
Drug-Free Workplace Policy

Purpose

TopBuild Corp. (together with its subsidiaries and affiliated companies including, but not limited to, Builder Services Group, Inc., American National Insulation, Inc., American Commercial Insulation, Inc., TopBuild Home Services, Inc., Service Partners, LLC, Distribution International Southwest, Inc., and any subsequent acquired or merged entities) (collectively the “Company”) is committed to protecting the safety, health, and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to the achievement of our goals and the safety of our workplace. Accordingly, we have established a Drug-Free Workplace Policy (the “Policy”) that balances our respect for individuals with the need to maintain an alcohol and drug-free work environment.

Scope

Any individual who conducts business for the Company, is applying for a position, or is conducting business on Company property or performing work for the Company is covered by our Drug-Free Workplace Policy. Our Policy includes, but is not limited to all levels of management, supervisors, full-time employees, part-time employees, off-site employees, volunteers, interns, and applicants (collectively “Covered Persons”). Please consult with an HR Business Partner to determine the primary work location’s state specific drug testing requirements or additional criteria relevant to the particular work location. Employees who are subject to Department of Transportation regulations (“DOT Employees”) please refer to [Appendix 3](#) for further information.

Policy

Definitions

For purposes of this Policy, the following capitalized words and terms mean:

Illegal Drug – means any drug or controlled substance that is not legally obtainable under both applicable state and federal law without a valid prescription, including but not limited to amphetamines, barbiturates, benzodiazepines, cocaine, designer drugs, hallucinogens, marijuana, methaqualone, opioids, phencyclidine (PCP), propoxyphene, and/or any substances and/or materials that are prohibited by federal or applicable state regulations.

Premises or Property – means buildings, parking lots, vehicles owned or leased by the Company or used for Company purposes, work facilities and plants, warehouses, equipment, or land used by Company or its customers or suppliers.

Safety-Sensitive Positions – means positions that require tasks involving a potential risk of injury to self or others, or as otherwise defined by applicable federal, state, or local law. Any Covered Persons responsible for the health, safety, and welfare of Company employees are also considered to work in a Safety-Sensitive Position.

Unauthorized Substances – means over-the-counter or prescription drugs used, possessed, purchased, obtained, transferred, dispensed, trafficked, sold or distributed in violation of this Policy. See “Prohibited Behavior” number 4 (A) – (D) below. Unauthorized Substances also includes substances that cause drug-like effects, but which may not necessarily be illegal under applicable laws, used for a purpose other than their intended purpose, e.g. specifically includes the inhalation of intoxicating substance (e.g. nitrous oxide, glue, cleaning products, spray paint) and used in an unsafe manner or quantity so as to impair the Covered Person’s ability to safely and adequately perform his/her/their job responsibilities.

Applicability

This Policy applies during all working hours, whenever conducting business or representing the Company while on or off Company property and while operating any Company machinery or vehicles.

This Policy in no way guarantees employment for a certain period of time or otherwise alters an at-will employment relationship with the Company.

Prohibited Behavior

As a condition of employment with the Company, all Covered Persons agree to comply with this Policy and to consent to drug and/or alcohol testing as specified below. Covered Persons who engage in the prohibited conduct outlined below or otherwise violate the terms of this Policy are subject to discipline up to and including immediate termination of employment. Applicants for employment who violate the Policy will receive no further consideration and any conditional offer of employment will be withdrawn. Applicants for employment to non-DOT positions who violate this Policy are not eligible to re-apply for employment for a period of thirty (30) days and are not eligible to drive for the Company for a period of 180 days from the date of the Policy violation. DOT Employees please reference Appendix 3.

1. Covered Persons are prohibited from reporting to work, being on Company Premises or Property or operating/occupying Company vehicles or equipment (on or off Company Premises or Property) while under the influence of Illegal Drugs, alcohol, or other Unauthorized Substances or prescription drugs that affect employee safety.
2. Covered Persons are prohibited from applying for employment, reporting to work, being on Company Premises or Property or operating/occupying Company vehicles or equipment with alcohol in his/her/their system sufficient to yield a positive alcohol test result and/or with drugs (and/or drug metabolites) in his/her/their system sufficient to yield a positive drug test result.
3. Covered Persons are prohibited from using, possessing, purchasing, selling, manufacturing, transferring, dispensing, trafficking, or distributing (or attempting to use, possess, purchase, transfer, dispense, traffic, or distribute) Illegal Drugs, alcohol, or Unauthorized Substances, including related paraphernalia, in any amount, in any manner or at any time, on Company premises or property (including parking lots) or in Company vehicles or equipment.

4. While on Company Premises or Property or while performing work, Covered Persons are prohibited from using, abusing, possessing, purchasing, transferring, dispensing, trafficking, or distributing (or attempting to use, possess, purchase, transfer, dispense, traffic, or distribute):
 - a. prescription drugs that are not prescribed to the Covered Person and/or prescribed on an invalid or non-current prescription;
 - b. prescription drugs that are prescribed to the Covered Person at non-therapeutic levels or used in a manner or quantity other than as set forth in the directions; or
 - c. over-the-counter drugs in a manner or quantity other than set forth in the directions; or
 - d. over-the-counter or prescription drugs in an unsafe manner.
5. Covered Persons are prohibited from refusing to provide an adequate drug or alcohol test sample/specimen without a valid medical basis, refusing to cooperate during collection or testing, or failing to report (or report promptly) to the collection site without a legitimate reason.
6. Covered Persons are prohibited from providing an altered, adulterated, diluted or substituted drug or alcohol test sample or specimen. Covered Persons are prohibited from using a device or substance to interfere or attempt to interfere with a drug or alcohol test.
7. Except in the need for first-aid or emergency medical care (or where otherwise provided by law), Covered Persons asked to submit to a post-accident or reasonable suspicion alcohol or drug test are prohibited from using alcohol or drugs (including over-the-counter or prescription drugs) for eight hours following the accident or determination of reasonable suspicion, or until the Covered Person undergoes an alcohol or drug test, whichever occurs first.
8. Exception for Alcohol Use at Company-Sponsored Events: Alcohol may be served at certain work-related events (as authorized by an executive officer) that you are asked to attend in the course of your job. At those events, alcohol consumption by Covered Persons in moderation does not violate the terms of this Policy so long as the employee exercises good judgment (including not becoming intoxicated) and so long as the employee acts in a lawful, safe, professional, and responsible manner at all times.

Marijuana: Note that it is the Company's intention to comply with all applicable federal, state, and local laws. Where state and federal law differ, however, the Company will comply with federal law, except where otherwise provided. For example, some state laws permit the use and possession of marijuana for medical and/or non-medical purposes, but federal law does not. In the absence of federal law to the contrary, the Company considers marijuana use to be prohibited for purposes of this Policy in all states and will enforce under the federal law unless enforcement runs afoul of applicable law. To the extent required by applicable law, the Company will not discriminate against a Covered Person based on their status as a medical marijuana patient. Under no circumstances may a Covered Person use or possess marijuana on Company Premises or Property or be under the influence or impaired by marijuana on Company Premises or Property or while on Company business. Note that any DOT Employee is subject to federal law and is prohibited from all use of marijuana for any reason, even where allowed by state law. DOT Employees please refer to Appendix 3 for further information.

Notification by Employees of Drug/Alcohol Arrests/Convictions

To the extent consistent with applicable state law, employees must fully and promptly notify their supervisor, manager, or Human Resources Business Partner (HRBP) upon the next working day of all drug or alcohol-related arrests, convictions, guilty pleas, no contest pleas, or diversions.

Type of Drug and/or Alcohol Testing

The Company will perform drug and/or alcohol testing on Covered Persons in a manner consistent with applicable law. The following are the types of testing that the Company may employ:

1. **Pre-Employment/Post-Offer Testing:** Individuals extended a conditional offer of employment will, as a prerequisite to their employment with the Company, be required to submit to a drug test.

Employees who have separated from the Company (whether by resignation, reduction in force, termination, or otherwise), or who had a break in service of 180 days or more, and subsequently receive a conditional offer to return to work at the Company will, as a prerequisite to their re-employment with the Company, will be required to submit to a drug test.

Individuals who test positive on a Pre-Employment/Post-Offer Drug and/or Alcohol Test may not reapply for employment until the expiration of 30 days following the failed Pre-Employment/Post-Offer Drug and/or Alcohol test date.

2. **Post-Accident Testing:** Covered Persons will be drug and/or alcohol tested if one or more of the following conditions occur (where permitted by applicable law): (A) injury or accident resulting in medical treatment, beyond first aid, and there is a reasonable possibility that drug/alcohol use may have been a contributing factor to the reported injury or accident; (B) property damage in any amount; and/or (C) when required by applicable state workers compensation law. Drug testing under this section will be applied in a neutral fashion, to foster a safe work environment, and only to identify drug/alcohol use in the recent past. Testing under this section will not be undertaken to retaliate against employees for reporting workplace injuries. (See [Appendix 1](#) – After Hours Post Accident Testing Instructions).
3. **Reasonable Suspicion Testing:** Covered Persons will be drug and/or alcohol tested when there is a reasonable suspicion based on specific facts and rational inferences drawn from those facts that a Covered Person is engaged in the inappropriate or illegal use of drugs or alcohol and/or has violated this Policy (where permitted by applicable law). Such specific facts would include, but are not limited to, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a Covered Person. Managers and/or supervisors who observe specific facts shall complete a form and obtain approval from Human Resources prior to requiring a Covered Person to undergo reasonable suspicion testing. Such persons will not be allowed to drive themselves to a clinic for drug or alcohol testing. (See [Appendix 2](#) – Reasonable Suspicion)

4. **Random Testing:** Where permitted by state law, Covered Persons will be subject to random drug and/or alcohol testing. Once a Covered Person is notified of his/her selection for random drug and/or alcohol testing, the Covered Person must submit to such testing immediately. All Covered Persons subject to random testing will have an equal probability of being neutrally selected for such testing regardless of whether the individual has been previously selected or tested. The Company does not have the right to waive the selection of any person who has been randomly chosen.

To the extent the testing requirements differ for DOT Employees, the DOT/FMCSA testing in Appendix 3 will control.

Sample Collection Procedures

Drug or alcohol test samples/specimens (typically breath in the case of alcohol and typically urine, saliva, or hair in the case of drugs) will be collected in private by a certified collector approved by the Company. The collector will maintain appropriate chain of custody documentation. Collection and testing will be completed in accordance with applicable state and local laws.

Immediately after the Company determines that a Covered Person shall be tested, a Company representative will direct or escort the Covered Person to a collection site or certified collector to facilitate the collection of the appropriate sample/specimen.

The Company will pay the full cost of any testing it has requested or required of a Covered Person, with Covered Persons being reimbursed for the reasonable cost of any transportation to and from the designated collection facility. Company employees will be paid for the time spent travelling to and from the collection facility and for time spent at the facility.

Notification of Drug and/or Alcohol Test Results

A Covered Person shall not be deemed to be positive on a drug or alcohol test until the Covered Person's sample/specimen has been subject to confirmatory testing.

Positive test results (or results determined to be adulterated, diluted, or substituted) will be communicated to the Company's Medical Review Officer ("MRO"). On receipt of positive test results (or results determined to be adulterated, diluted, or substituted), the MRO will inform the Covered Person of the positive test results and discuss the results with the Covered Person. In this discussion, the MRO will provide the Covered Person with an opportunity, in confidence, to provide a medical explanation for the result (including the opportunity to identify prescription and non-prescription drug use), the opportunity to contest/rebut the positive test result, and/or the opportunity to provide any information the Covered Person feels is relevant. After speaking with the Covered Person, the MRO will report the results to the Company as appropriate. The Company will then make a determination regarding the appropriate response to the positive test results, which may include the revocation of an applicant's conditional job offer or discipline up to and including termination of employment.

The results of any and all drug or alcohol tests will be maintained in individual, secure (locked), confidential medical files, separate from personnel files. Where required by law, the Company will disclose test-related information to government agencies that regulate the medical/drug testing industry.

Where required by applicable state or local law, the Company will inform, in writing, of the positive test results; the right to request and/or receive a copy of the test result report; the right to explain the positive result; the right to request a confirmatory retest of the original sample at their own expense; and/or any other information required by applicable state or local law.

Acknowledgment and Consent

Any individual subject to testing under this Policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to: (1) the test for the purpose of determining the presence of alcohol or drugs, and (2) the release to the Company of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug or alcohol test, will result in the revocation of an applicant's job offer, or may subject an employee to discipline up to and including termination. In addition to disciplinary action, refusal to submit to a drug or alcohol test will result in any non-DOT Covered Person being deemed ineligible to drive on behalf of the Company for a period of 180 days after the refusal. A DOT Employee's refusal to submit to a drug or alcohol test will result in employment termination.

Appropriate Use of Prescription Medication

A Covered Person's proper use of over-the-counter medication, or medication that has been prescribed by a physician for that Covered Person, is not prohibited by this Policy. It is each Covered Person's responsibility to check with a physician regarding whether the use of any medication may adversely affect performance or safety at work. The Company does not unlawfully discriminate against Covered Persons on the basis of disability. Covered Persons who seek a reasonable accommodation due to an underlying disability are encouraged to submit any requests to Human Resources.

A Covered Person who is using or tests positive for a prescription drug for which he/she/they have a valid prescription, but which drug may pose a direct threat to the health or safety of the Covered Person or others in the workplace (or which may otherwise adversely affect the Covered Person's job performance), may be subject to further assessment. In such case, the Company will conduct an individualized assessment of the individual's ability to perform the essential functions of the job in question while utilizing such drug without posing a direct threat to the health or safety of the Covered Person or others in the workplace, before taking any further action related to the Covered Person's employment.

Medication Disclosure

Covered Persons who are taking a drug or medication which adversely affects, or which may reasonably be expected to adversely affect, the Covered Person's ability to perform work in a safe and productive manner, are required to report the use of such drug and/or medication to his/her supervisor, Safety Manager, and/or the Human Resources Department. Such disclosures will be treated confidentially by the Company and are considered job-related and consistent with business necessity.

Upon such a disclosure, Human Resources and, where appropriate, the Covered Person will determine an appropriate path forward consistent with applicable law.

Non-Discrimination

In accordance with the Americans with Disabilities Act and state anti-discrimination laws, the Company does not discriminate against any Covered Person who is a qualified individual with a disability, who is not currently using Illegal Drugs and who has either successfully completed a rehabilitation program, or who may be currently participating in a supervised rehabilitation program and is no longer using Illegal Drugs. A current disability of any kind, however, does not entitle a Covered Person to violate any provisions of this Policy.

Inspections

Where permitted by applicable law, the Company reserves the right to inspect all portions of its premises, property, or Company vehicles for Illegal Drugs, alcohol, or other Unauthorized Substances or paraphernalia. All Covered Persons may be asked to cooperate in inspections of their person, work areas, and property that might conceal an Illegal Drug, alcohol, or other Unauthorized Substance or paraphernalia. Covered Persons who possess such items, or who refuse to cooperate in such inspections, are subject to discipline up to and including employment termination.

Notification of Policy

The Company will notify Covered Persons of this Policy by: (1) statements in recruiting ads; (2) notices posted at all hiring locations; (3) notices in online career pages; (4) distributing this Policy; (5) making copies of this Policy available for inspection by Covered Persons during regular business hours; and/or (6) any other methods prescribed by applicable state or local law.

Questions

Covered Persons should direct any questions about this Policy to Human Resources or any member of management.

Confidentiality

Medical information received by the Company through the Drug-Free Workplace Program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies. The contracting laboratory will release test results only to the designated drug-free workplace administrators. The Company will take steps to ensure that only employees with a direct business need see test-related information. All test results will be maintained in confidential medical files.

Communication

Communicating our Drug-Free Workplace Policy to managers, supervisors, and employees is critical to our success. To ensure all Covered Persons are aware of their role in supporting our drug-free workplace program:

- The Company will provide information about the Policy during orientation/employee onboarding. Covered Persons will be asked to sign an acknowledgement form indicating receipt and review of this Policy.

- Test results and resulting employment actions will be communicated to Covered Persons and applicants in a manner consistent with applicable law.
- The contents of this Policy will be communicated to employees and applicants in the manner prescribed by applicable state and local law.

Employee Assistance Program (EAP)

The EAP provides Covered Persons with access to confidential help and support 24 hours a day, 7 days a week for issues and concerns such as relationships, substance abuse, stress/anxiety, marital conflicts and grief or loss.

Online: Visit www.GuidanceResources.com
(user name = LFGsupport; password = LFGsupport1),
Phone: 888-628-4824

DOT/FMCSA Work

Covered Persons whose work is covered by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, or equivalent regulatory body, **are also subject to separate applicable policies and procedures contained in the DOT/FMCSA [Appendix 3](#) to this Policy.** In the event of any conflict between the Policy and Appendix 3, Appendix 3 or the applicable law shall control.

Last Chance Agreement (LCA)

The Company encourages its employees to receive all necessary assistance in handling problems with substance use and addiction. The Company maintains a “Last Chance Agreement” process to offer non-DOT Covered Persons who have violated the Company’s Drug-Free Workplace Policy a one-time opportunity to remain employed or to be re-employed. Within the Company’s sole discretion, if certain conditions are met, a non-DOT Covered Person who has violated the Drug-Free Workplace Policy may be given a one-time opportunity to enter into a Last Chance Agreement (“LCA”).

The Company retains sole discretion to determine whether a non-DOT Covered Person is eligible for participation in an LCA and in making that decision, the Company will consider the severity of the employee’s violation, any previous or other disciplinary or performance problems, and whether the employee is deemed a serious safety risk. The Company will implement the LCA program in a manner that is consistent with applicable disability laws (including the Americans with Disabilities Act).

Roles and Responsibilities

Who	Responsibilities
All Employees	Follow and enforce the policy.
Managers, HRBP, and Safety	Ensure Reasonable Suspicion Testing.
Medical Review Officer	Review all positive confirmed lab results.

Document Control

Change History

Version	Approval Date	Description of Change
0.6	16-Oct-2015	Last Chance
1.0	02-Dec-2015	Integration of Policy and Procedure Documents
1.1	16-Nov-2016	Added Appendix 4; changed time period in #1 on page 3 from 30 days to 90 days
1.2	01-Dec-2016	Edited sections pertaining to post-accident drug testing re: new requirements of OSHA rules
1.3	30-Sept-2017	Added Appendix 5; inserted applicant retest waiting period after failed pre-employment test.
1.4	06-Dec-2017	Amended last sentence on page 1 to state “Applicants for employment are not eligible for the last chance program and are not eligible to re-apply for employment for a period of ninety (90) days.”
1.5	20-Nov-2018	Edited requirements for post-accident drug testing.
1.6	11-Dec-2019	Revised Appendix 1, “After-Hours Post-Accident Testing Process”
1.7	24-May-2021	Reapplication following failed drug test—prohibition period changed from 90 days to 30 days; Other minor edits
2.0	1-January-2024	Updated and revised policy.

Appendix 1 — eScreen After-Hours Post-Accident Process

1. Please contact eScreen at 1-800-881-0722 option 7. The answering service agent will request information below
 - a. Caller Name
 - b. Reason for Test – Post Accident or Reasonable Suspicion
 - c. Company Name
 - d. Caller Phone #
 - e. Is caller the Designated Employer Representative or Supervisor
 - i. If not DER/Supervisor Name and Phone Number
 - f. Address
 - g. Donor info – Name, SSN/ID number, Phone Number
 - h. Type of Test – Drug and/or BAT
 - i. Modality – DOT or NDOT
 - j. Do you have a Chain of Custody form
2. Once all the information is obtained the answering service will contact the Afterhours Coordinator (AFC) with the information.
 - a. If you do not receive a call back within 15 minutes please call back and inform the answering service that you have yet to receive a call from the Afterhours Coordinator.
3. The AFC will contact the caller and verify information. The AFC will also confirm if the donor is able to go to a testing facility or if an onsite collection is required
4. If the donor IS able to go to a collection site the AFC will attempt to locate a facility in the area that is able to conduct all required services. If the AFC is unable to locate a facility in the area the AFC will default to an onsite collector.
5. If the donor IS NOT to go to a collection site the AFC will coordinate an onsite collection
6. Once the collection site or on site collector is identified the AFC will contact the caller with the clinic information or collector name and ETA.

Appendix 2 — Reasonable Suspicion

A drug and/or alcohol test will be requested any time a Covered Person's behavior or appearance provides a reasonable suspicion that a Covered Person is impaired and/or under the influence of drugs or alcohol at any time while on Company Premises or Property, or work sites or while on Company business, including operating Company vehicles. Managers should engage the Regional Human Resources Manager early in the assessment process whenever there is cause for Drug/Alcohol Reasonable Suspicion in the workplace. Managers and/or supervisors must obtain approval from Human Resources prior to requiring a Covered Person to undergo reasonable suspicion testing.

Managers must complete Reasonable Suspicion Testing training within the first 30 days as a manager. "Reasonable suspicion" sufficient to require a Covered Person to submit to drug or alcohol testing depends on the facts of each situation. A strong odor of alcohol and physical symptoms of alcohol ingestion, such as slurred speech, unsteady walk, or unfocused gaze, in most circumstances would be enough. Likewise, erratic behavior or mood swings, accidents, or safety incidents would in most cases justify testing. On the other hand, receiving an anonymous note to the effect that a certain employee is "on drugs," but without personal observation of any physical characteristics or behavior or variations from that employee's normal behavior may not be enough. "Reasonable suspicion" means more than mere suspicion but need not be "proof." The following checklist contains many types of behavior that may form the basis of reasonable suspicion—please note both that this checklist is not exhaustive and that some of the manifestations contained in this checklist could be explained by a protected disability, and managers should not conclude that an individual is engaged in drug or alcohol use simply because he/she/they manifest some of these characteristics:

Manager's Checklist for Making Reasonable Suspicion Determination

Employee's name:

Department:

Date(s):

Manager making observation:

KNOWING THE SIGNS:

Patterns of any of the below conduct or combinations of conduct may occur but must be accompanied by indicators of impairment in order to establish “reasonable cause.” Please check all indicators listed below that are currently present:

1. Possessing, dispensing, or using a controlled substance.
2. Bloodshot or watery eyes.
3. Dilated or constricted pupils or unusual eye movement.
4. Slurred or incoherent speech.
5. Dry mouth.
6. Dizziness or fainting.
7. Extreme fatigue, drowsiness, sleeping.
8. Flushed or very pale face.
9. Nausea or vomiting.
10. Unsteady walk.
11. Runny nose or sores around the nostrils.
12. Observed weight loss.
13. Sudden worsening of complexion.
14. Excessive sweating or clamminess of the skin.
15. Shaking of hands or body tremor/twitching.
16. Bloodstains on clothing sleeves.
17. Wearing of sunglasses indoors and in all weather.
18. Wearing of long-sleeved shirts in all types of weather.
19. Puncture marks or tracks.
20. Odor of alcohol, marijuana, or other substance on breath or clothes.
21. Excessive absenteeism or other attendance problems.
22. Frequent absences from the work area.
23. Frequently coming in late or leaving early.
24. Irritability or unpredictable responses to ordinary requests.
25. Abusive, erratic or threatening conduct.
26. Disheveled appearance.
27. Erratic or unusual behavior, mood swings or changes, including inappropriate gaiety or lethargic behavior.
28. An increase in errors, forgetfulness, and difficulty following instructions.
29. Accidents related to apparent lack of concentration

☐ Other:

DETERMINING REASONABLE SUSPICION

If you are able to document one or more of the indicators above, ask yourself these questions to establish reasonable suspicion:

Y	N	
		Has some form of impairment been shown in the employee's appearance, actions or work performance (as demonstrated by the indicators on the list above)?
		Did you witness the situation personally?
		Are you reasonably certain that you have eliminated other possible explanations for the appearance/actions/performance you have observed?
		Are the facts capable of documentation?
		Is the impairment current, today, now?

DO NOT proceed with reasonable suspicion testing unless all of the above questions are answered with a YES.

The supervisor/manager must discuss observations with an HR Manager prior to sending an employee for testing or discussing the need for testing with an employee.

TAKING ACTION

- ☐ Reasonable suspicion established
- ☐ Reasonable suspicion NOT established

Prepared by:

Manager's Signature: _____

Date: _____

<p align="center">Discussed with HR Manager</p> <p>Date: _____</p>

TRANSPORTATION

In Reasonable Suspicion situations, a supervisor or manager must transport the Covered Person to the collection site and ensure the Covered Person has a safe means of transportation home. Covered Person must not drive him/herself under any circumstances. Managers may have the option to arrange for alternate transportation, such as a cab, in situations where a manager/supervisor is unavailable to transport Covered Persons. Please contact your HRBP or Safety Manager to discuss alternate transportation options. Do not allow the Covered Person to drive themselves to the testing site.

While the reasonable suspicion test results are pending, the Covered Person will be prohibited from returning to work until negative test results are confirmed. Upon the confirmation of negative reasonable suspicion test results, the employee will be compensated for lost time. Time will be paid at the Covered Person's equivalent hourly rate of pay, or the Covered Person's average hourly rate of pay in the case of piece rate pay.

Please note that the Company has in place a Last Chance Program through which the Company retains the discretion to permit an employee an opportunity to seek drug/alcohol counseling/treatment and then to return to the employee's job, assuming certain conditions are met and the Company has deemed the employee eligible to participate in the program. Managers must consult with Human Resources regarding any employee who may qualify or expresses interest in this program.

Appendix 3 — DOT/FMCSA Drug/Alcohol Testing Policies

Applicability

This Appendix supplements the Drug-Free Workplace and applies to Covered Persons whose job requires compliance with Department of Transportation (“DOT”) and Federal Motor Carrier Safety Administration (“FMCSA”) regulations and are differentiated as Commercial Motor Vehicle (“CMV”) and Commercial Driver’s License (“CDL”) drivers throughout the Appendix where applicable. All testing conducted under this DOT testing supplement will be documented in a DOT Chain of Custody Form. In the event there is any conflict or inconsistencies between policies set forth in the Company’s Drug-Free Workplace and this DOT testing supplement, the provisions of the DOT testing supplement shall prevail. Additional information regarding the DOT testing supplement is available from DOT@TopBuild.com, who has been designated by the Company to answer our DOT Employees’ questions regarding the policy and to administer the Company’s DOT drug and alcohol testing program [identified also in this Appendix as the Designated Employer Representative (DER) with the duties prescribed in 49 CFR 382.107].

Fit for Duty

Drivers must remain “fit-for-duty” whenever performing or ready to perform safety sensitive functions. With this understanding, drivers must work with their health care providers in determining the effects of their medical conditions, including consumption of legally prescribed medication, on their ability to perform safety sensitive functions. Drivers, after consulting with their health care provider, who feel they are unfit or who have been advised not to perform safety sensitive functions because of a health condition or medication shall inform their manager or HRBP they are not “fit-for-duty”. A driver may be temporarily removed from performing safety sensitive functions during the course of treatment for the medical condition. If the medical condition allows, a driver may be assigned other non-safety sensitive job responsibilities. “Over the counter” medication may have an adverse effect on a driver’s ability to perform their job-related duties safely. Drivers taking such medication and feel they are unfit to perform safety sensitive functions must inform their HRBP or manager that they are not fit for duty.

Definitions

For ready reference, several of the definitions used in the DOT/FMCSA drug and alcohol testing regulation [49 CFR part 382] are set out below.

“DOT Employee”

Covered Persons who operate a commercial motor vehicle, are required to possess a CDL, and/or are regulated by the FMCSA. “DOT Employees” includes interstate drivers, intrastate drivers, and mechanics.

“Commercial Motor Vehicle”

A motor vehicle or a combination of vehicles used in commerce to transport cargo or passengers if (i) the vehicle has a gross vehicle weight rating of 10,001 pounds or greater; (ii) the vehicle has a gross combination weight rating of 10,001 pounds or greater, inclusive of a towed unit gross vehicle weight rating; (iii) the vehicle is of any size and is used in the transportation of

hazardous material requiring vehicle placarding; or (iv) the vehicle is designed to transport 16 or more passengers including the driver.

“Commercial Motor Vehicle - CDL”

A motor vehicle or a combination of vehicles used in commerce to transport cargo or passengers if (i) the vehicle has a gross vehicle weight rating of 26,001 pounds or greater; (ii) the vehicle has a gross combination weight rating of 26,001 pounds or greater, inclusive of a towed unit with a gross vehicle weight rating of 10,001 pounds or greater; (iii) the vehicle is of any size and is used in the transportation of hazardous material requiring vehicle placarding; or (iv) the vehicle is designed to transport 16 or more passengers including the driver.

“Drugs or Controlled Substances”

Controlled substance has the meaning assigned by 21 United States Code §802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR §1308). The following controlled substances shall be tested for as required by the Department of Transportation (49 CFR Part 40) and this Policy:

- (a) Marijuana metabolites. *Note on use of medical or recreational marijuana:* For drivers subject to FMCSA regulations, the position of the U.S. Department of Transportation is the Department’s Drug and Alcohol Testing Regulation, 49 CFR Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Therefore, use of marijuana for medical or recreational purposes by an employee subject to FMCSA drug and alcohol regulations will not be considered an exception to the prohibition of marijuana use.
- (b) Cocaine metabolites.
- (c) Amphetamines.
- (d) Opioids.
- (e) Phencyclidine (PCP).

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the recommendations established by the 49 CFR Part 40.

“Refusal to Submit to Test”

Refuse to submit (to an alcohol or controlled substances test) means that a DOT Employee:

- Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the motor carrier, consistent with applicable DOT agency regulations, after being directed to do so by the motor carrier. This includes the failure of the DOT Employee to appear for a test when called by a collection site;
- Fails to remain at the testing site until the testing process is complete; provided, that an individual who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;

- Fails to provide a urine specimen for any drug test required by this policy or DOT agency regulations; provided, that an individual who does not provide a urine specimen because he, she, or they have left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there is no adequate medical explanation for the failure;
- Fails or declines to take a second test the motor carrier or collector has directed the DOT Employee to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process);
- Is reported by the MRO as having a verified adulterated or substituted test result;
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of their provision of a specimen;
- For an observed collection, fails to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and/or turn around to permit the observer to determine if the DOT Employee has any type of prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO that he, she, or they adulterated or substituted the specimen.

“Safety Sensitive Function”

All time from the time a DOT Employee begins work for Company or is required to be in readiness to work until the time the DOT Employee is relieved from work by Company. Safety sensitive functions include (i) all time at Company's offices, customer facilities or any public property waiting to be dispatched unless Company has relieved the DOT Employee from duty; (ii) all time inspecting, servicing or conditioning a commercial motor vehicle; (iii) all time spent at the driving controls of a commercial motor vehicle in operation; (iv) all time, other than driving time, in or upon any commercial motor vehicle; (v) all time loading or unloading (or assisting in loading or unloading) a commercial motor vehicle; or (vi) all time repairing, obtaining assistance or remaining in attendance upon a disabled commercial motor vehicle.

DOT/FMCSA Required Testing

1. Pre-Employment

All potential DOT Employees will be tested for drugs when they take a pre-employment physical. Applicants who are not hired may request their test results within 60 days of notification they will not be hired. The Company's offer to hire a driver applicant is conditioned upon the applicant's passage of the pre-employment drug test. No DOT Employee applicant will be allowed to drive or perform other safety-sensitive functions until the driver received a drug test result from the MRO indicating a verified negative test result.

2. Random

The Company will test DOT Employees on a random, unannounced basis at the rate currently determined by the DOT Secretary of Transportation. Selection will be done using a scientifically valid method (computerized lottery system) that gives each DOT Employee an equal chance of being tested every time random tests are conducted.

3. Reasonable Suspicion

All DOT Employees will be required to undergo drug and alcohol testing whenever a supervisor or manager has reason to believe that they are unfit or unable to safely perform safety sensitive functions. Supervisors and managers shall receive appropriate reasonable suspicion training. The determination of reasonable suspicion will be based on specific observations of the employee's behavior, appearance, speech or body odors, which may include indications of withdrawal symptoms of drug use. These observations will be made and documented by a supervisor and/or manager, with the assistance of another supervisor and/or manager, if available. DOT Employees required to undergo reasonable cause testing will be considered unqualified to work for Company and placed on immediate suspension pending the results of their tests.

4. Post-Accident/Incident

49 CFR 382.303 requires any DOT Employee to undergo testing for drugs or other unauthorized substances within thirty-two hours if he, she, or they are involved in a vehicle accident where: (1) there is a fatality; or (2) the DOT Employee is cited for a violation and (a) a vehicle must be towed or (b) there is an injury to any person requiring medical treatment away from the accident scene.

A DOT Employee too seriously injured to provide a urine sample must authorize the MRO to obtain hospital reports or other documents that indicate whether or not any drugs, alcohol, or other unauthorized substances were in the DOT Employee's system.

A DOT Employee involved in a DOT recordable accident cannot return to a safety-sensitive function until the post-accident drug and alcohol results are finalized by the MRO.

Post-accident testing is required under the following circumstances:

Type Of Accident Involved	If Citation Is Issued To The Driver Then...	Test Must Be Performed By Employer
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment away from the scene	YES NO	YES NO
Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

DOT Employees involved in an accident requiring drug and alcohol testing must contact the DER to initiate the post-accident testing process. The DOT Employee shall remain readily available for such testing or may be deemed by the DER to have refused to submit to testing.

No alcohol may be consumed for eight (8) hours after the accident or until a test is conducted. If the DOT Employee is seriously injured and cannot provide a specimen at the time of the accident, he, she, or they shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any alcohol or controlled substances in their system. Adherence by DOT Employees to post-accident specimen collection requirements is a condition of continued employment.

If an alcohol test is not administered within two hours following the accident, the Company will prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within eight hours following the accident, the Company will cease attempts to administer an alcohol test and will prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

If a controlled substance test is not administered within 32 hours following the accident, the Company will cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

DOT Employees who are required to undergo drug and alcohol testing must remain readily available to do so and cooperate to the best of their ability to assist in all testing. DOT Employees who refuse to undergo testing as required by the regulations and this policy or otherwise hinder the testing process will be considered a refusal to test and that employee will be terminated from employment.

The results of a drug or an alcohol test taken by an employee as a result of an accident, at the request of a Federal, State, or local law enforcement official may be used to satisfy this

portion of this policy, provided a written copy of test results can be obtained. Employees who refuse to submit to drug and alcohol testing, at the request of a law enforcement official will be considered a refusal to test.

5. Return to Duty

Return to duty testing for employees who return to work after a non-DOT drug or alcohol violation will be done in accordance with 49 CFR part 40, subpart O. Employees who have been out of a DOT-regulated safety sensitive position for more than thirty days and employees returning to duty after completing a DOT-compliant drug use or alcohol abuse rehabilitation program must undergo a return to duty test.

6. Monitoring

Any DOT Employee who reveals to the Company that he, she, or they have a drug addiction or abuses alcohol, has ceased using of illegal drugs and is receiving treatment for the problem will be required to complete rehabilitation and follow-up testing as set forth in applicable FMCSA regulations. Monitoring testing conducted pursuant to the federal regulations will be in addition to any other type of testing set forth in this Policy.

7. Follow-up

Any DOT Employee who is found by a Substance Abuse Professional to be in need of assistance in resolving problems associated with alcohol misuse and/or the use of controlled substances will be required to undergo unannounced follow-up testing as directed by the Substance Abuse Professional. The follow-up testing period and rate will be in accordance with FMCSA regulation 49 CFR part 40, subpart G.

8. Testing Procedures

Specimen collection for FMCSA regulated drug and alcohol testing will be conducted at a medical clinic or other collection site as determined the Company. The collection site and collection personnel must meet the standards set out in 49 CFR Part 40 and follow the procedures specified in that regulation. All drug and alcohol testing analysis will be done by laboratories certified by the U.S. Department of Health & Human Services.

Prior to beginning the collection procedure, the DOT Employee will be given a brief description of how the specimen collection will be accomplished, and may be asked to leave personal possessions (i.e. outerwear, brief cases, purses) in another secured area. The employee will then be given an opportunity to provide a urine sample for drug testing in an area which has been specifically set up for this purpose and designed to afford privacy to the employee.

However, if there is reason to believe that the DOT Employee will substitute or otherwise alter the sample, all right to privacy during specimen collection will be forfeited. Once the collection has been made, the employee will observe the specimen being packaged for shipment to the laboratory, and will be asked to sign the chain-of-custody form and the package labels. Once the collection process has taken place, the employee may return to work, except when being tested under Reasonable Suspicion.

Once the specimen has been forwarded to the laboratory, all testing and analysis will be conducted in accordance with 49 CFR Part 40. The results of the analysis will be forwarded to the Medical Review Officer (MRO) and will be handled as follows:

Negative Result

If analysis of the specimen finds no recordable amount of any of the substances identified above the cutoff levels as defined in the FMCSA regulations, it is considered to be a "negative" drug test. No further testing is necessary. A copy of the negative test result will be placed in the DOT Employee's file.

Diluted Specimen

For a drug screen that has been determined by the (MRO) to be "negative but diluted," the donor will immediately be sent back or transported to the collection site for a retest. If the MRO has directed a retest, the collection will be under direct observation. The last test will be the test of record for DOT purposes as well as Company policy. DOT Employees will not be retested when results are positive, nor when the sample is substituted. Refusal to cooperate in any retest is considered a violation of this policy and will be grounds for termination. If the second specimen after testing is deemed "negative but diluted," the test will be considered "negative" for purposes under this policy.

Positive

If analysis of the specimen finds an amount of tested substances above the cutoff levels as defined in the Federal Motor Carrier Safety Regulations, these findings will be passed to a Medical Review Officer (MRO).

The MRO acts as an independent and impartial "gatekeeper" and advocate for the accuracy and integrity of the drug testing process. The MRO is responsible for compliance with all applicable requirements governing the testing processes. The MRO provides a quality assurance review of the drug testing process for the specimens under the MRO's purview.

The MRO must determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug tests results from the laboratory.

When the MRO receives a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, the MRO must contact the employee directly (i.e., actually talk to the employee), on a confidential basis, to determine whether the employee wants to discuss the test result. In making this contact, the MRO must explain to the employee that, if he, she, or they decline to discuss the result, the MRO will verify the test as positive or as a refusal to test because of adulteration or substitution, as applicable.

The MRO must tell the DOT Employee that the laboratory has determined that the employee's test result was positive, adulterated, substituted, or invalid, as applicable. The MRO must also tell the employee of the drugs for which their specimen tested positive, or the basis for the finding of adulteration or substitution.

The MRO must explain the verification interview process to the employee and inform the employee that the MRO's decision will be based on information the employee provides in the interview.

The MRO must explain that, if further medical evaluation is needed for the verification process, the employee must comply with the MRO's request for this evaluation and that failure to do so is equivalent of expressly declining to discuss the test result.

The MRO must warn an employee who has a confirmed positive, adulterated, substituted or invalid test that the MRO is required to provide to third parties drug test result information and medical information affecting the performance of safety-sensitive duties that the employee gives the MRO in the verification process without the employee's consent (see 49 CFR §40.327). The MRO must give this warning to the employee before obtaining any medical information as part of the verification process. For purposes of this paragraph, medical information includes information on medications or other substances affecting the performance of safety-sensitive duties that the employee reports using or medical conditions the employee reports having. The persons to whom this information may be provided include the employer, a SAP evaluating the employee as part of the return to duty process (see §40.293(g)), DOT, another Federal safety agency (e.g., the NTSB), or any state safety agency as required by state law.

Prior to reporting any findings to Company, the MRO will contact the employee at the telephone number provided on the chain-of-custody form by the employee. The employee will be given an opportunity to discuss with the MRO, any medical reason for the positive drug test (i.e. prescription medication). The MRO may require the employee to provide written documentation of any medical history of being under a physician's care. The MRO may also request permission to speak to their physician to validate their claim. If the MRO finds that there is a valid medical reason for the positive test result, the MRO will declare the test negative, but request that the employee be removed from safety sensitive functions until their medical condition is resolved. The MRO must also advise the employee that, before informing any third party about any medication the employee is using pursuant to a legally valid prescription consistent with the Controlled Substances Act, the MRO will allow five (5) business days from the date the MRO reports the verified negative result for the employee to have the prescribing physician contact the MRO to determine if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If, in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk remains after the MRO communicates with the employee's prescribing physician or after five (5) business days, whichever is shorter, the MRO must follow §40.327 (reporting requirements). If the MRO receives information that eliminates the medical qualification issue or significant safety risk, the MRO must transmit this information to any third party to whom the MRO previously provided information under §40.327.

If after speaking with the employee, the MRO can find no medical explanation for the positive test result, the MRO will declare the test as positive and will report the result to the authorized Company Representative. Upon learning of a positive drug testing result, the employee may request a retest of the second portion of the sample. The employee may elect to have the "split" portion of their specimen analyzed by a certified laboratory of their choice, at their expense. This test may only be authorized and under the direction of the

MRO. A request for a retest will not postpone the suspension of the employee and further investigation.

Employees and applicants who have submitted a specimen for drug testing under this policy must remain in contact with the Company and make themselves available to the MRO to discuss their test results. If the MRO cannot contact the employee or applicant after making documented attempts for 72 hours, the MRO may report the result to the Company as a non-contact positive.

Alcohol Testing

The sale, purchase, transfer, use, or possession of alcohol is prohibited on Company premises, including in personal vehicles on Company property, or while conducting Company business away from Company premises.

Pursuant to FMCSA regulations and this Appendix, a DOT Employee must not drink alcohol for four hours before reporting to work. DOT Employees must not be under the influence of alcohol when arriving at work, when on Company premises, or any time that the DOT Employee is performing job duties.

Alcohol testing will be performed by only those persons who have received proper training as required by the regulations, using only those devices as approved by the National Highway Traffic Safety Administration and placed on the "Conforming Products List of Evidential Breath Measurement Devices."

Prior to testing, an employee will be required to provide some form of positive identification for the technician. The employee will then assist the technician in completing the Breath Alcohol Testing Form by providing information and signatures as required. Employees who provide false identification, refuse to provide information or signatures for Breath Alcohol Test Form, or otherwise refuse or fail to cooperate with the alcohol testing process, will be subject to immediate employment termination.

Prior to each alcohol test, the technician will explain how the test will be performed. The technician will open and attach to the testing device, an individually wrapped mouthpiece. The employee will then be instructed to blow forcefully into the breath-testing device until an adequate amount of breath had been maintained.

In the event that an employee is unable to provide an adequate amount of breath for testing after several attempts to do so, the employee will be required to undergo a medical evaluation by a licensed medical physician, to determine if a medical condition exists which would preclude them from providing adequate breath. If the examining physician determines that a valid medical reason exists, then the test shall be considered "negative" and will be reported as such to the Company. If the physician determines that there is no valid medical reason exists, then the test will be reported as a "refusal to submit" and the employee will be subject to same penalties as if he/she refused to submit to testing as required.

If the initial screen indicates an alcohol concentration ≥ 0.02 , a confirmation test must be performed no sooner than 15 minutes but no later than 20 from the completion of the initial alcohol test. Confirmation testing requires that the testing process begin again with a new

breath Alcohol Testing Form and new mouthpiece. If continuation testing indicates an alcohol concentration of 0.02, but less than 0.04 the test shall be considered "positive" for purposes of the Company and the employee will be terminated from employment with the Company. However, the result will be reported to prospective employers as a "negative" result.

If the confirmation test indicates an alcohol concentration of >0.04, the employee will be deemed as medically unqualified to perform safety sensitive functions and will be terminated from employment with the Company. The alcohol test will be reported to prospective employers as a "positive result."

9. Consequences for Violations of DOT/FMCSA Drug or Alcohol Testing Policy

Applicants who refuse to cooperate in a drug or alcohol test or who test positive will be deemed to have withdrawn from consideration for hiring.

DOT Employees who refuse to cooperate in required drug or alcohol testing will be terminated from employment.

Any DOT Employee who tests positive for an illegal drug or alcohol will be terminated from employment.

Any DOT Employee who uses, possesses, buys, sells, manufactures, or dispenses an illegal drug (or drug paraphernalia) or alcohol in violation of the Drug-Free Workplace Policy will be subject to disciplinary action up to and including discharge from employment.

10. Confidentiality

Any and all communications involved in the testing procedures and results will be handled in a confidential manner. Regardless of the type of test given, the MRO will report to Company the result of the test and, if positive, the identity of the substance for which the driver tested positive. Company will maintain, in the DOT Employee's confidential file, the following information: the types of tests to which the DOT Employee submitted; the date and location of the collection; the identity of the person or entity performing the collection, analyzing the specimens and serving as the MRO; and whether the test finding was positive or negative, and, if positive, the controlled substance(s) identified in any positive test. The MRO shall maintain individual test results for a minimum of five (5) years. None of the information concerning test results maintained by Company or the MRO may be released to other persons except in accordance with DOT regulations or with the express written consent of the DOT Employee.

Test result reports and other information acquired in the drug and alcohol testing process are private and confidential information and may not be disclosed by the testing laboratory to another employer or to a third-party individual, government agency, or private organization without the written consent of the employee or tested. However, evidence of a positive test result on a confirmatory test may be:

- Used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Chapter 43A or other applicable state or local law, or a

judicial proceeding, provided that information is relevant to the hearing or proceeding;

- Disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract;
- Disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

Positive test results from an employer drug or alcohol testing program may not be used as evidence in a criminal action against the employee.

All records will be kept in accordance to 49 CFR Part 40.

Information Resources

There is overwhelming evidence that drug and alcohol use and/or abuse interferes with driving ability. Although there are separate standards for alcoholism and other drug problems, in reality much substance abuse is polysubstance abuse, especially among persons with antisocial and some personality disorders.

Alcohol and other drugs cause impairment through both intoxication and withdrawal. Episodic abuse of substances by commercial drivers that occurs outside of driving periods may still cause impairment during withdrawal. However, when in remission, alcoholism is not disabling unless transient or permanent neurological changes have occurred.

Alcohol and other drug dependencies and abuse are profound risk factors associated with personality disorders that may interfere with safe driving.

Even in the absence of abuse, the commercial driver should be aware of potential effects on driving ability resulting from the interactions of drugs with other prescription and nonprescription drugs and alcohol (e.g., alcohol enhances hypoglycemic effects of sulfonylureas).

If you have questions about the Department of Transportation's drug and alcohol testing policy requirements you may contact:

Office of the Secretary of Transportation
Office of Drug & Alcohol Compliance
Room 10317
400 Seventh Street, S.W.
Washington, D. C. 20590
202-366-3784

General questions and information about drug and alcohol abuse is available from:

Office of National Drug Control Policy
The White House
Washington, D.C.

Specific information about the Company's drug and alcohol testing Policy should be directed to the Designated Employer Representative identified above.

You may also contact the Company's Employee Assistance Policy ("EAP"). Information on the EAP is available from the Human Resources Department.

Further information on the FMCSA drug and alcohol regulations and implementation guidelines are contained in FMCSA publication CMO-04-001 available on the FMCSA website.

CERTIFICATE OF RECEIPT OF DRUG AND ALCOHOL POLICY

(For Employees Subject to DOT Regulation)

By my signature below, I acknowledge the following:

1. I have received the Drug-Free Workplace Policy (for DOT Employees) and the provided educational material explaining the regulatory requirements on the date set forth below, and I understand that this policy applies to me.
2. I have read the Drug-Free Workplace Policy (for DOT Employees) and have had an opportunity to have any aspect of the policy that I did not understand fully explained to me, and to have all of my questions answered. I understand that any questions that may arise in the future can be directed to my Human Resources Department.
3. I understand the Drug-Free Workplace Policy (for DOT Employees), and that my compliance with it is a term and condition of my continued employment.
4. I understand that any violation of the Drug-Free Workplace Policy (for DOT Employees) may result in disciplinary action, up to and including the termination of my employment.
5. I understand the Company has the maximum discretion permitted by law to interpret, administer, change, modify, or discontinue this policy at any time, with or without prior notice.
6. I understand that any delay or failure by the Company to enforce any work policy or rule will not constitute a waiver of its right to do so in the future.
7. I understand that, unless I have a written employment agreement signed by the Company, I am employed at will and this policy does not modify my at-will employment status.

Name (print)_____Date_____

Signature_____EID_____

Witness Signature_____Date_____

*To be retained in the Employee's Driver Qualification File (DOT@TopBuild.com).