



**townsend & schmidt**  
MASONRY

EXCELLENCE IN MASONRY SINCE 1957

# SAFETY MANUAL



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# I. CODE OF SAFE PRACTICES

## GENERAL RULES

### General Safety Rules

1. The code of safe practices provided herein has been adopted to give each employee specific guidelines for safe work practices. The superintendent and foreman will require that every rule and order necessary to the safe conduct of the work is obeyed, and take such action as necessary to obtain observance and maintain discipline.
2. All employees are required to:
  - a. Comply wholeheartedly with these safe practice rules.
  - b. Render every possible aid to safe operations.
  - c. Report all unsafe conditions or practices, whether encountered by you or those around you, to the foreman or superintendent.
  - d. Report immediately any injury or illness suffered by you or a fellow employee, no matter how slight.
  - e. Use all protective gear and safeguards available.
3. No employee shall:
  - a. Be given or undertake a task without having received proper training, necessary protective clothing and/or equipment, and authorization to safely perform that job.
  - b. Be given or undertake a job that involves hazardous materials or chemicals without understanding the hazards involved and possible toxic consequences of unsafe practices.
  - c. Undertake a job that appears unsafe.
  - d. Hesitate to report to the appropriate supervisor any unsafe working condition, including that involving a fellow employee (whether due to lack of ability, physical impairment or emotional instability).
  - e. Be allowed or report to work while under the influence of fatigue, a medical condition or chemical substance that impairs the employee's ability to safely perform assigned duties.
4. Any physical, mental or general health problem including fear of heights, confined spaces, darkness, or any other disorder that may prevent an employee from working safely or that may endanger the health and safety of a fellow employee, must be reported to the foreman or superintendent immediately.
5. Horseplay, scuffling, throwing objects, and other acts which may have an adverse influence on the safety or well being of any person is prohibited.
6. Portable radios or cassette players are not allowed on jobsites.
7. Poor housekeeping is a major cause of construction accidents. Help prevent accidents to self and co-workers by keeping the work area clean at all times.
8. Falls are the number one cause of construction related injuries and can often be prevented with proper preplanning and additional awareness and care on the employee's part. Be aware of typical "fall" situations and take precautions to prevent a fall.
9. Each employee will receive training as set forth in the company hazardous material and hazard communication programs prior to undertaking a task involving hazardous materials.

## SAFE WORK PRACTICES

### Housekeeping

1. Keep your working environment clean and in order at all times. Put things where they belong when you have finished with them.
2. Do not place material or equipment in aisles, corridors, in front of emergency exits, eye wash stations, and electrical control panels. Tools, equipment and chemicals shall be stored in designated spaces when not in use.

3. Do not place or stack material or equipment in such a manner that would constitute a falling hazard.
4. Do not drop cigarettes or matches on the ground. Use the proper containers provided for that purpose.
5. Put all waste materials in trash containers.
6. Anything spilled in the work area should be cleaned up as soon as possible. If it is hazardous call your supervisor.

### **Slips and Falls**

1. Wear safe, appropriate and approved shoes, which are in good condition. Check with your supervisor regarding shoe requirements.
2. Watch your step. Be sure your footing is secure.
3. Store or properly secure cables, cords, and hoses, etc. to prevent tripping hazards.
4. If you must climb to reach something, use a sound ladder, set in properly secured -- top and bottom. Chairs are not to be used as ladders.
5. When climbing, face the ladder and use both hands.
6. When reaching from a ladder, keep your shoulder inside the vertical stringer. If you must reach further than this, move the ladder first.
7. Walk, don't run.

### **Lifting Safety**

Many muscle strains and back injuries can be prevented by following proper lifting techniques.

1. Do not try to lift too much. Get help if you need it.
2. Position your feet so one foot is behind the load and the other is just slightly to the side of the load.
3. Bend with your knees, not your back.
4. Grip the load firmly.
5. Lift with your legs and keep the load close to you.
6. Lift smoothly--do not jerk the load.

### **Scaffolding**

1. Scaffold planking must overlap a minimum of 12 inches and extend over end supports between 6 and 12 inches.
2. Scaffolding must be properly supported and braced, with necessary guardrails installed.
3. Report unsafe scaffolding to your foreman.

### **Power and Hand Tool Safety**

A hazardous piece of machinery, unguarded, will eventually injure someone.

1. Use machinery only when you have been authorized to do so and when you have received safety instructions
2. Do not operate any machine without its guards being properly in place.
3. If you see an unguarded machine, report it at once.

4. A safe guard covers all moving parts and is designed to permit safe lubrication and adjustment without removing the guard.
5. If it is necessary to remove the guard, stop the machine and either lock the switch or tag it so another worker will not inadvertently start the machine.
6. Every electric power tool must be properly grounded before use.
7. Check the insulation on the wires and the condition of plugs and sockets before use. If they are frayed, worn, cut or broken, repair them before using.
8. Place temporary extension cords and power lines so they will not create a tripping hazard and so they are protected from physical damage.
9. Before using a drill on a wall, floor or ceiling be sure electrical wires, gas lines and high-pressure lines are not hidden.
10. Power saws shall not be used without the guard in safe working condition. Do not pin the guard back.
11. Do not use "cartridge" tools for driving nails or spikes in walls, ceilings or floors when people are working on the other side.

## **Personal Protective Equipment**

### *Body Protection-Clothing*

1. Clothing appropriate for the work being done will be worn. Loose clothing will not be worn around tools, machinery, or equipment in which it might be entangled.
2. Minimum clothing to be worn is long pants, T-shirt and boots.
3. Shorts, cut-offs, or mesh shirts are not allowed to be worn on jobsites.
4. Clothing saturated with flammable liquids or corrosive or oxidizing agents is hazardous and unacceptable for use.

### *Eye and Face Protection*

1. Goggles or safety glasses are required and will be worn when working in locations, or performing the type of work where there is a risk of receiving eye injuries from flying particles, hazardous substances, or injurious light rays.
2. The wearing of contact lenses in working environments where there is potential exposure to harmful materials or where light flashes may exist is hazardous and therefore prohibited.

### *Head Protection*

Non-metallic safety hard hats will be worn at all times, by all company employees on the jobsite.

1. Plastic caps are not a substitute for safety hard-hats and will not be allowed.

### *Foot Protection*

1. Hard solid leather work boots are required unless conditions dictate otherwise.
2. Tennis or court-type shoes are not allowed.
3. Footwear that is defective or inappropriate, to the extent that ordinary use creates the possibility of foot injuries, must not be worn.

## **Forklift Trucks**

1. Do not operate forklift unless certified to do so. **Passengers** are not allowed to ride on the forklift.
2. Proper operating rules and signals will be observed when hoisting equipment or materials.

3. Employees shall keep clear of suspended loads, traffic areas, or other possible hazardous areas.
4. It is the responsibility of all Supervisors to ensure the safety of all employees with above-average attention during hoisting operations. If unsafe practices are observed, it is imperative that immediate action be taken.
5. Avoid hitting or lifting anything if it appears it could fall on the operator or a bystander
6. Report damage or faulty operation immediately to a supervisor.
7. Avoid bumps, holes, slick spots, and loose materials that may cause lift to swerve or tip.
8. Take care when driving around machinery and moving vehicles.
9. Always drive at the mandatory **5 M.P.H.** speed limit.
10. Do not fill fuel tank while engine is running.
11. Avoid sudden stops or starts.
12. Travel with forks close to, but not on, the ground. Point them slightly upward.
13. Watch overhead clearances, especially top of boom.
14. Observe the following load handling procedures:
  - a. Handle loads within rated capacity of lift.
  - b. Center weight of load between forks.
  - c. Be extra careful with unstable loads.
  - d. When stacking bins and pallets make sure the stack is stable.
  - e. Watch "swing" when handling long loads
  - f. Do not travel with load raised unless it is necessary to clear an obstruction.
  - g. For better vision with bulky loads, travel in reverse, but always keep a proper lookout in the direction of travel.
15. When driving, be on the lookout for people walking and other vehicles, especially when rounding corners.
16. When forklift is not in use, leave forks flat on ground with the emergency brake set and the engine off.

### **Compressed Gas Cylinders**

Compressed gas cylinders may be handled only by personnel who have been instructed by their supervisors and fully understand the hazards involved. The following guidelines are designed for routine, daily practices.

1. Cylinders shall be secured with a heavy chain to a workbench, wall or other stationary object, so as to prevent falling or rolling. Never drop cylinders or allow them to strike each other.
2. The valve protection cap shall be kept securely in place whenever the cylinder is not connected for use.
3. Cylinders should not be transported by hand. Use an appropriate handcart to transport them with the valve protection cap in position.
4. Empty and full cylinders will be stored separately and correctly secured in the storage rack.
5. Empty cylinders shall be marked "**MT**" and removed from work areas as soon as possible.
6. There are many different types of gas regulators; each designed for a specific use and specific gas. Do not interchange fittings on regulators in an effort to adapt it to gases, which it is not designed to handle. Use the appropriate regulator for the appropriate tank.

7. Do not attempt to bypass the regulator when discharging gas.
8. Do not use adapters to connect regulators to gas cylinders.
9. Always open cylinder valves slowly.
10. Always turn off valve when not in use.

### **Office Safety**

Although the office environment is generally considered to be a safe area, serious accidents can occur if safety rules are not followed.

1. Never leave desk, file or cabinet drawers open since they can create a tripping or bumping hazard.
2. Never open more than one drawer at a time in a file cabinet. If it is necessary to keep books or other heavy objects in a file cabinet, put them in the bottom drawers.
3. Do not extend electrical cord, telephone and equipment cables across aisles or walkways where they create tripping hazards.
4. Do not climb on chairs, up-turned wastepaper baskets, or other improvised hazardous supports.
5. Do not attempt to repair any electrical equipment. Report faults to your supervisor or maintenance.
6. Smoking **is not** permitted within the facility.

### **Motorized Vehicles**

1. Only authorized employees will operate company vehicles, except under emergency situations.
2. All **applicable** drivers shall fill out a daily D.O.T. pre-trip inspection form.
3. All drivers shall possess a valid Driver's License where necessary.
5. Drivers required to have special class licenses shall possess these endorsements.
6. Any driver known to be under the influence of drugs or intoxicating substances is subject to immediate suspension, investigation, and possible termination.
7. Passengers are forbidden to ride on vehicles not equipped with seats for passengers.
8. Do not get on or off a vehicle while it is in motion.

### **COMMON SENSE**

No list of rules can encompass every possible dangerous situation that might be encountered; therefore the above-mentioned rules are guidelines and are not intended to be a substitute for common sense.

### **ACCIDENT REPORTING**

Any employee witnessing or involved in an accident must report it to the foreman or superintendent immediately. If a supervisor is not available, call the office immediately at (916) 383-5354.

1. Report all injuries, no matter how minor. Failure to report an injury may result in denial of benefits and/or disciplinary action.
2. Always notify your supervisor prior to leaving the jobsite due to a work related injury or illness.

3. If you get outside medical treatment, you must notify your foreman or the superintendent at the start of the next scheduled workday. Failure to properly report an injury may result in delays in obtaining your worker's compensation benefits.
4. Prior to returning to work after a job-related injury, you must present a medical clearance (return to work notice) from the attending physician.
5. Following an accident the management needs your full and immediate cooperation if we are to provide prompt medical attention and prevent a similar accident from happening. Please help your foreman determine the cause of the accident. Voice any suggestions you may have which could help prevent future accidents.

## II. HAZARD COMMUNICATION PROGRAM

### INTRODUCTION

Townsend & Schmidt Masonry is firmly committed to providing all of its employees with a safe and healthy work environment. It is a matter of company policy to provide our employees with information about hazardous chemicals on the worksite through our hazard communication program, which includes container labeling, material safety data sheets, (MSDS) and employee information/training.

Townsend & Schmidt Masonry has prepared this hazard communication program to comply with the requirements of the Federal OSHA Standard 1926.59, and to insure that information necessary for the safe use, handling and storage of hazardous chemicals is provided and made available to all employees.

The company safety officer will have the overall responsibility for administering and coordinating the hazard communication program, including:

- A. Making the hazard communication program available to employees.
- B. Updating the program as necessary for OSHA standards.
- C. Maintaining and providing current MSDS files.
- D. Monitoring the training program (administered by the superintendent) and maintaining training records.
- E. Coordinating the exchange of hazardous material information with other employers scheduled at job sites either directly or through the superintendent.

### INVENTORY LIST OF HAZARDOUS CHEMICALS

1. The company safety officer will maintain a master list of all known hazardous chemicals that may be used by company personnel on the worksite. The list will be updated as necessary.
2. The master inventory list will be kept on file at the company office, with copies provided to job foremen.

### CONTAINER LABELING

1. The superintendent and/or foreman, by company policy, will ensure that each container of hazardous chemicals on a jobsite is properly labeled.
2. Manufacturer applied labels will be maintained and relied upon whenever possible. Containers that are not labeled or on which the manufacturer's label has been removed will be relabeled. The labels will list:
  - a. The contents of the container and identity of any hazardous material.
  - b. Appropriate hazard warnings.
3. All chemicals on site will be stored in their original or approved containers with a proper label attached, except small quantities for immediate use. Any container not properly labeled should be given to the foreman for labeling or proper disposal.
  - a. Workers may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical left after work is completed must be returned to the original container or the foreman for proper handling.
  - b. No unmarked containers of any size will be left in the work area unattended.
4. Secondary containers will be labeled with either an extra copy of the manufacturer's label, or with a sign or generic label that lists the container's contents and appropriate hazard warnings. (Exception: No labeling is required on portable containers transferring materials for immediate use.)

### MATERIAL SAFETY DATA SHEETS

1. The company safety officer will keep, at the company office, a master file of MSDS for all hazardous chemicals to which employees may be exposed.
2. The superintendent is responsible for providing to each foreman copies of MSDS for all hazardous chemicals to which employees may be exposed at each job site.
3. The foreman will maintain the job site file of MSDS on site and readily accessible to employees in the work area during each work shift.

4. Other employers on site are required to maintain MSDS and provide hazard information on products they introduce on the job site. The company's and general contractor's supervisors will coordinate the exchange of such information.
5. In an emergency the foreman will immediately contact the company office or other contractor, as the case may be, for additional MSDS information and assistance.

### **EMPLOYEE TRAINING**

1. Employees will attend a training session on hazardous chemicals in their work area at the time of their initial work assignment. The training session will cover the following:
  - A. An overview of the hazard communication requirements.
  - B. A review of the chemicals present in their workplace operations.
  - C. The location and availability of our written hazard communication program, a list of hazardous chemicals, and MSDS.
  - D. Methods and observation techniques that may be used to detect the presence or release of hazardous chemicals in the work area.
  - E. Physical and health hazards of the chemicals in the work area.
  - F. How to lessen or prevent exposure to hazardous workplace chemicals by using good work practices, personal protective equipment, etc.
  - G. Emergency procedures to follow if employees are exposed to hazardous chemicals.
  - H. An explanation of this hazard communication program, including how to read labels and MSDS to obtain appropriate hazard information.
2. When a new type of product is introduced into a work area or the chemical composition of a product changes, the superintendent or foreman will review the above items as they relate to the new chemicals.
3. The employee has the responsibility for using the training and information provided to protect himself and maintain a safe workplace. Personal Protective Equipment (PPE) is available from the superintendent and will be provided whenever a potential exposure to hazardous chemicals requires such protection. Any employee not using personal protective gear when required and available is subject to disciplinary action up to and including discharge.

### **EMERGENCY RESPONSE**

1. Any incident of over exposure or spill of a hazardous chemical/substance must be reported to the foreman at once.
2. The foremen or the immediate supervisor will be responsible for insuring that proper emergency response actions are taken in leak/spill situations to include notifying the company office and other contractors as necessary.

### **NON-ROUTINE TASKS**

1. Selected employees may be required to perform non-routine tasks that may involve exposure to additional hazardous chemicals. Prior to the start of such tasks each affected employee will be informed by the foreman or superintendent about hazards to which they may be exposed and appropriate protective and safety measures that will be required, including use of PPE.
2. Tasks considered non-routine include masonry waterproofing and cleaning methods using acid, water blasting and sandblasting.
3. Where necessary, the area will be posted to indicate the nature of the hazard involved.

### **OTHER ON SITE EMPLOYERS**

1. All on site employers are required to adhere to the provisions of the health communication standard, and to provide the necessary information and training to their employees.
2. The company safety officer and/or general superintendent will be responsible for coordinating with other employers in the exchange of information on hazardous chemicals known to be present or introduced in their respective tasks. The following information will be exchanged:
  - A. The location(s) on site where MSDS are available.
  - B. The kind, location, and periods of use of hazardous chemicals to which employees may be exposed.
  - C. Appropriate protective measures to be taken at those locations and times.
  - D. Any labeling systems requiring explanation.
3. The foreman will be responsible for day-to-day coordination with other employers' supervisors. He will maintain the information thus provided and insure that appropriate information and PPE is given to company employees that may encounter other employer hazardous chemicals.

### III. SUBSTANCE ABUSE POLICY AND PROGRAM

#### BACKGROUND AND PURPOSE

##### 1. Need

Both the federal and state governments have determined that drug and alcohol abuse in the workplace presents a significant threat to the safety of employees. To combat this problem, both governments have enacted Drug-Free Workplace Acts that require many employers to maintain drug-free workplace policies. The U.S. Department of Transportation (DOT) also has issued regulations that require drug and alcohol testing for employees who drive certain commercial motor vehicles requiring a commercial driver's license (CDL) to operate. (These requirements are outlined by the DOT Federal Highway Administration (FHWA) under Title 49 CFR Part 382 and Part 40.) While Townsend & Schmidt Masonry considers alcohol and substance dependency as an illness and a major health problem, the Company also recognizes substance abuse as a potentially serious safety and security problem.

##### 2. Intent

Townsend & Schmidt Masonry is committed to providing a safe work environment and to fostering the well being and health of its employees. Drugs and alcohol can seriously impair an employee's performance, as well as jeopardize the health and safety of all employees, customers and others who come in contact with them. Although the Company has no intention of intruding into the private lives of its employees, it recognizes that involvement with alcohol or other drugs off the job eventually takes its toll on job performance. Therefore, this Substance Abuse Policy has been adopted for the benefit of everyone with the intent to reduce accidents and injuries, and eliminate the hazards to health and job safety, created by alcohol and drug abuse. It is not intended to and does not confer legal rights or impose legal obligations, except those required by government regulations. The Company retains the right to unilaterally interpret, administer, change, modify, or amend this Policy within its sole discretion.

##### 3. Scope

This Policy applies to applicants when required by government regulations and to all employees of the Company while on the job during working hours.

##### 4. Policy Statement

Townsend & Schmidt Masonry will not tolerate or condone substance abuse. It is the Policy of this Company to maintain a workplace free from alcohol and other drug abuse and its effects. In addition, this Company will comply with the requirements of the Drug-Free Workplace Act of 1988, the drug-free work force rules promulgated by the U.S. Department of Defense, U.S. Department of Transportation, and all other Federal agencies as well as all other Federal, State, and local laws and regulations. Townsend & Schmidt Masonry expects the full support of this Policy by all employees and all persons doing business with the Company. Violations of this Policy by Company employees will subject them to disciplinary action up to and including termination.

#### RESPONSIBILITIES

1. The Company President, his designee, or the Company Superintendent will carry out this Policy to maintain the safety and health of all employees by insuring a drug/alcohol-free work environment. This includes the responsibility to determine, discipline and/or remove from the workplace any employee suspected of violating this Policy. Furthermore, the Company President will insure that this Policy is in compliance with all applicable laws and regulations.
2. Everyone shares responsibility for maintaining a safe work environment. All employees are expected to thoroughly understand and to comply wholeheartedly with this Policy. Each employee is required to report any incidence of prohibited conduct observed during the course of Company business directly to the Company President, the Company Superintendent, or when necessary, their on-site designee.

**As a condition of employment, employees must notify the Company in writing of any conviction of a violation of a criminal drug/alcohol statute occurring in the workplace no later than five calendar days after such conviction.**

3. Every employee (and every applicant for employment) must consent to the alcohol and drug testing requirements of this Policy as a condition of employment. Consent to testing includes an obligation to fully cooperate, to include promptly completing any required forms and releases and promptly providing a sample for such testing. Failure to provide an adequate sample for alcohol or drug testing without a valid medical explanation after having received notice of the testing requirement, or conduct that clearly obstructs or invalidates the testing process (including a refusal to complete and sign required forms) constitutes refusal of consent. Such refusal will result in disciplinary action up to and including termination.
4. While Townsend & Schmidt Masonry does not sponsor any drug or alcohol rehabilitation/ employee assistance program, the Company encourages those employees who suspect they have an alcohol or drug misuse problem to voluntarily seek diagnosis and treatment by substance abuse professionals. Conscientious efforts to seek such help will be kept confidential and will not jeopardize any employee's job. Such employee may continue to be employed (subject to the Company's contractual requirements, etc.) while successfully continuing in such programs and maintaining negative results from random drug testing. The Company President or Superintendent may authorize unpaid time off or a medical leave of absence for the employee to seek counseling or enter a rehabilitation program. The employee may return to work, provided work is available, upon successful completion of all components of the rehabilitation program, a clearance by a Substance Abuse Professional, and passing any test requirements.
5. The Company Office Manager is designated as the Alcohol and Drug Testing (ADT) Program Manager responsible for administering this program for Townsend & Schmidt Masonry. The Program Manager will maintain detailed records of all aspects of this program, with employee medical matters and test results kept in a confidential file separate from routine personnel records. Any requests for information or assistance in understanding or meeting the requirements of this program should be directed to the Program Manager. The release of individual alcohol and/or drug test records will be permitted only with the specific written consent of the employee, with the follow exceptions:
  - A. When requested by the Secretary of Transportation, any DOT agency, or any State or local officials.
  - B. When requested by the National Transportation Safety Board as part of an accident investigation for information related to the administration of a post-accident alcohol and/or drug test.

## **CONDITIONS**

### **1. Prohibited Conduct**

The following activities by Company employees are prohibited and will lead to discipline or discharge.

- A. Use, possession, sale, offer for sale, purchase, transfer, manufacture, or distribution of any illegal, unauthorized or controlled substances or drug paraphernalia on Company time, business or property, which includes jobsites or other workplaces, during breaks or meal periods, while driving personal vehicles for Company business, or while driving Company-owned or leased vehicles at any time. This Policy also prohibits the use, consumption, sale, offer for sale, or distribution of alcohol on Company time, business or property, except for Company-sponsored activities where alcohol consumption is authorized by Management.
- B. Reporting for work or working while under the influence of alcohol (which means having a breath alcohol concentration of 0.04 percent or greater as measured by an alcohol breath test) or having any illegal, unauthorized or controlled substance in the employee's body. This Policy therefore prohibits the use or consumption of alcohol within four (4) hours prior to the start of an employee's scheduled work shift.

\*\*For employees at work whose duties include driving a commercial motor vehicle requiring a Commercial Driver's License (CDL) to operate, an alcohol concentration of 0.02 percent or greater will necessitate the taking of a second confirmation test. If such an employee has an alcohol concentration level of 0.02 but less than 0.04, the employee will be removed from duties for a period of 24 hours. Furthermore, if such an employee's behavior or appearance suggests impairment because of alcohol, and a breath test cannot be administered, the employee will be removed from duties for a period of 24 hours. Employees whose breath test shows an alcohol concentration of 0.04 percent or greater are subject to removal from duty and disciplinary measures, as well as assessment by a Substance Abuse Professional.

### **2. Inspections**

In order to promote a safe, productive and efficient workplace, the Company reserves the right to inspect employees as well as any articles or property in their possession to detect violations of this Policy while on Company premises or outside Company premises on Company business.

- A. All Company property is made available to employees for their convenience. Employees have no expectation of privacy in using Company property.
- B. The Company reserves the right to inspect lockers, desks, Company vehicles, personal vehicles, packages, lunch boxes, containers, articles, and other objects brought onto Company premises, workplaces and vehicles that could conceal evidence of violations of this Policy. The Company also reserves the right to take any other action, in accordance with applicable legal requirements, to enforce this Policy.

### **3. Testing**

- A. This Company has adopted testing practices to identify employees who use illegal drugs either on or off the job. It is a condition of employment for all personnel to submit to alcohol and/or drug testing under the following circumstances:
  - 1. When applying for a position requiring a Commercial Driver's License or a related safety-sensitive position regulated by the Department of Transportation (see below).
  - 2. When there is reasonable suspicion to believe that an employee is using illegal drugs.
  - 3. When an employee is transferred to a DOT regulated position.
  - 4. When an employee is involved in on-the-job accidents where personal injury or damage to Company property occurs.
  - 5. As part of a follow-up program for treatment for drug abuse.
  - 6. On a random basis as explained below.
- B. All testing will follow the guidelines set forth by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (DHHS) to the extent feasible as determined by the Company. The testing will cover certain "controlled substances" and detection levels specified by the DHHS-5 Drug Panel Group.
- C. An alcohol breath test is the preferred method of testing for alcohol. Testing will be for a Blood Alcohol Concentration (BAC) of .04 dl/mg, for both initial screening and confirmation tests, for employees not covered by DOT regulations. An employee whose alcohol concentration is 0.04 or greater is subject to the disciplinary measures stated in this Policy. Employees covered by DOT regulations are subject to the 0.02 cut-off levels stated in the DOT regulations (see above).
- D. Townsend & Schmidt Masonry will bear the cost for alcohol and/or drug testing.

### **4. Medications**

- A. Medications, whether prescription or non-prescription, may cause drowsiness, disorientation or otherwise adversely affect an employee's ability to safely perform assigned duties, thereby endangering himself and others, or damaging property.
- B. Should medication be prescribed by a licensed physician, the employee must ask the physician whether such drug could adversely affect his safe job performance. If so, the employee is required to advise the Company President or Superintendent of that fact, show the original container label and any accompanying warning information, and advise of any recommended work restrictions. The decision to permit an employee to work while taking such medications will be made solely by the Company President, his designee or the Company Superintendent.
- C. Employees should also advise Company Supervisors when using self-prescribed "over-the-counter" medications that may affect performance.

### **5. DOT-Regulated Safety-Sensitive Positions**

- A. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) rules require alcohol and drug testing of safety-sensitive employees who drive and/or perform certain duties affecting commercial motor vehicles requiring a Commercial Driver's License (CDL) to operate. Such vehicles include those having a gross vehicle weight rating (GVWR) of 26,001 or more pounds, or having a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds.
- B. An employee/driver is performing a DOT-regulated safety-sensitive function when:

1. Waiting at a terminal, facility, or other property to be dispatched
  2. Performing pre-trip inspections or servicing the motor vehicle;
  3. Driving the motor vehicle
  4. Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
  5. Performing duties and services at an accident scene; or,
  6. Repairing, obtaining assistance, or in attendance of a disabled vehicle.
- C. This Policy and program for alcohol and drug testing, including the specific DOT rules, apply (but are not limited) to full-time, casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to Townsend & Schmidt Masonry, or who operate a commercial motor vehicle at the direction of, or with the consent of, Townsend & Schmidt Masonry.

## **6. Employee Education and Training**

- A. Townsend & Schmidt Masonry will designate Management/Supervisory personnel, to include the Company President and Superintendent, to receive at least one hour of training on the symptoms and effects of alcohol misuse, and at least one hour of training on the signs and symptoms of drug abuse. The training shall cover the physical, behavioral, speech and performance indicators of alcohol and drug misuse. These trained Company officials will have the sole responsibility for making appropriate determinations for reasonable suspicion testing.
- B. Townsend & Schmidt Masonry will insure that all safety-sensitive drivers are provided detailed information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; the Company Substance Abuse Policy; testing requirements; and community resources available for evaluating and resolving problems associated with alcohol misuse and substance abuse.

## **7. Employment at Will**

Townsend & Schmidt Masonry is concerned with the use of alcohol or illegal drug that would be regarded as inappropriate by our customers or other employees. Any use of alcohol or illegal drug during our normal business day not related to a Company-sponsored event, that results in the odor of alcohol or suspicion of drug use can be very detrimental to our Company's image, and be a reason for discipline up to and including termination, with or without prior substance abuse testing. Nothing contained in this Substance Abuse Policy requires the testing of employees for substance abuse prior to termination. The employer and the employee retain the right to terminate the employment relationship at any time, with or without notice.

## **TESTING REQUIREMENTS AND PROCEDURES**

### **1. DOT-required Pre-employment Screening**

Applicants for a position requiring a Commercial Driver's License (CDL) or related safety-sensitive position regulated by the DOT, as a condition of employment, must submit to and successfully pass appropriate tests for controlled substances as required by DOT regulations.

- A. Such applicants will also be required to sign a release of information allowing Townsend & Schmidt Masonry to obtain previous employer records relating specifically to information indicating whether the applicant had a positive alcohol test with a concentration of .04 or greater, or positive drug test results, or refusals to test, within the preceding two years.
- B. Any failure to successfully pass required tests, or a record of a positive alcohol or drug test or refusal to test, will result in the withdrawal of the offer or termination of employment. The Company ADT Program Manager will maintain a written, confidential record with respect to each past employer contacted.

### **2. Post-Accident Testing**

- A. Any employee who is involved in any accident resulting in an injury reportable on OSHA Form 300, or property damage of sufficient extent to require reporting to any governmental or contractual agency, where the employee is determined to be at fault, may be tested at the discretion of Management for controlled substances and alcohol. The Company also reserves the right to test for controlled substances and alcohol when employees suffer work-related injuries or illnesses that are not reportable on OSHA Form 300. Urine testing and alcohol breath tests shall be the preferred methods of testing unless the independent medical

professional in charge of the testing decides that blood testing is more appropriate under the particular circumstances of the case.

- B. In addition, employees covered by DOT regulations who are involved in a vehicular accident and whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation), where the accident results in serious injury or disabling damage to an involved vehicle, will also be tested for controlled substances and alcohol.
  - 1. Each driver will complete the post-accident report form that provides instructions to follow in completing any required alcohol and drug testing. Drivers are then obligated to follow the instructions and insure that the tests are conducted. Any driver subject to post-accident testing who leaves the scene of an accident before a test is administered (other than for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care), or who fails to remain readily available for testing, may be deemed by the Company to have refused to submit to testing.
  - 2. In the event a driver is so seriously injured that the driver cannot provide a urine or breath specimen at the time of the accident, the driver is required to provide necessary authorization for Townsend & Schmidt Masonry to obtain hospital records or other documents that would indicate whether there were drugs or alcohol in the driver's system at the time of the accident.
- C. In the event that Federal, State or local officials conduct a breath or blood test for the use of alcohol, and/or urine tests for the use of drugs, following an accident, these tests shall be considered to meet the DOT requirements, provided the tests conform to applicable Federal, State or local requirements. The employee involved is required to sign a release allowing Townsend & Schmidt Masonry to obtain the test results from such officials.
- D. Alcohol testing will be conducted within two (2) hours after an accident has occurred; drug testing will be required within thirty-two (32) hours after an accident.
  - 1. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until having undergone a breath-alcohol test, whichever occurs first. If an alcohol test is not administered within two (2) hours following the accident, the Company shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the accident, the Company shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
  - 2. If a drug test is not administered within thirty-two (32) hours following the accident, the Company shall cease attempts to administer a drug test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.
  - 3. Records shall be submitted to the FHWA upon request by the Associate Administrator.

### **3. Reasonable Suspicion Testing**

- A. When an employee is acting in an abnormal manner and the Company has "reasonable suspicion" to believe that the employee is working under the influence of controlled substances and/or alcohol, the Company may require the employee to submit to testing for controlled substances and/or alcohol.
- B. "Reasonable suspicion" means suspicion based upon specific personal observations that the Company representative can describe, or valid circumstantial evidence concerning the employee's appearance, behavior, speech or breathe odor.
- C. Factors that may lead to reasonable suspicion sufficient to warrant testing include, but are not limited to, the following:
  - 1. Observable symptoms of being under the influence of alcohol or drugs;
  - 2. The odor or smell of alcohol or drugs on the employee's breath or clothes or in an area immediately controlled or occupied by the employee;
  - 3. Unexplained significant deterioration in job performance;
  - 4. Unexplained significant changes in behavior;
  - 5. Criminal convictions for marijuana or other drug offenses (within the last two years);

6. Drug-related arrests for which an employee is currently out on bail or on his or her own recognizance pending trial;
  7. Unexplained or suspicious absenteeism or tardiness;
  8. Credible reports of drug or alcohol use in violation of this Policy;
  9. Employee admissions regarding drug or alcohol use;
  10. Unexplained absences from normal work areas when the Company suspects drug-or alcohol-related activity; and/or
  11. Drug paraphernalia in the employee's possession or in an area immediately controlled or occupied by the employee.
- D. The foregoing are only examples of factors that may give the Company cause to test. The individual facts and circumstances of each case will be considered in deciding whether to require an employee to submit to testing.
- E. Reasonable suspicion testing will be administered within the same time limits as imposed under post-accident testing. The Company Supervisor shall make and sign a written record of the observations made, the surrounding circumstances, and the test results or reasons why testing was not promptly administered.

#### **4. Random Substance Abuse Testing**

- A. This Policy applies to all employees working on projects in which Townsend & Schmidt Masonry is required by the owner or prime contractor to conduct random substance abuse testing, and as required for those employees subject to DOT/CHP regulations.
- B. All employees within this category will be selected for periodic random testing for the presence of controlled substances or alcohol on a non-discriminatory basis. Townsend & Schmidt Masonry has contracted with a third party administrator to manage the random selection of safety-sensitive employees (e.g. drivers subject to DOT regulations) via consortium pool. At least 50 percent of the employees in DOT regulated positions will be subject to random controlled substance testing. At least 25 percent of the employees in DOT regulated positions will be subject to random alcohol testing. Employees not covered by DOT regulations will be in a separate testing pool and be subject to random testing at the rate of 50% of all employees in this pool.
- C. Random selections will be unannounced and spread reasonably throughout the year. When an employee is selected, the ADT Program Manager will notify that employee, who must thereupon take action intended to lead to an immediate sample collection. If the employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test, leading to disciplinary action up to and including termination. In the event the employee selected for testing is off work due to a layoff, illness, injury or other leave of absence, that employee's test will be cancelled and another name on the selection list will be drawn. The reason why the employee selected for testing was not tested will be documented by the Company and the third party administrator.

#### **5. Return to Duty/Follow-up Testing**

Any applicant or employee who enters or returns to the workforce after testing positive for controlled substances or alcohol under this Policy is subject to random, follow-up testing. Follow-up tests are unannounced and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to work, and may be continued for up to sixty (60) months, as recommended by the Substance Abuse Program professional.

#### **6. Conduct of Testing**

- A. All controlled substance testing will be performed at an independent testing facility certified and monitored by the Department of Health and Human Services (DHHS)/Substance Abuse and Mental Health Services Administration (SAMHSA) in accordance with standard industry procedures. All tests will be performed at the Company's expense unless otherwise noted herein. Strict chain-of-custody procedures for collection and handling of test specimens will be observed at all times. "Split sample" procedures will be followed automatically for DOT-regulated testing; persons not under DOT regulations may request these procedures at the time of collection. Persons testing positive for a controlled substance will be permitted to take a "split

sample" to a DHHS/SAMHSA-certified laboratory of their choice, at the employee's expense, for retesting. The individual must make this request within 72 hours of notification of test results.

- B. All alcohol breath tests will be conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA) unless otherwise noted, and administered by a certified breath alcohol technician.
- C. When an employee is asked to submit to controlled substances and/or alcohol testing, the employee shall be informed of the reason that he or she is being asked to submit to the test. Each employee will sign a Consent Form. A refusal to submit to testing is cause for discipline up to and including discharge.
- D. All controlled substance and alcohol testing will be by initial screening followed by confirmatory testing if the initial screening shows a positive test result.
- E. For employees covered by DOT regulations, all controlled substances test results will be reported to a medical review officer (MRO). Positive test results of all others tested will also be referred to an MRO. The MRO will conduct an interview with the employee to determine if there is an alternative medical explanation for any positive test result for the presence of controlled substances. The MRO will report all test results to the Company ADT Program Manager. In addition, the testing lab will mail positive test results for DOT-regulated personnel to the California Highway Patrol within three (3) days of the test. The test results for other employees will be reported to the Company ADT Program Manager either directly by the lab or the MRO.
- F. All test results will be disseminated only to those with a business need to know, and will be kept in confidential medical files separate from employee personnel files.

## **7. Discipline and Discharge**

- A. Employees who test confirmed positive will be disciplined up to, and including, discharge. Employees discharged under this Policy will be permitted to reapply for employment after six (6) months from the date of discharge, and will be considered for reemployment upon proof of completion of, or continued participation in, a substance abuse rehabilitation program by a Substance Abuse Professional and upon testing negative for controlled substances under this Policy. However, a former employee who reapplies and tests negative will not be guaranteed reemployment, but will be considered eligible for reemployment on the same basis as any other applicant. In addition, employees rehired after being discharged for testing positive will be subject to random screening for drugs and/or alcohol under the Follow-up Testing Policy. Employees rehired under this Policy who again test positive will be discharged and will be ineligible for rehire.
- B. Employees subject to "Reasonable Suspicion" testing will be placed on leave of absence without pay pending the test results. Employees whose test results are negative will be reinstated.
- C. Employees who test negative (including unconfirmed positive initial results) will not suffer any adverse effect on their employment status or pay.
- D. Consistent with the Company's legal obligations under state and federal laws, evidence of the illegal or unauthorized possession or use of controlled substances on Company property or at job sites may be turned over to outside legal authorities for further investigation.