positions or Jobs Comparable to Designated Positions. Upon further request, Contractor will provide Infineum with the following information on each alcohol and drug test conducted for each Contractor Personnel identified by Infineum from those lists:
 - 1) date of and type of test (e.g. random, pre-access)
 - 2) laboratory chain-of-custody identification number and/or test number.

Contractor will obtain an agreement from any consortium, specimen collection service, laboratory and/or Medical Review Officer providing drug/alcohol testing services under this agreement that upon submission by Infineum of a list, or lists, of Social Security Numbers, chain-of-custody ID numbers and test dates: 1) the laboratory will verify that the tests were conducted as represented; and 2) the laboratory and/or Contractor Medical Review Officer will provide a sworn statement that each of the tests identified by Infineum were confirmed as negative or that it/he cannot so swear.

7
Exhibit L
Attachment 1

Job Categories and Exemptions

All Contractor Personnel will be working in Safety Sensitive positions except those shown below.

The following positions and/or personnel will be considered in jobs Comparable to Infineum "Designated."

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The following positions and/or personnel will be considered in jobs that are Low Exposure:

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Infineum management has approved the following exemptions from Contractor's Drug and Alcohol requirements:

8
Exhibit L
Attachment 2

**Contractor For Cause/Post Incident Return to Work Certification
and
Contractor Personnel Consent to Disclosure to Infineum**

_____ certifies that _____ was tested
(Contractor) (Tested Contractor Personnel)

on _____ at _____ and that the result of the required alcohol and drug test
(date) (time)

was negative.

_____ Test ID#	_____ Tested Contractor Personnel S.S.N.
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Authorized Contractor Representative Title

Signature

Date

CONSENT AND AUTHORIZATION FOR DISCLOSURE TO INFINEUM
OF
DRUG TEST RESULTS AND RELATED INFORMATION

I hereby **consent to disclosure** by Contractor and its agents, including, but not limited to, any collecting and testing agencies, of the test result identified above and any related information to Infineum and/or Infineum authorized agents, assigns or representatives.

Employee Printed Name

Signature

Social Security Number

Date

INFINEUM/DOT Drug Testing Program

SUBSTANCE	SCREEN LEVELS		CONFIRMATORY LEVELS	
	INFINEUM	DOT	INFINEUM	DOT
Cocaine	300 ng/mL	300 ng/mL	150 ng/mL	150 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL	25 ng/mL	25 ng/mL
Marijuana (THC)	20 ng/mL	50 ng/mL	15 ng/mL	15 ng/mL
Opiates	300 ng/mL	300 ng/mL	300 ng/mL	300 ng/mL
Codeine				
Morphine				
Amphetamines	1000 ng/mL	1000 ng/mL	500 ng/mL	500 ng/mL
Methamphetamines				
Barbiturates	300 ng/mL	Not Required	200 ng/mL	Nor Required
Benzodiazaphines	300 ng/mL	Not Required	300 ng/mL	Not Required
Methadone	300 ng/mL	Not Required	200 ng/mL	Not Required
Propoxyphene	300 ng/mL	Not Required	200 ng/mL	Not Required
Alcohol	Detection	.02 gm/dL	.04 gm/dL	.02-.039 gm/dL (a)
				.04 gm/dL

- (a) Requires up to 8 hr. recess (not performing DOT work) or until alcohol level recedes below .02% for Research & Special Projects Administration (RSPA)-covered personnel and 24 hr. recess for Federal Highway Administration (FHWA)-covered personnel.