

PHEIFER BROTHERS CONSTRUCTION CO., INC.

COMPREHENSIVE DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Companywide requirements and DOT/FMCSA-regulated driver provisions

Policy owner	Human Resources / Designated Employer Representative (DER)
Approved by	Executive Management
Revision / effective date	Revision 1 / August 23, 2026
Review cycle	At least annually and after legal, regulatory, contractual or operational changes

Important: DOT testing rules control whenever they apply. Collective-bargaining agreements, project requirements and applicable law will also be followed. If a conflict exists, the legally controlling requirement governs.

1. Purpose and Policy

Pheifer Brothers Construction Co., Inc. is committed to a safe, healthy and productive workplace. Employees must report fit for duty and remain able to perform their work safely throughout the workday.

1. Employees may not report to work or remain at work while impaired by alcohol, illegal drugs, cannabis, misused medication or any other substance that could prevent safe performance.
2. The unauthorized use, possession, manufacture, sale, transfer, distribution or dispensing of alcohol, illegal drugs, controlled substances or drug paraphernalia is prohibited while working, on Company property, in Company vehicles or equipment, and while conducting Company business.
3. Employees may not misuse prescription or over-the-counter medication or use medication prescribed to another person.
4. Lawful off-duty conduct is not restricted unless it affects workplace safety, job performance, attendance, Company property or compliance with federal law, DOT requirements, a collective-bargaining agreement or a customer requirement.
5. Employees must cooperate with testing and other procedures required by this policy, applicable law or DOT regulations.

2. Scope

This policy applies to applicants after a conditional offer when testing is required, all employees, temporary employees and other workers acting on behalf of the Company, subject to applicable law and agreements.

Employees who operate commercial motor vehicles in DOT-regulated safety-sensitive functions are also subject to 49 CFR Parts 40 and 382. The DOT provisions in Section 15 are separate from, and may be more specific than, the Companywide provisions.

3. Definitions

- Alcohol: Ethyl alcohol or another intoxicating beverage or product containing alcohol.
- Company property: Company-owned, leased or controlled jobsites, offices, shops, yards, vehicles, equipment and other work locations.
- Designated Employer Representative (DER): The Company representative authorized to receive test results, remove DOT-covered employees from safety-sensitive functions and make required testing decisions.
- Drug: An illegal drug, controlled substance, cannabis product, medication or other substance capable of affecting alertness, judgment, coordination or safe performance.
- Fit for duty: Able to perform assigned duties safely, reliably and without impairment.
- Medical Review Officer (MRO): A qualified physician responsible for reviewing laboratory drug-test results and determining whether a legitimate medical explanation exists.
- Reasonable suspicion: A belief based on specific, contemporaneous and articulable observations that an employee may have violated this policy or may be impaired.
- Safety-sensitive work: Work in which impairment could create a significant risk to the employee, coworkers or the public, including operating vehicles or equipment, working in live traffic, rigging, signaling, working at heights, performing electrical work or other high-hazard duties.

4. Alcohol

1. Employees may not use or possess alcohol during working time, on Company property or while operating Company vehicles or equipment, unless expressly authorized for a Company-sponsored event where no work or driving will follow.
2. Employees may not report to work or perform work with alcohol-related impairment.
3. Employees called unexpectedly to work must disclose if they are not fit for duty; they should not report until management provides direction.
4. No fixed 'one drink per hour' formula will be used. Employees are responsible for reporting fully fit for duty.
5. DOT-covered drivers must also comply with the alcohol prohibitions and testing thresholds in Section 15.

5. Illegal Drugs, Cannabis and Controlled Substances

1. Illegal drug activity connected to work, Company property or Company business is prohibited.
2. Cannabis remains prohibited for DOT-regulated safety-sensitive employees regardless of state authorization, medical recommendation, CBD labeling or off-duty use.
3. For non-DOT employees, a positive test will be reviewed under the testing procedure and applicable law before an employment decision is made.
4. The Company may notify law enforcement when required by law or when circumstances present an immediate safety or security concern.

6. Prescription and Over-the-Counter Medication

1. Employees must use medication only as directed and review warnings that may affect driving, equipment operation, balance, alertness or judgment.

2. Employees are not required to disclose every medication or diagnosis to a foreman. An employee must, however, promptly report any work restriction or safety limitation that may prevent safe performance.
3. Medical information should be provided to Human Resources, occupational health or the MRO—not discussed broadly at the jobsite—and will be maintained confidentially as required by law.
4. The Company may request limited medical information when job-related and consistent with business necessity or when needed to evaluate a reasonable accommodation or direct safety threat.
5. Lawful medication use does not excuse unsafe performance, but the Company will consider reasonable accommodation as required by law.

7. Employee Responsibilities

1. Report fit for duty and remain fit throughout the shift.
2. Do not drive or perform safety-sensitive work if impaired or uncertain about safe performance.
3. Notify a supervisor or Human Resources immediately when a coworker appears unable to work safely. Do not diagnose or confront the employee.
4. Report prohibited substances found on Company property without handling them unless necessary to prevent immediate harm.
5. Report work restrictions and request assistance before a condition creates a safety risk.
6. Cooperate with lawful testing, transportation and investigation instructions.

8. Supervisor Response to Suspected Impairment

1. Remove the employee from safety-sensitive duties and move the discussion to a private, safe location.
2. When reasonably available, obtain observations from a second trained supervisor. A second observer is not required when delay would create a safety risk.
3. Document objective facts such as speech, coordination, behavior, odor, appearance, performance and reliable reports. Avoid conclusions based only on rumor or a protected medical condition.
4. Contact Human Resources or the DER before ordering a test when practicable.
5. Arrange transportation. The employee may not drive after being removed for suspected impairment or after a test when management determines driving would be unsafe.
6. Call emergency services when the employee may have a medical emergency, overdose or other urgent condition.

9. Companywide Testing

Non-DOT testing may be conducted when permitted by applicable law, a collective-bargaining agreement and project or customer requirements. DOT testing is governed by Section 15.

9.1 Conditional Pre-Employment Testing

1. The Company may require a drug test after a conditional offer for designated positions or under a consistent testing program.

2. Employment may be delayed, denied or the conditional offer withdrawn based on a verified result, refusal or failure to complete required testing, subject to applicable law and agreement requirements.

9.2 Reasonable-Suspicion Testing

1. Testing may be required when specific observations or reliable information support a reasonable belief of impairment, prohibited use or another policy violation.
2. The decision and supporting observations must be documented promptly.
3. The employee will be removed from safety-sensitive work while the test and fitness decision are pending.

9.3 Post-Incident Testing

1. A non-DOT test will not be ordered automatically after every injury or incident.
2. Testing may be required when facts create a reasonable possibility that substance use contributed to the event, or when required by DOT regulation, law, contract or a collective-bargaining agreement.
3. Testing will be applied consistently and will not be used to retaliate against an employee for reporting an injury, illness, hazard or near miss.
4. Emergency medical care must never be delayed for testing.

9.4 Random or Periodic Testing

1. Non-DOT random or periodic testing will be limited to designated groups or safety-sensitive positions and conducted only when permitted by law and applicable agreements.
2. Selections must use a neutral process that gives each covered employee an equal chance of selection.

9.5 Return-to-Duty and Follow-Up Testing

The Company may require a negative return-to-duty test and unannounced follow-up testing when an employee is permitted to return after a violation or treatment, subject to applicable law, written agreement and any DOT requirements.

10. Testing Procedures and Employee Protections

1. Testing will use qualified collection sites, appropriate chain-of-custody procedures and laboratories meeting applicable program requirements.
2. Non-negative drug results will be confirmed using an approved confirmatory method and reviewed by an MRO before being reported to the Company as verified positive, when MRO review applies.
3. Employees will have an opportunity to provide the MRO with information about lawful medication that may explain a laboratory result.
4. DOT-covered employees retain all rights provided by 49 CFR Part 40, including split-specimen rights. Non-DOT retesting rights will be provided when included in the applicable testing program, agreement or law.
5. The current testing panel, specimen type and cutoff levels will be those established by the applicable DOT rule or the Company's laboratory program. Obsolete cutoff tables are not incorporated into this policy.

6. Alcohol testing will use an approved method and confirmation process appropriate to the applicable program.

11. Refusal to Test

Conduct that constitutes a refusal depends on the testing program. Examples may include failing to appear without an adequate explanation, leaving before completion, failing to provide a specimen without a verified medical explanation, obstructing the process, tampering, adulteration, substitution or refusing required steps.

A refusal may result in removal from duty and discipline, up to and including termination. DOT refusals will be determined and handled under 49 CFR Parts 40 and 382.

12. Searches and Prohibited Items

1. The Company may inspect Company-owned property, vehicles, equipment, lockers and work areas for legitimate safety, security or operational reasons.
2. When supported by reasonable suspicion and permitted by law or agreement, the Company may request inspection of personal containers or a personal vehicle located on Company property.
3. The Company will not conduct involuntary physical searches. Law enforcement may be contacted when appropriate.
4. Refusal to cooperate with a lawful and reasonable inspection may result in removal from the site and discipline after the circumstances are reviewed.

13. Removal From Duty and Safe Transportation

1. An employee believed to be impaired or otherwise unfit will be removed from duty immediately.
2. The employee must remain available in a safe location while management arranges testing, medical care or transportation, unless emergency circumstances require otherwise.
3. The employee may not operate a vehicle or equipment. Transportation may be provided by a responsible adult, taxi, rideshare, medical transport or other method approved by management.
4. If an employee attempts to drive despite direction not to do so, the Company may contact law enforcement to protect the employee and public.

14. Consequences, Assistance and Return to Work

1. Violations may result in removal from duty and discipline up to and including termination. The Company will consider the circumstances, safety risk, test result, work history, applicable agreement and legal requirements.
2. This policy does not promise progressive discipline, continued employment, rehabilitation or a second-chance agreement.
3. Employees are encouraged to request assistance before a policy violation or safety event occurs. A request for help does not excuse prior misconduct or prevent action needed for safety.
4. Available assistance may include benefit-plan resources, union resources, an employee assistance program, leave or referral information. Eligibility and payment depend on the applicable plan or agreement.

5. When return is permitted, the Company may require treatment documentation, fitness-for-duty clearance, a return-to-duty test, follow-up testing and a written last-chance or return-to-work agreement.
6. The Company will consider reasonable accommodation and protected leave as required by law, but employees must still meet conduct, performance and safety standards.

15. DOT/FMCSA-Covered Drivers

This section applies to employees who perform safety-sensitive functions subject to FMCSA drug and alcohol testing rules. It does not replace 49 CFR Parts 40 and 382. When a DOT rule differs from another section of this policy, the DOT rule controls for the regulated function.

15.1 Prohibited Conduct

1. A driver may not perform safety-sensitive functions with an alcohol concentration prohibited by FMCSA, after prohibited alcohol use, while using a prohibited drug, following a verified positive or refusal, or while otherwise disqualified.
2. A verified positive drug test, adulterated or substituted specimen, qualifying refusal, or alcohol result of 0.04 or greater requires immediate removal from safety-sensitive functions.
3. An alcohol result of 0.02 through 0.039 requires temporary removal from safety-sensitive functions for the period required by FMCSA.
4. Marijuana use is prohibited for DOT-covered safety-sensitive employees. A medical recommendation, CBD use or state authorization is not a valid explanation for a DOT marijuana positive.

15.2 Required DOT Testing

- Pre-employment controlled-substances testing before first performing a safety-sensitive function, unless a regulatory exception applies.
- Random controlled-substances and alcohol testing at the current FMCSA-required rates.
- Reasonable-suspicion testing based on observations made and documented by a trained supervisor.
- Post-accident testing when the accident meets 49 CFR 382.303 criteria.
- Return-to-duty and follow-up testing after completion of the required Substance Abuse Professional process.

15.3 DOT Post-Accident Criteria

DOT testing is required after an FMCSA-regulated accident when:

- The accident involves a human fatality, regardless of whether the driver receives a citation; or
- The driver receives the applicable citation and the accident involves bodily injury requiring immediate medical treatment away from the scene or disabling damage requiring a vehicle to be towed.

Alcohol testing must be completed as soon as practicable, with required documentation if not completed within two hours, and attempts generally cease after eight hours. Controlled-substances testing attempts generally cease after 32 hours. Drivers must remain available and follow post-accident instructions without delaying emergency care.

15.4 Clearinghouse and Prior-Employer Requirements

1. The Company will conduct required pre-employment and annual FMCSA Drug and Alcohol Clearinghouse queries.
2. Drivers must provide required electronic consent for a full query and comply with limited-query procedures.
3. The Company will report information to the Clearinghouse as required and will not permit a driver with a prohibited status to perform safety-sensitive functions.
4. Required prior-employer drug and alcohol inquiries will be completed when applicable.

15.5 DOT Return-to-Duty Process

1. A driver who violates a DOT drug or alcohol rule must be removed from safety-sensitive functions and provided information about qualified Substance Abuse Professionals.
2. The driver may not return to safety-sensitive duties unless the SAP process is completed and a directly observed return-to-duty test is negative for drugs and/or below the applicable alcohol threshold.
3. The driver remains subject to the SAP's follow-up testing plan in addition to random testing.
4. Completion of the federal return-to-duty process does not guarantee continued employment or rehire.

16. Criminal Drug Convictions

Employees assigned to a covered federal contract or grant must notify Human Resources within five calendar days of a conviction for a criminal drug-statute violation occurring in the workplace when the Drug-Free Workplace Act applies. Other arrest or conviction information will be handled only as permitted by Wisconsin and federal law and based on its relationship to the job.

17. Confidentiality and Records

1. Test results, medical information and related records will be kept confidential and separate from ordinary personnel records as required by law.
2. Information will be disclosed only to authorized persons, the employee, service agents, government agencies or others when permitted or required by law.
3. DOT records will be retained and released according to 49 CFR Parts 40 and 382.
4. Supervisors must not discuss an employee's test, medication, treatment or medical information with coworkers.

18. Non-Retaliation

The Company prohibits retaliation against an employee for reporting an injury, illness, hazard, suspected impairment or policy concern in good faith; requesting assistance or accommodation; participating in an investigation; or exercising a protected right. Knowingly false reports or interference with an investigation may result in discipline.

19. Collective-Bargaining Agreements and Applicable Law

This policy will be administered consistently with applicable collective-bargaining agreements, federal and Wisconsin law, DOT regulations and contractual requirements. The Company may revise the policy when

requirements change. If a provision is invalid or conflicts with a controlling requirement, the remaining provisions remain in effect.

20. Administration and Questions

Human Resources and the DER administer this policy. Employees should direct questions about DOT coverage, testing, medication-related work restrictions, assistance resources or confidentiality to Human Resources or the DER.

Employee Acknowledgment

I acknowledge that I received or was given access to the Pheifer Brothers Construction Co., Inc. Comprehensive Drug and Alcohol-Free Workplace Policy. I understand that I am responsible for reading and following it and for asking questions about anything I do not understand. I understand that this acknowledgment is not an employment contract and does not alter applicable at-will employment or collective-bargaining rights.

Employee name: _____

Employee signature: _____ Date: _____

Company representative: _____ Date: _____

Official References

- [U.S. DOT - 49 CFR Part 40 procedures](#)
- [FMCSA - Overview of employer drug and alcohol rules](#)
- [FMCSA - Testing types and post-accident requirements](#)
- [FMCSA Drug and Alcohol Clearinghouse](#)
- [EEOC - Disability-related inquiries and medical examinations](#)
- [Wisconsin DWD - Arrest and conviction record protections](#)
- [SAMHSA - Federal contractors and the Drug-Free Workplace Act](#)

Implementation review: Because this policy affects testing, discipline, medical privacy, union rights and DOT compliance, it should be reviewed before adoption by qualified Wisconsin employment counsel and the Company's DOT testing administrator/DER.

21. Test Your Knowledge

Circle the best answer. Review missed questions with your foreman, Human Resources or the DER before performing covered work.

1. What is every employee's basic responsibility under this policy? A. Report to work if they believe they can finish the shift B. Report fit for duty and remain able to work safely throughout the workday C. Disclose every prescription and diagnosis to the foreman	2. What should a supervisor do when specific observations suggest an employee may be impaired? A. Let the employee finish the task before discussing it B. Ask coworkers to vote on whether testing is needed C. Remove the employee from safety-sensitive work, document observations and contact management or the DER
3. What should an employee do if medication may limit safe work? A. Promptly report the work restriction or safety limitation to Human Resources or the DER B. Stop taking the medication without medical advice C. Share the diagnosis with the entire crew	4. When may non-DOT post-incident testing be required? A. Automatically after every injury or near miss B. When facts create a reasonable possibility that substance use contributed, or another controlling requirement applies C. Only when property damage exceeds a fixed dollar amount
5. What happens when an employee is removed from duty for suspected impairment? A. The employee may drive home after signing a release B. The employee must remain on equipment until a replacement arrives C. The employee may not drive or operate equipment; safe transportation must be arranged	6. Which statement is correct for a DOT-covered driver? A. Marijuana remains prohibited for DOT safety-sensitive work regardless of state authorization or CBD labeling B. Medical marijuana authorization excuses a DOT marijuana positive C. Off-duty cannabis use is permitted whenever the driver feels unimpaired
7. What does a DOT alcohol test result of 0.04 or greater require? A. A written warning with no removal from duty B. A second test at the end of the shift only C. Immediate removal from DOT safety-sensitive functions	8. Which Clearinghouse action is required for DOT-covered drivers? A. A query only after a positive test B. Required pre-employment and annual queries, with the appropriate driver consent C. No query when the Company already has a motor vehicle record
9. What must occur before a driver may return to DOT safety-sensitive duty after a violation? A. Completion of the SAP process and the required directly observed return-to-duty test B. Verbal approval from any supervisor C. A seven-day waiting period with no other requirements	10. How must test results and related medical information be handled? A. Posted for supervisors who schedule work B. Discussed with coworkers when the result affects staffing C. Kept confidential and disclosed only as authorized or required

EMPLOYEE: _____

DATE: _____

ANSWER KEY: 1-B | 2-C | 3-A | 4-B | 5-C | 6-A | 7-C | 8-B | 9-A | 10-C