A. PURPOSE

Fluor-B&W Portsmouth LLC (Company) is committed to maintaining an alcohol-and drug-free workplace and to establish a program in accordance with the requirements of 10 CFR 707, Workplace Substance Abuse Programs at DOE Sites, as amended on February 22, 2008, which includes the Mandatory Guidelines for Federal Workplace Testing Programs issued by the Department of Health and Human Services, Controlled Substances Act; Department of Transportation regulations (DOT); Nuclear Regulatory Commission requirements, 10 CFR Part 26, “Fitness for Duty Program”; and Personnel Assurance Program 10 CFR Part 710. Fluor-B&W Portsmouth LLC shall employ individuals who refrain from the use of controlled substances in order to provide safe workplaces for its employees and maintain programs promoting high standards of conduct to ensure safety and productivity.

This policy applies to personnel employed by Fluor-B&W Portsmouth LLC (FBP) at the Portsmouth Gaseous Diffusion Plant site.

Exception:
Employees represented by a union are subject to the terms and conditions of their respective collective bargaining agreement with Fluor-B&W Portsmouth LLC.
B. POLICY

1. Consistent with the intent and spirit of its commitment, the Company prohibits the possession, use, manufacture, distribution, dispensation or presence of any controlled substance in the workplace. In addition, company employees are required to report to work in proper condition to satisfactorily perform their duties. Violation of this prohibition or requirement may result in unpaid suspension, termination of employment or mandatory enrollment in a company-approved substance abuse rehabilitation program.

2. The Company will notify each employee of this policy and its commitment to an alcohol and drug-free workplace. All employees will receive a copy of the Workplace Substance Abuse Program and, as a condition of employment, each employee must:
   a. Read and sign the Workplace Substance Abuse Agreement (Exhibit A). Each employee will receive a copy of the signed agreement; the original agreement will be kept in the employee’s personnel file. (All union-represented will support the program as per their Collective Bargaining Agreement (CBA).
   b. Comply with the Company’s Workplace Substance Abuse Program.
   c. Provide written notification to the Company of a drug-related arrest or conviction or receipt of a positive drug test result as soon as possible but within three business days of such arrest, conviction or receipt or a positive test result. Violation of this policy is grounds for immediate termination.

3. The Director, Environmental Safety, Health and Quality (ESH&Q), or his designee, will provide written notification to its Department of Energy (DOE) counterpart within ten calendar days after receiving notice of conviction from an employee or otherwise receiving actual notice of a conviction of a drug-related offense.
4. The Company shall impose one of the following actions, with respect to any employee who is convicted of a drug-related violation occurring in the workplace, within 30 calendar days after receiving such notice of conviction:

a. Take appropriate personnel action against such employee, up to and including termination; or

b. Offer such employee, consistent with the Company’s policies, an opportunity to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency. If the employee refuses to participate in such a rehabilitation program, the Company will take appropriate personnel action, up to and including termination, in accordance with company policies.

5. DOE security officials will be notified immediately whenever the circumstances in connection with procedure under this policy raise a security concern even if it is not clear that the employee holding a DOE access authorization has actually used an illegal drug.


7. The Company shall provide written reports semi-annually to the DOE within 15 days of the close of each period during the performance period that reflects all drug testing activity, including test results and any cases giving rise to a drug or security concern, which will enable the Company to properly monitor the program and report drug matters to DOE as appropriate.

8. The Company’s Workplace Substance Abuse Program prohibits employees from engaging in any of the following activities:

a. Use, possession, manufacture, distribution, dispensation or sale of illegal drugs while conducting company business, regardless of time or place;

b. Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance at any time while on company premises or in a company-supplied vehicle.

c. Storing any controlled substance that is unauthorized in a locker, desk, automobile or other repository on company premises, in a company-supplied vehicle or while conducting business on customer premises;
d. Being under the influence of a controlled substance or alcohol on company premises, while conducting company business or while in a company-supplied vehicle.

9. Substance Abuse Policy as it pertains to Subcontractors and lower tier Contractors:

a. Subcontractors to FBP will comply with the FBP policy; or may submit their Workplace Substance Abuse Policy to FBP for evaluation and possible use, providing that the policy has been reviewed by FBP’s Director, ESH&Q and has been determined adequate in accordance with 10 CRF 707 and FBP policy. Subcontractors that do not have a written or adequate Workplace Substance Abuse Policy will be required operate under FBP’s policy. The FBP Sr. Manager, Contracts will ensure that the requirements for compliance to this policy are stated in all subcontracts.

b. It is expected that all subcontractors and lower tier subcontractors will perform 100 percent chemical screening of employees as a part of their employee new-hire process. Random drug-testing provisions will be established and apply to those subcontractors where positions subject to testing (called “Testing Designated Positions”) have been identified pursuant to 10 CFR 707 and/or applicable testing regulations of other Federal agencies (e.g., Department of Transportation). Random drug-testing provisions will also apply to employees who hold a security clearance.

c. Subcontractors shall be required to comply with this requirement, as a condition of eligibility for performing the subcontract work. Fluor-B&W Portsmouth will be responsible for periodically monitoring the implementation of either FBP’s program or the FBP-approved subcontractor’s program for effectiveness and compliance with this part.

10. Chemical Screening/Authorized Use of Prescription Medicine

a. As a necessary part of its overall commitment to maintain a safe and productive work environment, FBP will conduct chemical screening on a controlled and carefully monitored basis to prevent the use and presence of controlled substances in the workplace.

b. The Company will provide referral assistance to employees having substance abuse related problems through the company sponsored Employee Assistance Program (EAP). The EAP is staffed with counselors who can assist employees with drug and/or alcohol-abuse problems as well as prevention assessments tips. The EAP can be accessed by calling 877-259-3785. However, employees who fail to maintain an acceptable level of job performance may be terminated regardless of participation in such a program.
c. Employees undergoing prescribed medical treatment with any drug that may potentially alter or impair their physical or mental abilities shall report this treatment to the Director, ESH&Q or his designee. The Director, ESH&Q shall, with the assistance of qualified health care personnel, determine whether a temporary change in the employee’s job assignment is warranted during the period of treatment.

NOTE: The Director, ESH&Q will serve as the Alcohol- and Drug-Free Workplace Program Manager. Contact information is as follows:

Fluor-B&W Portsmouth LLC
P.O. Box 548
Piketon OH 45661
(740) 897-3082

d. Fluor-B&W Portsmouth LLC’s drug-awareness training program provides management, supervisors and employees education in the dangers of drug abuse, drug identification, symptoms and methods of drug use, company policy and procedure concerning drug abuse in the workplace and penalties to be imposed for violation of the policy. The training program emphasizes the practical factors in dealing with substance abuse on the job and the available substance abuse counseling rehabilitation and employee assistance programs.

e. The Company will conduct chemical screening for the reasons outlined below:

i. Pre-Employment/Post-Offer Testing
   All candidates who have been extended a formal offer of employment as full-time, temporary, hourly or part-time employees are required to submit to urine drug analysis as a condition of employment. Candidates will also be required to sign a Statement of Understanding (Exhibit B) acknowledging their agreement to abide by the terms and conditions of this policy.

ii. Full-Time, Temporary and Part-Time Employment
   (a) All candidates for hire into a full-time position will be advised as part of the application process of the chemical screening requirement.
   (b) Confirmed test results will be received prior to employment.

iii. Consultants
   Consultants entering into a contractual agreement of longer than two weeks with FBP will be chemically screened by the Company immediately prior to the commencement of their contract.

iv. Agency Personnel
   Agencies who provide personnel to satisfy temporary manpower needs for longer than ten working days are required to chemically screen all persons assigned to FBP immediately prior to their assignment. Agencies
will also certify in writing that all individuals assigned to the Company meet its chemical screening standards as set forth in Section 3-I of this policy.

f. Occurrence Testing

When there is an occurrence or significant work-related accident, which is required to be reported to DOE, an employee may be asked to submit to tests for alcohol and/or illegal drugs. The urinalysis/alcohol test will be performed as soon as possible but no later than 24 hours after the occurrence unless it is determined that it is not feasible to do so. A positive drug test by or refusal to cooperate with medical verification procedures such as drug testing may result in termination of employment.

g. Reasonable Suspicion Testing

i. An employee will be asked to submit to tests for alcohol and/or illegal drugs when the employee is reasonably suspected of being impaired in the performance of his or her job duties. A positive drug/alcohol test or refusal to cooperate with medical verification procedures such as drug testing may result in termination of employment.

ii. Grounds for conducting reasonable suspicion testing include, but are not limited to, the following: personal observations concerning the appearance, behavior, speech or performance of the employee; violation of safety rules; or other physical, circumstantial indicators of impairment.

iii. The employee’s conduct or appearance must be observed personally by a supervisor who can specifically explain the basis for having “reasonable suspicion.” Any supervisor with the ability to authorize “for cause” testing will receive sufficient training to determine when an employee is under the influence of drugs or alcohol. The supervisor will also notify the Director, ESH&Q of the situation.

iv. If an employee receives a positive test result on any drug/alcohol screening or is convicted of any drug-related offense, the employee will be removed from his/her position and the Company shall immediately notify DOE security officials.

h. Random Testing

i. The Workplace Substance Abuse Program will provide for random testing for evidence of the use of illegal drugs of employees in Testing Designated Positions (TDP) identified in this section.
ii. Programs developed under this part for positions identified in iii(c) of this section shall provide for random tests at a rate equal to 30 percent of the total number of employees in testing designated positions for each 12-month period. Employees in positions identified in paragraphs iii(a) and iii(b) of this section will be subject to random testing at a rate equal to 100 percent of the total number of employees identified, and those identified in paragraphs iii(a) and iii(b) of this section may be subject to additional drug tests.

iii. The testing designated positions subject to random drug testing are as follows:

(a) Positions determined to be covered by the Human Reliability Program (HRP), codified at 10 CFR Part 712. HRP Employees will be subject to the drug-testing standards of this part and any additional requirements of the HRP rule.

(b) Positions identified by the contractor that entail duties where failure of an employee to discharge his or her position adequately could significantly harm the environment, public health or safety, or national security.

(c) Other positions determined by DOE, after consultation with the contractor, to have the potential to significantly affect the environment, public health and safety or national security, including all positions that require a security clearance ("Q" or "L") and all employees in positions that currently have security clearances.

11. Search of Individuals, Vehicles and Company/Client Premise

The Company reserves the right to make unannounced searches of employee’s personal belongings and work area(s) whenever there is reasonable suspicion that an employee may be in violation of this policy. Any illegal narcotics or non-medically prescribed controlled drug or substance found on company property will be confiscated and, if appropriate, turned over to law enforcement authorities. Violation of this policy may be grounds for immediate termination of employment.

12. Request for Retest

An individual who has been notified of a positive urine test result will also be informed by the Sr. Manager, Human Resources & Labor Relations that he/she may request a retest at the same or another certified laboratory and that no final determination will be made until the second set of test results is returned. In such case, the individual must request a retest no later than the workday immediately following the initial positive test result. If the employee chooses a retest, he/she is responsible for paying the cost of transportation and/or testing. This applies to urine test only. If requested, individuals will be provided the opportunity to discuss the results of their retest with the Medical Review Officer (MRO).
13. Disciplinary Action

a. If an employee tests positive during any drug screening, he/she will be subject to disciplinary action up to and including termination of employment. If the employee is not terminated, he or she will be required to participate in a drug treatment and counseling program supervised by the Employee Assistance Program (EAP). If the employee tests positive on any subsequent drug screening, he or she will be terminated.

b. An employee returning to work after having been put on leave for a violation of this policy may not return to his/her position until he/she:

i. Successfully completes counseling or a rehabilitation program;
   Undergoes a drug test with a negative result, and;

ii. Is evaluated by a Medical Review Officer to determine that he/she is capable of safely returning to duty.

c. In accordance with the February 22, 2008, amendment to the regulations, all employees of the Company in Testing Designated Positions will be included in the pool for random drug testing. Random testing will be conducted at least once per quarter to meet the annual random testing requirements. At a minimum, 30 percent of the total number of employees will be randomly drug tested on a yearly basis.

d. Each quarter, the Director, ESH&Q will transmit to Southern Ohio Medical Center an up-to-date list of Fluor-B&W employees who are in Testing Designated Positions.

e. Random selections will be conducted by SOMC, utilizing a scientifically documented computer program which allows for tracking of each selection. An individual may be selected for random testing in any quarter and previously being randomly tested is not a basis for non-selection in any quarter.

f. The list of randomly selected employees will be confidentially transmitted to the Director, ESH&Q (or his designee) who will orally notify each employee that testing is required and where he/she should report. If the selected employee is not at work the day the random testing is conducted, the records will be documented accordingly.

g. The selected employee must report to the designated testing facility for the drug screen within two hours of the notification. If the selected employee fails to report within the two-hour time period, or refuses to submit to the drug screening, SOMC will notify the Director, ESH&Q. Failure to report to the designated testing facility or refusal to submit to the drug screen may result in
disciplinary action up to and including termination based on factors disclosed during the investigation.

h. The employee must present a photo ID prior to collection of the urine specimen; the photo badge used for DOE Site access may not be used for identification.

i. Every effort will be made to contact the selected employee; however, if the selected employee is not available, his/her name will go back into the testing pool for future selection. Oral notification includes being spoken to in person or over the phone; notifications will not be made by voicemail or email.

14. Training

**Employee**

a. The Drug and Alcohol Free Awareness Program is an on-going education effort to prevent and eliminate drug abuse that may affect the workplace. The program will inform all employees about:

i. The dangers and signs of drug and alcohol abuse
ii. Fluor-B&W Portsmouth LLC drug and alcohol free workplace policy
iii. The Employee Assistance Program
b. The Training Department will conduct training and education sessions that will include prevention assessment measures for the FBP workforce. Training will cover, but is not limited to, topics such as the pitfalls of illegal drug use, the availability of assistance through the EAP and referrals to other sources, and the penalties that may be imposed upon employees for drug and alcohol-related violations. Training will be provided at least once every two years. All training will be documented in compliance with 10 CFR 707.

**Supervisory**

c. Supervisors are the key to successful implementation of this policy. Fluor-B&W Portsmouth supervisors will receive supervisory training to assist in identifying and addressing illegal drug use by employees to include:

i. Identifying evidence of on-the-job use of, or possible impairment by drugs

ii. Procedures of “pre-employment” and “for cause” drug testing

15. **Employee Assistance Program (EAP)**

a. Early recognition and treatment of drug or alcohol abuse is important for successful rehabilitation. To assist employees in obtaining early voluntary treatment, FBP has established the EAP. If an employee has a drug and/or alcohol problem and voluntarily seeks help from a certified rehabilitation program or the EAP to overcome the problem, the employee will be encouraged to do so. Referral services will be provided through the EAP. The EAP is staffed with counselors who can assist employees with drug- and/or alcohol-abuse problems as well as prevention assessment tips. The EAP can be accessed by calling 1-877-259-3785.

b. This program is available to all employees through a qualified professional organization that provides among other services, treatment referral services for drug abuse problems. FBP has no obligation to pay costs of any individual’s counseling, treatment, or rehabilitation beyond those services provided by the EAP, except as provided under the FBP benefits program.

c. The decision to seek diagnosis and accept treatment for drug abuse is primarily the individual employee’s responsibility.

d. Employees who voluntarily seek and accept treatment under the EAP will not be considered to be in violation of this policy during the time that they are undergoing treatment unless the employee violates other work rules. However, an employee with an acknowledged substance abuse problem may not be eligible for continuous employment in testing designated positions. The provisions of this paragraph do not apply, however, to employees who the Company believes to have sold or manufactured drugs on FBP premises or while on FBP business.
e. An employee who tests positive for the use of an illegal substance or for controlled substance without proper authorization will be required to enter the EAP Program for counseling. Further, any employee found to be under the influence of alcohol on company time or premises may also be required to enter the EAP Program. Failure to do so may lead to disciplinary action up to and including termination based on the circumstances. An employee will be terminated following a second offense. Entering an EAP Program may not preclude other disciplinary action for violations of work rules.

f. For formal referrals, the Director, ESH&Q or his designate will notify the EAP of the formal referral. The EAP will subsequently notify Director that the employee is complying with the rehabilitation efforts or has failed to comply. Under no circumstances will the content of any discussions with the employee or the nature of the employee’s presenting condition(s) be made known to FBP personnel. The EAP will provide confirmation of compliance only. If the employee fails to comply with the treatment or counseling program laid out by the EAP, the EAP will notify the Director, who will consult with the Program Manager as to the appropriate actions to be taken. Personnel action resulting from non-compliance may include termination of employment.

g. The Company’s Workplace Substance Abuse Program does not create an employment contract between the employer and employee. Furthermore, the Company has the sole right to modify the policy and program at any time.

16. Chemical Screening

a. Employees assigned to Testing Designated Positions shall be subject to periodic random Urine Drug Analysis. Positive test results shall result in immediate removal of the employee from the TDP and imposition of the appropriate sanctions as outlined in Section 17.

b. The Department of Transportation (DOT) regulations designate that specific positions be subject to random drug testing. Information concerning the positions covered and the procedure required to comply with the random testing requirements can be obtained through the appropriate FBP Human Resources & Labor Relations Department representative.

c. Fluor-B&W Portsmouth LLC will identify all positions that require substance abuse testing and eliminate any duplicate testing.

d. Client Requirements
   When stipulated by client requirements, and to the extent permitted under the law, employees will be subject to periodic unannounced testing. Positive test results will be handled as provided under the client contract as well as the imposition of the appropriate sanctions as outlined in Section 17.0
17. Testing Procedures and Requirements

   a. All drug testing will be done by urinalysis. Specimen collection is performed by
      the staff of the following contractor:

      **Southern Ohio Medical Center (SOMC)**
      
      1248 Kinneys Lane
      Portsmouth OH  45662
      (740) 356-7658

   b. The staff at SOMC will collect samples using protocols compliant with federal
      and/or state regulations and professional standards of occupational medicine
      practitioners. At minimum, SOMC will test for the use of the following drugs or
      classes of drugs: marijuana; cocaine; opiates; phencyclidine; and amphetamines. 
      However, when conducting reasonable suspicion or occurrence testing, the
      Company may request testing for any drug listed in Schedule I or II of the
      Controlled Substance Act.

   c. The Medical Review Officer, the medical director at SOMC, will review all test
      results and then notify the Company’s Director of Environmental Safety, Health
      and Quality. Results received from the MRO will be maintained in each
      employee’s confidential medical records file at SOMC for a period of not less
      than two years.

18. Post-Positive Screening

   a. An employee whose chemical screening test is positive will be subject to one or
      more of the following actions:

      i. The employee will not be paid for the period of suspension.

      ii. The employee will be required to complete assessment by the EAP and
          adhere to the prescribed program. Employees referred to such a program
          by the Company must immediately cease any drug use.

      iii. The employee will be subject to periodic unannounced chemical screening
          for up to one year and must comply with all other conditions of the treatment
          and counseling program. The Company shall determine whether an employee
          referred for drug treatment and counseling should be temporarily reassigned
          to another position for safety reasons.

   b. A subsequent positive test will result in termination.

   c. An employee who fails to maintain an acceptable level of job performance may
      be terminated regardless of participation in the EAP program.
d. An employee who is in a TDP and tests positive for drugs will receive at a minimum a written warning but will also be denied access to classified information for a period that is appropriate to the policy violation and mutually agreed to by FBP and the responsible Department of Energy official. Such employees may be assigned to non-TDPs when they are available, or terminated if no positions are available.

e. Policy violations will be evaluated on a case-by-case basis. In all cases the violation will be discussed with the employee before any disciplinary action and associated documentation are undertaken.

f. Employees who test positive will be required to do the following:
   i. Be evaluated by an EAP Counselor;
   ii. Cease immediately any substance abuse;
   iii. Successfully complete a substance abuse rehabilitation program; and
   iv. Submit to periodic announced drug testing for a period of 24 months following completion of the rehabilitation.

g. The EAP counselor will determine the appropriate rehabilitation program. Prior to returning to work, the employee will be subject to a negative return to duty drug screening test as well as the 24-month screening in Section 20, f, iv above. In addition, the Director, ESH&Q and the MRO must determine that the employee is fit to return to work.

C. DEFINITION(S)/ACRONYM(S)

1. **Candidates for Hire** – Persons who apply to the company to secure employment or re-employment as a salaried or hourly employee and who have been extended a formal offer of employment.

2. **Chemical Screening** – Those substances listed in the Part V of the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

3. **Collection Site Person** – A technician or other person trained and qualified to take urine samples for laboratory analysis.

4. **Confirmed Positive Test** – A finding that is based on a positive initial drug or screening test result, confirmed by another positive test on the same sample. The confirmatory test must be by the gas chromatography/mass spectrometry method.

5. **Consultants: Independent** – Contractors who are hired to provide services that are considered of a type historically and typically performed in the business field of Fluor-B&W Portsmouth LLC by its employees.
6. **Controlled Substances** – Illegal drugs and prescription drugs obtained and used without a prescription or which are used in excess of the therapeutic dosage prescribed by a medical professional authorized to dispense prescriptions.

7. **Medical Review Officer (MRO)** – A licensed physician, approved by DOE, to perform certain functions under this part. The MRO is responsible for receiving laboratory results generated by an employer’s drug-testing program, has knowledge of illegal drug use and other substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual’s positive test result, together with that person’s medical history and any other relevant biomedical information.

   Ninety days after transition, FBP will clarify those specific positions that are considered to be TDPs.

   No employee shall be assigned to a Testing Designated Position unless he/she has submitted to the chemical screening process immediately prior to the assignment and the results are negative.

8. **Random Testing** – The unscheduled, unannounced urine drug testing of randomly selected individuals by a process designed to ensure that selections are made in a non-discriminatory manner.

9. **Reasonable Suspicion** – A suspicion based on a particular belief that an employee may use illegal drugs, drawn from particularized facts and reasonable inferences from those facts, as detailed further in 10 CFR 707.10.

10. **Salaried Employees** – Employees whose status is either exempt or nonexempt and whose pay is quoted hourly, weekly, biweekly, semi-monthly or monthly. Such positions must be approved in advance by Management Level 1 and the Director of Business Services.

11. **Suspension Period** – Any amount of time an employee who is reasonably suspected of violations under this policy may be removed from the workplace with or without pay, to conduct an investigation.

12. **Temporary Agency Employees** – Individuals whose services are retained for a contracted period of time or for assignments of short duration.

13. **Testing Designated Positions** (TDP) – Positions defined in 10 CFR 707.7 (b) in which an employee or contractor would, if impaired, pose a special risk to others, to national security, or to the environment. On February 22, 2008, the DOE published a final rule to amend the Department’s regulations to expand the TDP to include all applicants for, and employees in, positions requiring a security clearance.
14. **Union Employees** – Those employees who are covered under a collective bargaining agreement (CBA).

15. **CBA** – Collective Bargaining Agreement

16. **DOE** – Department of Energy

17. **EAP** – Employee Assistance Program

18. **ESH&Q** – Environmental Safety, Health & Quality

**D. REFERENCE(S)**

1. DOE 350.1 chg. 3 — Contractor Human Resource Management Program

2. 10 CFR 707, Workplace Substance Abuse Program

3. Department of Health and Human Services, Substance Abuse Part V

4. 10 CFR Part 26, Fitness for Duty Programs

5. 10 CFR Part 710, Criteria & Procedures for Determining Eligibility of Special Nuclear Material

**E. EXHIBIT(S)**

1. Exhibit A - Fluor-B&W Portsmouth LLC — *Workplace Substance Abuse Program Agreement*

2. Exhibit B - Statement of Understanding — *Controlled Form Employment Agreement Concerning Illegal Drugs for Testing Designated Positions of TDPs*

3. Exhibit C - Controlled Form — *Employee Drug/Alcohol Testing and Personal Search Consent Agreement*

4. Exhibit D - Controlled Form — *Pre-Employment Drug Testing Consent Form Statement of Understanding*

**F. EXCEPTIONS**

1. Approved by the Senior Manager of Human Resources and Labor Relations.
<table>
<thead>
<tr>
<th>Revision Number</th>
<th>Description Of Changes</th>
<th>Pages Affected</th>
</tr>
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<tbody>
<tr>
<td>0</td>
<td>Non-Intent Change: Changed Policy number FBP-BS-POL-00023 (HR-144) to FBP-HR-POL-00026; updated the policy to reflect the change in reporting relationship for Human Resources and Labor Relations to Program Management; changed exceptions approval to Sr. Manager HR&amp;LR.</td>
<td>All</td>
</tr>
</tbody>
</table>

This Fluor-B&W Portsmouth LLC policy is subject to modification or revision in part or in its entirety to reflect changes in conditions subsequent to the effective date of this policy. Employees represented by a union are subject to the terms and conditions of their respective collective bargaining agreement with Fluor-B&W Portsmouth LLC.
Exhibit A

FLUOR-B&W PORTSMOUTH LLC
WORKPLACE SUBSTANCE ABUSE PROGRAM AGREEMENT

By signing below, I certify that I have:

☐ Read and understand the Workplace Substance Abuse Program and agree to abide by its full terms and conditions;
☐ Agreed to continue to maintain a drug- and alcohol-free workplace; and
☐ Been provided with a copy of this program.

Employee’s Name (please print) ___________________________ Date _____________

Employee’s Signature ___________________________ Date _____________

Fluor-B&W Portsmouth LLC Confidential
No Release Except to Client

³BP-HR-POL-00026-F01 (FUP-BS-POL-00023-F01), Rev. 0 (02/12)
Exhibit B
EMPLOYEE AGREEMENT CONCERNING ILLEGAL DRUGS FOR TESTING DESIGNATED POSITIONS OR TDPs

Fluor-B&W Portsmouth LLC is subject to federal regulation 10 CFR 707, “Workplace Substance Abuse Programs at Department of Energy Sites,” and has implemented a Workplace Substance Abuse Program (WSAP) at the Portsmouth site. This program requires that prior to any individual working in a “testing designated position” (TDP) he/she must pass a company-administered drug test. When occupying TDPs, employees are subject to ongoing, unannounced, random drug testing, as well as testing on the basis of reasonable suspicion, and testing as the result of an occurrence as defined by the regulation.

The WSAP also requires that all employees occupying TDPs provide written notice to the Director, ESH&Q of (1) his/her drug related arrest or conviction, or (2) his/her receipt of a positive drug test result as soon as possible, but no later than five calendar days after such arrest, conviction, or receipt of a positive drug test result.

This is to inform you that your position is a TDP subject to the requirements of 10 CFR 707 and applicable Department of Energy Orders.

I have read the information above and understand that I am employed in a WSAP TDP subject to the requirements of 10 CFR 707, including those set forth above. Furthermore, as a condition of occupying this position, I agree that I will not buy, sell, accept as a gift, experiment with, use, possess, or otherwise be involved with illegal drugs at any time.

________________________________________  __________________________
Applicant’s Legal Signature                  Date Signed

________________________________________  __________________________
Witness Legal Signature                      Date Signed

Fluor-B&W Portsmouth LLC Confidential
No Release Except to Client
Exhibit C
EMPLOYEE DRUG/ALCOHOL TESTING AND PERSONAL SEARCH CONSENT AGREEMENT

Fluor-B&W Portsmouth

EMPLOYEE DRUG/ALCOHOL TESTING AND PERSONAL SEARCH CONSENT AGREEMENT

Print Name: ______________________________

I understand that Fluor-B&W Portsmouth LLC is required to test its employees for illegal drug use. I further understand that Fluor-B&W Portsmouth LLC has a strict policy prohibiting the illegal use of drugs and the use of alcohol while on company premises or while on company business. I further understand that if designated, trained officials and managers employed by Fluor-B&W Portsmouth LLC have a reasonable suspicion that I am under the influence of illegal drugs and/or alcohol while performing my duties, I will be required to submit to a drug test and Breathalyzer and/or search. I further understand that if I am involved in an occurrence or significant work related accident or injury, I will be required to submit to a drug test and possibly a Breathalyzer and/or search. I further understand that employees of Fluor-B&W Portsmouth LLC who are employed in testing designated positions (TDPs) are required to submit to random drug testing because the illegal use of drugs by employees in these positions could significantly harm the environment, public health, safety, or national security. I acknowledge that the policies related to drug testing, alcohol testing, and searches are explained in the Workplace Substance Abuse Program, a policy that I have received, read, and understood.

I hereby agree to allow an authorized Fluor-B&W Portsmouth LLC representative or a designated third party to collect urine samples from me for the sole purpose of detecting whether or not there is the presence of illegal drugs, or controlled legal substances without proper authorization, in my body. I agree to allow an authorized Fluor-B&W Portsmouth LLC representative or designated third party to perform Breathalyzer testing for the purpose of detecting whether or not I am under the influence of alcohol while performing my job duties. I also agree to allow an authorized Fluor-B&W Portsmouth LLC representative or designated third party to perform a personal search for the purpose of detecting whether or not there are illegal drugs and/or alcohol in my possession. Further, I give my consent to the company’s release and use of my urine samples, test results, and search findings in the administration and enforcement of Fluor-B&W Portsmouth LLC Workplace Substance Abuse Program policy and in any dispute arising out of the company’s findings and any subsequent disciplinary actions. I understand that the results of the tests and/or search will remain confidential other than for the purposes identified herein.

I understand that if the results of the drug testing of my urine are positive, if the results of the Breathalyzer test indicate the use of alcohol while performing my job duties, or if the personal search uncovers alcohol or illegal drugs, or controlled legal substances without proper authorization, I will be subject to disciplinary action up to and including termination, even for a first offense. I also understand that if I refuse to consent to this drug/alcohol testing and/or personal search, I will be subject to disciplinary action up to and including termination even for a first refusal.

I hereby consent to the administration of the drug detection urine test and to the terms and conditions of this consent agreement.

________________________________________  ______________________________
Applicant’s Legal Signature  Date Signed

________________________________________  ______________________________
Witness Legal Signature  Date Signed

I hereby refuse the drug detection urine test.

FBP-HR-POL-00026-F03 (FBP-BS-POL-00023-F03), Rev. 0 (02/12)
PRE-EMPLOYMENT DRUG TESTING CONSENT FORM
STATEMENT OF UNDERSTANDING

Print Name: _______________________

I hereby agree to allow Fluor-B&W Portsmouth LLC to collect urine samples from me for the sole purpose of detecting whether or not there is the illegal presence of drugs in my body. Further, I give my consent to the company’s release and use of my urine samples and test results in the administration and enforcement of Fluor-B&W Portsmouth LLC Substance Abuse Program and in any dispute arise out of the Company’s refusal to employ me. I understand that Fluor-B&W Portsmouth has a strict policy prohibiting employees from using drugs illegally.

I understand that if the results of the drug testing of my urine are positive, I will be removed from further consideration for employment. I also understand that if I refuse to consent to this drug testing, I will be removed from consideration for any future employment.

I hereby consent to the administration of the drug detection urine test and to the terms and conditions of this consent agreement.

_________________________________________  __________________________
Applicant’s Legal Signature                  Date Signed

_________________________________________  __________________________
Witness Legal Signature                      Date Signed

I hereby refuse the drug detection urine test.

_________________________________________  __________________________
Applicant’s Legal Signature                  Date Signed