

Drug & Alcohol Free Workplace Policy

S. M. Wilson is committed to providing a safe, healthy, and productive workplace that is free from alcohol and unlawful drugs as classified under state, local, and federal laws. While on S. M. Wilson premises and job sites (whether on or off duty), while operating S.M. Wilson vehicles at any time, and while conducting business-related activities off company premises, no employee may be under the influence of alcohol or drugs. The unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace. Furthermore, even lawfully prescribed drugs and over the counter medicines may cause impairment on the job, meaning that any employee under the influence of legal drugs may not be able to work depending on the side effects. Employees that work under the influence of drugs or alcohol pose a safety risk to themselves and to others with whom they work. This policy applies to all S. M. Wilson employees and employment is contingent on abiding by the terms of this policy.

In furtherance of this commitment, S.M. Wilson maintains a policy in which job applicants and current employees are required to submit to drug and alcohol testing. This policy is intended to comply with applicable state and federal laws regarding drug and alcohol testing and current and prospective employee privacy rights.

In addition to maintaining a drug and alcohol-free workplace, S.M. Wilson is committed to promoting the long-term health and wellbeing of its employees. To assist employees in understanding and avoiding the dangers of drug and/or alcohol abuse, S. M. Wilson has developed a Drug and Alcohol Awareness Program. This Program includes annual training for all supervisors on recognizing the signs and symptoms of drug and/or alcohol abuse. Additionally, S. M. Wilson's Drug and Alcohol Awareness Program will inform employees about:

- Dangers of drug and alcohol abuse in the workplace;
- S. M. Wilson's Drug and Alcohol Free Workplace Policy;
- Any available referral to drug counseling, rehabilitation, and employee assistance programs;
- Consequences for violations of this Policy.

Drug Testing

General Policy. In addition to pre-employment drug testing described below, all employees are subject to reasonable suspicion, random, post-accident, pre-engagement on assignment (pursuant to owner or customer requirements) and post-rehabilitation drug and/or alcohol testing on the conditions and under the circumstances delineated by the particular drug and alcohol testing policy to which the employee is subject.

All drug and alcohol testing under this policy will be conducted by an independent testing facility, which will obtain the individual's written consent prior to testing. S.M. Wilson will pay for the full cost of the test. Employees will be compensated at their regular rate of pay for time spent submitting to a drug and alcohol test required by S.M. Wilson.

Pre-Employment Testing. As a condition of hiring, all job applicants must successfully pass a drug/alcohol test provided by a third-party laboratory. Applicants must pass at least a 9-panel non-DOT urinalysis and drug test (or a 10-panel including marijuana testing for safety-sensitive positions identified by the Company). The determination of what is considered a "passed" test is subject to any applicable laws, including applicable state laws where the applicant resides and/or in which the applicant is being tested. Related to the foregoing, SM Wilson will comply with all state, federal, and local laws regarding the use of recreational and medical cannabis and other lawful products, as well as state, federal, and local employment laws. Job applicants who refuse to submit to drug and alcohol testing within 72 hours from the request will be deemed to have withdrawn from the application process and will no longer be considered for employment.

Testing Based on Reasonable Suspicion. Employees may be asked to submit to a drug and alcohol test if an employee's supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior, or other conduct and facts, that the employee possesses or is under the influence of unlawful drugs or alcohol, or both. In general, "reasonable suspicion" refers to specific and immediate observation concerning the employee's appearance or behavior that indicates the person may be under the influence and a safety risk to self or others. Observations may include but are not limited to dilated pupils, bloodshot eyes, flushed or pale skin; changes in behavior/demeanor such as nervous, erratic, confused, irritable, combative, or fatigue; impacted motor skills such as swaying, lack of coordination or fidgety; impacted speech such as slurred, loud or incoherent; odor such as the smell of alcohol or marijuana, or the presence of alcohol or drugs and/or misconduct by the employee.

No employee may be under the influence while working or attempting to work, operate any company vehicle or equipment, or conduct business-related activities on or off work premises. S.M. Wilson may consider an employee to be impaired when he or she manifests specific, articulable symptoms while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, or carelessness that results in any injury to the employee or others.

Employees observing concerning appearances or behaviors are to report concerns to a member of management or Human Resources. The member of management or HR witnessing concerning appearances or behaviors will complete the Reasonable Suspicion Form. Concerning appearances or behaviors of a subcontractor must be reported to the Superintendent who will document and contact S. M. Wilson's Director of Safety and inform the subcontractor employer.

Employees must submit to testing based on reasonable suspicion immediately. Where there is reasonable suspicion to conclude that an employee is working under the influence of drugs or alcohol, the employee will be removed from the job site and suspended pending test results. If the test result is negative, the employee will be allowed to return to work and will be paid for missed work time. When testing is required based upon reasonable suspicion, the employee shall be provided transportation to the testing facility and a company representative may accompany the employee.

Testing before returning to work. If an employee undergoes a drug/alcohol rehabilitation program before a policy violation has occurred, the employee will be subject to drug/alcohol testing prior to returning to work. If an employee violates this policy and is permitted to return to work, the employee will be subject to testing before being allowed to return to work.

Random Testing. All employees are subject to drug and alcohol testing on a random basis. Employees are placed in a pool for random drug and alcohol screening by a Third Party Administrator to allow testing to be managed with consistency and integrity. Employees must submit to testing within 24 hours of being selected for testing. Random testing is done at a random annualized selection rate of 50% of employees. For Union trade employees covered under a consortium drug and alcohol testing policy, S. M. Wilson may require testing as supported by the terms stated in the collective bargaining agreement including testing required by applicable law, the Company's Drug Free Workplace Program or Project Owner requirements.

Employees will be compensated at their regular rate of pay for time spent submitting to a drug or alcohol test required by S.M. Wilson. Employees suspected of working while under the influence of illegal drugs, marijuana, or alcohol, will be suspended with pay until S.M. Wilson receives the results of the drug or alcohol test from the testing facility and obtains any information S.M. Wilson may require in order to make an appropriate determination.

Positive Test Results

Any employee testing positive for the presence of alcohol or drugs may be suspended from employment with pay pending further review or may be subject to immediate termination. In the instance of a positive drug test, S.M. Wilson will conduct a further review to determine (1) whether the presence of such drugs or alcohol violates any applicable owner contractual obligations, (2) whether the employee worked or attempted to work under the influence of drugs or

alcohol, (3) whether the presence of the drugs or alcohol in the employee's system potentially compromised the safety of the employee or others, and (4) whether the presence of any legal drugs in the employee's system was in violation of this policy. The third party vendor who conducts the drug and alcohol testing uses a "split sample" procedure. An employee whose first test result is positive may request that the split sample be retested by a certified testing laboratory approved by S. M. Wilson, at the employee's expense.

S.M. Wilson will discipline any employee, up to and including termination, who compromises the safety of employees or third parties due to the presence of alcohol or drugs in an employee's system in violation of this policy. Working or attempting to work under the influence of alcohol or illegal drugs is strictly prohibited. Working or attempting to work under the influence of marijuana is strictly prohibited. Working or attempting to work under the influence of prescription drugs or over the counter medication is strictly prohibited where such prescription drugs or medication causes side effects jeopardizing the safety of the employee or others.

It is not uncommon for S.M. Wilson to maintain State, Federal, and private contracts with customers that require random drug testing for employees assigned to that project, including (potentially) random drug testing for marijuana. Employees working on such contracts may be subject to drug testing according to the requirements of such contracts, subject to applicable state and federal laws. Please contact Human Resources if you have questions.

Marijuana

The use of marijuana, which may be lawfully prescribed or legal for recreational use in some states, remains illegal under federal law. **Regardless, no employee may work or attempt to work at S.M. Wilson, operate an S.M. Wilson vehicle or equipment, or conduct business-related activities off company premises under the influence of marijuana.** Should an employee be authorized to use medical marijuana, the employee must follow the procedure set forth below regarding Authorized Use of Prescription Drugs described below.

Authorized Use of Prescription Drugs

Employees who take over-the-counter medicine or drugs that can be legally prescribed under federal or state law to treat a medical condition should inform the Human Resources Department if either their physician indicates or if the employees believe the drug(s) they are taking will impair their job performance, safety, or the safety of others, or if they believe they need a reasonable accommodation before reporting to work while under the influence of the drug(s). Notification must occur on the first workday after the employee begins taking the drug(s) and in advance of commencing any work, operating a S.M. Wilson vehicle, or conducting company business. Employees must provide Human Resources with any restrictions given by their physician they may have while taking the prescription drug(s). S.M. Wilson will work with any employee who requests an accommodation under this Policy and/or the company's Americans with Disability Act Policy to determine if a reasonable accommodation can be provided to the employee. It is vital that employees in safety sensitive positions understand that even small amounts of a drug can put you, your coworkers and others at risk of injury or death. Employees should note that the third party vendor does not consider using CBD oils as a valid medical explanation for a positive marijuana test.

Employee Assistance

The company will assist and support employees who voluntarily seek help for drug or alcohol addiction before becoming subject to discipline or termination under this or other company policies. Employee requests for assistance related to drug/alcohol abuse will be treated as confidential and employees will generally be referred to the appropriate treatment and counseling services. Any employee seeking to take leave in connection with a substance abuse rehabilitation program should consult S.M. Wilson's Paid Time Off Policy, Extended Leave Bank Policy, Family Medical Leave Act Policy, and Americans With Disabilities Act Policy.

Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and must not

work under the influence as it is a safety concern for themselves and others, and must promptly disclose any work restrictions to their supervisor.

For more information please contact the Human Resources Department.

Notification of Criminal Violations

Employees working on State-awarded contracts are required to notify S.M. Wilson of any conviction under any criminal drug statute for a violation which occurred in the workplace, no later than 5 days after the conviction. Please contact Human Resources if you have any questions about this requirement.

Policy Violation

Employees violating S. M. Wilson's Drug and Alcohol Free Workplace Policy will be subject to disciplinary action, up to and including immediate dismissal from the Company. Employees who refuse to submit to the test or who fail to complete the test within 24 hours of the request (whether random test or test based on reasonable suspicion of impairment while on the job) will be subject to disciplinary action, up to and including dismissal from the Company. Job applicants who refuse to submit to drug and alcohol testing within 72 hours from the request will be deemed to have withdrawn from the application process and will no longer be considered for employment. Employees must report criminal convictions in the event the employee receives a criminal drug statute conviction for a violation occurring in the workplace, receives a DUI conviction while driving a company provided vehicle, receives a DUI conviction while driving a personal vehicle on Company business, or receives a conviction at any time for unlawful distribution, manufacture or dispensation of controlled substances. Convictions must be reported to the Chief Human Resources Officer no later than 5 days from the date of the conviction.

Employees Covered Under a Collective Bargaining Agreement

The employment terms set out in this policy work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with S.M. Wilson. Employees should consult the terms of their collective bargaining agreement.