

Drug-Free and Alcohol-Free Workplace

Policy Owner Brightspeed Human Resources

Effective Date October 1, 2022

1 POLICY OUTLINE

This policy covers:

- Drug-Free and Alcohol-Free Workplace
- Drug and Alcohol Testing
 - Reasonable Suspicion
 - Post-Accident
 - Government and customer-imposed testing requirement
- Consequences and Discipline
 - Alcohol
 - Controlled Substances
- Confidentiality of Test Results
- Appeal/Rights/Right to Retesting
- Testing Costs and Protocols
- Seeking Help with a Dependency Issue
 - Employee Assistance Program
- Alcohol and Drug-Related Convictions
- Your Responsibilities

2 SCOPE

This policy applies to all Brightspeed employees, except employees who are required to have a Commercial Driver's License and are subject to the Department of Transportation drug and alcohol testing program.

Additional requirements or protections, if and as specified in any applicable Collective Bargaining Agreement, may apply to employees represented by a bargaining unit.

3 DRUG AND ALCOHOL-FREE WORKPLACE

Consumption of alcohol or drugs, whether legal or illegal, can impair performance, may lead to inappropriate behavior, endanger the safety of others, and/or violate the law.

- The possession of, use of, or impairment by illegal drugs while working on Brightspeed premises, in Brightspeed vehicles, or at sponsored events is prohibited. This includes, but is not limited to,

the unlawful manufacturing, distribution, dispensation, possession, or use of any controlled substance (as defined by federal law, including marijuana) in the workplace.

- Impairment by legal or illegal medications or alcohol while working on Brightspeed premises, working from home during normal working hours, operating Brightspeed vehicles, or attending sponsored events is prohibited.

Drinking alcohol in moderate quantities on our premises or at sponsored events may be permissible with leadership approval. Good judgment is always expected. Please refer to [Employee Conduct](#) and [Use of Vehicles on Company Business policies](#).

4 DRUG AND ALCOHOL TESTING

Employees are subject to drug and alcohol testing based on:

A. REASONABLE SUSPICION

If a manager has reasonable suspicion to believe that your use of or impairment by drugs and/or alcohol may adversely affect your job performance or the safety of you or others, or otherwise violate this policy, the manager may request an alcohol and/or drug screening. Reasonable suspicion may be based on objective symptoms such as your appearance, behavior, or speech; suspicious absences; reliable reports; and/or odor of alcohol or chemicals. You normally will be suspended without pay immediately following management's request for reasonable suspicion testing, subject to requirements of applicable laws and collective bargaining agreements and pending further investigation.

B. POST-ACCIDENT

If an employee's conduct could have contributed to (a) an incident that harmed or could have harmed Brightspeed employees, customers, or property (including vehicles) or (b) an on-duty incident that harmed or could have harmed a member of the public, the employee may be required to undergo immediate drug and alcohol testing, subject to requirements of applicable laws, collective bargaining agreements, and OSHA.

C. GOVERNMENT AND CUSTOMER-IMPOSED TESTING REQUIREMENT

Some laws and government regulations and some customer contracts may require drug and alcohol testing. Employees in positions subject to these regulations and contracts may be required to undergo drug and alcohol testing (subject to requirements of applicable laws and/or collective bargaining agreements). Advance notice, to the extent possible, will be provided to affected employees.

Any refusal to submit to reasonable suspicion testing or post-accident/post-injury testing will be deemed a failure to cooperate and is a basis for termination of employment, unless otherwise provided by state law. The refusal to consent to government or customer-imposed testing may disqualify you from your role, and your employment may be terminated.

- See “Appendix A” (below) for more information on drugs included within our testing.
- See “Appendix B – Additional State Law Requirements” (below) for additional information, limitations, and requirements under applicable state laws.

5 CONSEQUENCES AND DISCIPLINE

Following testing and/or investigation, Brightspeed will take appropriate action for any positive test result or other violation of this Policy. Such action may be in the form of discipline, up to and including termination.

A. ALCOHOL

You will be presumed to be impaired by alcohol in violation of this policy if testing indicates your blood alcohol content (BAC) is:

- At or above the level specified by applicable state law (see Appendix B – “Additional State Law Requirements”), or
- At or above 0.04% (4g of alcohol per 100 mL of blood) if state law does not specify an applicable BAC threshold.

If your BAC is below 0.04%, you will not be presumed to be impaired. Nonetheless, Brightspeed may find that you are impaired, if warranted by the facts and circumstances, consistent with applicable law and a collective bargaining agreement.

B. CONTROLLED SUBSTANCES

A positive test result for any controlled substance (as defined by federal law, including marijuana) may result in termination, if warranted by the facts and circumstances, consistent with applicable law and bargaining contracts.

6 CONFIDENTIALITY OF TEST RESULTS

All test results will be confidential and communicated only on a business “need to know” basis.

7 APPEAL RIGHTS / RIGHT TO RETESTING

If you have been tested, you will be advised of the test results by a company representative or the testing vendor's Medical Review Officer. If you test positive, you will have 15 calendar days (from the day the test results are communicated to you) to explain the result to the Medical Review Officer or as appropriate, a representative of Brightspeed, and/or request a retest of the same specimen by the vendor's laboratory or request a confirmatory test as allowed by applicable state law. You may request a copy of the test results in writing.

8 TESTING COSTS AND PROTOCOLS

Brightspeed will pay the cost of the initial test. If you request a retest, you may be required to reimburse Brightspeed if that retest is positive, unless state law or an applicable collective bargaining agreement requires otherwise.

Testing will be conducted by a vendor company in compliance with applicable laws and according to accepted guidelines and requirements. Appropriate chain of custody requirements will be followed.

Where required by state law, you will be given a list of substances as to which testing may be conducted, and you will be able to receive a copy of your test results upon written request.

9 SEEKING HELP WITH A DEPENDENCY ISSUE

Brightspeed encourages employees with possible alcohol or drug dependency issues to seek counseling or treatment voluntarily before issues adversely affect their work or personal lives.

A. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Brightspeed provides initial counseling services through its Employee Assistance Program (EAP), which is designed to help employees and their families address chemical dependency and mental health problems. An employee who is concerned about a possible problem is encouraged to contact the EAP at 833-528-2308 or www.liveandworkwell.com.

10 ALCOHOL AND DRUG-RELATED CONVICTIONS

You must notify your manager and Human Resources of any conviction, including guilty or no-contest plea, for any violation of any (a) criminal drug laws in or related to the workplace, (b) criminal drug laws for offenses occurring outside the workplace, if the conviction would limit or impair your ability to perform your job duties, and (c) alcohol-related criminal offense occurring in the workplace or while working, within five days of the conviction.

In addition, if you are required to operate a motorized vehicle (personal or company) as part of your job duties, you must immediately report to your supervisor and the [Ethics and Compliance Hotline](#) any off-the-job:

- charges or convictions regarding driving while impaired or under the influence of alcohol or drugs.
- misdemeanor charges or convictions related to or arising from operation of a motorized vehicle.
- expiration, revocation, or suspension of your driver's license.

These notification requirements allow Brightspeed to review the circumstances, determine appropriate corrective action, and ensure that the company complies with its obligations under applicable federal and state law. In any of these circumstances, the company may request that the employee submit to a drug test and/or sign a performance agreement as a condition of continued employment. Brightspeed may also request an investigation by appropriate law enforcement agencies. Violations of criminal drug laws in or related to the workplace and alcohol-related criminal offenses occurring while working will result in termination of employment, subject to applicable laws and any applicable collective bargaining agreements. Please refer to Employee Conduct and Policies.

11 YOUR RESPONSIBILITIES

You are responsible for complying with this policy. Failure to comply may result in termination.

Examples of failure to comply include:

- Refusing to consent to testing, to submit a sample, or to sign any required forms (for bargaining unit employees, a refusal to test or submit a sample will be deemed a violation of this policy and is a basis for termination of employment)
- Refusing to cooperate in an interview or investigation (untruthfulness, misrepresentation, misleading statements or omissions)
- Being dishonest in the investigation or testing process (including switching, adulterating, or in any way tampering or attempting to tamper with the requested sample(s) or otherwise attempting to manipulate the testing process)
- Failing to accept the referral, to enter, and complete an approved treatment program, including any follow-up recommendations

You are responsible for following all laws and Brightspeed's work and safety rules, and for observing appropriate standards of behavior.

12 POLICY REVISIONS

Brightspeed may change, revoke, or supplement this policy at any time without notice, subject to any applicable laws and Collective Bargaining Agreements.

Policy Owner: Brightspeed Human Resources

Last Update: May 1, 2024

Revision Number	Revision Description	Date	Approved by
1	Section 5 – Removed treatment program referral, Section 10 – replaced paragraph with language in Employee Conduct policy. Appendix A - Removed Pre-hire requirements. Appendix B – Removed reference to CW3871 as it no longer applies.	4/16/2024	Dana Levadnuk

APPENDIX A

Reasonable suspicion: Brightspeed’s reasonable suspicion screens test for the following:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cocaine
- Marijuana
- Methadone
- MDA (Methylenedioxyamphetamine)
- Opiates
- Oxycodones
- Phencyclidine
- Propoxyphene
- Alcohol, Ethyl

If you have questions about whether any drug prescribed to you might be identified in one of the above categories, please ask your doctor or your pharmacist.

APPENDIX B**Additional State Law Requirements**

All aspects of the Drug & Alcohol Policy (the “Policy”) apply throughout the U.S., including the States listed in this Appendix B. However, to the extent applicable state law requirements differ from the Policy requirements, the state law requirements will control. Specifically, the following state law requirements will apply (to employees while performing work assignments within these states) in addition to or as noted, instead of the requirements of the Policy:

ALABAMA – See Alabama Code §§ 25-5-331 to 25-5-339 and, specifically, § 25-3-334. Also, employees shall participate in employee and, as applicable, supervisory educational programs that comply with the requirements of Alabama Code § 25-5-337.

ARKANSAS – See Arkansas Code §§ 11-14-101 to 11-14-112. (1) If your explanation or challenge (see Policy, Appeal Rights/Rights to Retesting) is unsatisfactory to the drug testing review officer, the drug testing review officer shall report a positive test result to Brightspeed. (2) You may contest the drug or alcohol test result pursuant to rules adopted by the Workers' Health and Safety Division of the State Workers' Compensation Commission. You may have the right to challenge any findings or discipline in court under Arkansas Code §§ 11-14-101 to 11-14-112. (3) You are responsible for notifying the testing laboratory of any administrative or civil action brought by you pursuant to Arkansas Code §§ 11-14-101 to 11-14-112. (4) If you are represented by CWA 6171, please see the applicable collective bargaining agreement with respect to any right to appeal or grieve any findings or discipline. (5) You have the right to consult with a drug testing review officer for technical information regarding prescription or non-prescription medications.

GEORGIA – See Georgia Code § 34-9-413 and, more generally, Georgia Code §§ 34-9-412 to 34-9-417.

MISSISSIPPI – See Mississippi Code §§ 71-7-1 to 71-7-31. Brightspeed will follow all the terms of Mississippi law without exception. You may confidentially report the use of prescription or non-prescription medications to a medical review officer before being tested by contacting A Check to request the contact information of the applicable medical review officer. If you become represented by a bargaining unit, please see the applicable Collective Bargaining Agreement.

TENNESSEE – You are responsible for notifying the testing laboratory of any administrative or civil action brought by you pursuant to Tennessee Statute 50-9-105 and Tennessee Regulations 0800-2-12.

Also, employees shall participate in employee educational programs and, as applicable, supervisory training programs that comply with the requirements of Tennessee Code § 0800-2-12-.13.