



**SUBSTANCE ABUSE POLICY
(Amended and Restated)**

EFFECTIVE: August 1, 2019

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A. PURPOSE

Comfort Systems USA (“CSUSA” or the “Company”) is committed to providing a safe, efficient and productive work environment for all employees, including employees who may hold safety-sensitive positions. The Company has adopted a policy of maintaining a workplace free of controlled substances and alcohol abuse. Employees, particularly drivers and construction workers, under the influence of drugs or alcohol on the job pose serious safety and health risks, not only to the users, but also to all those who surround or come in contact with the users.

It is the objective of the Company to:

1. Maintain a safe working environment for all workers (defined as employees of the Company and employees of its affiliates or subsidiaries, including any worker who may hold a "safety-sensitive" position as defined in Section D);
2. Protect Company property;
3. Cooperate with customers in their efforts to ensure safe, drug free and efficient operations;
4. Comply with contractual obligations and applicable federal and state regulations; and
5. Protect the general public and the community from accidents and incidents resulting from the use or misuse of controlled substances and alcohol.

B. APPLICATION

The Company Policy contained herein (this “Policy”) applies to all full-time, part-time, short-term and temporary Company employees. However, workers carried on a temporary agency’s payroll are exempt from this Policy, unless otherwise stipulated in the contract with the temporary agency. (In those cases, the contract with the labor agency should include substance abuse program provisions which include pre-employment, reasonable suspicion and post-accident testing.) This Policy also applies to those employee-drivers who maintain a Commercial Drivers License (“CDL”) as a job requirement. These employee-drivers are covered by Department of Transportation (“DOT”) Regulation 49 CFR Part 382 and are subject to the Company’s DOT Controlled Substances and Alcohol Testing Policy as well as this Policy to the extent that this Policy exceeds the provisions of the DOT Policy. In all instances where provisions are similar between the two policies, the DOT Policy prevails.

Certain state and local jurisdictions may have laws and regulations that conflict with this Policy. In these situations, this policy is superseded only to the extent it conflicts with the state or local laws. (Also, the Company recognizes that this policy may be limited by certain collective bargaining agreements ratified by both Company management and particular units of employees.

In these situations, the Company will work with representatives of the units in question to promote a work environment free of substance abuse.) *NOTE: Locations that do not have a collective bargaining agreement in place may disregard this parenthesis.*

C. POLICY

All employees are required to be free of drugs, drug metabolites, and/or impairment due to drug and/or alcohol use or misuse while at work or otherwise on work-related premises, whether such use or misuse is legal or illegal. (Exception: Employees may use properly prescribed and administered prescription drugs that do not adversely affect their ability to perform job functions. Also, the legal, authorized use of alcohol within the limits of applicable laws (including DOT rules) and other provisions of this policy is not considered to be a violation of this policy. However, possession or consumption of alcoholic beverages while performing safety-sensitive activities is prohibited.) Therefore, an employee reporting to work with drugs, drug metabolites or excessive alcohol in his or her system will result in immediate disciplinary action, up to and including termination of employment.

In addition, the unauthorized possession, control, sale, trade, manufacture, or distribution of drugs or drug paraphernalia on the premises of the Company or in any of its vehicles (including owned, non-owned or leased vehicles), or in personal vehicles while conducting Company business, or on the premises or in the vehicle of any customer while on a work assignment, or in Company paid lodging while on a work assignment, or while performing duties on behalf of the Company (collectively or individually, the "Work Area"), will subject the employee to immediate disciplinary action up to and including termination.

The unauthorized possession, control, sale, trade, manufacture, or distribution of alcohol in or on the Work Area, will subject the employee to immediate disciplinary action up to and including termination.

Employees also will be subject to removal from the Company or customer premises if, in the opinion of a Company or customer representative, they appear to be in a condition unfit to work safely or effectively.

D. DEFINITIONS

1. An "**accident/incident**" as it refers to post-accident testing is defined as:
 - a) Any on-the-job accident that requires off-site medical attention when there is a reasonable possibility that employee drug use could have contributed to the reported injury or illness, or whose involvement cannot be discounted, based upon an objective individualized determination;
 - b) Any vehicular accident, *regardless of fault*, that results in any of the following (*only the driver is to be tested*):
 - i. an injury or a fatality to persons other than the driver,
 - ii. a citation for a moving traffic violation,

- iii. the involvement of a second vehicle, or
 - iv. any vehicle being towed away from the scene.
 - c) Any other incident or event where: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee's action or in-action was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the Company's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or in-action, could have contributed to the incident/accident as part of a root cause investigation.
- 2. The term "**drugs**" includes:
 - a) Illegal drugs or controlled substances;
 - b) Other psychoactive drugs or any substance with impairing effects;
 - c) Prescribed drugs not prescribed to the person in possession;
 - d) Correctly prescribed drugs or non-prescription drugs which could adversely affect the ability to perform safety-sensitive job functions (Employees using these types of drugs must notify their immediate supervisor before reporting to work under the influence of such drugs. Reference "pre-duty disclosure" provision in Section N, Subsection 4);
 - e) Designer, "Look Alike" or any and all synthetic drugs in any form; and
 - f) Paraphernalia or equipment related to drug use.
- 3. The reference to "**drugs, drug metabolites or excessive alcohol**" in an employee's system pertains to any measurable amount of a drug, the breakdown product of a drug, or an unacceptable level of alcohol detectable in any body substance sample. For the purposes of this policy, local laws and/or DOT regulations, as applicable, define an "unacceptable" level of alcohol. However, all employees in safety-sensitive positions shall be subject to the alcohol limits prescribed by DOT rules, without regard to whether or not their specific work assignment is subject to those DOT rules (See Exhibit C).
- 4. The term "**vehicle**" includes any motor vehicle used by an employee in the course and scope of employment with the Company, whether owned, non-owned, or leased.
- 5. The term "**safety-sensitive**" position refers to any employee (or subcontractor) whose essential functions include: driving Company vehicles, operating equipment, and/or working in a shop, in a warehouse, or on any Company project, both on and off Company premises, including but not limited to, construction workers, craftsmen, journeymen, apprentices, helpers, laborers, service technicians, foremen,

supervisors and project managers. This term also includes any employees who work in hazardous environments that involve handling or proximity to flammable materials, explosives, toxic chemicals or similar substances and any positions that are designated as high-risk or safety-sensitive under applicable state and federal laws and regulations as well as any employee whose essential functions include handling confidential information or who hold a fiduciary position within the company.

6. A “dilute specimen” is a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

E. SEARCHES AND INSPECTIONS

The Company reserves the right at any time, at its sole discretion, in or on the Work Areas, to have an authorized Company representative conduct unannounced searches and inspections of employee lockers, desks or vehicles used in the course of conducting Company business, to determine if such employees or other persons are in possession, use, transportation or concealment of any of the prohibited items and substances covered by this Policy.

In addition, every employee will be required, upon the Company's request and in accordance with state law, to submit to a search of any personal vehicle, clothing, package, purse, briefcase, toolbox, lunchbox, or other container brought onto Company premises, if the Company believes there is reasonable grounds for suspecting that the search will uncover a violation of this policy. This type of search will not be conducted without the knowledge and consent of the employee.

NOTE: IF THERE ARE REASONABLE GROUNDS FOR SUSPECTING THAT A SEARCH WILL UNCOVER A VIOLATION OF THIS POLICY, THE COMPANY OR ITS REPRESENTATIVES ARE AUTHORIZED TO CONDUCT A SEARCH AS DESCRIBED ABOVE. REFUSAL TO ALLOW SUCH A SEARCH OR HINDRANCE OF AN AUTHORIZED SEARCH WILL RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION. SHOULD A SEARCH UNCOVER A PROHIBITED SUBSTANCE UNDER THIS POLICY, THE EMPLOYEE WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

F. COLLECTION OF BIOLOGICAL SAMPLES

The collection of all biological samples, whether they be blood, breath, hair, saliva, sweat, urine or any other approved body substance sample, will be performed by an outside health care facility or practitioner designated by the Company or by Company personnel specifically trained in the applicable collection procedures. The collection facility shall require positive photo identification or positive visual identification by a designated Company representative of individuals who present themselves for testing.

All searches, inspections, urine sampling and other biological sampling will be performed with

concern for each employee's personal privacy and confidentiality and in accordance with applicable state and federal laws.

G. TESTING

Drug tests and/or alcohol tests shall be conducted in all of the following situations with the exception of random testing as defined in Subsection 7 of this Section, subject to limitations that may apply in certain state and/or local jurisdictions (or by local collective bargaining agreements). *NOTE: Locations that do not have a collective bargaining agreement in place may disregard this parenthesis.* These tests shall be conducted in accordance with the testing procedures described in Section H of this Policy. With the exception of re-testing situations as stipulated in Section O of this Policy, the Company is to bear the cost of any and all drug/alcohol tests administered under the authority of this Policy, including the second test given to applicants who previously tested negative dilute.

1. Pre-Employment

(a) All applicants should be informed of the testing requirements and provided with a copy of this Policy for review, or issued a copy if required by applicable state law. All prospective employees shall be required to provide a biological sample for drug testing. A negative non-dilute drug test result must be obtained prior to beginning employment. This test must be conducted no earlier than thirty days immediately preceding employment.

Prospective employees who have a negative dilute test result will not be accepted for employment. These applicants will be given one additional opportunity to provide a negative non-dilute result prior to beginning employment. Applicants who are not immediately able to provide this result may not re-apply for employment for a period of 180 days. Corporate approval is required prior to hiring such applicants who do re-apply after the 180-day period but within one year of their initial test date.

Prospective employees who refuse to submit to pre-employment testing will not be accepted for employment. Such applicants may not re-apply for employment for a period of 180 days. Corporate approval is required prior to hiring such applicants who do re-apply after the 180-day period but within one year of their initial test date.

Prospective employees who test positive for the presence of drugs or who submit an adulterated or substituted specimen during pre-employment testing shall be disqualified from employment with the Company. Such applicants who fail a pre-employment test may not re-apply for employment for a period of 180 days. Corporate approval is required prior to hiring such applicants who do re-apply after the 180-day period but within one year of their initial test date. In addition to providing a negative non-dilute result prior to beginning employment, any and all such applicants described in this paragraph who begin employment within 7 years of their initial test date will also be required to comply with the follow-up testing provisions of Section G, Subsection 5 of this Policy and a subsequent failure of any test administered under the provisions of this

Policy for either drugs or alcohol (at the 0.02 level) or other violation of this Policy at any time under any circumstances for a period of sixty months from the employee's hire will result in the employee's termination.

(b) Employees who have officially separated from the company (such as instances involving lay-off, termination, voluntary resignation, etc.) for more than thirty days and wish to return to the Company are subject to the pre-employment testing provisions of this Policy (See NOTE below).

Employees who are off work and inactive, but their employment was never separated from the Company (such as instances involving injury or illness, whether occupational or non-occupational; approved Leave of Absence; FMLA; etc.) are not subject to the pre-employment testing provisions of this Policy (See NOTE below).

NOTE: If the situations described in this Subsection (b) were caused by reasons related to this Policy, the applicable language in Section G, Subsection 5 and/or Section N applies.

(c) In a transfer of employment, employees who transfer from one CSUSA subsidiary, affiliate, and/or division to another subsidiary, affiliate, and/or division, including those employees who transfer to or from the parent company (Comfort Systems USA), from or to any subsidiary, affiliate, or division are not subject to pre-employment testing as long as all of the following criteria are met:

- 1) The break in service is less than thirty days.
- 2) The first location has a negative non-dilute drug test on file for the transferring employee.
- 3) Management at both locations is aware of the employee's intent to transfer.

In the absence of meeting all of the above criteria, the employee shall be considered a new hire and subject to the pre-employment testing guidelines for prospective employees described in this section and subsection.

2. Reasonable Suspicion

Drug testing and/or alcohol testing of this kind occurs when workplace behavior, appearance, speech, and/or odor indicate that an employee is under the influence of drugs or alcohol. It is recommended that the observing supervisor consult with at least one other supervisor to witness and evaluate the employee's behavior before the decision to test is made. It is also recommended that the second supervisor be someone who has been trained in the detection of the possible symptoms of substance abuse, especially if the observing supervisor has not received this training. However, should the employee's condition be such that he or she poses an immediate threat to his or her safety or to the safety of others, or should another supervisor be unavailable, the observing supervisor shall act immediately.

The Company shall not permit individuals who exhibit probable indicators of alcohol or drug induced impairment to operate a motor vehicle for the purpose of submitting a

biological sample. In such cases, the Company will provide suitable transportation to the collection site and from the collection site to the employee's residence or to a location agreeable with the employee.

The observing supervisor should prepare documentation of the circumstances which formed the basis of the reasonable suspicion determination within 24 hours of the decision to test (See Exhibits E and F).

Reasonable suspicion testing may also be used as part of a search and inspection of an employee's Work Area or Work Areas. Also, any employee who is found to be in possession of illegal controlled substances, alcohol, or related paraphernalia (including materials found in a Company vehicle) may be referred for reasonable suspicion testing. An employee who has taken a reasonable suspicion drug/alcohol test will be temporarily suspended from active duty until the results of the test(s) are known. In the case of a positive drug/alcohol test, Section N will apply for the appropriate disciplinary action. In the case of a negative test, the employee will be returned to the payroll and made whole for any lost wages.

3. Post-Accident

Any employee who is involved in an accident/incident as defined in Section D of this Policy while on duty, whether on or off the Company premises, shall be required to submit to post-accident testing as described below. Post-accident tests shall be administered within the time limits prescribed by DOT regulations, without regard to whether the employee is subject to those DOT rules (See Exhibit C).

Post-accident drug or alcohol testing shall be conducted in all instances where the supervisor has reason to believe that the employee's action or in-action was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info or has reason to believe that the employee is under the influence of drugs or alcohol. This includes situations in which employees are subject to customer-required post-accident testing provisions that may be limited to drug testing only. In these situations, post-accident alcohol tests may still be required in accordance with this Policy as described above. However, if alcohol testing cannot be conducted using the testing methodologies outlined in Section H of this Policy in the timeframe required, the Company shall not pursue or require that alternate specimens such as blood or urine be collected for this purpose. The reasons for the absence of the test should be documented.

4. Customer Required

In addition to being subject to the provisions of this Policy, any employee who works in a customer's facility or on a customer's work site may also be subject to the customer's drug and alcohol policy, including any requirement for testing prior to entering the customer's site or facility as well as random testing, post-accident testing, etc., as required by contracts or service agreements, subject to limitations of local or state regulations. In situations in which the customer's post-accident testing provisions are limited to drug testing only, post-accident alcohol tests may still be required in accordance with this

Policy (See Subsection 3 above).

Federal contracts and the associated testing requirements relative to the Drug Free Workplace Act of 1988 come under the provisions of customer required testing, and as a Federal Contractor, the Company will comply with all requirements of this Act. **ACCORDINGLY, ALL EMPLOYEES ARE REQUIRED TO NOTIFY THE COMPANY IN WRITING OF ANY CRIMINAL DRUG STATUTE CONVICTION FOR A VIOLATION OCCURRING IN THE WORKPLACE NOT LESS THAN (5) CALENDAR DAYS AFTER SUCH CONVICTION.**

5. Return-to-Duty (RTD) and Follow-up Testing

All test results from return-to-duty (“RTD”) controlled substances testing must be negative and non-dilute and all test results from RTD alcohol testing must be negative in accordance with Company standards (See Exhibit C). However, should an employee’s RTD drug test result be negative dilute, this employee will not be allowed to return to work and will be required to provide two negative non-dilute drug test results within the span of the next fourteen days. These tests are to be administered by and paid for by the Company. In addition, the employee’s EAP counselor should be contacted immediately and informed of the negative dilute RTD test results and the employee should be directed to return to the counselor for further assessment as deemed appropriate. If said employee cannot produce the required two negative non-dilute drug tests within the span of the next fourteen days, this will be considered an “other violation” of this Policy as described in Section N, Subsection 3(b) and will result in the employee’s termination.

If an employee returns to work after meeting the criteria established in Section N of this Policy after previously testing positive on a Company authorized drug/alcohol test or after otherwise violating this Policy, the employee will be subject to unannounced follow-up testing for a period of the lesser of (a) sixty months or (b) any time period prescribed by applicable state laws, from the date the employee returns to work. During the first twelve months of this period, the employee shall be tested at least six times, if only urine and / or oral fluid testing methodologies are used. Hair testing may be used 90 days after the employee has returned to duty, and once follow-up testing has transitioned to the use of hair testing, at least two hair tests should be conducted. The frequency and duration of an employee’s follow-up testing program can only be altered by approval from the Corporate Program Manager.

6. DOT Testing

See Section B of this Policy.

7. Random Testing

Subject to limitations that may apply in certain state and/or local jurisdictions, random testing may be performed at the discretion of local management upon approval by the Corporate Program Manager.

8. Project Specific

Employees are also subject to project specific testing which may be conducted at the sole discretion of the Company, although operating companies should contact the appropriate RSD for guidance prior to initiating testing. Company discretion includes the determination of the scope and timing for such unannounced testing. Project specific testing shall include all employees assigned to a job site at the time of testing as well as the pre-placement testing of current employees prior to being assigned to a specific job site.

Testing may be conducted in the above situation subject to limitations that may apply in certain state and/or local jurisdictions (or by local collective bargaining agreements).
NOTE: Locations that do not have a collective bargaining agreement in place may omit this parenthesis.

H. TESTING METHODOLOGIES AND PROCEDURES

All drug and alcohol testing methodologies and procedures are subject to limitations that may apply in certain state and / or local jurisdictions.

1) Drug testing will be performed as follows:

- a) Urine testing: The initial urinalysis screen shall be done using an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. **This initial urinalysis screen may be done using an instant screening device in pre-employment testing situations only. However, for all employee testing situations (post-accident, reasonable suspicion, random, return-to-duty and follow-up tests), this initial screen must be laboratory-based.** The only exception to this would be in certain customer required testing situations in which the customer requires the use of instant testing devices.

All non-negative results of either type of initial test must be confirmed using a GC/MS (gas chromatography/mass spectrometry) methodology or a methodology determined by the Department of Health and Human Services to be equally or more reliable and must be performed by a laboratory certified by the Substance Abuse and Mental Health Services Administration (“SAMHSA”).

- b) Oral fluid (“OF”) testing: All OF testing shall be conducted by a laboratory certified by the College of American Pathologists (CAP) and can be used in applicant and/or employee testing situations. These specimens must be tested with the cutoff levels recommended by the device manufacturer and/or testing laboratory for the drug classes being tested. The initial test shall be done using an immunoassay or similar screen and all non-negative results of the initial screen must be confirmed by a mass spectrometry test or a methodology determined to be equally or more reliable.
- c) Hair testing: All hair testing shall be performed by a laboratory certified by the College of American Pathologists (CAP) and Clinical Laboratory Improvement Amendments

(CLIA) and can be used in applicant and/or employee testing situations. The initial test shall be done using an immunoassay or similar screen and all non-negative results of the initial screen must be confirmed by a mass spectrometry test or a methodology determined to be equally or more reliable. The laboratory must have proven their ability to obtain Food and Drug Administration (FDA) clearances for their screening assays.

Employees and applicants who are unable to provide the appropriate sample for religious, medical or other reasons shall notify the Corporate Program Manager and, if appropriate, reasonable accommodations will be made as required by law.

2) Alcohol testing will be performed as follows:

- a) Either a breath sample or a saliva sample can be taken for the initial screen and tested for alcohol content. Although breath testing conducted by a qualified Breath Alcohol Technician (“BAT”) using an evidential breath testing device (“EBT”) is the preferred methodology, in situations where this methodology is not immediately available, a saliva screening test can be administered by a trained company representative. If the result of either type of screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test shall be conducted by a qualified BAT using an EBT. Only devices approved by the National Highway Traffic Safety Administration (“NHTSA”) and identified on their “conforming products list” will be used for screening and confirmation tests.
- b) Reference Exhibit C for alcohol testing limitations and outcomes.

All collection facilities and laboratories shall have documented chain-of-custody protocols for all samples tested and documented calibration for testing equipment. For information regarding the designated medical service providers for these services, see the Local Program Manager.

The results of any test, such as an alcohol test, performed by a law enforcement agency may be used to enforce this policy, if such test was conducted based on an incident or circumstances relating to the performance of work activities covered by this policy.

I. DRUG GROUPS

The tests may include screening for alcohol and a 5-panel substance abuse test for the below-listed drug categories. The cutoff levels for urine drug testing will be those set by the Department of Health & Human Services in their Mandatory Guidelines for Federal Workplace Drug Testing Programs. Locations may be required to modify this panel and/or detection levels per specific customer requirements. The standards and confirmation levels for drug testing biological samples, other than urine, will be determined and approved by the Corporate Program Manager. The standards/limits/confirmation levels for alcohol testing will be identical to those established by DOT requirements (See Section D, Paragraph 3 and Exhibit C).

5-Panel Substance Abuse Test:

Marijuana Metabolites
Cocaine Metabolites
Opiate Metabolites
Amphetamines (including methamphetamines)
Phencyclidine

J. LABORATORIES & COLLECTION FACILITIES

The Company shall designate approved medical and program administration providers for all alcohol, drug and controlled substance testing. For information regarding the designated providers for these services, see the Local Program Manager. However, for the purposes of enforcement, the use of a non-designated provider shall not negate the validity of any such testing.

K. CERTIFIED RESULTS

The medical service providers utilized for testing shall provide the Company, the Program Administrator, and any Company customer, if so directed in writing, with certified report results. Any request for test results from a customer shall be referred to the Regional Safety Director or the Local Program Manager. Employees have the right to obtain a copy of their written test results.

L. CONFIDENTIAL RECORDS

The Company and the Program Administrator will keep all test results and records in strictest confidence. Test results and records, including the Controlled Substance and Alcohol Test Consent Forms, shall not be included in employee personnel files but are to be maintained in separate and secure files accessible to authorized personnel only. In addition, the Company shall require any customer receiving certified reports to keep such reports confidential. Requirements to retain drug and alcohol test results shall be, at a minimum, the same as requirements dictated by Federal and State laws for the retention of employment applications.

M. MEDICAL REVIEW OFFICER

All positive and abnormal test results shall be referred to a Medical Review Officer ("MRO"). Abnormal test results would include adulterated, canceled, invalid, rejected, substituted or otherwise unsuitable specimens. The MRO will contact the employee (or applicant) to determine if there is a medical reason for the result to be positive, adulterated, substituted or otherwise unsuitable.

1. If a medical reason can be established, the result will be reported as "negative."
2. If a medical reason cannot be established, the result will be reported as "confirmed positive."

3. If the MRO cannot contact the employee (or applicant) after making a reasonable attempt to do so, the test result will be reported as a "non-contact positive."

N. DISCIPLINARY ACTION

1. All employees will be required to sign a Controlled Substance and Alcohol Test Consent Form (See Exhibit B), except where prohibited by law. Failure to sign will be considered a voluntary resignation.
2. Employees who fail a drug test or an alcohol test or otherwise violate this Policy within their first ninety (90) days of employment will be terminated immediately, except where prohibited by state or local laws or regulations.
3. Employees who fail a drug test or an alcohol test or otherwise violate this Policy after their first ninety (90) days of employment will be subject to disciplinary action, up to and including termination, except where prohibited by state or local laws or regulations. Presidents of our operating companies have the authority to set local policy which would either require the termination of an employee for their first offense of this policy or offer the following:
 - a) Minimum disciplinary action for the first failure of any test administered under the provisions of this Policy or other violation of this Policy shall include, but not be limited to, immediate suspension from all duties until the employee:
 - (i) Is evaluated by the Company's EAP. The employee must arrange for this evaluation within seven (7) days of being notified by the Company of his or her violation of this Policy in order to be considered for return to duty.
 - (ii) Is released from successful counseling and/or rehabilitation as recommended by the Company's EAP within the established allowable timeframes. This release must be in writing and include the counselor's specific recommendations for follow-up testing. If this release is issued prior to the employee having fully completed counseling and/or rehabilitation, it should also contain specific details regarding the prescribed treatment plan that the employee must follow in order to satisfactorily complete counseling and/or rehabilitation. Prior to being allowed to return to work, the employee must acknowledge, in writing, that he/she is aware that continued employment is contingent upon successful completion of the prescribed treatment plan.
 - (iii) Has successfully completed the appropriate return-to-duty tests with negative non-diluted test results for all drug groups, including alcohol.

- b) A subsequent failure of any test administered under the provisions of this Policy for either drugs or alcohol (at the 0.02 level) or other violation of this Policy at any time under any circumstances for a period of sixty (60) months from the employee's return to duty will result in the employee's termination.
4. Safety-sensitive employees who fail to report to their supervisor the use of prescription or non-prescription drugs or any substance with impairing effects that could adversely affect their ability to safely perform their essential job functions will be subject to disciplinary action, up to and including termination. As part of this "pre-duty disclosure" employees are **not** to disclose the name of the medication or substance nor the reason for its use when reporting to their supervisor. The Company shall subsequently ensure that a fitness-for-duty evaluation be conducted. Should the recommendations of an employee's personal physician differ from that of the Company's physician / MRO, the decision of the Company's physician / MRO shall prevail.
5. Subject to any limitations imposed by law, a refusal to provide a body substance sample under the provisions of this Policy will be considered a voluntary resignation. Any attempt to deliberately tamper with a specimen, such as providing an adulterated or substituted specimen, is the equivalent of refusing to provide a sample. In addition, all employees required to submit to a drug or alcohol test, regardless of the circumstances surrounding the test or the test results, will be expected to be fully cooperative with the personnel administering the test at all times. Failure to do so will subject the employee to disciplinary action as deemed appropriate in accordance with the Company's progressive discipline policy.
6. Illegal substances, drugs, and other unauthorized items that are discovered through searches and inspections pursuant to this Policy may result in the proper law enforcement authorities being advised in this regard, in addition to disciplinary action imposed by the Company.
7. Employees who leave the company as a result of the provisions of this Policy, either due to termination or voluntary resignation, may not re-apply for employment for a period of 180 days. Corporate approval is required prior to re-hiring such individuals who do re-apply after the 180-day period but within one year of their severance from the company. In addition to providing a negative non-dilute result prior to beginning employment, such individuals will also be required to comply with the follow-up testing provisions of Section G, Subsection 5 of this Policy, and a subsequent failure of any test administered under the provisions of this Policy for either drugs or alcohol (at the 0.02 level) or other violation of this Policy at any time under any circumstances for a period of sixty (60) months from the employee's hire will result in the employee's termination.

O. RE-TESTING

Employees who fail a drug test or who are found to have an adulterated or substituted specimen may request a retest of the same biological sample. However, such request does not stay the employee's suspension or voluntary resignation. Such a request shall be made within 24 hours after the employee is notified of the test results. The costs associated with such a retest are payable in advance by the individual involved. The Company will reimburse such costs and make the employee whole for lost wages if the retest results are in conflict with the initial test.

P. REHABILITATION

It is the intent of this Policy that employees who use controlled substances or misuse alcohol will not have their job security and promotional opportunities jeopardized by a request for help with their problems. The Company has provided a process which enables an employee to voluntarily report substance abuse problems in a confidential manner. That process is for the employee to take responsibility to seek treatment by accessing care available through the Employee Assistance Program ("EAP") and notifying his or her manager. This notification will be held in confidence by management. For an employee seeking help for currently engaging in the illegal use of drugs, this request for help will be granted on a one-time basis only.

This request for assistance must be made by the employee prior to the Company requiring the employee to submit to testing for controlled substances or alcohol. Should this request for assistance come in the form of an employee's admission to violating the Policy when notified by a supervisor of the requirement to be tested, the supervisor should still complete the testing process. The employee's admission should be documented and disciplinary action should be administered in accordance with Section N of this Policy. In situations where a drug test has already been submitted for testing and the employee subsequently admits to violating the Policy before the results of the test are known, disciplinary action should be taken based upon the employee's admission, even if the results of the drug test are negative.

Q. TRAINING

All affected employees will receive a copy of this Policy and should be aware of its content. (Applicants will be provided a copy of this Policy for review or issued a copy if required by applicable state law.) Affected employees will, from time to time, be further advised as to the requirements of this Policy as it relates to their participation and obligations. They will be educated on the effects substance abuse has on their health, on their home-lives, on their community and on our industry. Employees are encouraged to contact their local Human Resources Department if they have any questions about the Policy.

Appropriate supervisory and/or management personnel will be educated and trained in recognizing the contemporaneous behavioral patterns associated with controlled substances use and alcohol misuse. They will be trained on the administration of all aspects of this Policy, including intervention when there is suspected illegal use of controlled substances or alcohol misuse.

EXHIBIT A

CONTACTS

Corporate Program Manager

Byran Farris
VP of Safety & Risk Management
Comfort Systems USA
Phone: 713-830-9683
byran.farris@comfortsystemsusa.com

Local Program Manager

Program Administrator

Judy A. Krup, C-DAPA-MC
President
Random, Inc.
Phone: 830-885-2025
Fax: 830-885-2026
jak@4randomtesting.com

Employee Assistance Program (EAP)

ComPsych
www.guidanceresources.com
888-270-9025

EXHIBIT B

**CONTROLLED SUBSTANCE AND ALCOHOL
TEST CONSENT FORM**

I understand that as a condition of employment, I must voluntarily consent to and satisfactorily complete biological sampling tests to determine the presence of certain controlled substances and/or the presence of alcohol.

I further understand that I must voluntarily consent to unannounced searches and inspections of myself, my clothing, assigned vehicle (owned, non-owned, or leased), and any package, purse, briefcase, toolbox, lunchbox, or other container brought onto Company premises, for the purpose of enforcing this policy.

As a candidate for employment, I understand that the presence of one or more of such controlled substances or alcohol will disqualify me from further consideration for employment.

As an incumbent employee, I understand that failing a test for controlled substances and/or excessive alcohol will result in disciplinary action, up to and including termination of my employment (unless such action is prohibited by state law).

I certify that I have read this form and the CSUSA Substance Abuse Policy Rev. October 1, 2014 or it has been read to me, and I understand its content. I agree to the release of information obtained through medical inquiries or substance abuse tests by the Company's or a customer's designated medical service providers to CSUSA and all related entities or its representatives, any third-party entities conducting medical examinations and testing on behalf of CSUSA and all related entities, CSUSA's customer as it pertains to the customer-required testing for that specific customer and job only or to any federal, state, or local agencies, on a "need to know" basis.

I also hereby authorize the Company to conduct through its designated medical service providers a substance abuse test(s), and I release the clinic/physician and related entities, their directors, employees and agents from all legal responsibility related to providing the information obtained through the medical inquiries or screening test to the Company or other authorized entities.

Date: _____

Applicant/Employee (Signature)

Applicant/Employee (Print Name)

Witness Signature

Job Title

EXHIBIT C

DOT GUIDELINES FOR POST-ACCIDENT TESTING AND ALCOHOL TESTING LIMITATIONS

Post-accident testing guidelines

A post-accident alcohol test should be administered within 2 hours following the occurrence of the accident. After 8 hours have passed, attempts to administer the test shall cease, and the employee's supervisor shall document the incident and notify their Regional Safety Director of these events.

A post-accident drug test should be administered within 32 hours following the occurrence of the accident. If not, attempts to administer the test shall cease, and the employee's supervisor shall document the incident and notify their Regional Safety Director of these events.

Alcohol testing limitations

If the result of the screening test is a breath alcohol concentration of less than 0.02, the test is considered to be "negative" and no further testing is authorized.

If the result of the screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test shall be conducted.

If the result of the confirmation test is a breath alcohol concentration of less than 0.02, the test is considered to be "negative." (See Note below.)

If the result of the confirmation test is a breath alcohol concentration of 0.04 or greater, the test is considered to be "positive." (See Note below.)

Note: In accordance with *Company* standards, if the result of the confirmation test is a breath alcohol concentration of 0.02 or greater but less than 0.04, the test is also considered to be "positive."

EXHIBIT D

LIST OF DRUG & ALCOHOL TESTING ACRONYMS

ADA	Americans with Disabilities Act
BAT	Breath Alcohol Technician
CCF	Custody and Control Form (i.e. Chain-of-Custody Form)
CDL	Commercial Driver's License
CMV	Commercial Motor Vehicle
DFWP	Drug-Free Workplace Program
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
FAQ	Frequently Asked Questions
FMCSA	Federal Motor Carrier Safety Administration (previously FHWA)
FMLA	Family Medical Leave Act
GC/MS	Gas Chromatography/Mass Spectrometry
MRO	Medical Review Officer
NHTSA	National Highway Traffic Safety Administration
OF	Oral fluid
POCT	Point of Collection Testing
QED	Quantitative Enzyme Diagnostic (an alcohol screening device)
PCP	Phencyclidine
RSD	Regional Safety Director
RTD	Return-to-Duty
SAMHSA	Substance Abuse and Mental Health Services Administration
SVT	Specimen Validity Testing
TPA	Third Party Administrator
THC	Delta-9-tetrahydrocannabinol-9-carboxylic acid (i.e. marijuana metabolite)
UBH	United Behavioral Health
UDS	Urine Drug Screen

EXHIBIT E (Page 1 of 2)
REASONABLE SUSPICION OBSERVATION CHECKLIST

EMPLOYEE:

PERIOD OF EVALUATION:

SUPERVISOR #1, NAME AND TELEPHONE:

SUPERVISOR #2, NAME AND TELEPHONE:

This checklist is intended to assist a supervisor in referring a person for drug testing. Has the employee manifested any of the following behaviors? Indicate (D) if documentation exists.

A. QUALITY AND QUANTITY OF WORK

- | Yes | No | |
|-----|-----|---|
| ___ | ___ | 1. Clear refusal to do assigned tasks |
| ___ | ___ | 2. Significant increase in errors |
| ___ | ___ | 3. Repeated errors in spite of increased guidance |
| ___ | ___ | 4. Reduced quantity of work |
| ___ | ___ | 5. Inconsistent, "up and down" quantity/quality of work |
| ___ | ___ | 6. Behavior that disrupts work flow |
| ___ | ___ | 7. Procrastination on significant decisions or tasks |
| ___ | ___ | 8. More than usual supervision necessary |
| ___ | ___ | 9. Frequent, unsupported explanations for poor work performance |
| ___ | ___ | 10. Noticeable change in written or verbal communication |
| ___ | ___ | 11. Other (please specify) _____ |

B. INTERPERSONAL WORK RELATIONSHIPS

- | Yes | No | |
|-----|-----|--|
| ___ | ___ | 1. Significant change in relations with co-workers, supervisors, etc. |
| ___ | ___ | 2. Frequent or intense arguments |
| ___ | ___ | 3. Verbal abusiveness |
| ___ | ___ | 4. Physical abusiveness |
| ___ | ___ | 5. Persistently withdrawn or less involved with people |
| ___ | ___ | 6. Intentional avoidance of supervisor |
| ___ | ___ | 7. Expressions of frustration or discontent |
| ___ | ___ | 8. Change in frequency or nature of complaints |
| ___ | ___ | 9. Complaints by co-workers or subordinates |
| ___ | ___ | 10. Cynical, "distrustful of human nature" comments |
| ___ | ___ | 11. Unusual sensitivity to advice or critique of work |
| ___ | ___ | 12. Unpredictable response to supervision |
| ___ | ___ | 13. Passive-aggressive attitude or behavior, doing things "behind your back" |

*Prepared by Batelle Memorial Institute for Federal Transit Administration

This checklist only provides possible indicators of substance use or abuse. It is not intended to be an exclusive list. Furthermore, an affirmative response to one or more questions does not necessarily indicate that reasonable suspicion exists to test an employee. Reasonable suspicion testing based solely on the use of this checklist is not endorsed. Reasonable suspicion determination can only be made by supervisory personnel in a given situation.

EXHIBIT E (Page 2 of 2)
REASONABLE SUSPICION OBSERVATION CHECKLIST

C. GENERAL JOB PERFORMANCE

Yes	No	
___	___	1. Excessive unauthorized absences—number in last 12 months
___	___	2. Excessive authorized absences—number in last 12 months
___	___	3. Excessive use of sick leave in last 12 months
___	___	4. Frequent Monday/Friday absences or other pattern
___	___	5. Frequent unexplained disappearances
___	___	6. Excessive “extension” of breaks or lunch
___	___	7. Frequently leaves work early—number of days per week or month
___	___	8. Increased concern about (actual incidents) safety offenses involving employee
___	___	9. Experiences or causes job accidents
___	___	10. Major change in duties or responsibilities
___	___	11. Interferes with or ignores established procedures
___	___	12. Inability to follow through on job performance recommendation

D. PERSONAL MATTERS

Yes	No	
___	___	1. Changes in or unusual personal appearance (dress, hygiene)
___	___	2. Changes in or unusual speech (incoherent, stuttering, loud)
___	___	3. Changes in or unusual physical mannerisms (gesture, posture)
___	___	4. Changes in or unusual facial expressions
___	___	5. Changes in or unusual level of activity—much reduced/increased
___	___	6. Changes in or unusual topics of conversation
___	___	7. Engages in detailed discussions about death, suicide, harming others
___	___	8. Increasingly irritable or tearful
___	___	9. Persistently boisterous or rambunctious
___	___	10. Unpredictable or out-of-context displays of emotion
___	___	11. Unusual fears
___	___	12. Lacks appropriate caution
___	___	13. Engages in detailed discussion about obtaining/using drugs/alcohol
___	___	14. Has personal relationship problems (spouse, girl/boyfriend, children, in-laws)
___	___	15. Has received professional assistance for emotional or physical problems
___	___	16. Makes unfounded accusations toward others (i.e. has feelings of persecution)
___	___	17. Secretive or furtive
___	___	18. Memory problems (difficulty recalling instructions, data, past behaviors)
___	___	19. Frequent colds, flu, or other illnesses
___	___	20. Excessive fatigue
___	___	21. Makes unreliable or false statements
___	___	22. Unrealistic self-appraisal or grandiose statements
___	___	23. Temper tantrums or angry outbursts
___	___	24. Demanding, rigid, inflexible
___	___	25. Major change in physical health
___	___	26. Concerns about sexual behavior or sexual harassment

Other information/observations (Please be specific, attach additional sheets as needed).

SUPERVISOR #1 – DATE

SUPERVISOR #2 – DATE

EXHIBIT F
REASONABLE SUSPICION DETERMINATION FORM

Employee Name: _____ Date of Incident: _____

Location: _____ Time: _____

Incident Description: _____

1. Appearance: _____

2. Behavior: _____

3. Speech: _____

4. Body Odors: _____

5. Indications of chronic and withdrawal effects of controlled substances: _____

Witnesses: _____

Summary of discussion with employee: _____

Action Taken: ___ Alcohol Test ___ Controlled Substances Test ___ No Test* ___ Other*
**(explain)* _____

Signature of Observing Supervisor Title Date of Report

Signature of Second Supervisor Title Date of Report

EXHIBIT G (Page 1 of 2)
LIST OF POLICY CHANGES – April 1, 2010

Section B. Application – Rephrased 2nd sentence of 2nd paragraph regarding conflicts with state and local laws. No change in intent.

Section C. Policy – Addition of the words “sale, trade, manufacture” to the 2nd and 3rd paragraphs. Simplified language in the 3rd paragraph. No change in intent.

Section D. Definitions – “**accident**” - The definition of vehicular accident was expanded to include any accident that results in damages of \$500 or more.

Section D. Definitions – “**drugs**” - Alcohol was removed from this definition as it is referred to separately throughout the policy and the remaining language was clarified.

Section D. Definitions – “**safety-sensitive**” – The last sentence was added to further define safety-sensitive.

Section E. Searches and Inspections – Addition of language referencing state laws in the 2nd paragraph.

Section F. Collection of Biological Samples – Addition of language referencing applicable state and federal laws in the 2nd paragraph.

Section G. Testing – Subsection 1. Pre-employment – Re-defined the employee’s separation from the Company as the result of subsequent Policy violations as a termination and addition of the word “non-dilute” to b) of transfer criteria.

Section G. Testing – Subsection 2. Reasonable Suspicion – Removal of all references to reasonable “cause” as this testing determination can be based on reasonable “suspicion”.

Section G. Testing – Subsection 3. Post-Accident – Rephrased 1st sentence of 2nd paragraph to clarify that both drug and alcohol tests should be conducted.

Section G. Testing – Subsection 5. Return-to-Duty (RTD) and Follow-up Testing – Re-defined the employee’s separation from the Company in negative dilute re-test situations as a termination.

Section G. Testing – Subsection 7. Random Testing – Rephrased language regarding limitations of state and local laws. No change in intent.

Section G. Testing -- Addition of Subsection 8 regarding job specific testing as follows: Employees are also subject to job specific drug / alcohol testing which may be conducted at the sole discretion of the Company. The Company discretion includes the determination of the scope and timing for such unannounced testing. Job specific testing shall include all employees assigned to a job site at the time of testing as well as the pre-placement testing of current employees prior to being assigned to a specific job site.

Drug tests and/or alcohol tests may be conducted in the above situation, subject to limitations that may apply in certain state and/or local jurisdictions (or by local collective bargaining agreements). *NOTE: Locations that do not have a collective bargaining agreement in place may omit this parenthesis.*

Section J. Laboratories & Collection Facilities – Removed the word “narcotic” from 1st sentence. No change in intent.

EXHIBIT G (Page 2 of 2)

Section N. Disciplinary Action – Subsection 1 – Re-defined the employee’s separation from the Company for refusing to sign Consent Form as a resignation.

Section N. Disciplinary Action – Subsection 2 – Addition of reference to state or local laws or regulations.

Section N. Disciplinary Action – Subsection 3 – Addition of reference to state or local laws or regulations and clarifies that presidents of operating companies have the right to either terminate employees for policy violations or offer the EAP.

Section N. Disciplinary Action – Subsection 3(b) - Re-defined the employee’s separation from the Company as the result of subsequent Policy violations as a termination.

Section N. Disciplinary Action – Subsection 7 – Re-defined the employee’s separation from the Company as the result of subsequent Policy violations as a termination.

Section P. Rehabilitation – Clarifies that a “confession” rendered when the Company requires a test, regardless of the outcome of that test, will be treated like a Policy violation. Clarified the number of voluntary referrals allowed as it pertains to current drug use.

Section Q. Training – Addition of language encouraging employees with questions about the Policy to contact Human Resources.

Exhibit A – Change of address for the Corporate Office.

Exhibit B – Addition of Policy revision date and language specifically addressing the exchange of testing information in customer-required testing situations. Removal of field requiring employee Social Security Number.

Exhibit C – Included the missing language “and the employee’s supervisor shall” in the 1st and 2nd paragraphs.

Exhibits E & F - Removal of all references to reasonable “cause” as this testing determination can be based on reasonable “suspicion”.

Exhibit H – Addition of list of Policy changes.

EXHIBIT H
LIST OF POLICY CHANGES – May 1, 2012

Section D. Definitions – “safety-sensitive” – Expands definition of safety-sensitive.

Section G. Testing – Subsection 1. Pre-employment (a) 4th paragraph – Further clarifies which applicants are covered under the follow-up testing provisions and adds that this requirement will be applicable for 7 years from an applicant’s initial test date.

Section G. Testing – Subsection 3. Post-Accident – Changes the language concerning when post-accident alcohol tests should be conducted.

Section G. Testing – Subsection 4. Customer Required – Removes specific references to “drug” or “alcohol” test types.

Section G. Testing – Subsection 7. Random Testing – Removes specific references to “drug” or “alcohol” test types.

Section G. Testing – Subsection 8. Job Specific – Removes specific references to “drug” or “alcohol” test types.

Section N. Disciplinary Action – Subsection 4 – Limits “pre-duty disclosure” to safety-sensitive employees and outlines “pre-duty disclosure” procedure.

Section P. Rehabilitation – Further clarifies how to handle employee admissions to violating the Policy.

Exhibit A – Change of EAP Provider.

Exhibit B – Change of Policy revision date.

Exhibit I – Addition of list of Policy changes.

EXHIBIT I
LIST OF POLICY CHANGES – October 1, 2014

Section B. Application – Broadens applicability of Policy as it pertains to temp agency employees.

Section D. Definitions (1)(b) – “accident” – Clarifies that employees involved in vehicular accidents should be tested regardless of whether the employee appears to be at fault.

Section D. Definitions (2) – “drug” – Adds additional language to include synthetic drugs and any drugs with impairing effects; focuses on safety-sensitive job duties and cross-references pre-duty disclosure provision.

Section D. Definitions (6) – “dilute specimen” – Adds definition of dilute specimen.

Section G. Testing – Subsection 4. Customer required – adds language regarding compliance requirements relative to the Drug Free Workplace Act of 1988.

Section G. Testing, Subsection 5. Return-to-Duty (RTD) and/or Follow-up Testing – language has been added to indicate how hair testing may be used in the follow-up testing program and that an employee’s follow-up testing program can only be altered upon approval by the Corporate Program Manager.

Section G. Testing – Subsection 8. Project Specific – The name for this type of testing has been changed from “Job” to “Project” Specific and it now includes recommendation that operating companies contact their RSD for guidance prior to initiating testing.

Section H. Testing Procedures – 1a) – the language has been updated to acknowledge that laboratories may use methodologies other than GC/MS testing (as new sciences become available) if they are approved by HHS. **1b)** – the language has been broadened to include alternate lab certifications and procedures for the testing of oral fluid specimens. **1c)** a new provision has been added to describe the testing procedures for testing hair.

Section N. Disciplinary Action – Subsection 4 – added language regarding substances with impairing effects to pre-duty disclosure requirements.

Exhibit A – updated list of contacts.

Exhibit B – added line for applicant/employee to print name and added language related to third party entities conducting medical examinations and testing.

Exhibit I – Addition of the list of Policy changes.

EXHIBIT J
LIST OF POLICY CHANGES – December 1, 2016

Section D. Definitions (1)(b) – “accident” – Clarifies the scope in which post-accident testing is required in order to be in compliance with OSHA’s prohibition against blanket post-accident drug testing.

Section G. Testing – Subsection 3. Post-Accident – Clarifies the scope and administration of post-accident testing in order to be in compliance with OSHA’s prohibition against blanket post-accident drug testing.

EXHIBIT K
LIST OF POLICY CHANGES – August 1, 2019

Section P. Rehabilitation – Clarifies that in situations when post-accident testing is required in accordance with Sections D and G of the Policy, all employees will be required to take a drug test, regardless of whether the employee admits to violations of the Policy. Further clarifies that all employees admitting to violations of the Policy shall be subject to disciplinary action in accordance with Section N of the Policy.