



SUBSTANCE USE PREVENTION & RECOVERY (SUPR) PROGRAM STATEMENT OF POLICY

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1. POLICY PURPOSE AND SCOPE Rev. March 3, 2026

DiPietro Excavating, Inc. (hereafter referred to as, “the Company”) has adopted a Substance Use Prevention and Recovery (SUPR) Program policy to ensure a safe and productive workplace free from the adverse effects of alcohol and substance misuse, while proactively reducing stigma and longstanding barriers to seeking assistance for behavioral health and substance use disorders, protecting workplace and public safety, minimizing injuries and associated costs, maintaining compliance with public project eligibility requirements, and supporting employees through comprehensive prevention, treatment, and recovery resources within an inclusive and supportive workplace culture.

Our company recognizes behavioral health and substance use disorders as treatable health conditions, not a moral failing. Our company’s designation as a recovery-supportive workplace demonstrates our commitment to building a respectful, supportive work environment where employees feel safe seeking help and staying engaged at work. This commitment reflects our focus on reducing stigma and barriers to recovery, supporting access to behavioral health and substance use treatment, maintaining meaningful connections with workers in recovery, and strengthening our ability to expand and retain a qualified workforce. Embracing a recovery-supportive “second chance” approach makes our company stronger and more competitive by ensuring support is available without fear that seeking help will jeopardize employment. This approach reduces stress, builds trust among coworkers, and fosters a safer, more positive workplace where employees remain healthier, more productive, and better positioned for long-term success.

1.1 Scope of Policy

For purposes of this policy, the “workplace” includes all locations where company business or operations are conducted, including, but not limited to, all company-owned, leased, or controlled property; administrative offices; job sites; equipment yards; storage facilities; temporary or remote work locations; and all vehicles owned or operated on behalf of the company. This policy applies to all employees, contractors, subcontractors (including lower-tier subcontractors), and anyone performing labor or supervision for the company, regardless of employment status, and remains in effect during work-related travel, company-sponsored events, and whenever personal vehicles or equipment are used for company purposes.

1.2 Compliance Framework

This policy ensures compliance with applicable federal, state, and local laws governing Company operations, including eligibility requirements for public improvement projects and related contracts. Where standards overlap, the most stringent requirement shall apply. The Company will update this policy as needed to reflect regulatory developments affecting its industry. This policy is grounded in applicable law and reflects the heightened safety and accountability standards required in hazardous, safety-sensitive environments.

1.3 Ohio Rebuttable Presumption Law (ORC 4123.54):

A failure to submit to post-accident testing in a timely manner or a positive post-accident drug or alcohol test result creates a rebuttable presumption that substance use caused the injury, potentially barring workers’ compensation benefits and underscoring the importance of prompt testing and documentation.

1.4. Medical and Recreational Marijuana Legal Framework (Ohio):

Although Ohio law permits limited adult recreational marijuana use under Issue 2, marijuana remains illegal under federal law and Ohio law does not require employers to permit or accommodate marijuana use. Employers may enforce drug-free workplace policies prohibiting cannabis use and take adverse employment action for medical or recreational marijuana use—on-duty or off-duty—when such use violates Company policy or impacts workplace safety. Medical marijuana cards and lawful adult-use status do not provide employment protection or limit employer enforcement authority.

2. FITNESS FOR DUTY, PROHIBITED SUBSTANCES AND CONDUCT

Employees must report to work mentally alert and physically capable of safely performing their assigned responsibilities and must remain free from impairment while performing Company work. Impairment may result from alcohol, drugs, medication side effects, fatigue, illness, injury, emotional distress, or other conditions that could compromise safety or job performance. Employees who are not fit for duty pose an unacceptable safety risk to themselves and others. Employees who experience conditions that may affect fitness for duty are expected to promptly notify their supervisors or Human Resources representatives so appropriate support, temporary work adjustments, reasonable accommodation, or leave options can be considered.

2.1 Prescription and Over-The-Counter Medication

Misuse of prescription or over-the-counter medications—including use without a prescription (including expired prescriptions), more than prescribed dosage, or for non-medical purposes—is prohibited.

- Employees using prescription or over-the-counter medications with side effects that may impair concentration or job performance must notify their immediate supervisor before reporting to work.
- Per the Americans with Disabilities Act (ADA), employees are not required to disclose the specific medication or the underlying medical condition. Employees may not work while impaired by prescription medications that compromise their ability to safely perform their duties. Failure to report such impairment, or attempts to conceal it, will be considered a violation of this policy.
- When appropriate, the Company may require medical clearance from employees' healthcare providers to confirm their ability to safely perform essential job functions prior to returning to duty. The healthcare provider will be provided with a job description outlining essential duties to support treatment decisions and identify any necessary reasonable accommodations.

2.2 Controlled Substances

This policy prohibits the manufacture, distribution, dispensing, possession, or use of all controlled substances as defined by the Controlled Substances Act (other than as prescribed by a licensed physician and in accordance with policy guidelines), including but not limited to:

- Amphetamines/Methamphetamines (including prescription stimulants/ADHD medications)
- Cocaine
- Ecstasy (Ecstasy, Molly)
- Marijuana/THC-products: Hemp-Derived Cannabinoids (e.g., Delta-8 THC, Delta-10 THC, THCA)
- Opioids (e.g. Codeine, Morphine, Hydrocodone, Oxycodone, Fentanyl, and Heroin (6-Acetylmorphine).
- Phencyclidine (PCP)
- Synthetics: Fentanyl Analogs, K2 (Spice), Bath Salts, GHB, LSD, Novel Psychoactive Designer Drugs”), etc.
- Emerging Threats: Ketamine, Tianeptine, Kratom, Psilocybin/Fly Agaric Hallucinogenic Mushrooms, Xylazine, etc.

2.3 Alcohol Policy

Alcohol use is prohibited during work hours and employees must report to work free from the effects of alcohol that may impair their ability to safely and competently perform their duties.

Specific blood alcohol concentration limits apply:

- Blood Alcohol Content (BAC) limits equal to or greater than 0.02% are prohibited and will result in removal from duty, disciplinary action, and referral for Employee Assistance Program (EAP) evaluation by a Substance Use Professional (SAP), who will present a clear pathway for a return to duty.
- Blood Alcohol Content (BAC) limits equal to or greater than 0.04% are prohibited and will result in removal from duty, disciplinary action, and referral for evaluation by a Substance Use Professional (SAP), and may be reported to regulatory agencies, if required by the employee's job designation.
- Employees designated to attend company-sponsored or company-approved events where alcohol is present (e.g. client entertainment, overnight travel, fundraising events, etc.) are not explicitly prohibited from consuming alcoholic beverages at these events. However, company representatives at the events are expected to function as brand ambassadors for our company, consume alcohol moderately, behave in a manner that does not damage the company's reputation or interests, and must prearrange and utilize safe transportation to and from these events in vehicles that are not owned or leased by the Company.

3. EMPLOYEE RESPONSIBILITIES

3.1 Shared Commitment to Workplace Safety:

A recovery-supportive workplace depends on shared responsibility for safety and mutual care. Employees are expected to raise concerns when they observe signs that a coworker may be struggling or impaired in a way that could compromise safety. Speaking up is an act of support and prevention, intended to enable early intervention and prevent injury or more serious harm. Concerns may be raised through supervisors, Human Resources, or confidential reporting channels and will be handled respectfully and without retaliation.

3.2 Professional Conduct Standards

All employees must maintain professional conduct standards that support a safe, productive, recovery-supportive work environment, including cooperation with the Company's drug and alcohol testing procedures, investigations, and adherence to established policies and standards.

- The Company will promote a recovery-supportive workplace culture without enabling unsafe or unprofessional behavior and must hold employees accountable to continue meeting established job performance, behavioral, and safety standards.
- Employees are encouraged to use respectful person-first, destigmatizing language, recognizing that behavioral health and substance use disorders are treatable health conditions not a moral failure.
- Employees must respect the privacy and confidentiality of coworkers, particularly regarding any health-related matters, their status as a person in recovery, or their participation in treatment or recovery programs.
- The Company will maintain a workplace environment that is free from alcohol and other drugs, and will remain mindful of recovering individuals, offering inclusive, non-alcoholic beverage alternatives when planning work-sponsored events.
- The Company will foster a culture of mutual respect and professionalism while supporting colleagues in recovery.
- Employees are strongly encouraged to self-refer to Employee Assistance Program (EAP) resources, in the case of a return to use or setback, engage with Human Resources and seek appropriate resources to get back on track.

3.3 Rights and Protections

Employees have significant responsibilities under this policy, but also have essential rights and protections:

- **Assistance Access** – The right of employees to seek confidential support, assessment, and recovery-related resources without fear of retaliation, and the Company's commitment to make such assistance reasonably accessible.
- **Privacy and Confidentiality Rights** – The right of employees to have medical, recovery-related, and personal information protected from unnecessary disclosure and accessed only by authorized individuals for legitimate business, safety, or compliance purposes.
- **Due Process** – The fair and consistent handling of workplace concerns, including notice, an opportunity to be heard, objective review, and non-discriminatory application of policy, with consideration of supportive interventions where appropriate.
- **Accommodation Rights** – The right of employees to request reasonable workplace adjustments related to recovery or a medical condition, evaluated through an interactive process consistent with law, safety requirements, and essential job functions.
- **Anti-Retaliation** – The prohibition against any adverse action taken against an employee for seeking assistance, engaging in recovery-related activities, reporting safety concerns, or participating in processes protected activities.

3.4 Reporting Criminal Arrests:

Employees arrested for alcohol or drug-related offense must report their arrest to Human Resources within five calendar days regardless of whether it occurred during work hours or on company property.

- Employees will retain the presumption of innocence pending final disposition of the matter.
- Consistent with the Company's commitment to safety and early support, such an arrest may prompt a confidential internal review and a referral to the Employee Assistance Program (EAP) to assess whether supportive resources or assistance may be helpful.
- Depending on the nature of the employee's job duties, temporary reassignment may be considered to ensure safety while the matter is resolved.
- The Company will not impose disciplinary action based solely on an arrest that does not result in a conviction, including a guilty verdict, guilty plea, or no-contest plea.

3.5 Consequences of Non-Compliance

Failure to meet employee responsibilities under this policy may result in disciplinary action up to and including termination. The company maintains a progressive discipline framework that considers the severity of violations, employee safety responsibilities, and willingness to participate in treatment and recovery programs. However, certain violations, particularly those involving safety-sensitive positions or refusal to comply with testing requirements, may result in immediate termination.

4. DRUG AND ALCOHOL TESTING PROGRAM

The Company's alcohol and other drug testing program must conform to the federal testing model enacted by the US Department of Health and Human Services (HHS), including laboratory-based urine or oral fluid methodologies. The Company shall implement and pay for testing required by this program but will not pay for re-testing requested by an employee or follow-up testing following policy violations.

While urine testing represents the historical drug testing standard (and remains mandatory for DOT-covered employees), laboratory-based oral fluid (saliva) testing has equivalent accuracy and superior integrity (tamper-resistance) compared to urine testing. While urine detects a wider, longer window of drug use, lab-based oral fluid is superior for detecting recent use, the presence of active compounds (and the likelihood of current impairment) and is nearly impossible to adulterate because it is directly observed.

4.1 Testing Procedures:

All collections follow strict chain-of-custody requirements and are conducted by trained professionals at certified facilities or via approved mobile services, in accordance with HHS Mandatory Guidelines and applicable federal standards. Specimens are analyzed at HHS-certified laboratories using federally established cutoff levels, with confirmation testing performed for all non-negative results. A qualified Medical Review Officer (MRO) reviews all positive results to assess legitimate medical explanations, including valid prescriptions.

4.2 Types of Testing

The Company's drug and alcohol testing program requires testing under the following circumstances:

- Pre-Employment and New-Hire
- Post-Accident
- Reasonable Suspicion
- Return-To-Duty
- Follow-Up
- Random Testing

4.3 Pre-Employment Testing:

Pre-employment drug testing must be conducted at a federally approved collection site, with laboratory analysis and review by a licensed Medical Review Officer (MRO). An individual may not perform any work for the Company until an MRO-certified negative test result is received.

4.4 Post-Accident Testing:

Post-Accident alcohol and drug testing must be conducted in accordance with HHS guidelines, and must be completed within 32 hours for drugs, and alcohol testing must be administered within 8 hours of the accident. Following a work-related accident, employees shall not consume any alcoholic beverages until either an alcohol test is administered, or until eight hours elapse from the time of the accident.

Post-Accident alcohol and drug testing must be conducted when any of the following criteria exist:

- The accident results in fatality.
- The accident resulted in a serious injury requiring off-site medical attention
- The accident resulted in a vehicle tow-away and a citation by Law enforcement.
- The accident resulted in property damage exceeding \$1,500.
- There is reasonable cause to suspect the employee impairment, even if no citation was issued.

Post-Accident alcohol and drug testing is **not** required if an accident investigation determines **all four** of the following circumstances exist:

- The accident resulted in a minor injury, even when an off-site medical exam was conducted.
- No violation of work rules occurred related to the accident.
- No reasonable suspicion of impairment contributed to the accident.
- The accident is considered normal in relation to the job functions of the injured employee.

Refusal to submit to post-accident testing, or a failure to cooperate with the testing process in a way that prevents completion (including specimen tampering), will be treated as a positive test result. Refusal to complete post-accident testing may result in disciplinary action and may give rise to a rebuttable presumption of impairment for purposes of workers' compensation eligibility. The Company's requirement for employees to cooperate with post-accident testing is part of its commitment to safety, early intervention, and access to appropriate support.

4.5 Reasonable Suspicion Testing:

Reasonable Suspicion testing must be conducted when management or supervisory personnel have a specific, contemporaneous, articulable basis to believe an employee is not mentally alert or physically capable of safely performing essential job functions, regardless of the cause. Observations indicate possible worker impairment. In such cases, the employee will be removed from duty for their safety and the safety of others and directed to undergo an evaluation, including drug and/or alcohol testing, to determine the source of the observed impairment. The basis for reasonable suspicion must be documented in writing within 24 hours of the observation of suspected impairment.

Reasonable Suspicion testing may be triggered by the following criteria:

- Actual knowledge, including direct observation of an employee's alcohol or drug use, possession, or physical signs consistent with impairment while on duty, or immediately prior to duty.
- Observed patterns of behavior, including abnormal, erratic, unsafe, reckless, or irresponsible conduct.
- Employee admission of recent substance use, or credible information regarding us that is independently corroborated by trained supervisory personnel.
- Evidence of tampering with a prior drug or alcohol test.
- Arrest for a drug- or alcohol-related offense, or identification of the employee as the subject of a criminal investigation involving illegal substance use, possession, or trafficking.

When an employee is referred for reasonable suspicion evaluation, the supervisor will arrange safe transportation to an occupational medicine facility or other designated testing location, accompanied by a management representative. A Company representative will coordinate testing by qualified personnel at an HHS-approved location, and all testing will be conducted in a manner consistent with HHS guidelines and that protects the employee's privacy in accordance with state and federal confidentiality guidelines.

When appropriate, the Company may attempt to contact the employee's designated emergency contact person to assist with safe transportation from the workplace or testing site following a reasonable suspicion event. If an employee refuses safe transportation and attempts to operate a vehicle or leave the workplace or collection site while suspected of impairment, the Company must notify local law enforcement to protect the safety of the employee and the public.

4.6 Return-to-Duty Testing:

Return-to-Duty testing specifically applies to employees following a policy violation or a self-referral for treatment of a substance use disorder. This testing must be conducted, and the Company must receive a report of MRO-certified negative test results before the employee may resume work duties.

4.7 Follow-Up Testing:

Follow-up testing is conducted on an unannounced basis in accordance with the testing plan established by a Substance Abuse Professional (SAP) as part of the employee's return-to-work agreement. Follow-up testing is intended to support continued recovery, workplace safety, and successful reintegration, and typically continues for a minimum of 12 months following return to duty. The duration may be extended based on the employee's individual needs and the SAP's professional recommendations.

4.8 Random Testing:

The Company may conduct unannounced random drug testing of up to 100% of the workforce each year, at intervals throughout the calendar year, as part of its commitment to safety and early identification of potential risks. Selection is fully random, and employees may be selected more than once or not at all during a given year. A qualified third-party will use computer-based random selection software to preserve the integrity of the process and ensure all employees have an equal opportunity for selection.

Random testing rates vary based on SUPR participation level, employee classification, and regulatory requirements:

- **SUPR Advanced Level:** Employees who may perform labor or supervision on public improvement projects must participate in a random testing consortium that selects at least 15% annually, using scientifically valid methods that ensure equal selection probability each testing period.
- **FMCSA-Regulated Safety-Sensitive Employees:** Employees must be enrolled in a separate DOT-compliant random testing consortium that selects at least 50% annually for drug testing, and 10% annually for alcohol testing, using scientifically valid methods with equal selection probability each testing period.

4.9 Refusal to Test

Refusal to submit to required testing is treated as equivalent to a positive test result. Forms of refusal include:

- Failure to report immediately to the collection site for testing when instructed to do so.
- Failure to cooperate with the testing process or tampering with specimens or testing procedures.
- Leaving the testing collection site before the testing process was completed.
- Failure to provide an adequate specimen without providing a valid medical explanation.

When possible, employees who have trouble providing specimens due to medical conditions will be provided with alternative testing methods. If a donor is unable to provide a specimen for testing a medical evaluation will be ordered to determine whether medical specimen provision issues are legitimate.

5. SUPPORT SERVICES & CORRECT ACTIONS

The Employee Assistance Program (EAP) is a primary resource for employees seeking support for substance use, behavioral health, or other personal concerns. The EAP provides confidential assessment, short-term counseling, crisis support, and referrals to treatment providers and community resources.

Employees are encouraged to voluntarily access the EAP at any time, including before concerns affect job performance or safety, as early support can help prevent more serious issues. The EAP operates independently from disciplinary processes and maintains strict confidentiality protections. Information shared with EAP professionals is protected in accordance with applicable privacy laws and professional standards to encourage early help-seeking and utilization.

5.1 Treatment and Recovery Support

The Company recognizes that behavioral health and substance use disorders require individualized, comprehensive treatment and supports access to a range of recovery options. Support may include outpatient and intensive outpatient counseling, residential treatment and detoxification services, medication-assisted treatment, peer support and recovery coaching, and aftercare programs.

Employees are encouraged to voluntarily engage in treatment or recovery support, including through self-referral to the Employee Assistance Program (EAP), as early participation can support safety, well-being, and continued employment. When treatment is required as part of a return-to-work process, the Company will coordinate support through the EAP and applicable clinical recommendations to facilitate a safe and successful reintegration.

5.2 Reasonable Accommodation:

Employees participating in approved treatment or recovery programs may be eligible for reasonable workplace accommodation recommended by qualified professionals, which may include modified work schedules to attend treatment or recovery-related appointments, temporary work restrictions during early recovery, and protected leave under the Family and Medical Leave Act (FMLA) or other applicable policies with structured or gradual return-to-work arrangements with appropriate monitoring.

5.3 Progressive Discipline Framework

The Company strives to balance accountability with support for recovery. The Company recognizes behavioral health and substance use disorders are treatable health conditions while maintaining clear expectations for safety, job performance, and compliance with Company policies. Corrective actions are applied in a consistent and proportionate manner, with consideration given to safety and the employee's willingness to engage in support or treatment. Nothing in this framework limits the Company's right to take immediate action necessary to ensure the safety of our employees or the public.

5.4 First-Time Violations:

When appropriate and where safety permits, the Company will adopt a supportive, corrective approach that may include one or more of the following interventions:

- A documented early intervention conversation, supportive resources, and clear performance improvement goals.
- Temporary removal from duty or suspension pending an evaluation.
- Mandatory referral to meet with an EAP professional, or other clinical evaluation, as appropriate, including a return-to-work agreement outlining performance improvement expectations and supportive resources.
- Supportive Return-to-duty and a Follow-Up testing to provide additional support and accountability, as needed.
- Reinstatement following verified engagement or completion of recommended treatment or support measures.

5.5 Subsequent or More Serious Violations

If violations are repeated, involve refusal to cooperate with testing or treatment requirements, or present heightened safety risks, the Company may escalate disciplinary action, which may include suspension or termination of employment.

5.6 Severe or Safety-Critical Violations

Certain violations—particularly those involving safety-sensitive positions, on-duty impairment, or refusal to comply with required testing—may result in immediate termination to protect workplace safety.

5.7 Guiding Principles

- Early identification and intervention are encouraged to prevent further escalation or harm.
- Completion of a treatment program or participation in a recovery program is strongly encouraged and supported but does not eliminate performance or safety expectations.
- Corrective action is not reflexive or automatic and is based on the totality of circumstances
- Nothing in this framework limits the Company’s obligation or ability to act immediately and decisively when necessary.

5.8 Return-to-Work Process

Employees returning to work following a behavioral health or substance-related self-referral or policy violation must complete a structured return-to-work process designed to support recovery, ensure safety, and promote successful reintegration. Requirements may include documented successful completion of recommended treatment, a negative return-to-duty drug test, medical clearance to perform job duties, execution of a return-to-work agreement with monitoring provisions, and participation in a follow-up testing program.

Ongoing monitoring and support may include regular check-ins with supervisors and EAP counselors, continued access to treatment or recovery resources, follow-up testing as required, and workplace modifications when recommended by qualified treatment providers. Clear expectations and consequences for future violations will be outlined to support accountability and continued safe performance.

6. IMPLEMENTATION AND COMPLIANCE

6.1 Designated Program Administrator:

Our designated Program Administrator serves is responsible for implementing our SUPR program and policy, for compliance and coordination with the Ohio Bureau of Workers’ Compensation (BWC) and other applicable regulatory agencies. The Program Administrator maintains current knowledge of regulatory requirements and ensures timely accurate submission of required reports and documentation.

6.2 Employee Education:

All employees, including new hires, are required to complete a minimum one-hour training session designed to promote awareness of substance use and behavioral health risks, encourage early help-seeking, and reduce stigma, while reinforcing workplace safety expectations. The training also provides information on employee rights, responsibilities, and available assistance and recovery resources. Training will be delivered by a “Qualified Substance Professional” (e.g., SAP, LICDC, OCPS, etc.).

6.3 Supervisor Training:

Newly hired or newly promoted supervisors must complete a minimum of two hours of supervisor-specific training, in addition to the required one-hour employee training. This training focuses on recognizing and documenting observable indicators of impairment, including behavioral health or substance-related concerns, and on appropriately intervening

when reasonable suspicion exists that an employee may be unable to safely perform their duties or may be in violation of the Company’s SUPR policy. A “Qualified Substance Professional” (e.g., SAP, LICDC, etc.) must deliver this training course.

Each supervisor participating at the Advanced or Basic level of the SUPR program must also complete Accident Analysis Fundamentals training within 30 days of the start of the program year or within 60 days of the employee becoming a supervisor. This one-time requirement is in addition to the drug-free supervisor training. This training is free of charge on the BWC’s website, or a qualified vendor may present BWC-required class topics for a fee.

Supervisors are strongly encouraged, but not required, to complete Mental Health First Aid training offered through the Ohio Department of Behavioral Health (DBH) to enhance their ability to recognize concerns early, respond appropriately, and support employees in distress.

6.4 FMCSA-Regulated Reasonable Suspicion Training:

FMCSA regulations (49 CFR §382.603) require any supervisor of CDL-regulated CMV drivers to complete one-time reasonable-suspicion training totaling 120 minutes, consisting of 60 minutes on alcohol misuse, and 60 minutes on controlled substance use. This training enables supervisors to recognize physical, behavioral, speech, and performance indicators of impairment for purposes of reasonable suspicion testing.

7. OHIO BWC SUPR PROGRAM COMPLIANCE

The Company participates in the Ohio Bureau of Workers’ Compensation (BWC) Substance Use Prevention & Recovery (SUPR) Program at the **Advanced** Level and complies with all statutory requirements.

7.1 Reporting Requirements:

The Company submits all required reports and documentation in accordance with BWC requirements, including annual program reports through the BWC Grant Management Portal, testing data submissions as applicable, incident reports for qualifying workplace injuries, and timely policy updates when required.

7.2 Record-Keeping & Documentation:

The Company maintains complete and accurate records to support regulatory compliance, program effectiveness, and audit readiness. Required records include employee policy acknowledgments, training documentation for employees and supervisors, drug and alcohol testing records (including chain-of-custody documentation), Medical Review Officer (MRO) reports, disciplinary and return-to-work documentation, and all BWC reporting and compliance materials.

Records are retained in accordance with applicable requirements, including a minimum of five years for testing records, the duration of employment plus three years for training records, the duration of employment plus seven years for disciplinary records, and such additional periods as required for BWC compliance documentation. All records are protected through appropriate security measures, including secure storage of paper files, password-protected electronic systems, and access controls limiting review to authorized personnel with a legitimate business need.

7.3 Privacy and Confidentiality

All health-related information, including behavioral health and substance-related data, is protected by strict privacy and confidentiality standards. Medical and testing records are maintained separately from personnel files and are accessible only to individuals with a legitimate business need to know. Electronic records are safeguarded through appropriate security measures, including password protection and encryption, and all records are securely disposed of in accordance with applicable retention requirements. Employees have the right to access their records, request corrections, and receive copies of test results and related reports. Employees are also protected from retaliation for seeking assistance or reporting privacy concerns, and clear procedures are in place for reporting suspected privacy violations. Information is disclosed only for legitimate business purposes and only with proper documentation and justification.

8. EMERGENCY PROCEDURES

The Company maintains procedures for prompt response to behavioral health or substance-related incidents, which may include emergent evaluation of employee safety and medical needs, supervisor notification and documentation, testing arrangements with proper chain of custody, activation of the Employee Assistance Program (EAP), and required regulatory reporting. For serious incidents, the Company will implement crisis management procedures, including coordination with emergency services and regulatory authorities to protect the safety of our employees, the Company, and the public.

9. STATE CONSTRUCTION CONTRACTOR ELIGIBILITY & COMPLIANCE

To be eligible for a state public improvement project, an employer must maintain an active Ohio Workers' Compensation policy in good standing, be enrolled and in good standing in the Substance Use Prevention & Recovery (SUPR) or an approved Comparable program and submit timely annual reports with supporting documents to the BWC.

The Ohio BWC maintains an approved contractor database. Contracting authorities may not award contracts to any contractor or subcontractor not listed as "APPROVED" in the State Construction Contractor Look-Up. Before subcontractors may commence work on qualifying projects, contractors must verify all subcontractors are enrolled in, and in good standing with the SUPR program or an approved Comparable program. Subcontractors must verify the enrollment and good standing of lower-tier contractors. Failure to verify subcontractor compliance constitutes a breach of contract and may result in disqualification from state public improvement projects for up to five years. As a best practice, appropriate parties should retain documents demonstrating due diligence in contractor eligibility verification for the duration of the project.

9.1 Drug Testing on State Construction Sites

In addition to post-accident, reasonable suspicion, return-to-duty, and follow-up testing after a positive drug test result, contractors and subcontractors must retain documentation verifying negative pre-employment drug test results for all individuals (100%) providing or seeking to provide labor or supervision on state public improvement project sites, must be able to readily access those records, and must include those employees in a random testing consortium that selects (minimum of 5% annually) using neutral, federally-compliant random selection software for the duration of that project.

9.2. Drug & Alcohol Testing Standards

Drug testing must follow the federal testing model adopted by the Ohio BWC and in accordance with ORC §4511.19 may include laboratory analysis of urine, blood, or oral fluid (non-DOT testing only) specimens, and alcohol testing that meets thresholds and approved methods, including evidentiary breath testing or blood testing when breath testing is unavailable.

9.3 Training Requirements

Before an individual may provide labor or supervision on a public improvement project, including after the project is underway, a Qualified Substance Professional must deliver one hour of substance use awareness and deterrence training for all employees, and an additional one hour of supervisory skill-building training focused on recognizing signs of worker impairment, particularly due to suspected substance use, documenting behavior, and proper intervention.

9.4 Employee Assistance & Consequences

Employers must provide employees with information on available substance-abuse resources. However, employers may still enforce policies allowing termination after a first positive test, or for refusal to test, consistent with program rules.

10. ADDITIONAL REQUIREMENTS FOR DOT REGULATED EMPLOYEES

Employees who hold Commercial Driver's Licenses (CDLs) or perform DOT-regulated safety-sensitive duties must be covered by a separate drug and alcohol testing policy and enrolled in the FMCSA Drug and Alcohol Testing Program under 49 CFR Part 382. All testing requirements and thresholds are governed by the U.S. Department of Transportation in accordance with 49 CFR Part 40. These employees must also participate in the company-sponsored drug and alcohol testing program and are subject to both company and DOT testing requirements.

10.1 FMCSA Drug and Alcohol Clearinghouse:

The Federal Drug and Alcohol Clearinghouse is a secure, online database that provides real-time access to drug and alcohol program violations for CDL and CLP holders. Accessible to employers, FMCSA, State Driver Licensing Agencies, and law enforcement, the Clearinghouse records, including violations of 49 CFR Part 382, Subpart B, including positive test results and refusals, the driver's return-to-duty completion date and follow-up testing plan, as required by 49 CFR Part 40.

Employers must conduct full FMCSA Clearinghouse queries for new hires and partial annual queries for existing FMCSA-regulated workers. Full queries must be conducted if a partial query reveals an unreported violation of 49 CFR Part 382.

10.2 FMCSA MIS Reporting Requirements

Motor carriers subject to FMCSA Management Information System (MIS) reporting must maintain annual drug and alcohol testing records and submit them to the Federal Motor Carrier Safety Administration upon selection. Selected carriers are required to submit the prior calendar year's MIS data by the FMCSA-specified deadline to avoid applicable civil penalties. All MIS records must be retained for a minimum of five (5) years in accordance with FMCSA requirements.

11. DEFINITIONS:

Abstinence - Intentional avoidance of, or choice to voluntarily refrain from, the use of drugs or alcohol.

Abuse - Using any substance in a way that is illegal, harmful, or not as directed. This includes using illegal drugs, misusing over-the-counter drugs, using a prescription drug in a way your doctor did not direct, or drinking alcohol in a way that negatively affects your work.

Alcohol - Any beverage or medication containing ethyl alcohol (ethanol), including beer, wine, and distilled spirits (liquor).

Behavioral Health Disorder – A diagnosable mental health or emotional condition that may affect an individual’s functioning or safety at work and is recognized as a treatable medical condition.

Confirmation Test – A due process protection that ensures testing accuracy and provides a right-to-appeal mechanism for donors who disagree with a Medical Review Officer’s (MRO) initial verified positive drug test result. Within 72 hours of notification of a positive drug test, a donor can request retesting of the remainder of the original specimen at another HHS-certified laboratory, using a highly accurate testing to confirm or refute the presence of a specific drug or substance in the donor’s specimen.

Controlled Substance - A drug whose manufacture, possession, and use are regulated by the government, such as under the Controlled Substances Act. These drugs are either illegal or require a prescription from a licensed physician due to their potential for abuse or dependency.

Employee Assistance Program (EAP) - A work-based confidential program that helps employees with personal and work-related issues that negatively impact their job performance, health, or overall quality of life. EAPs offer screening, assessment brief counseling, referrals, and follow-up services.

Fitness for Duty - An employee’s ability to perform their job duties safely and effectively, without being impaired by any physical, mental, or emotional condition, including substance use.

Follow-Up Testing - A series of unannounced drug and/or alcohol tests required for an employee who has violated the drug and alcohol policy and is returning to work. The testing is prescribed by a Substance Abuse Professional (SAP) for a specified period.

Illegal Substance - Any drug that is illegal to possess, use, or sell under federal or state law, including prescription medication used by someone other than the person for whom it was prescribed.

Impairment - A state in which a person’s physical or mental abilities are diminished to the point where they are unable to safely or effectively perform their job. Impairment may be caused by countless factors such as substance use, fatigue, stress, or other medical or personal factors.

Laboratory - A facility certified by the U.S. Department of Health and Human Services (HHS) to perform drug testing for federally regulated industries.

Mental Health First Aider – An individual trained to recognize warning signs, offer non-judgmental support, and guide people toward appropriate professional resources, who provides initial support to someone experiencing a mental health crisis or substance use disorder, like medical lay responders or first aiders who provide basic triage for physical injuries.

Medical Review Officer (MRO) - A licensed physician with specialized training who is responsible for receiving and reviewing laboratory drug test results and evaluating medical explanations for those results.

Medication-Assisted Treatment (MAT) - An evidence-based approach to treating substance use disorders that combines the use of FDA-approved medications with counseling, behavioral therapies, and recovery supports to improve health outcomes, reduce the risk of return to use, and support long-term recovery.

Peer Recovery Supporter - A trained individual with personal, lived experience of recovery from a mental health and/or substance use disorder who provides non-clinical support, encouragement, and guidance to others in recovery.

Person-First Destigmatizing Language – An approach to communication that places the individual before any diagnosis or condition, with the intent of reducing stigma and promoting dignity and respect. This approach avoids defining people by a condition and instead emphasizes their humanity (e.g., “a person experiencing a behavioral health condition” rather than using labeling language).

Reasonable Suspicion Testing - Testing conducted when there is a belief, based on specific, observable facts and rational inferences (e.g., appearance, behavior, speech, or odors), that an employee is demonstrating significant indicators of impairment for trained supervisors to conclude the worker may be too impaired to safely remain on duty.

Recovery - A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential. Recovery from a substance use disorder is a personal journey that may involve clinical treatment, peer support, and self-care.

Recovery-Supportive Workplace - A workplace that promotes holistic employee well-being, supports employees with behavioral health (BH) and substance use disorders (SUD) by reducing stigma, removing barriers to treatment and recovery, promoting pathways for a successful return to work following treatment.

Rehabilitation - A formal program of treatment and education designed to help a person with a substance use disorder stop using drugs or alcohol and learn the skills to live a sober, healthy life.

Return to Use – The resumption of substance use, however briefly, after a period of sustained abstinence for a person in recovery. A return to use does not

necessarily indicate complete treatment failure but serves as an indicator of the individual’s need to modify their recovery approach or, in some cases, the need for additional treatment or recovery support services.

Return to Work - The process employees must complete after a verified violation of the company’s drug and alcohol policy before they are permitted to resume their job duties. This process is typically overseen by a Substance Abuse Professional (SAP).

Specimen - A sample of urine, saliva, breath, blood, etc., that is collected for a drug or alcohol test.

Stigma - Negative attitudes and beliefs that lead people to fear, reject, and discriminate against individuals struggling with behavioral health and substance use disorders can prevent people from seeking help.

Safety-Sensitive Position- A job classification involving the performance of hazardous duties, where worker impairment could reasonably be expected to result in serious injury to the employee, other employees, or the public, or in significant damage to equipment, property, or facilities.

Substance Use Disorder (SUD) - A treatable medical condition, defined as the recurrent use of alcohol and/or drugs causing clinically significant impairment, including failure to meet major responsibilities at work, school, or home, health problems, potentially even disability.

Treatment - Services designed to help individuals stop or reduce substance use and improve their health and well-being. Treatment can include counseling, medication, and other support services.

Voluntary Self-Referral - Defines a process for employees to seek help before a safety incident occurs, ensuring they are not punished for reaching out.

Under the Influence - A state in which a person’s physical and mental abilities are impaired by the effects of a substance to the point where they are unable to perform their job safely and effectively.

Workplace - Any location where an employee performs work for the company.

ACKNOWLEDGEMENT OF RECEIPT, CONSENT & AUTHORIZATION FOR THE RELEASE OF INFORMATION

By signing below, I acknowledge that I have received a copy of DiPietro Excavating’s written substance use policy and have had the opportunity to review it, discuss it with a knowledgeable Company representative or qualified subject matter expert, and ask questions to ensure my understanding of its key provisions.

I understand that this document accurately reflects DiPietro Excavating’s current substance use policy. I further understand that the Company may revise this policy as necessary to comply with applicable federal or state requirements or to address evolving operational and safety needs. Any such changes will be made in writing and distributed to employees prior to implementation.

I voluntarily consent to provide specimens as required to comply with the terms of the alcohol and drug testing program established by state laws and federal regulations and the written policy implemented by DiPietro Excavating regarding the use of illegal drugs and the misuse or abuse of alcohol and other controlled substances, including prescription medications for the duration of my employment with DiPietro Excavating.

I understand this testing process will follow DiPietro Excavating’s written substance use policy. Any refusal to submit to testing or attempt to subvert, tamper with, or otherwise interfere with the testing process, including false or misleading information in connection with such testing, will be grounds for termination of my employment with DiPietro Excavating.

I authorize the release of my initial screening results from the collection site to an HHS-approved laboratory, the release of test results to the Medical Review Officer (MRO) and reported by the MRO to DiPietro Excavating’s Designated Employer Representative (DER), Employee Assistance Professional, or Substance Abuse Professional.

I release DiPietro Excavating, its employees, service agents, and contractors, from any liability arising from the collection and laboratory analysis of the specimens I provide as required by this testing program, including decisions made regarding my application for employment or continued employment with DiPietro Excavating.

The written substance use policy adopted by DiPietro Excavating has been thoroughly explained to me. I have had the opportunity to review the document, seek clarification, request additional information, and agree to comply with this policy's terms, procedures, and provisions for the duration of my tenure as an employee of DiPietro Excavating.

By my signature, I acknowledge that it is my responsibility to read, understand, seek clarification as needed, and comply with the procedures and requirements of this policy for the duration of my employment with DiPietro Excavating.

Employee Signature: _____

Employee Printed Name: _____ Date: _____

Witness Signature: _____

Witness Printed Name: _____ Date: _____