

6.05 Red Dog Drug And Alcohol Policy

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SECTION I: INTRODUCTION AND GENERAL INFORMATION

A. Drug and Alcohol Prohibition Policy

Teck Alaska Incorporated, (the Company), has a long-standing commitment to maintain the highest standards possible for the health and safety of its employees, customers, clients, and the public at large. The use of or impairment by drugs and/or alcohol Teck Alaska Inc. is contrary to these high standards and will not be tolerated.

The purpose of this Drug and Alcohol Policy is to maintain the highest safety, health, and work performance standards possible, and to reduce work-related incidents, injuries, and damage which may be caused by drug or alcohol use or impairment. This policy is also intended to ensure the maintenance of productivity, the quality of products and services, and the security of property.

The following conduct is prohibited, and may result in discipline, up to and including dismissal:

1. Possession or consumption of alcohol or marijuana on company property.
2. The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance or drug paraphernalia on or in Company-owned property (including Company-supplied vehicles) or while on Company business, or during working hours.
3. Storing any illegal drug, drug paraphernalia, or any controlled substance whose use is unauthorized, in or on Company-owned or supplied property (including vehicles).
4. On Teck Alaska Inc. property, working, or acting or appearing on behalf of the Company while under the influence of alcohol, marijuana, illegal drugs or a controlled substance whose use is unauthorized.
5. Failing to notify the employee's supervisor before beginning work that the employee is taking medications or drugs which may interfere with the safe and effective performance of duties.
6. Refusing to immediately submit and complete a drug or alcohol test when requested by the Company, in accordance with this policy.
7. Failing to adhere to the requirements of any drug or alcohol treatment or rehabilitation program in which the employee is participating, either: (1) as a condition of continued employment, or (2) pursuant to a written agreement between the Company and employee.
8. Violating any criminal drug or alcohol law or statute while working.
9. Testing positive for drugs or alcohol in violation of this policy.
10. Tampering with, adulterating, altering, substituting or otherwise obstructing any drug or alcohol testing process required under this policy.
11. On Teck Alaska Inc. or reporting to work or remaining on duty requiring the performance of a safety sensitive function while having an alcohol concentration of **.02** or greater, or if the employee is otherwise impaired by or under the influence of alcohol.
12. Possessing or consuming alcohol while on property.

13. Performing a safety sensitive function within four hours of consuming or using alcohol. An on call employee who consumes alcohol within four hours of being called in to perform a safety sensitive function must acknowledge the use of alcohol and may not report for duty.

B. Effective Date of Policy

1. This policy became effective on 01-April-2003.
2. Each Department shall post the Policy in a prominent location readily accessible to all covered employees.
3. A copy of this Policy will be distributed to each new employee, who will be required to sign a statement acknowledging receipt of said Policy and his/her agreement to comply with same.

C. Applicability

1. **Individuals Subject to Drug and Alcohol Policy:** Any prospective employee or employee of the Company, NANA Management Services, NANA/Lynden and all contractors providing services to the Red Dog Operation.
2. **Substances Tested For and Positive Results.** The Company shall test for alcohol and the following drugs:
- 3.

Screening levels:

**THC (Marijuana) - 50 ng/ml,
Cocaine Metabolites - 300 ng/ml,
Opiates - 2000 ng/ml,
PCP (Phencyclidine) - 25 ng/ml, and
Amphetamines - 1000 ng/ml.**

Confirmation levels (GC/MS)*:

**THC (Marijuana) - 15+ ng/ml,
Cocaine Metabolites - 150+ ng/ml,
Opiates - 2000+ ng/ml,
PCP (Phencyclidine) - 25+ ng/ml,
Amphetamines - 500+ ng/ml; and
Alcohol - .02 (tested Breath Testing Device).**

* SAMHSA specified threshold

Test results at or above the confirmation level will be considered a positive test.

D. Circumstances Where Testing May be Conducted

The Company will test employees for drugs and/or alcohol under the following conditions:

1. Pre-Employment Testing (Drugs Only).

A pre-employment drug test of all prospective employees will be conducted. A positive test result is grounds for denying employment and a negative result is required prior to reporting for work.

2. Post-Incident Testing

a. Persons Subject to Post-Incident Testing.

All employees involved in an incident in the workplace or during work time shall be required to undergo drug and/or alcohol impairment testing.

Such a test will be conducted as soon as practicable after the incident. The Company will make reasonable attempts to obtain a sample from an employee after an incident, as defined below, but any injury should be treated first.

An incident may involve any of the following:

- * Loss of human life,
- * Issuance of a moving traffic citation under state or local law,
- * First Aid or Medical Treatment
- * Significant property damage.

b. Obligations of Employee Subject to Post-Incident Testing.

An employee who is subject to post-incident testing may not consume alcohol for 8 hours after the incident, or until s/he has taken an alcohol test, whichever occurs first.

An employee who is subject to post-incident testing must remain readily available for such testing and may not take any action to interfere with the testing or the results of testing.

Employees who do not comply with the post-incident testing requirements, or who fail or refuse to provide a sample for testing will be considered to have refused to submit to testing and will be subject to suspension pending review & disciplinary action including termination.

3. Random Testing

All employees shall be subject to drug and alcohol testing on an unannounced and random basis. The primary purposes of unannounced random testing are to deter illegal drug and alcohol use which may affect work performance or safety, and to ensure a drug free workforce.

In addition:

- a. Random tests may be administered before, during, or after an employee's work time, and at any time while the employee is on Company property.
- b. Employees must remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
- c. Employees shall be selected for testing by using a random name drawing or by random selection of a time and location (eg. random flight arriving at Red Dog).
- d. No advance warning will be given to employees regarding the dates and times of random testing.
- e. Random tests may be conducted on those in area where there is reasonable suspicion that alcohol or drugs are or have been used.

4. Reasonable Suspicion Testing

Any employee whom the Company reasonably suspects may be affected by the use of drugs or alcohol which may adversely affect job performance, safety or the work environment may be required to submit to a drug and/or alcohol test. Reasonable suspicion testing is done to identify drug and alcohol affected employees who may pose a danger to themselves or others in their job performance.

Trained supervisors will make the decision whether there is reasonable suspicion to believe an employee is impaired by or under the influence of a drug or alcohol in violation of this policy.

a. When Reasonable Suspicion Exists

The decision to test must be based on a reasonable suspicion or belief that the employee is under the influence of an unauthorized drug or alcohol. Reasonable suspicion is a belief based on observations concerning the employee's appearance, behavior, speech or body odors, or other reliable evidence or information that the employee is under the influence of or impaired by drugs or alcohol. For example, any of the following, either alone or in combination, may constitute reasonable suspicion:

1. Slurred speech;
2. irregular or unusual speech patterns;
3. impaired judgment;
4. alcohol odor on breath;
5. uncoordinated walking or movement;
6. unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility or aggressiveness;
7. possession of drugs or alcohol;
8. observation of drug or alcohol use prior to reporting to work or during working hours.
9. illegal drugs found in the PAC or work place.

Reasonable suspicion determinations will be made by supervisory personnel in consultation with Red Dog Mine Clinic PA's concerning the signs and symptoms of drug and alcohol use observed.

The observing supervisor shall document the events and record the behavioral signs and symptoms that support the reasonable suspicion. If possible, a second supervisor should also observe the employee to verify that there is a reasonable basis to believe that a drug or alcohol violation has occurred.

b. Events After Determination Is Made

When a determination is made that reasonable suspicion exists that an employee is under the influence of drugs or alcohol in violation of this policy, the employee shall be immediately relieved of his/her duties, pending further action.

The observing supervisor shall immediately notify the department head or other appropriate supervisor if reasonable suspicion is found to exist. Upon review, the department head or other appropriate supervisor may direct or authorize that the employee in question immediately submit to a drug and/or alcohol test.

c. Reports of Violation by Supervisory Personnel

If a non-supervisory employee has reason to believe that a supervisor subject to this policy is under the influence of drugs or alcohol at work in violation of this policy, then s/he shall report such potential violation to the Human Resource or Safety and Health person in charge who will thereafter take appropriate action.

5. Return-to-Duty Testing

An employee who refuses to take or fails a drug test and whose employment is not terminated may not return-to-duty until s/he is evaluated by the Substance Abuse Professional (SAP), passes a drug test, and the employer has determined that the employee may return to work.

Anyone who refuses to take or fails an alcohol/drug test may not return to work until evaluated by a Substance Abuse Professional (SAP) and has completed recommended treatment.

6. Follow-Up Testing

An employee who is referred for assistance related to drug or alcohol misuse may be subject to regular testing as per an employment agreement or unannounced follow-up testing for a period not to exceed 60 months, or as recommended by the SAP. Follow-up testing will be conducted immediately prior to, during or immediately preceding work time for that employee.

SECTION II: CONSEQUENCES OF VIOLATING POLICY

1. General

Compliance with this policy is a condition of employment. Refusal to take a required drug or alcohol test, a positive drug or alcohol test, or engaging in an activity or behavior which otherwise violates this Policy shall, at a minimum, result in removal from performing assigned functions. Additional disciplinary action may follow, including termination.

2. Violations and Discipline

The Company may take adverse employment action, up to and including dismissal, based on:

1. A positive drug or alcohol test result;
2. A prospective employee or employee's refusal to provide a drug or alcohol testing sample, or
3. Otherwise violating the terms and requirements of this policy.

C. Requirements for Return-To-Duty

An employee who is not terminated for violating this policy may be given the opportunity to return to work provided she/he first:

1. Receives a recommended return to work evaluation by a SAP;
2. Passes a Return to Work drug and/or alcohol test;

3. Continues to receive negative drug or alcohol test results in follow-up tests after returning to duty; and
4. Participates in and successfully completes any applicable Company approved evaluation/rehabilitation program.

SECTION III: SAMPLE COLLECTION AND TESTING PROCEDURES

A. Collection of Samples

1. Testing under this policy is a urinalysis (for drugs) and a breath alcohol testing device (for alcohol) administered under approved conditions and procedures conducted for the sole purpose of detecting drugs or alcohol. Other on-site methods to detect the presence of alcohol may also be used, including blood/alcohol and saliva tests.
2. The test will be conducted by a Company-appointed medical laboratory and paid for by the Company. Sample collection and testing will be performed under reasonable and sanitary conditions.
3. The collection site shall have all necessary trained personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a certified drug testing laboratory designated by the Company. An independent medical facility may also be utilized as a collection site.
4. The person collecting the drug sample will document the sample, including labeling the sample to preclude to the extent reasonable the possibility of misidentification of the person tested in relation to the test result provided.
5. Sample collection, storage, and transportation to the testing place shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration or misidentification.
6. An employee designated for testing must provide reliable individual identification to the person collecting the sample.
7. Drug and alcohol tests will normally be scheduled during, or immediately before or after, the employee's regular work period or work time. Testing under this policy is considered work time and will be compensated at the employee's normal rate of pay.
8. Sample collection will be performed in a manner which ensures the individual employee's privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or misidentified.
10. The Company will pay the entire actual costs for drug and alcohol testing required of employees and prospective employees. The Company shall also pay reasonable transportation costs to an employee if the required test is conducted at a location other than the normal work site.

B. Testing Procedures

1. Unless testing is conducted on-site, the Company shall use a drug-testing laboratory approved or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) or the College of American Pathologists, American Association of Clinical Chemists.
2. The laboratory shall permit inspections by the Company Drug Program Manager.
3. The Company will use a rapid test kit. If the rapid test is positive, the sample will be sent to the designated laboratory for confirmation.
4. Positive drug tests will be confirmed by a gas chromatography mass spectrometry. The Company will not rely on a positive drug test unless the confirming drug test results have been reviewed by a Medical Review Officer (MRO).
5. Alcohol testing will be performed by a breath alcohol technician (BAT). If the result of an alcohol screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The confirmation test will generally be done within 15, but not more than 30, minutes of the screening test. The results of these tests will be reported directly to the Company.

C. Review of Drug Test Results

1. Medical Review Officer

The Company shall contract the services of a Medical Review Officer (MRO). The MRO shall be a licensed physician or doctor of osteopathy. The MRO shall review all confirmed positive drug test results and interview individuals tested positive to verify the laboratory report. The MRO in conjunction with the Substance Abuse Professional may also evaluate and recommend to the Company whether and when an employee who either refuses to test or tests positive may return to work. The MRO may schedule follow-up unannounced drug testing for a period of up to 60 months.

2. Reporting and Review of Results

- a. The MRO shall review confirmed positive test results. This review shall be performed by the MRO prior to the transmission of results to the Company's Drug Program Manager.
- b. The MRO shall contact the employee within 48 hours and offer an opportunity to discuss the confirmed test result.
- c. The MRO will inform the employee that she/he has 72 hours to request a re-test of the sample. A re-test is an analysis of an aliquot of the original sample. The re-test can be sent to a laboratory approved or certified by the Substance Abuse and Mental Health Services Administration or the College of American Pathologists, American Association of Clinical Chemists, of the employee's choice. The employee will be responsible for the costs of the re-test and will be reimbursed by the Company only if the sample comes back negative.

3. Legal Drug Use.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test as negative. Test results that have been caused by prescription medication will be reported as negative.

4. Written Test Results.

An employee may obtain a copy of the written test results only upon written request made within six months of the date of the test. The Company will provide the written test results to the employee pursuant to that request within five working days of its receipt.

5. Explanation of Positive Test by Employee.

An employee who would like an opportunity to explain a positive tests result in a confidential setting must make such a request in writing within 10 working days of being notified of the test result. An employee who submits such a timely written request will be given the opportunity, within 72 hours after its receipt or before taking adverse employment action, to explain the positive test in a confidential setting.

SECTION IV: EMPLOYEE ASSISTANCE PROGRAM (EAP)

A. Scope of Program

The Employee Assistance Program will provide education and training on drug and alcohol use to all employees. The education shall include:

1. Informational material distributed to employees as well as displayed on bulletin boards, employee break rooms, locker rooms, etc;
2. A community service hot line telephone number for employee assistance displayed on bulletin boards and distributed to employees; and,
3. Distribution of the Company policy regarding the use of prohibited drugs and alcohol to all new employees. The policy shall be displayed in prominent places throughout Teck Alaska Incorporated.

B. Supervisor Training

Supervisory personnel will receive training regarding the DRUG AND ALCOHOL POLICY. The training shall include at least 60 minutes of training on the use of controlled substances, and at least 60 minutes of training on alcohol misuse. This training shall be for all supervisors who may determine whether an employee will be drug and alcohol tested for reasonable suspicion.

SECTION V: CONFIDENTIALITY OF RESULTS

A. General

1. All records relating to drug and alcohol testing will be maintained in a confidential medical file in a secure location with controlled access, separate from personnel files.

2. A communication received by the Company relevant to drug or alcohol test results and received through the Company's testing program is confidential and privileged, and will not be disclosed by the Company except:
 - a. To the tested employee, prospective employee or another person designated in writing by the employee or prospective employee;
 - b. An individual designated by an employer to receive and evaluate test results or hear the explanation from the employee or prospective employee;
 - c. As ordered by a court or governmental agency; or
 - d. In any proceeding initiated by or on behalf of the individual and arising from a positive test.

Drug Personnel and Services

1. **DRUG PROGRAM MANAGER (DPM)**
Superintendent, Human Resources
2. **MEDICAL REVIEW OFFICER (MRO)**
Dr. John Nolte
3. **SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) LABORATORY**
Quest Diagnostics
4. **EMPLOYEE ASSISTANCE PROGRAM**
Human Resource Department

SECTION VI: DEFINITIONS

Alcohol means ethanol, iso-propanol, or methanol.

Alcohol concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol - per 210 liters of breath-as indicated by an evidential breath test.

Alcohol Use means the consumption of any beverage or mixture, including any medication or mouthwash containing alcohol.

Breath Alcohol Technician (BAT) means an individual who operates an EBT and instructs and assists individuals in the alcohol testing process.

Collection Site Person Is an individual authorized by Teck Alaska Incorporated to collect samples in accordance with this policy and trained in procedures for such collections. Teck Alaska Incorporated has chosen to follow the highest industry standards for work place collection, testing, and reporting of test results; therefore, Teck Alaska Incorporated procedures will attempt to follow, as a guide only, the federal drug testing procedures.

Drug(s) means a substance considered unlawful under AS 11.71 or under federal law, or the metabolite of the substance.

Drug Testing means testing for evidence of the use of a drug.

Evidential Breath Testing Device (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath, and is placed on NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.

Employee Assistance Program (EAP) means a confidential counseling/referral service for employees and their dependents. EAP is designed to provide assistance to employees and their families to deal with personal problems which may affect their productivity, health, or continued employment. All counseling, assessment, and referral services will be provided by qualified, experienced clinicians with special training in short-term counseling and in assessing and treating substance abuse problems (See SAP).

Failing a Drug Test shall mean the test results show positive evidence of the presence of a drug or drug metabolite in an employee's system in amounts that exceed cutoff levels established by this policy.

Medical Review Officer (MRO) is the licensed physician or doctor of osteopathy who is responsible for reviewing positive laboratory results generated by Teck Alaska Incorporated testing program.

Prospective Employee means a person who has made application to an employer, whether oral or written, to become an employee.

Random means a scientifically valid method that ensures that all covered employees have an equal chance of being selected.

Sample means urine or breath from the person being tested.

Screening Test or Initial Test means an analytic procedure to determine whether an employee may have a prohibited concentration of drugs or alcohol in a specimen.

Rapid Test means a test designed to provide an instant screened test result.

Refusal to submit means failure to provide a drug or alcohol sample, after receiving notice of the test in accordance with Teck Alaska Incorporated Drug and Alcohol Policy. A refusal will be treated the same as a positive test result. A refusal to test for alcohol occurs when a covered employee fails to provide an adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested in accordance with the provisions of Teck Alaska Incorporated alcohol misuse prevention plan or engages in conduct that clearly obstructs the testing process.

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor ("Certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/ Alcohol & Other Drug Abuse") with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

REASONABLE SUSPICION CHECKLIST

Name of Employee: _____ Date: _____ Time: _____

When there is reasonable suspicion that an employee is unfit for duty, the supervisor in charge must complete all of the steps outlined below.

OBSERVATION CHECKLIST (Check all pertinent items below)

Walking	<input type="checkbox"/> Holding on <input type="checkbox"/> Unsteady	<input type="checkbox"/> Stumbling <input type="checkbox"/> Staggering	<input type="checkbox"/> Unable to walk <input type="checkbox"/> Swaying	<input type="checkbox"/> Falling <input type="checkbox"/> Other		
Standing	<input type="checkbox"/> Swaying <input type="checkbox"/> Rigid	<input type="checkbox"/> Feet wide apart <input type="checkbox"/> Staggering	<input type="checkbox"/> Unable to stand <input type="checkbox"/> Sagging at knees	<input type="checkbox"/> Other		
Speech	<input type="checkbox"/> Whispering <input type="checkbox"/> Incoherent <input type="checkbox"/> Slow	<input type="checkbox"/> Slurred <input type="checkbox"/> Slobbering <input type="checkbox"/> Mute	<input type="checkbox"/> Shouting <input type="checkbox"/> Silent	<input type="checkbox"/> Rumbling <input type="checkbox"/> Other		
Demeanor	<input type="checkbox"/> Cooperative <input type="checkbox"/> Polite <input type="checkbox"/> Sarcastic	<input type="checkbox"/> Calm <input type="checkbox"/> Sleepy <input type="checkbox"/> Silent	<input type="checkbox"/> Crying <input type="checkbox"/> Sleeping on job <input type="checkbox"/> Argumentative	<input type="checkbox"/> Talkative <input type="checkbox"/> Excited <input type="checkbox"/> Other		
Actions	<input type="checkbox"/> Hostile <input type="checkbox"/> Threatening <input type="checkbox"/> Erratic	<input type="checkbox"/> Fighting <input type="checkbox"/> Hyperactive	<input type="checkbox"/> Profanity <input type="checkbox"/> Resisting Communication	<input type="checkbox"/> Drowsy <input type="checkbox"/> Other		
Eyes	<input type="checkbox"/> Bloodshot <input type="checkbox"/> Dilated	<input type="checkbox"/> Watery <input type="checkbox"/> Glassy	<input type="checkbox"/> Droopy <input type="checkbox"/> Closed	<input type="checkbox"/> Other		
Face	<input type="checkbox"/> Flushed	<input type="checkbox"/> Pale	<input type="checkbox"/> Sweaty	<input type="checkbox"/> Other		
Appearance and Clothing	<input type="checkbox"/> Neat <input type="checkbox"/> Odor	<input type="checkbox"/> Messy <input type="checkbox"/> Dirty	<input type="checkbox"/> Stains on clothes <input type="checkbox"/> Partially dressed	<input type="checkbox"/> Other		
Breath	<input type="checkbox"/> No Alcoholic Odor <input type="checkbox"/> Alcoholic	<input type="checkbox"/> Faint Alcoholic Odor	<input type="checkbox"/> Heavy usage of Breath spray	<input type="checkbox"/> Sweet/Pungent Tobacco odor <input type="checkbox"/> Other		
Movements	<input type="checkbox"/> Fumbling <input type="checkbox"/> Slow	<input type="checkbox"/> Jerky <input type="checkbox"/> Normal	<input type="checkbox"/> Nervous <input type="checkbox"/> Hyperactive	<input type="checkbox"/> Other		
Chewing	<input type="checkbox"/> Gum <input type="checkbox"/> Tobacco	<input type="checkbox"/> Candy	<input type="checkbox"/> Mints	<input type="checkbox"/> Other		
Miscellaneous	<input type="checkbox"/> On the job misconduct <input type="checkbox"/> If there are witnesses to employee's conduct list below:		<input type="checkbox"/> Employee admissions concerning use of alcohol and/or drug use possession <input type="checkbox"/> Presence of alcohol and/or drugs in employee's possession or vicinity			
Other Observations:		Employee explanation of items checked above:				
<input type="checkbox"/> Employee has agreed to testing		<input type="checkbox"/> Employee has not agreed to testing				

_____/_____
Signature of Company Representative/Date

_____/_____
Signature of Employee/Date

ORIGINAL: Employee File
CC: Drug & Alcohol Tester