SUBSTANCE ABUSE POLICY

SCOPE

This policy applies to all* regular status full-time and part-time employees of Vulcan Materials Company including temporary and seasonal employees. Compliance with the Substance Abuse Policy is a condition of employment.

*Specific job functions may require some employees to be covered by federally mandated regulations as determined by the Department of Transportation and/or other governmental regulatory agencies in addition to this policy. Vulcan employees working in the states of California and Arizona are covered by a different policy regarding substance abuse.

GENERAL STATEMENT

Vulcan has the obligation to provide a safe work place free from the influence of alcohol, illegal drugs or illicit drugs (legal drugs used or obtained improperly). Therefore, to ensure that the Company continues to maintain its high standards in the areas of safety, integrity, and protection of Company assets, the following Substance Abuse Policy is enacted. This Policy includes alcohol and illegal or illicit drugs and any other chemical substance that may affect an individual's mood, senses, responses, motor functions or affect a person's perception, performance, judgment, or reaction.

POLICY

The manufacture, distribution, use, solicitation, cultivation, transportation, sale or possession of illegal or illicit drugs, alcohol or controlled substances while on the job or on Company property is prohibited and is a dischargeable offense. Any illegal substance will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Illicit drugs also include prescription drugs that have been prescribed to someone other than the employee or a prescription for the employee that has expired or is being otherwise misused or abused by the employee.

Off-the-job or on-the-job unlawful manufacture, distribution, use, solicitation, cultivation, transportation, sale or possession of illegal or illicit drugs, alcohol or controlled substances is proper cause for disciplinary action including termination of employment. Employees convicted of off-the-job or on-the-job unlawful drug activity will be considered to be in violation of this policy and will be subject to discharge. **Acknowledgement and Consent:** Any employee subject to testing under this Policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the collection of a urine or other sample 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.

Employees and applicants who test positive for controlled substances or alcohol will be given the opportunity to explain to the Medical Review Officer any reasons why the employee believes the positive test result occurred. The employee may supplement this explanation with independent medical evidence.

**Substances Tested For Include:**
1. Alcohol
2. Amphetamines (Dexedrine)
3. Methamphetamines (crystal, speed)
4. Barbiturates (Phenobarbital, Tuinal, Seconal)
5. Benzodiazepines (Librium, Valium, Xanax)
6. Cannabinoids (including, but not limited to marijuana and synthetic marijuana)
7. Cocaine (including crack)
8. Methadone (Dolophine)
9. Opiates (codeine, morphine, heroin)
10. Phencyclidine (PCP)
11. Propoxyphene (Darvon)

The Company reserves the right to determine which drugs or category of drugs/alcohol is to be identified for testing purposes in individual cases. This list may be amended at any time by the Company in its sole discretion.

**Collection Procedures:** The procedures to be followed during the collection of specimen samples for the drug and alcohol testing program ensure that the proper chain of custody and specimen control are maintained. Every employee has the right and responsibility to be aware of the safeguards in place to prevent tampering, switching or adulteration of their specimen sample. Specimen samples may include, but are not limited to, urine, blood, saliva, breath, hair or other substances from the person being tested. The collection of specimen samples shall be conducted under reasonable and sanitary conditions, and shall reserve the employee’s dignity to the extent practicable.

**Searches and Company Property:** The Company reserves the right to carry out reasonable searches of individuals and their personal effects, including personal vehicles, while on Company property when there is reason to believe that the individual has on his/her person or in his/her possession any alcohol or illegal or illicit drugs. This search may occur without prior notice. Company property includes any worksite, office or vehicle which is owned by the Company, including but not limited to parking lots, desks, lockers and equipment.
**Prescription Drugs:** Employees may maintain on Company premises prescription drugs provided:

- The drug(s) has been prescribed by a doctor for the person in possession of the drug(s);

- A “Prescription Medication Form” should be completed by the employee if an employee is taking a prescription that has a warning label which may interfere with the safe performance of his/her essential job duties or pose a threat to the safety of himself/herself or others (examples: operation of heavy equipment, may cause drowsiness, etc.). This information should be provided to management and reviewed with Human Resources before the employee returns to work.

- Prescription medication forms should be maintained in the employee’s confidential medical file at the appropriate regional or Corporate Human Resources office.

**Testing:**

- **Pre-Employment Testing** - All new applicants and former employees applying for employment are required to undergo a Company physical examination prior to beginning work. As part of that examination, testing for drugs will be performed. Positive test results for illegal or illicit drugs will eliminate that applicant from consideration for hire/rehire.

- **Return to Work** – Current employees who are returning to work following an absence exceeding 30 calendar days will be required to have a drug and alcohol test prior to returning to work. This may not apply to employees placed on a temporary layoff due to lack of work. A return to work physical exam may also be required prior to return to work.

- **Current Employee Testing**
  - If the Company has reasonable suspicion that an employee is suspected of working or reporting to work under the influence of alcohol and/or illegal or illicit drugs, the Company may require the employee to submit to drug and/or alcohol testing on an individual basis. Reasonable suspicion testing shall be performed in consultation with the Human Resources Department and/or the Safety and Health Department.

- Employees on duty who are involved in or contributing to a
medical treatment injury, property loss, or liability accident will be tested for the presence of alcohol and/or illegal or illicit drugs. With regard to drug testing, the Company may, in its sole discretion, elect to utilize an appropriate rapid results testing method which would serve only as a preliminary and prospective test. This preliminary rapid results test, should it indicate a “non-negative” finding, would be followed up by an independent medical clinic or laboratory with formal lab testing and any positive results confirmed by gas chromatography/mass spectrometry (“GC/MS”).

- To ensure compliance with the Substance Abuse Policy, the Company reserves the right to test any employee or group of employees on a random basis, with no advance notice, to the extent permitted by applicable law.

**Testing Laboratory:** All testing under this Policy will be conducted by an independent medical clinic or laboratory. The Company will pay the cost of the test and reasonable transportation costs to the collection facility. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or nonprescription drugs that he or she has taken that may affect the outcome of the test. Except as otherwise noted, all testing will be performed by urinalysis (or another comparably reliable analytical method) with initial screening done by Immunoassay and positive results confirmed by gas chromatography/mass spectrometry (“GC/MS”) (or another comparably reliable analytical method).

The clinic or laboratory shall report results to the Medical Review Officer (“MRO”) retained by the Company to supervise testing (described below). Only those tests which reveal the presence of a prohibited drug or alcohol on both the initial and confirming tests shall be reported as positive. If an employee fails the test (tests positive), he or she will be considered to be in violation of this Policy.

**Medical Review Officer (MRO):** The MRO’s name and address is available from Human Resources. The MRO is a licensed physician with knowledge of drug abuse disorders, including the medical effects of prescription drugs and the pharmacology and toxicology of illicit drugs. The MRO has been contracted to perform professional assistance by interpreting, evaluating, and monitoring the testing program.

**Confidentiality and Employee Access to Results:** An employee or employee designee may request in writing and receive from the Company a copy of the employee’s own test report. The request should be sent to the MRO and must include the employee’s printed name and social security number or Company identification number. The request must be signed by the employee or employee designee. An employee with a positive test result will
be provided an opportunity, in a confidential setting, to explain the positive results.

**Results of Drug Test:** Any employee who is required to submit to a drug test may, at the discretion of the Company, be excluded from work until the results of such tests are received by the Company. If the results of an employee’s drug test are negative, the employee will be returned to work promptly and will be paid for any scheduled work time missed up to 8 hours per day away from work. If the results of an employee’s drug test are positive, the employee will be placed on disciplinary suspension and will be subject to termination. An employee that receives a positive test result may contest or explain the result to the MRO or to the Company within five (5) working days after receiving written notice of the positive test result.

**Confidentiality:** In compliance with applicable law, the results of drug and/or alcohol screening and information regarding illness and prescription will be treated as confidential information, and distributed on a need-to-know basis only to Company personnel who are directly involved in determining the employment status of the employee.

**Voluntary Rehabilitation and Employee Assistance:** Employees who are experiencing any alcohol and/or drug related problems are encouraged to utilize Vulcan’s Employee Assistance Program (EAP). The EAP will provide confidential counseling for employees and their dependants. Employees will not be disciplined for voluntarily using the EAP. However, enrollment in the EAP will not shield an employee from discipline up to and including termination for work-related problems or the violation of the Substance Abuse Policy. If an employee, through the EAP, is prescribed treatment that requires the employee to miss work for an extended time, the Company will attempt to reasonably accommodate such extended absences.

Vulcan’s Employee Assistance/Behavioral Health Program is provided by Magellan Behavioral Health and the toll free number is 1-800-635-2824.

**Compliance with State Law:** This policy will be interpreted and administered in accordance with the law of the state where the applicant or employee resides. Employees located in the following states are advised of the following state statutes governing drug testing:

- Alabama (Code of Ala. § 25-5-334)
- Florida (Fla. Stat. § 440.102)
- Georgia (O.C.G.A. § 34-9-414)
- Mississippi (Miss. Code Ann. § 71-7-3)

**Collective Bargaining Agreement:** To the extent a Collective Bargaining
Agreement may apply and govern drug/alcohol testing, then this policy will be administered and enforced in accordance with the terms and conditions of the Collective Bargaining Agreement.

**General Guidelines:**

1. The Company will pay all clinical costs associated with company administered drug/alcohol testing (excluding retest).

2. Any employee who refuses to submit to drug/alcohol testing and/or refuses to cooperate in any Company investigation involving such matters will be subject to discharge. Refusals include failure to appear promptly for testing, any attempt to adulterate, substitute for, tamper with and or otherwise invalidate a test sample, or failure to cooperate in the testing program.

3. In order to comply with federal law, any employee who is convicted under any criminal statue for a drug violation occurring within or outside of the workplace must notify the Company no later than five (5) days after the conviction. Any employee in a job which requires a valid driver’s license must also notify the Company in the event of a DUI conviction.

4. Employees who operate a Company vehicle on public roads must immediately notify the Company if arrested or charged with driving under the influence (DUI). Notice should be given as soon as practicable, and no later than five (5) business days of the DUI arrest and/or charge. Employees must also inform the Company of the final outcome or resolution of the DUI arrest.

5. Employees who are regulated by the Department of Transportation regulations and guidelines, the U. S. Coast Guard regulations, Mine Safety and Health Administration, Occupational Safety and Health Administration or other agencies, will be required to follow those specific regulations and guidelines for drug and alcohol testing in addition to this Policy. For more information, refer to those specific regulations.

6. If an employee tests positive for an illegal or illicit drug, that employee may request a retest of the split sample collected on the testing date at the employee’s own expense.

7. Any employee on duty or on Company property that is found to have a breath alcohol test result of .02 or higher will be considered under the influence of or retaining a detectable amount of alcohol and shall be considered as having tested positive under this policy. A positive test, as described above, shall subject the employee involved to disciplinary action.
up to and including discharge, with the following exception and at the company's sole discretion: An employee with a positive breath alcohol result of at least .02 but less than .04 shall be subject to removal from service and appropriate disciplinary action, a mandatory EAP referral and, if employment is continued, a conditional return to work agreement, as deemed appropriate by the Company. The level of applicable discipline shall be determined in accordance with the Company’s progressive discipline policy.

8. The use of a prescription(s) other than those prescribed to the employee or the abuse or misuse of a prescription prescribed to an employee is defined as illicit.

9. Employees must provide their supervisor with information related to prescription medications that may interfere with safe job performance before performing job duties by completing the Prescription Medication Disclosure Form. Failure to do so shall subject the employee to appropriate disciplinary action.

10. Employees who seek voluntary substance abuse treatment on their own admission or EAP referral and not through the company described process of this policy will be allowed non-paid time-off for treatment and dependency rehabilitation purposes only. Upon return, the employee will be required to provide a fitness-for-duty certification as well as be subject to reasonable suspicion testing pursuant to this Policy or random drug testing to the extent permitted by applicable law. The employee must approve and agree to all conditions of this process prior to commencing the leave.

11. If an employee pursues an administrative or civil action pursuant to this Policy, or under any federal or state law governing drug testing, it is the employee’s responsibility to notify the laboratory of his/her cause of action.

Vulcan Materials Company reserves the right to change this Substance Abuse Policy at any time without notice.
EMPLOYEE ACKNOWLEDGEMENT

My signature below represents my acknowledgment that I am charged with knowing and complying with the terms of this policy.

Employee Name: __________________
CONFIDENTIAL PRESCRIPTION MEDICATION DISCLOSURE FORM

To ensure the safety of all personnel and equipment, the following information is required when it is necessary for any employee to take prescription drugs that may affect that employee’s ability to safely perform his or her essential job duties. Provide this completed form to the Plant Manager before commencing work while taking such medication.

Employee Name: __________________________ Employee ID: ________________

Position: __________________________________________

Physician’s Name: __________________________ Phone#: ________________

Physician’s Address: __________________________________________

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<tr>
<th>Name of Drug</th>
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<th>Length of Time Taken</th>
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Describe any warnings for the above listed prescribed drugs that would impair the above named employee’s ability to safely perform his/her job. Please state which drug is involved: ________________________________________________________________________________________________________________________________________________________

I hereby authorize the above named physician to provide Vulcan Materials Company any and all information relating to any of the above listed drugs that he or she has prescribed for me.

Employee Signature __________________________ Date ____________

Plant Manager’s Signature: __________________________ Date ____________