
	Berry Bros. General Contractors, Inc. Corporate Policy Procedure	
Issue Date: 10-13-2011	(HSE) Health, Safety & Environmental Policies and Procedures Manual	Section # 16
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Approver: Joe Berry		Revision: 0
Sub-Contractor Management Plan		

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SUBPART A - POLICY

It is the policy of the Contractor, defined herein below, to select and contract with Subcontractors with the same priority and emphasis on safety as Contractor practices for its own employees. It shall be a contractual requirement that Subcontractor, defined herein below, comply with ***all*** Contractor, Client, State and Federal safety and health regulations, policies, and procedures as applicable to specific project(s).

Subcontractors will be required to allow Contractor to audit its HS&E and Drug & Alcohol programs, policies, statistics, etc. annually.

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This procedure is not intended as a complete map for Subcontractor Safety, but is intended to be used as a baseline guide for each Subcontractor to align themselves with Contractor Policies and Procedures. A complete HS&E Safety Manual shall be given to each Subcontractor for bid submittal and/or project HSE implementation purposes prior to any contract award or Project mobilization.

SUBPART B – PURPOSE AND SCOPE

The goal of an accident free job site can only be achieved through a cooperative effort by all contractors and employees on the entire project. This procedure provides safety requirements to be implemented when Subcontractors and their employees begin work on Contractor projects.

SUBPART C - REFERENCES

Berry Bros. General Contractors, Inc. (BBGCI) [known as the “Contractor” or “BBGCI” in any Master Agreement] is sometimes referred to as the “Company” in these Subcontractor Safety documents.


SUBPART D - DEFINITIONS

Subcontractor - Any person, partnership or corporation which has a contract with the Company and/or their subcontractor(s), to furnish labor, material, or equipment as part of the work.

Work - The total of the subcontractor’s responsibilities and services as set forth in the Contract Documents for any particular Project.

Site Manager/Management - The highest ranking representative of Contractor whose regular work location/office is at the project site, including the “Site Manager,” “Construction Manager” and/or the “Purchasing Manager” whatever the case may be.

Contract Documents – The Master Agreement between Contractor and Subcontractor, if any, any particular subcontract and other documents

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comprising any contract associated with the specific Work. It is contemplated that there could be multiple separate contracts (and therefore separate Contract Documents) which are the subject of these Safety Documents.

Project – The specific construction project, as the case may be, the subject of the Contract Documents and location of the performance of the Work. It is contemplated that there could be multiple Projects which are the subject of these Safety Documents.

Owner or Client – The person or entity owning any Project and/or the “general contractor” (if not Contractor) for any Project.

SUBPART E - RESPONSIBILITIES


The project manager, construction manager and/or purchasing manager of Contractor are responsible for the selection of subcontractors. The corporate safety department of Contractor is available as a resource to interpret safety data and provide assistance in the selection of subcontractors as required.

The project manager and/or site manager (or their equivalent) of the Subcontractor, and his/her project staff, are responsible for assuring the overall implementation of and compliance with the requirements of this procedure by the Subcontractor.

All Sub-contractors (management representatives) shall attend all meetings deemed pertinent to the successful implementation of the Project, including kick-off and pre-job meetings. These meetings shall be documented.

All subcontractors are not authorized to sublet any work without prior written approval from Contractor.

SUBPART F - TRAINING

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Subcontract employees must complete safety training per all applicable Federal, State, Local, Client and Company safety requirements. Documentation of all safety training shall be maintained by Subcontractor and provided to Contractor upon request.

Under Federal and State safety requirements, Subcontractors (employers) must certify that all operators of mobile equipment such as forklifts, cranes, boom lifts, buses, etc., are required to have been trained and/or certified on the proper operation of the equipment. Copies of this training and certification shall be maintained by Subcontractor and forwarded to Contractor upon request.

All Subcontractor employees are required to participate in or conduct daily toolbox safety meetings. Signed copies of the daily toolbox meeting shall be made available to Contractor within 24 hours of each session. Copies of all safety meeting shall be forwarded to Contractor at the completion of the project.

SUBPART G - INSPECTION AND STORAGE

Copies of all Subcontractor safety documents shall be maintained by Subcontractor for a minimum of 12 months, unless specified by regulatory agency requirements to maintain such documents for a longer period of time.


Accident reports, OSHA Logs and other critical safety documentation shall become part of the permanent project files and maintained by Contractor upon project completion.

SUBPART H - PROCEDURE

- Requesting and Evaluating “Subcontractor Safety Data Forms” (Attachment 1).

The “Risk Manager” or designee will send the Subcontractor Safety Data Form (SSDF) to all potential subcontractors in conjunction with a request for quotation to perform services.

Upon return receipt, the completed SSDF will be reviewed by the project manager, construction manager of Contractor with input from the Corporate Safety Department to determine if subcontractor has a safety program that meets acceptable guidelines for performing work.

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Subsequent to review of the SSDF, the project manager, construction manager, or risk manager of Contractor will qualify or disqualify a Subcontractor. Three (3) primary sources of information provide ways to evaluate the probable safety performance of prospective subcontractors:

- Experience modification rates for worker's compensation insurance premiums
- OSHA incidence rates for recordable injuries and illnesses
- Contractor safety programs, procedures, and practices
- Documentation and Reporting Requirements

All Subcontractors will be expected to submit a signed copy of their HS&E Mission statement for review.


All Subcontractors will be expected to provide a copy of their HS&E improvement plan for review (Attachment 7).

All Subcontractors will be expected to provide their current annual HS&E statistical data along with the previous two years to the Contractor's Corporate Safety Department for review and annually thereafter. In addition, when working onsite the Subcontractor is expected to turn in the Monthly Subcontractor Accident Statistics Report (Attachment 1).

All Subcontractors and their tier Subcontractors shall forward a copy of their Safety Program and Hazard Communication Program to Contractor prior to mobilizing on the project.

A JSEA, JSA, JHSA, etc., specific to the scope of work, must be generated by each Subcontractor prior to performing any work on the project. This Plan will be reviewed by the Company Safety Department representative.

Signed copies of Subcontractors daily tailgate safety meeting reports shall be made available to the Company within twenty-four (24) hours of each

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meeting. In most cases, Subcontractor will be required to attend and sign in at the daily tailgate meeting held by Contractor on the project.

Accident investigation reports for all Subcontractor accidents, injuries and work related illnesses shall be forwarded to Contractor's e Safety Department within eight (8) hours of the occurrence.

Subcontractors shall complete the Monthly Summary of Subcontractor Injuries (Attachment 2) for each month in which they conduct work on the project. These reports are due to Contractor's Safety Department by the fifth (5th) day of the month for the preceding month.

Subcontractors are also responsible for and shall comply with all Federal and State accident reporting and recordkeeping requirements for their employees.

Each Subcontractor shall develop a project specific Emergency Action Plan in accordance with Federal, State, Client and Contractor requirements.


Site Management must be informed promptly of any accidents occurring on the project. Serious injuries, illnesses, or any accident involving a third party or a member of the general public must be reported to Site Management immediately.

Site Management must be informed immediately of any OSHA, EPA, or other safety or health regulatory agencies actions involving Subcontractor's work.

- **Basic Safety Requirements**

The following basic safety rules list some of Contractor's primary safety concerns for Subcontractor safety but are in no way all-inclusive. All other Client, Owner, Company, Federal, State and local safety and health regulations that govern the work shall apply.

Subcontractors will be required to provide evidence that fitness to work issues are thoroughly addressed and monitored, including pre-employment physicals including Fatigue Management (Hours / days of service, bunk-to-

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bunk, etc.) and return to work policy. Reference BBGC's Safety Manual.

Each Subcontractor shall appoint an on-site safety representative who will attend Contractor's regular project safety meetings, hazard assessment sessions, and joint site inspections. The safety representative will be responsible for implementation of the rules listed below, as well as any other safety rules determined necessary for the safe execution of the project, by Contractor.

Hard hats shall be worn at all times; this includes welders when not using welding hoods.

FRC's may be required depending upon the scope of the work and or job location and or client.

Hard-toe footwear, complying with ANSI Z41.1 specifications, shall be worn by all employees in areas where foot injury hazards could possibly exist.


Safety glasses (with rigid side shields), designated ANSI Z87.1 approved, shall be worn at all times when in the field, shop or any time while on site. This includes employees with prescription eye wear. Safety goggles may be worn over non-safety prescription eyewear.

Face shields must be worn in conjunction with safety glasses when grinding, chipping, jack hammering, and power sawing, or conducting other tasks that involve serious face/eye hazards.

Gloves, appropriate for the hazard present, shall be worn when hands are exposed to absorption of harmful substances, cuts, abrasions, punctures, chemical burns, thermal burns or harmful temperature extremes.

All Subcontractor employees shall wear traffic vests with reflective stripes when required.

All Subcontractor employees shall comply with Contractor's 100% Fall Protection Policy. This Policy simply states: "Anytime employees are working from an unprotected elevation of six (6) feet or more, fall protection

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must be used.” Working as stated above shall include any work being performed while traveling, stationary, or at anytime exposed to a fall from a surface not protected by approved handrails, guardrails or some other approved fall elimination device.

Illegal drugs and any **mind altering substances whether legal or not**, alcohol, firearms or other dangerous substances shall not be allowed on the project and may result in permanent dismissal. For further information on this item, refer to the “BBGCI’s Alcohol, Drug, and Contraband Policy.” (Attachment 6)

Good housekeeping shall be maintained on a continuous basis. Supplies, tools, and materials as well as scrap materials and construction debris must be stored, transported, contained and disposed of properly.

Hearing protection must be worn when employees are exposed to noise levels requiring protection, as defined by Federal or State safety standards.

- **Equipment**


All equipment brought onto the project shall, at a minimum, comply with Contractor, State, and Federal OSHA regulations. All equipment inspections must be properly documented and maintained on site.

All equipment on the project shall be used in accordance with both Federal and State safety requirements, and the manufacturer’s instructions and guidelines. Equipment shall not be altered in any way to adapt it for a job for which it is not intended by the manufacturer.

Subcontractors shall use either Ground Fault Circuit Interrupters (GFCI’s) or assured equipment grounding inspection program to protect employees using electrical tools and equipment.

Daily Equipment inspections will be required for all equipment.

- **Certification and Permits**

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Certain operations may require a Client/Owner permit. A Subcontractor representative shall inquire with Contractor's Site Management to determine if any part of Subcontractor's activities requires a Client/Owner permit. Such activities may include, but may not be limited to:

- Hot Work
- Vessel Entry
- Confined Space
- Excavations

Some States and local authorities require permits for specific activities such as; excavations, heavy lifts, lead abatement, etc.


Subcontractors shall be responsible to secure and comply with these permits, unless the Project or Site Manager has delegated this responsibility to others, in writing.

- Hazard Communication Program

All Subcontractor companies are required to have a written Hazard Communication Program meeting Federal and State Safety requirements and comply with the requirements of that program. Documentation of employee Hazard Communication Training must be established by the employer prior to commencement of work.

Any potentially hazardous material or chemical brought onto the project is required to be accompanied by a Material Safety Data Sheet (MSDS). Copies of any MSDS as required herein shall be forwarded to Site Management before the product is brought onto the project.

Small quantities of hazardous liquids, such as gasoline, diesel fuels and any solvents, brought onto the project shall be stored in a properly labeled safety container with a flame arrestor and self closing lid. All hazardous materials and chemicals brought onto the project shall be in the proper containers with no visible signs of leaks. Contact Site Management prior to bringing large quantities of hazardous materials or liquid on site.

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ALL CONTAINERS BROUGHT ONTO THE PROJECT MUST BE LABELED AS TO THEIR CONTENTS.

Site Management shall be notified before any chemical/material creating noxious or toxic fumes is used.

- Respiratory Protection

All Subcontractors whose employees may be expected to wear a respirator must have a Respiratory Protection Program in place. This program must comply with current Company, State and Federal requirements. Subcontractors program must include the following:

- Proper respirator selection
- Proper respirator training, and the required fit test procedures
- Proper respirator cleaning, sanitizing, inspection and maintenance
- Respirator users medical clearance

- Safety Surveys


Site Management and the Contractor’s Safety Department will conduct periodic safety surveys of the project. Any safety discrepancy observed will be reported to the appropriate Subcontractor Site Safety Representative for immediate correction.

Company safety surveys, in no way, relieve Subcontractors of its responsibility to self-inspect its work and equipment and to conduct its work in a safe manner.

- Safety Adherence

The “Subcontractor Safety Adherence Policy” will be incorporated in the contract documents and contains the same procedures as summarized below.

Action Level One - If a Subcontractor fails to comply with an applicable safety standard, Site Management will issue a written “Notice of Safety Non-Compliance” (attachment 3) to Subcontractor’s site safety representative.

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Site Management will also forward a “Warning Letter for Safety Non-Compliance” (attachment 4), and a copy of the Notice of Safety Non-Compliance to Subcontractor’s President or Operations Manager. Copies of these two documents will also be forwarded to the Contractor’s Corporate Safety Department.

Action Level Two - If item(s) of safety non-compliance are not corrected by Action Level One, or Subcontractor repeatedly fails to comply with the applicable safety regulations, the Site Manager will issue a “Written Notice of Temporary Job Suspension” (attachment 5) to Subcontractor. Subcontractor’s work may not resume until the Contractor’s Operations Manager and Subcontractor’s Division Manager or equivalent have met and Subcontractor has proposed corrective actions that are acceptable to Contractor. Actions that may be considered include, but are not limited to:

- Removal of certain Subcontractor personnel from the project;
- Alteration of Subcontractor’s job procedures; or
- Have Contractor implement the corrective action and back charge Subcontractor.

Subcontractor shall not resume work until proposed corrective actions are accepted by Contractor management. Contractor management will document the meeting results which will be kept on file.

Action Level Three - If Action Levels One and Two do not result in Subcontractor’s safety performance being brought into compliance, subcontract termination will result. Project management for Contractor may, after informing the local management that the safety adherence procedure has not been followed and after giving Subcontractor notice, terminate the subcontract. Subcontractors that have a contract terminated in accordance with this procedure will be ineligible to participate in future Contractor projects until they have implemented and demonstrated corrective actions to improve their deficiencies. Only written approval from the Contractor’s President can reinstate a Subcontractor’s eligibility.

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- Imminent Danger Situations

Upon discovery of any situation which may, in the opinion of the Site Management or Safety Representative, lead to a serious injury, illness or death Contractor Management or Safety will suspend the related work immediately. Work may resume only after the safety concern(s) have been corrected, to the satisfaction of Contractor. Examples of "imminent danger" situations may include, but are not limited to the following:

- Falls from elevations exceeding Client, Contractor, Federal, or State safety standards
- Excavations not properly sloped or shored
- Possible electrocution hazards
- Work activities posing injury hazards to the general public
- Operation of vehicles, machinery or heavy equipment in an unsafe manner

Other than immediate suspension of work, the procedure for correction of imminent danger situations will follow the procedure set forth above.

Revision Date: 06-30-08, 09-2-09
10-13-14

Approved By: Safety Committee, Joe Berry

ATTACHMENT 1:

**MONTHLY SUBCONTRACTOR ACCIDENT
STATISTICS REPORT**

FOR: _____ (MONTH) PROJECT NAME: _____
SUBCONTRACTOR NAME: _____

Work hours for the month: _____ Work hours Year-to-date: _____

Number of injuries & illnesses that received treatment by a physician: _____

Total number of OSHA Recordable injuries & illnesses: _____

Number of Restricted duty cases: _____ Number of Lost time (days away) cases: _____

Please list all injuries and illnesses which have occurred to employees of your company on the above project this month. Include type of accident, date of accident, accident cause, injury/illness suffered and current disposition of injured/ill employee (i.e., returned to work, still off work, awaiting surgery, etc.):

Person completing report: (print) _____ Title: _____

Date: _____ Signature: _____

Please submit this report to the Safety Manager on the above project by the fifth (5th) of each month, for the preceding month's work activities.

ATTACHMENT 2:

NOTICE OF SAFETY NON-COMPLIANCE

To: _____ Site Representative for _____

Your company has been found to be in non-compliance with one or more Federal, State, or Contractor safety requirements as specified below. This safety non-compliance must be corrected immediately for your company to meet the requirements of your subcontract.

<u>Item#</u>	<u>Item of Non-compliance</u>
_____	_____

Applicable Safety Requirement _____

Applicable Safety Requirement _____

Applicable Safety Requirement _____

Issued By: _____
Signature of Project Manager or Site Manager

_____ Date

Received By: _____
Signature of Sub-Contractor Rep. Receiving Notice

_____ Date

cc: Area Company Operations Manager

ATTACHMENT 3:

WARNING LETTER FOR SAFETY NON-COMPLIANCE

Project Name and Number _____

Your company, _____, has been found to be in violation of its contract by non-compliance with applicable Federal, State, or Contractor/Client safety requirements.

On _____ (date), in accordance with the Contractor Subcontractor Safety Adherence Policy, your representative, _____, was given a Notice of Safety Non-Compliance (copy attached). This notice specifies areas where your company does not comply with Federal, State, or Contractor/Client safety requirements, and requests that these items be corrected immediately.

If they are not corrected, more stringent measures will be taken in accordance with Company Subcontractor Safety Adherence Policy.

Thank you for your prompt attention to this matter.

Signature of Project Manager or Site Manager

Date

cc: BBGCI President and
Corporate Health & Safety Department

ATTACHMENT 4:

WRITTEN NOTICE OF TEMPORARY JOB SUSPENSION

Your company, _____ while working on the _____ project has been notified of safety performance deficiencies in accordance with Contractor's Subcontractor Management Plan.

Despite these written notifications requesting that immediate corrective action be taken to improve your safety performance, improvement has not occurred.

Therefore, in accordance with Action Level Two of the Subcontractor Safety Adherence Policy, we are hereby notifying your company that after securing your equipment, all job activities on the project named above are to cease immediately.

Activities on this project may be resumed only after your company meets requirements set forth in the Subcontractor Safety Adherence Policy.

Signature of Project Manager or Site Manager

Time

Date

cc: BBGCI President
Corporate Health & Safety Department

ATTACHMENT 5:

BERRY BROS. GENERAL CONTRACTORS, INC.

ALCOHOL, DRUG, and CONTRABAND POLICY

EFFECTIVE DATE:

January 1, 1984

Revision Dates:

May 1, 2003

June 1, 2005

October 22, 2009

December 15, 2009

January 3, 2011

March 4, 2011

March 29, 2011

I. PURPOSE

Berry Bros. General Contractors, Inc. (BBGCI) is committed to a safe, healthy, and productive workplace for all employees. The company recognizes that alcohol, drug, or other substance abuse by employees will impair their ability to perform properly and will have serious adverse effects on safety, efficiency and productivity of other employees and the company as a whole. The misuse of legitimate drugs, or the use, possession, distribution, or sale of illicit or unprescribed controlled drugs on Berry Bros. General Contractors, Inc. business or premises is strictly prohibited and is grounds for termination. Possession, use, distribution, or sale of alcoholic beverages on Berry Bros. General Contractors, Inc. premises is not allowed without prior approval of appropriate senior management. Being unfit for work because of the use of drugs or alcohol is strictly prohibited and is grounds for termination of employment. While this policy refers specifically to alcohol and drugs, it is intended to apply to inhalants and all other forms of substance abuse.

Employees who suspect they have an alcohol or drug dependency problem are encouraged to seek advice and/or help and to follow appropriate treatment promptly before it results in job performance problems.

The use of some medically prescribed medications; i.e. medical use marijuana, etc., will impair the ability to perform properly and will have serious adverse effects on safety, efficiency, and productivity of all employees. Being unfit for work because of use of alcohol or drugs or prescription medications is strictly prohibited and grounds for disciplinary action including termination of employment.

Contractors and sub-contractors are also required to promote safe, healthy, and productive work environments for all of their employees. As such, contractors and sub-contractors must adopt BBGCI's Alcohol, Drug, and Contraband policy. Those contractors and sub-contractors who violate the policy will be removed from the premises and may be denied future work. BBGCI has established an Alcohol, Drug, and Contraband policy requiring alcohol and drug testing under certain circumstances. This program specifies those circumstances for alcohol and drug testing methods and procedures.

II. DEFINITIONS

- A. Personnel** – Any of BBGCI employees, agents, or sub-contractors' employees working on any client's premises.
- B. Client's Property** – All real or tangible personal property, including facilities, buildings, vehicles, products, and equipment either owned or controlled by the client.
- 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. (3) Alcoholic beverages.

- D. **Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a supervisor to suspect use or consumption.
- 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 this policy 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 maintaining balance.

III. PROHIBITIONS

Personnel are prohibited from the following:

- A. Using, possessing, selling, manufacturing, distributing, concealing, or transporting on client's 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 the client's 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/her supervisor, if he/she 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 the client.
- D. Switching or adulterating any urine, blood, or other sample used for testing.
- E. Performing work for the client if that person has tested positive, or refused testing, in any employment-related test except personnel seeking access to client 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.

IV. Searches and Inspections

On client property or company property, personnel are subject to random unannounced searches by client personnel, Berry Bros. personnel, or their designated authority of their property that may include but not limited to the following: wallets, purses, lockers, baggage, offices, desks, tool boxes, clothing, and vehicles. The searches will be conducted by supervisors/or authorized search and inspection specialists, including scent-trained animals.

V. Alcohol and Drug Testing

Alcohol and drugs to be tested for are any of the following substances and their threshold levels:

Substance	Screen Level	Confirmation Level
ALCOHOL	.02 BAC**	.04 BAC**
Amphetamines	300 ng/mL	
Amphetamines		250 ng/mL
Methamphetamine		250 ng/mL
MDA Analogues	250 ng/mL	
MDA		200 ng/mL
MDMA		200 ng/mL
MDEA		200 ng/mL
Barbiturates	300 ng/mL	100 ng/mL
Benzodiazepines	300 ng/mL	100 ng/mL
Cocaine Metabolites	150 ng/mL	150 ng/mL
Marijuana Metabolites	20 ng/mL	10 ng/mL
Methadone	300 ng/mL	100 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Opiates	2000 ng/mL	2000 ng/mL Morphine 2000 ng/mL Codeine
6-Acetylmorphine	10 ng/mL	10 ng/mL Heroin
Phencyclidine (PCP)	25 ng/mL	25 ng/mL
Propoxyphene	300 (ng/ml)	200 (ng/ml)

** BAC – Blood Alcohol Content

VI. Types of Alcohol and Drug Tests

A. Pre-employment Testing

All applicants for initial employment must successfully pass a pre-employment drug test prior to working for BBGCI. All applicants will be notified at the time they complete a job application, that they will be required to submit to a drug and alcohol test if they are considered otherwise qualified for employment and that they will be subject to the terms and conditions of the Policy if they are ultimately hired.

B. Additional Client Testing (Pre-Access)

While working for a client that may require alcohol and drug testing, BBGCI will adopt those testing requirements such as pre-assignment or pre-access testing.

Each contractor personnel must receive a negative result on an alcohol and drug test within 12 months preceding first access to client property. Additionally, a negative result must be received on an alcohol and drug test in any calendar year in which work is being performed on client property.

C. Post-Incident Testing

An incident is defined as any incident that caused personal injury requiring medical treatment beyond first aid administered at the work site, significant property damage, or an incident that carried the potential for serious personal injury or significant property damage.

Following an incident, BBGCI will conduct an alcohol and drug test on each employee or supervisor whose performance either contributed to an accident/incident or cannot be completely discounted as a contributing factor in the accident/incident.

If an employee tests positive as a result of a post-incident test, that employee shall be removed from the job and will be subject to immediate termination or other disciplinary action. The employee will not be allowed to work for any client unless the tests are negative certified in writing. If the employee's test result is negative, then the employee may return to work in his/her current position at the discretion of BBGCI's management.

D. Random Testing (Designated Positions)

All employees who perform work in a designated position will be subject to random alcohol and drug testing at any given time with no advance notice. The random selection process will ensure each employee the same fair and equal chance of being selected.

To assure the selection process is random; all employees covered under this program will be placed in a common pool. Every employee has an equal chance of being selected for random testing by the anonymous, objective selection criteria. Since each random sampling selects from the total pool of employees, it is conceivable that an employee could be tested more than once a year. The random selection procedure will pick the employee's name and social security number.

A urine specimen will be collected from the employee within 30 minutes plus travel time of being notified that they have been randomly selected for a drug test. Collection will be at an on-site or other approved collection

facility. Random testing is performed each quarter and spread through the 12 month period and will be administered at an annual rate of at least 25 percent of the total pool of employees.

E. Reasonable Cause Testing

An employee will be required to submit to an alcohol and/or drug test when supervision determines that there is reasonable cause to believe that specific employee is using a prohibited drug/substance and/or under the influence of alcohol.

A test based upon reasonable cause should involve a supervisor, trained in the detection of probable alcohol and drug use, which must substantiate the decision that a test is necessary. All supervisors who substantiate the decision to test the employee for reasonable cause should receive training in detection of possible alcohol and drug use signs and symptoms.

If upon reasonable suspicion of alcohol or drug use while working for a client, the employee will be removed from the property and will be allowed to return to work for the client only after signing a consent permitting disclosure to the client of the test results. The employee will not be allowed to work for the client unless the tests are negative and certified in writing.

In any reasonable cause circumstance, BBGCI personnel will transport the employee to an approved collection facility and await the completion of the collection procedure. The employee will then be transported back to BBGCI's premises.

BBGCI will attempt to contact a taxi or family member to transport the employee home. If the employee refuses to agree to any of these procedures and attempts to operate a vehicle, BBGCI will make appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of these procedures described above will be subject to immediate termination or other disciplinary action.

VII. Non-Compliance of Alcohol , Drug, and Contraband Policy

Any BBGCI employee, contractor employee, or sub-contractor employee who fails an alcohol and/or drug test or refuses with the searches as required under this policy, will be subject to immediate termination and shall be removed from the client's property and from permanently performing work for the client when requested by the client. BBGCI will immediately notify the client that an individual has become "disqualified under BBGCI's Alcohol, Drug, and Contraband Policy". BBGCI will review with the client the nature of the work previously performed by the individual. At the client's request, BBGCI may be required to inspect all work in which the individual may have participated in at is sole cost and risk, and submit a written report

to the client documenting the inspection, any findings, and any actions taken to correct any deficiencies that may have been found.

VIII. Alcohol and Drug Testing Method

A. Alcohol Testing

Alcohol testing will be conducted by trained personnel or collection site personnel. A saliva screen or breath test will be conducted as an initial screen. If the results of this screen are positive, a confirmatory test will be conducted using an Evidential Breath Testing Device (EBT).

B. Drug Testing

Any person requested to undergo a drug test will be required to provide a urine specimen at a collection site approved by BBGCI. In order to ensure integrity of the specimen collection procedure, a standard Custody and Control Form will be used. This form will be completed by the employee and collection site personnel. The form will be completed by the person responsible for collecting the urine specimen and will be forwarded along with the urine specimen to a nationally or state certified laboratory, which will conduct the drug analysis.

C. Collection Facility

The collection facility site will collect the urine specimen in accordance with accepted industry practices and 49 CFR part 40 as is identified in Appendix B.

D. Laboratory Analysis

All urine to be tested for the presence of prohibited drugs will be analyzed by a State or Nationally certified laboratory. All drug tests required by BBGCI will therefore be shipped for analysis to the laboratory listed in Appendix B.

E. Medical Review Officer (MRO)

The MRO, if used, is to interpret the lab results and is identified in Appendix B.

IX. Employee's Right to Request Retest of Specimen

If it is determined that there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of alcohol or prohibited drugs, the employee or applicant will be given the opportunity to request a retest of the original specimen at the same or another approved laboratory.

The employee must make a written request within ten (10) days from the date of the final test results. All requests for retesting must be made in writing to BBGCI's management. All retest costs will be paid for by the employee / applicant unless the retest is negative.

X. Education and Training

BBGCI will provide an education program for its employees, which will include the following information:

- A. Informational materials will be displayed on bulletin boards.
- B. Community service hot-line telephone numbers for Substance Abuse Professional Network (SAP).
- C. BBGCI policy and/or policy details regarding the use of alcohol and prohibited drugs will be distributed and displayed on bulletin boards.

All supervisory personnel responsible for determining whether an employee must be alcohol and/or drug tested based on reasonable cause will complete a training program. This program will include the specific physical, behavioral, and performance indicators of probable alcohol and drug use and the implementation of BBGCI's policy on Alcohol and Drug use.

XI. Record Keeping

All employee records will be kept confidential. Records of employee alcohol and drug test results that show employees failed an alcohol and/or drug test, and the type of test failed (e.g. pre-access, random, post-accident, reasonable cause, return to duty, etc) and disposition of employees who test positive will be kept for at least five (5) years. All other tests should be kept on file for a period of three (3) years. The person responsible for the implementation of this program and record keeping is the Alcohol and Drug Coordinator identified in appendix B.

XII. Contractor / Sub-Contractor Employees

BBGCI will ensure that its contractors and sub-contractors adhere to BBGCI's policy while working for or on BBGCI property or BBGCI's client's property. Anyone who violates this policy will be removed from the premises and may be denied future entry.

XIII. Applicable Laws

BBGCI will comply with all applicable Federal, State, and local alcohol and drug related laws and regulations (e.g., DOT regulations, Department of Defense (DOD) Drug-Free Workforce Policy, Drug-Free Workplace Act of 1988).

APPENDIX A

EMPLOYEE CERTIFICATE OF UNDERSTANDING AND AGREEMENT

I, the undersigned, certify that I have read and understand BBGCI's policy regarding alcohol and drug use and received a copy of that policy.

I understand that a copy of the current Alcohol and Drug Testing procedures regarding applications of the policy is available to me at my request.

I also consent to submit to alcohol and drug testing and/or searches, by both BBGCI personnel and client personnel or designated authorities, and agree to comply with all the requirements of BBGCI, federal, state, local laws, or client requirements concerning the use or abuse of alcohol, drugs, prescription medication, and controlled substances.

I understand that my failure to honor the terms of this Policy will be grounds for removal from client work, the termination of my employment, or rejection of my application for employment.

I also consent and give authorization to BBGCI to disclose to any client of alcohol and drug test results and related information.

In addition, I consent to disclosure by BBGCI and its agents, including, but not limited to, any collecting and testing agencies, of test results identified above and any related information to the client and any of their affiliates and authorized agents, assigns, or representatives.

Employee Signature

Employee Name (Printed)

Date

APPENDIX B

Alcohol and Drug Coordinators

Lloyd Aucoin – Primary
Jeffery Daigle – Secondary

Name, address, and phone number of Collection Facilities

- (1) Bourgeois Medical Clinic (985) 384-3355
1201 Kenneth Drive
Morgan City, LA 70380
- (2) Grand River Health & Safety Center (970) 285-5745
71 Sippelle Drive
Unit 1
Parachute, CO 81635
- (3) Work Kare (318) 212-4750
2724 Greenwood Road
Shreveport, LA 71109
- (4) Meaux's Innovative Testing, LLC (Onsite Collection) (903) 297-4824
206 Highway 80 East
Suite F
White Oak, TX 75693
- (5) DeSoto Regional Health System
Industrial Medicine Clinic/Lab/Clinics/ER
P.O. Box 1636
119 Jefferson Street
Mansfield, LA 71052
- (6) Glendive Medical Center (406) 345-3370
202 Prospect
Glendive, MT 59330
- (7) MedCenter One – Occupational Health (701) 225-7575
1531 W. Villard
Dickerson, ND 58601

Name, address, and phone number of Certified Laboratory

Quest Diagnostics
3175 Presidential Drive
Atlanta, GA 30340
800-877-7484

Name of Company MRO

Doctors: Melvin G. Bourgeois
Robert M. Bourgeois
Charles R. Parsiola
Barry Sachs (DISA)

ATTACHMENT 5A:

NON-DOT DRUG AND ALCOHOL TESTING PROTOCOL

COLLECTION FACILITY	NAME	
	ADDRESS	
	PHONE NUMBER	
	CONTACT PERSON	

TESTING LABORATORY	NAME	
	ADDRESS	
	PHONE NUMBER	
	NATIONALLY CERTIFIED? (YES/NO)	
MRO (Medical Review Officer)	MRO NAME	
	MRO PHONE	

SUBSTANCE		SCREEN LEVEL	CONFIRMATION LEVEL
	COCAINE	150	150
	PHENCYCLIDINE (PCP)	25	25
	MARIJUANA (THC)	20	10
	OPIATES	2000	2000
	AMPHETAMINES/METHAMPHETAMINES	300	250
	BARBITURATES	300	100
	BENZODIAZEPINES	300	100
	METHADONE	300	100
	PROPOXYPHENE	300	200
<u>ALCOHOL TESTING METHOD USED:</u>		SCREEN LEVEL	CONFIRMATION LEVEL
BAT, Breath - Non-DOT		.02	.04

ATTACHMENT 5B:

DOT DRUG AND ALCOHOL TESTING PROTOCOL

COLLECTION FACILITY	NAME	
	ADDRESS	
	PHONE NUMBER	
	CONTACT PERSON	

TESTING LABORATORY	NAME	
	ADDRESS	
	PHONE NUMBER	
	NATIONALLY CERTIFIED? (YES/NO)	
MRO (Medical Review Officer)	MRO NAME	
	MRO PHONE	

SUBSTANCE		SCREEN LEVEL	CONFIRMATION LEVEL
	COCAINE	150	100
	PHENCYCLIDINE (PCP)	25	25
	MARIJUANA (THCA)	50	15
	OPIATES	2000	2000
	AMPHETAMINES/METHAMPHETAMINES	500	250
	MDA (MDMA, MDA, MDEA)	500	250
	6MAM GC/MS	500	250
<u>ALCOHOL TESTING METHOD USED:</u>		SCREEN LEVEL	CONFIRMATION LEVEL
BAT, Breath – DOT		.02	.04

ATTACHMENT 5C:

CONSENT TO DISCLOSURE

Company hereby acknowledges that it has been provided a copy of Berry Bros. General Contractors, Inc.'s Alcohol, Drug and Contraband Policy (the "Policy") and that Company's agents and employees are aware of and understand the Policy. Company and its agents and employees understand that disciplinary action, up to and including termination, will result if Company or its agents or employees violates this Policy.

Company hereby consents to disclosure by Berry Bros. General Contractors, Inc. and its agents, including, but not limited to, any collecting and testing agencies, of the test results identified above and any related information to clients of Berry Bros. General Contractors, Inc. and its authorized agents, assigns, or representatives.

SUBCONTRACTOR:

(Insert Subcontractors Company Name Here)

By: _____

Name: _____

Title: _____

ATTACHMENT 6:

SUBCONTRACTOR EMPLOYEE PRE-MOBILIZATION FORM

Employee Information:

Date: _____

Employee's First Name: _____

Date of Employment: _____

Employee's Last Name: _____

CO. Service (YRS/MOs): _____

Employee's Last Four Digits of SSN: _____

Yr's Oilfield Service (Yrs): _____

Current Job Title: _____

Experience in Current Job (Yrs): _____

Work History Last 3 Yrs:

Company Name: _____

Job Title: _____

Job Description: _____

Dates of Employment: _____

Alcohol and Drug Information:

Do you belong to a drug and alcohol consortium? Yes _____ No _____ Name of Consortium: _____

If not who manages your drug and alcohol program (Name & Title): _____

Date of Employee's Last Drug Test: _____ Non-DOT Yes _____ No _____

Date of Employee's Last Alcohol Test: _____ DOT Yes _____ No _____

Training Information:

Has Client Site Specific Orientation Been Completed: Yes _____ No _____ Date: _____

Employee Qualified as (List Crafts): _____

List Any Special Training / Certifications: _____
(PEC Basic, Core, Safeland/Safegulf, OSHA 10, etc.)

Education (Highest Grade Finished or Degree): _____

Qualified for First Aid / CPR: Yes _____ No _____ Date: _____ Expiration Date: _____

Does the Employee Have a TWIC Card? Yes _____ No _____ Expiration Date: _____

SSE Information:

How Do You Identify SSE (i.e. Hard Hat Color, Sticker, etc.): _____

Who is the Assigned Mentor/Trainer (Position/Title): _____

Define the Roles and Responsibility of the Mentor: _____

List All Training Provided SSE: _____

Company Information:

Company Supervisor / Manager Reviewing Information: _____

Print Name

Signature

Job Title: _____

Company Phone Number: _____

Fax Number: _____

E-mail Address: _____