

## 1 Purpose

- 1.1 This policy is to further Sunflower's commitment to maintaining a safe, healthy, and productive work environment for Sunflower, its officers, employees, visitors, and Contractors, to provide quality services, and to maintain the integrity and security of Sunflower Premises. Sunflower will strive to maintain a work environment free from the effects of Alcohol use and drug abuse as detailed in the Sunflower Corporate policy CP-CSV-SAF-050.

## 2 Scope

- 2.1 This policy applies to all Contractors while on any Sunflower Premises.
- 2.2 Contractors are required to abide by the terms of this policy as a condition of performing work for Sunflower at any Sunflower Premises.
- 2.3 This policy will be administered uniformly subject to the Federal Drug-Free Workplace Act and any regulations and limitations imposed by applicable federal, state, and local law.
- 2.4 This policy shall be reviewed every three (3) years, or as deemed necessary to comply with federal laws and regulations, and overall administration of the program.

## 3 Definitions

- 3.1 Alcohol: The intoxicating agent in beverage Alcohol, ethyl Alcohol or other low molecular weight Alcohols, including methyl or isopropyl Alcohol.
- 3.2 Contractor or Contracted Individual: A third-party services or goods provider engaged to perform work for Sunflower as an independent contractor. It is understood and agreed that an independent contractor's or contingent worker's relationship with Sunflower is that of an independent contractor and it shall not be construed as an employee, agent, or partner of Sunflower for any purpose. Sunflower follows the IRS classification for employees, as a person who performs services for Sunflower under an express contract of hire, and under which the details of work performance are controlled by Sunflower. Notwithstanding the forgoing, all Contractor personnel are required to comply with all laws, ethical codes and applicable Sunflower policies, procedures, rules, and regulations.
- 3.3 Controlled Substance: (a) Any drug or other substance that is listed on the Federal Schedules of Controlled Substances, 21 USCS § 812, that is not legally obtainable; that is legally obtainable but has not been legally obtained; or that is being used for a purpose not in accordance with bona fide medical therapy; (b) any illegal drug or substance that usage of may be decriminalized

by state or local law but is not legally protected by federal law; (c) any Prescription Drug not legally obtained or used for the prescribed purpose, at the prescribed dose; or (d) any over-the counter drug being used at a dosage level other than recommended by the manufacturer.

- 3.4** Department of Transportation (DOT): A cabinet-level agency of the US federal government that is responsible for maintaining and developing America's transportation system, which sets safety regulations for all major modes of transportation.
- 3.5** Prescription Drug: Any prescribed drug or over-the-counter drug that has been legally obtained and is being legally used for the purpose and at the dosage level for which prescribed or manufactured.
- 3.6** Reasonable Suspicion: When any Contracted Individual, has reported to work, or has otherwise entered any Sunflower Premises, displays physical or physiological symptoms or reactions commonly attributed to the use of Controlled Substances and/or Alcohol or is otherwise in violation of this policy.
- 3.7** Sunflower Premises: Any Sunflower facility, work site, or property.
- 3.8** Test or Testing: The scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a Test Substance or Alcohol.
- 3.9** Test Substance: Any substance(s), including Alcohol, which Testing is designed to identify.

## **4 Policy Elements**

- 4.1** No Contractor shall either report to work or enter upon any Sunflower Premises under the influence of Controlled Substances or Alcohol, or sell, dispense, purchase, transfer, manufacture or be in possession of Controlled Substances, Alcohol or paraphernalia related to Controlled Substances, or otherwise be in violation of this policy.
- 4.2** Sunflower, as a federal contractor, complies with the Federal Drug-Free Workplace Act and agrees to provide a drug-free workplace thereunder. Contractor agrees that in order to perform work on Sunflower Premises must abide by the terms of this policy.
- 4.3** Testing
  - 4.3.1** Required Testing
    - 4.3.1.1** Contractor acknowledges that it must perform applicable Testing subject to state and local laws and regulations as well as federal laws including DOT.

- 4.3.2** Reasonable Suspicion Testing
  - 4.3.2.1** If circumstances create a Reasonable Suspicion that a Contracted Individual, on Sunflower Premises, may be impaired due to the use of Controlled Substance and/or Alcohol, Sunflower procedures will be followed to ensure the safety of the Contracted Individual, third parties, Sunflower, its employees, and protection of its property, and to maximize the privacy of the Contracted Individual involved.
  - 4.3.2.2** Upon Reasonable Suspicion, an inquiry will be conducted jointly by an appropriate Sunflower Contractor management personnel and representatives of Sunflower, to determine the facts of the situation. The results of this inquiry will provide the basis for Sunflower, in its sole judgment, to either substantiate or dismiss any suspicion of use or possession of Controlled Substance and/or Alcohol or impairment of the Contracted Individual due to Controlled Substances and/or Alcohol on Sunflower Premises and if Testing will be required. Testing for Reasonable Suspicion does not require certainty of suspicion.
  - 4.3.2.3** If a Contracted Individual is involved in an accident or incident on any Sunflower Premises such involvement may create Reasonable Suspicion for Testing.
  - 4.3.2.4** Refusal to submit to any Reasonable Suspicion Test requested by Sunflower, will be considered a breach of this policy and as such will result in the Contracted Individual being escorted from Sunflower Premises by Sunflower personnel and/or law enforcement authorities.
- 4.3.3** All Testing shall be conducted at the Contractor's expense.
- 4.4** Testing Substance Criteria
  - 4.4.1** All Reasonable Suspicion Testing will include Alcohol (ethanol, but not by way of limitation) and the following Test Substances at a minimum: amphetamines (to include methamphetamine, but not by way of limitation); opiates (to include morphine, heroin and codeine, but not by way of limitation); cannabinoids (to include marijuana and hashish, but not by way of limitation); cocaine (to include benzoylecgonine, but not by way of limitation) and phencyclidine (to include PCP and angel dust, but not by way of limitation).
  - 4.4.2** Testing will be conducted as required by applicable state or federal laws, rules, regulations or as deemed necessary by Sunflower.

Testing will be conducted by a certified or accredited laboratory that meets the Test Substance criteria as set forth in both federal law and applicable state law.

**4.4.3** Positive results from a Reasonable Suspicion Test will be communicated to the Contracted Individual by the independent testing laboratory's Medical Review Officer with notification to the Contractor and Sunflower Program Coordinator.

**4.4.4** Benefits or treatment programs available to Sunflower employees through the Employee Assistance Program shall not apply or be available to Contractors or other persons who are not Sunflower employees but are subject to Testing hereunder.

#### **4.4 Searches and Investigations**

**4.4.1** If Sunflower has Reasonable Suspicion that a Contracted Individual is selling or using Controlled Substances on Sunflower Premises, Sunflower reserves the right to conduct searches, investigations, surveillance, or involve law enforcement personnel. The investigation and/or search may be conducted at any time and with or without the involvement of law enforcement.

**4.4.4.1** Surveillance equipment may be used at any time and in any place and manner. Contracted Individuals should have no expectations of privacy on Sunflower Premises other than as defined by applicable state law.

**4.4.4.2** Sunflower reserves the right to seize all contraband found on Sunflower Premises and may turn over such evidence as required to the appropriate authorities.

#### **4.5 Failure to Adhere to Policy**

**4.5.1** Notwithstanding any other provision of this policy, upon Contractor's failure to comply with the requirements of this policy, Sunflower may seek to terminate for cause or temporarily suspend Contractor's provision of any work or contract and shall have the right to exercise any and all remedies available at law or in equity.

## **5 References**

**5.1** BOD Policy 109: Security, Safety, and Health

**5.2** BOD Policy 119: Drug and Alcohol Abuse

**5.3** Corporate Policy CP-CSV-SAF-050: Drug and Alcohol