



HUMAN RESOURCES POLICY 113

Drug and Tobacco Free Workplace – Global

REASON FOR POLICY

BAE Systems, Inc. (“BAE Systems”) provides an environment free from drugs and the effects of tobacco for all employees and visitors to our locations. The use of Illegal Drugs and Marijuana and the abuse of Alcohol, prescription medications, and over-the-counter medications are inconsistent with the behavior expected of employees and subject BAE Systems to unacceptable risks of workplace accidents or other failures that would undermine BAE Systems’ ability to operate effectively and efficiently.

WHO THIS POLICY APPLIES TO

This Policy applies to all Inc. Business worldwide. Please see the appendices for additional country-specific requirements that apply to You.

If You are subject to a collective bargaining agreement (CBA), the CBA will govern any conflict with this Policy, except for those provisions mandated by law.

POLICY

A. Requirements

Tobacco use is at all times prohibited in BAE Systems’ vehicles, customer areas, public areas, work areas, and in BAE Systems restrooms. You may use Tobacco Products only in designated tobacco-use areas, if any such areas have been designated. These restrictions are in effect at all BAE Systems owned and leased facilities (including parking lots). You must comply with applicable break practices and are not allowed additional breaks for tobacco use. You are responsible for complying with the tobacco use policies of other locations (i.e., customer facilities) when You are working in those locations on BAE Systems business.

1. The following actions are violations of this Policy:
 - (i) The unlawful use, possession, sale, distribution, dispensation, manufacturing, trade, and/or transfer of Controlled Substances and Marijuana in BAE Systems owned or leased facilities (including parking lots) or other work sites where You may be assigned during work hours;

- (ii) The lawful use of over-the-counter medications or medications prescribed to You that impact Your ability to safely perform Your assigned job responsibilities;
- (iii) The abuse or misuse of over-the-counter or prescription medications or use of prescription medications that have not been prescribed to You that impact Your ability to safely perform Your assigned job responsibilities;
- (iv) The use, possession, sale, distribution, dispensation, manufacturing of, or being under the influence of Alcohol or other intoxicants in BAE Systems owned or leased facilities (including parking lots) or other work sites where You may be assigned. Exemptions for limited Alcohol use or possession for BAE Systems events may be made by the Inc. Headquarters or Sector VP, Human Resources in accordance with processes that govern the approval of Alcohol use. For avoidance of doubt, this Section does not prohibit short-term possession of closed containers of Alcohol (i.e., bottles of wine) in BAE Systems owned or leased facilities when given or received as gifts;
- (v) The use of Alcohol, Marijuana or Controlled Substances on non-working time to the extent such use impairs Your ability to perform Your job; or the use, possession, sale, distribution, dispensation, manufacture, trade, or transfer of Alcohol, Marijuana or Controlled Substances that affects the reputation of BAE Systems in the general public;
- (vi) Operation of a motor vehicle while in the course of business, representing BAE Systems in an official capacity, or reporting for work while under the influence of Alcohol, Marijuana or Controlled Substances; and
- (vii) Refusal to submit to any drug or Alcohol test required by this Policy.

B. Searches

Your Inc. Business may conduct reasonable searches for Illegal Drugs and/or Alcohol on its premises including, without limitation, parking areas and Your vehicle, at any time and with or without notice, in accordance with applicable laws. You are expected to cooperate in such searches. The Company may search You and/or Your personal property when there is Reasonable Suspicion that You are in violation of this Policy. Your refusal to comply may result in disciplinary action, up to and including termination of employment. No such search will be conducted without the prior review and approval of Human Resources.

WHAT HAPPENS IF SOMEONE VIOLATES THIS POLICY

BAE Systems maintains and reserves the right to take corrective action against You if You violate this Policy, up to and including termination, as permitted by law.

DEFINITIONS

1. Alcohol – The intoxicating agent in beverage Alcohol, ethyl Alcohol, or other Alcohols including methyl and isopropyl Alcohol.
2. Controlled Substances - A drug or chemical whose manufacture, possession and use is regulated by a government, such as illicitly used drugs or prescription medications, as designated by law.
3. Drug Abuse – The use of Illegal Drugs, and the excessive or illegal use of drugs or Alcohol whose sale, use, or possession is legal (including abuse of prescription or over-the-counter medications). This includes the use of prescribed medications in a way that is not as prescribed.
4. Illegal Drugs – Refers to Controlled Substances that may not be used under applicable law; this term does not include those Controlled Substances used pursuant to and in accordance with a valid prescription.
5. Inc. Business – BAE Systems, Inc. or its owned and/or managed businesses. For purposes of this Policy, this term will refer to Inc. Businesses located worldwide.
6. Marijuana – A psychoactive drug derived from the cannabis plant.
7. Tobacco Products – Include, but are not limited to, cigarettes, pipes, cigars, oral or smokeless tobacco, chewing tobacco, snuff, e-cigarettes, or any electronic nicotine delivery device that emits an odor or other byproduct.

RELATED POLICIES/DOCUMENTS

[Appendix A](#) – Policy 113 – Drug and Tobacco Free Workplace (U.S.)

EXCEPTIONS

Exceptions to this Policy require the prior written approval of the BAE Systems, Inc. President & CEO and the Inc. SVP & Chief Human Resources Officer (or designee).

POLICY CONTACT/INFORMATION

Approval Authority: BAE Systems, Inc. President & CEO and
Inc. SVP & Chief Human Resources Officer (or designee)
Responsible Office: Human Resources

Policy Contact: Director, Human Resources Compliance

HISTORY

Version: Six
Effective: March 13, 2024

APPENDIX A

DRUG AND TOBACCO FREE WORKPLACE – U.S.



HUMAN RESOURCES POLICY 113

Drug and Tobacco Free Workplace (U.S.)

REASON FOR POLICY

BAE Systems, Inc. (“BAE Systems”) provides an environment free from drugs and the effects of tobacco for all employees and visitors to our locations. BAE Systems complies with the Federal Drug-Free Workplace Act by providing employees a working environment that is free of the problems associated with the use of Illegal Drugs and the abuse of Alcohol, Marijuana, prescription medications, and over-the-counter medications. The use of Illegal Drugs and the abuse of Alcohol, Marijuana, prescription medications, and over-the-counter medications are inconsistent with the behavior expected of employees and subject BAE Systems to unacceptable risks of workplace accidents or other failures that would undermine BAE Systems’ ability to operate effectively and efficiently.

In addition, Your Inc. Business has specific defined areas where tobacco use is permitted or has communicated a completely tobacco-free policy in accordance with applicable law. You and all who operate within Your Inc. Business facilities and surrounding property are responsible for knowing and understanding which designated areas are permissible for tobacco use, if any. You are responsible for complying with the tobacco use policies of other locations (i.e., customer facilities) when You are operating in those locations on BAE Systems business.

In addition, this Policy outlines and defines the Department of Transportation (DOT) drug and Alcohol testing program requirements if You are subjected to DOT regulations, including those required by the Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA). (See the Appendices at the end of this document for more information). This Policy outlines BAE Systems’ drug and Alcohol testing requirements if You are a non-DOT-regulated employee, in accordance with applicable state and local laws. Unless otherwise notified, You and all applicants will be subject to non-DOT testing and policies. You and all applicants may also be subject to government contract specific testing requirements, in accordance with applicable laws and regulations.

Certain employees are required to have a US government security clearance. Security clearance applicants complete a Standard Form 86, Questionnaire for National Security Positions, which requests information about drug usage, including Marijuana, that the

clearance applicant must answer accurately. If you are denied a clearance, BAE Systems reserves the right to rescind your offer or terminate your employment.

WHO THIS POLICY APPLIES TO

This Policy applies to You and individuals who have been offered a position with an Inc. Business in the U.S.

If You are subject to a collective bargaining agreement (CBA), the CBA will govern any conflict with this Policy, with the exception of those provisions mandated by law. You may additionally be required to comply with military regulations or customer requirements if located on a military base or customer location.

POLICY

A. Requirements

1. BAE Systems recognizes that drug and Alcohol dependence is a treatable illness and encourages You, if You may have a drug or Alcohol abuse problem, to seek treatment and to utilize our Employee Assistance Program (EAP).
2. BAE Systems will handle information and records pertaining to the status of personnel tested, assessed, or treated in accordance with this Policy, in accordance with federal, state, and local laws and regulations.
3. If You are a tobacco user, BAE Systems recognizes the well-documented risks of tobacco use to You and to those around You. Tobacco use is at all times prohibited in BAE Systems' vehicles, customer areas, public areas, work areas, and in BAE Systems restrooms. You may use Tobacco Products only in designated tobacco-use areas, if any such areas have been designated. These restrictions are in effect at all BAE Systems owned and leased facilities (including parking lots). You must comply with applicable break practices and are not allowed additional breaks for tobacco use.
4. The following actions are violations of this Policy:
 - (i) The unlawful use, possession, sale, distribution, dispensation, manufacturing, trade, and/or transfer of Controlled Substances and Marijuana in BAE Systems owned or leased facilities (including parking lots), or other work sites where You may be assigned during work hours;
 - (ii) The lawful use of over-the-counter or prescription medications, by You to whom the medication was prescribed, which impact the ability of You to safely perform Your assigned job responsibilities (see Section E.2);

- (iii) The abuse or misuse of over-the-counter or prescription medications, or use of prescription medications that have not been prescribed to You, which impact the ability of You to safely perform Your assigned job responsibilities (see Section E.2);
 - (iv) The use, possession, sale, distribution, dispensation, manufacturing of, or being under the influence of Alcohol or other intoxicants in BAE Systems owned or leased facilities (including parking lots), or other work sites where You may be assigned. Exemptions for limited Alcohol use or possession for BAE Systems events may be made by the Inc. Headquarters or Sector VP, Human Resources in accordance with policies that govern the approval of Alcohol use. For avoidance of doubt, this Section does not prohibit short-term possession of closed containers of Alcohol (i.e., bottles of wine) in BAE Systems owned or leased facilities when given or received as gifts;
 - (v) The use of Alcohol, Marijuana or Controlled Substances on non-working time to the extent such use impairs Your ability to perform Your job; or the use, possession, sale, distribution, dispensation, manufacture, trade, or transfer of Alcohol, Marijuana or Controlled Substances that affects the reputation of BAE Systems in the general public;
 - (vi) Operation of a motor vehicle while in the course of business, representing BAE Systems in an official capacity, or reporting for work while under the influence of Alcohol, Marijuana or Controlled Substances;
 - (vii) Refusal to submit to any drug or Alcohol test required by this Policy; and
 - (viii) Testing positive on any drug or Alcohol test required by this Policy, unless You have a valid request for an accommodation under applicable state or local law; and
5. Applicants and employees who use CBD and/or hemp products are advised that many of these products are unregulated and may contain THC, the psychoactive ingredient in Marijuana, and may cause a positive drug test result for Marijuana. A positive drug test result caused by CBD or hemp products will not excuse a positive drug test result unless otherwise required by law.
6. This Policy is intended to comply with certain federal, state, and local laws and regulations. To the extent that any provision of this Policy is found to conflict with any applicable law or regulation, that determination will not

affect the validity, legality, or enforceability of any other provision of this Policy.

B. Drug-Free Awareness Program

BAE Systems has established and will maintain a drug-free awareness program and policy to inform You about:

1. The dangers of Illegal Drug Abuse in the workplace;
2. BAE Systems' policy of maintaining a drug-free workplace;
3. Available drug and Alcohol counseling, rehabilitation, and EAPs; and
4. The corrective actions that may be imposed upon You for violations of this Policy.

Questions regarding BAE Systems' Drug-Free Awareness Program may be directed to Your local Human Resources or Occupational Health department (where available).

C. Employee Assistance Program (EAP)

BAE Systems has adopted an EAP which:

1. Encourages You to seek and obtain assistance for substance abuse (including Alcohol) problems;
2. Provides information concerning the effects of Alcohol and Controlled Substances use;
3. Provides coordination with available community resources;
4. Includes assessment and referral to counseling, rehabilitation, and educational services;
5. Provides for self-referrals and supervisory referrals to treatment with respect for Your confidentiality consistent with safety and security issues; and
6. Provides smoking cessation support services.

D. Your Supervisory Training

Appropriate training may be provided to You to assist in identifying and addressing potential substance abuse by Your employees. "Reasonable Suspicion" training will be provided to You as well where required by law.

E. Conditions of Your Employment

1. You must:
 - (i) Abide by all the terms of this Policy;
 - (ii) Notify BAE Systems in writing no later than five days after Your Conviction under any Criminal Drug Statute for a violation of the law occurring in the course of Your employment; and
 - (iii) Within 10 days after receiving notice of a Criminal Drug Statute Conviction that occurred in the workplace, BAE Systems will notify the appropriate U.S. Government agencies, if and as required. Within 30 days after receiving such notice, BAE Systems will take appropriate corrective action against You, up to and including termination, and/or may require You to participate in an appropriate Drug Abuse assistance or rehabilitation program.
2. If You are taking over-the-counter or prescription medication that is prescribed to You, You are responsible for consulting with Your physician or pharmacist about whether the use of the medicine alone or in combination with other medicines You are taking, could interfere with the safe performance of Your job duties. You must notify Your supervisor and where applicable, occupational health professional, if the use of such medication could interfere with the safe performance of Your job duties. You may be required to take time off or request a change in job duties, where available.
3. Although You and applicants have the right to refuse to test, any applicant who refuses to test will not be hired and if You refuse at any time to submit to a drug or Alcohol test, You will be terminated.
4. Consistent with and subject to BAE Systems' policies concerning the Family and Medical Leave Act (FMLA), and personal leaves and vacations, if You voluntarily self-identify Yourself as having a substance abuse problem and You voluntarily request assistance for such problem, You will be provided with an opportunity to seek evaluation by a Substance Abuse Professional (SAP) and to obtain appropriate counseling, treatment, or rehabilitation, if recommended. The cost of any evaluation and treatment is Your responsibility. This request must be made before You have violated this Policy or have been requested to submit to a drug or Alcohol test required by this Policy. You may not use this self-identification provision to avoid submitting to a required drug or Alcohol test or to avoid discipline for violations of this Policy.

F. Drug and Alcohol Testing

1. All drug and Alcohol testing procedures will comply with applicable federal, state, and/or local laws.
2. The substances that will be tested for include Amphetamines, Cocaine, Opiates, and Phencyclidine (PCP). BAE Systems will conduct pre-employment testing for Cannabinoids (THC) where permitted by applicable law and/or where required by contract, customer, or facility requirement. Additional drugs may be added to the testing panel at the discretion of Your Sector, and in accordance with applicable law. Testing for the presence of metabolites of drugs will be conducted by the analysis of urine. If the applicant or employee is confirmed with non-negative results (e.g., positive, adulterated, substituted, and invalid), they will be given the opportunity to discuss with the Medical Review Officer (MRO) any legitimate explanation for the test result. Applicants and employees who use medical Marijuana should disclose this fact to the MRO who will disclose it to BAE Systems for further analysis in accordance with applicable laws. If, after speaking with the applicant or employee, the MRO determines that there is a legitimate medical explanation for a confirmed positive test result, the MRO will report the test result to BAE Systems. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a “verified positive test result” by the MRO. Where required by law, if the applicant or employee tests positive, they will be offered the opportunity to have the original specimen re-tested at a different laboratory. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive test result (unless otherwise required by law). In certain states, applicants and employees will be notified in writing of the time period in which to make this request.

Alcohol screening tests are conducted using either breath or saliva for the initial test, and breath for the confirmatory test, where permitted by law. If breath testing is prohibited by law, then blood testing will be used instead unless prohibited by law. If the result of the initial screening test is an Alcohol concentration of 0.02 or greater, a confirmation breath test will be performed. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action taken under BAE Systems’ policy will be based. A positive test result is an Alcohol concentration of 0.04 or greater (except in Oklahoma where a positive test result is 0.02 or greater).

3. BAE Systems conducts drug and/or Alcohol tests under the following conditions, where permitted by applicable laws:
 - (i) Pre-employment. All applicants, including part-time and temporary, to be hired or rehired (regardless of the length of time away from BAE Systems, except as may be prohibited by law), must complete a

drug screen test once an offer of employment is made. The offer and commencement of employment will be contingent upon successful completion of the drug screen (i.e., receipt of a negative test result or a valid request for accommodation for the use of medical Marijuana, where required by applicable law). If the applicant is a minor, a consent form signed by the guardian is to be obtained prior to the testing.

- (ii) If You are assigned to work on specific customer contracts, in accordance with particular customer requirements, You may be subjected to drug and/or Alcohol tests, where permitted by law.
- (iii) Follow-Up. Periodic unscheduled drug and/or Alcohol testing may be conducted after You have returned to work following rehabilitation after failing a drug and/or Alcohol test, in accordance with applicable law, or when required by applicable law or regulation.
- (iv) Periodic. Periodic, unscheduled drug testing may be conducted on You if You are considered to be in a Sensitive Position, and where permitted by law.
- (v) Post-Accident. BAE Systems reserves the right to test for drugs and/or Alcohol if You cause or contribute to a work-related accident in which there is a death, personal injury, and/or significant property damage or significant disruption to operations, in accordance with applicable law.
- (vi) Random. There will be random testing if You perform duties that are covered under the FMCSA, the FTA, or the FAA. Random testing may also be conducted in accordance with specific contract requirements or Sector or Business Area procedures, where permitted by law.
- (vii) Reasonable Suspicion. You may be tested for Reasonable Suspicion when You are in the workplace, performing work, and/or on BAE Systems time and You are reasonably suspected by two members of management or their designee to be under the influence of or impaired by drugs and/or Alcohol, based on current observations of your appearance, conduct, speech, breath and/or body odors, and in accordance with applicable law.
- (viii) Negative-Dilute. A specimen reported as “negative-dilute” by the certifying scientist will be re-collected immediately with little or no notice to the tested individual. Any delay in reporting for testing may be deemed a refusal to test. A second negative dilute test result is a

negative. A “positive-dilute” specimen is regarded as a “positive” result and will not be re-collected.

- (ix) If You perform duties covered under the DOT drug and Alcohol testing regulations, You will be subjected to the testing requirements therein. The DOT agency-specific regulations cover:
 - (a) You, if You assume commercial motor vehicle driving duties as defined by the FMCSA. The regulations are set forth in 49 CFR §382;
 - (b) You, if You perform Safety-Sensitive Functions as defined by the FAA. The regulations are set forth in 14 CFR §120; and
 - (c) You, if You perform Safety-Sensitive Functions as defined by the FTA. The regulations are set for in 49 CFR §655.

G. Consequences of a Positive Drug or Alcohol Test

1. If you are an applicant and test positive, you will not be hired, unless you have an approved accommodation for the use of medical Marijuana, where such an accommodation is required by applicable law. If You are an employee and test positive, You are subject to discipline, up to and including termination, as permitted by applicable law. Applicants or employees requesting an accommodation for the use of medical marijuana must complete a Request for Accommodation form (except for DOT-regulated applicants and employees, who may not use marijuana). As to non-DOT-regulated applicants and employees, BAE Systems will comply with state and local marijuana laws to the extent that those laws impose any legal obligations on employers.
2. If You are not discharged, You will receive, at a minimum, an immediate five-day disciplinary suspension without pay and must sign a "Last Chance Agreement" with the following conditions prior to reinstatement:
 - (i) You must agree to be evaluated for a possible substance abuse problem and to comply with all treatment recommendations;
 - (ii) You must meet with an Occupational Health representative or EAP representative for assessment and/or referral to a rehabilitation program, if appropriate. (Note: Human Resources will generally take the place of Occupational Health in locations that do not have Occupational Health departments);
 - (iii) You must participate in an appropriate rehabilitation program as recommended by the Occupational Health representative or EAP representative;

- (iv) You must authorize the EAP representative to monitor Your progress and to periodically communicate with the applicable BAE Systems and/or Human Resources representative with sufficient information to ensure participation and treatment is occurring, and to address potential return-to-work issues; and
- (v) Prior to returning to work, You must meet all of the requirements below. If You meet all of the requirements, You will be reinstated to the same position held prior to Your absence or a similar position held prior to Your absence if You are within any reinstatement rights period. If You have no reinstatement rights or You are beyond the reinstatement period for which You are eligible and no position is available, Your employment will be terminated:
 - (a) Submit to, as instructed, and successfully pass a return to duty drug and/or Alcohol test immediately prior to returning to work;
 - (b) Receive the written consent for You to return to work from the SAP or EAP;
 - (c) Receive approval of the Contracting Officer (when required under U.S. Government contract);
 - (d) Agree to abide by all conditions established for Your rehabilitation "after care" upon successful completion of a rehabilitation program;
 - (e) Agree to participate in a medical monitoring program to include periodic, unscheduled drug and/or Alcohol testing, if required by law or if recommended by the treating SAP (and as permitted by law); and
 - (f) Meet the job performance standards of Your position, including continued compliance with all BAE Systems policy requirements and standards of conduct.
- (vi) Any violation of the above provisions will be grounds for corrective action, up to and including termination from employment.
- (vii) If You test positive for a second time, You will be terminated from employment.
- (viii) Although You and applicants have the right to refuse a drug test, if You refuse to submit to testing, You will be terminated, and any applicant who refuses to take a test will not be hired.

- (ix) Refusal to take a drug test will be found if You or applicant:
- (a) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by BAE Systems, after being directed to do so by BAE Systems;
 - (b) Fail to remain at the testing site until the testing process is complete, provided that You or applicant leave the testing site before the testing process commences for a pre-employment test deemed not refused to test;
 - (c) Fail to provide a specimen for any drug test required, provided that You or applicant do not provide a specimen because You have left the testing site before the testing process commences for a pre-employment test not deemed to have refused to test;
 - (d) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the provision of a specimen (unless prohibited by law), including failing to follow the observer's instructions to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process;
 - (e) Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
 - (f) Fail to provide a sufficient amount of specimen when directed and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (g) Fail or decline to take an additional drug test BAE Systems or collector has directed You or applicant to take;
 - (h) Fail to undergo a medical examination or evaluation, as directed by BAE Systems as part of the verification process; in the case of a pre-employment drug test, You or applicant is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; if there was no contingent offer of employment, BAE Systems will cancel the test;
 - (i) Fail to cooperate with any part of the testing process (e.g., leave the test site before the collection process is completed, refuse to empty pockets when so directed by the collector, fail

to wash hands after being directed to do so by the collector, or behave in a confrontational way that disrupts the collection process, etc.); and

- (j) Are reported by the MRO that You have a verified adulterated or substituted test result, or that You admitted to the MRO that the specimen was adulterated or substituted.
- (x) Refusal to take an Alcohol test will be found if You:
- (a) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by BAE Systems after being directed to do so by BAE Systems;
 - (b) Fail to remain at the testing site until the testing process is complete, provided, that You leave the testing site before the testing process commences for a pre-employment test are not deemed to have refused to test;
 - (c) Fail to provide an adequate amount of saliva or breath for any Alcohol test required, provided, that You do not provide an adequate amount of breath or saliva because You have left the testing site before the testing process commences for a pre-employment test are not deemed to have refused to test;
 - (d) Fail to provide a sufficient breath specimen and the physician or nurse has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (e) Fail to provide a blood specimen for testing for a non-DOT-regulated alcohol test (if permitted by law) in a state where breath testing is prohibited;
 - (f) Fail to undergo a medical examination or evaluation, as directed by BAE Systems following an insufficient breath sample;
 - (g) Fail to sign the certification of the Alcohol Testing Form; and
 - (h) Fail to cooperate with any part of the testing process.
- (xi) If You test positive, You will be reported to the Facility Security Officer. If You currently hold a security clearance or previously held a security clearance, You will be reported to the granting agency in accordance with applicable U.S. Government guidelines.

- (xii) Applicants who test positive will be prohibited from being considered for employment for a minimum of three months.
- (xiii) If You are covered under any DOT drug testing regulation, You are subjected to the requirements provided therein.
- (xiv) Drug and Alcohol test results will be maintained by BAE Systems in a confidential manner and will not be disclosed to third parties, except with Your written consent, and/or in accordance with applicable laws.
- (xv) If You or applicants test positive, You will be provided with a copy of Your test results if required by law. Where required by law, You or an applicant will be provided with a copy of a negative test result.

H. State and Local Law Requirements (Non-DOT-Regulated Tests)

Applicants and employees in Boulder, Colorado may request a copy of the records pertaining to their positive test result and may submit written information to the BAE Systems explaining such result.

In Illinois, if BAE Systems elects to discipline You on the basis that You are under the influence or impaired by Marijuana, BAE Systems will afford You a reasonable opportunity to contest the basis of the determination.

In Iowa, written notification of a verified positive drug test result also will be provided to a parent of a minor applicant or employee by certified mail, return receipt requested. In Iowa, a Last Chance Agreement will be offered after a first-time positive alcohol test result. In Iowa, depending on employee benefit plan coverage, BAE Systems may cover a portion of alcohol rehabilitation costs for employees who have worked for BAE Systems for at least 12 of the 18 months preceding a positive alcohol test and who have not previously tested positive. To the extent BAE Systems is obligated to pay a portion of alcohol rehabilitation costs in Iowa, this amount will not exceed \$2,000. In Iowa, BAE Systems will not take adverse employment action against employees who comply with the requirements of and successfully complete alcohol rehabilitation.

In Montana, all information, interviews, reports, statements, memoranda, and test results are confidential communications that may not be disclosed to anyone except the tested employee, the designated representative of the employer, or in connection with any legal or administrative claim arising out of the employer's implementation of a testing program pursuant to Montana's drug testing law or in response to inquiries relating to a workplace accident involving death, physical injury or property damage in excess of \$1,500, when there is reason to believe that the employee may have caused or contributed to the accident. Information obtained through testing that is unrelated to the use of a controlled

substance or alcohol must be held in strict confidentiality by the medical review officer and may not be released to BAE Systems.

In Nevada, if an employee tests positive for Marijuana within the first 30 days of employment, the employee has the right to submit to an additional screening test, at their own expense, to rebut the results of the initial screening test. BAE Systems will accept and give appropriate consideration to the results of such test.

In New Jersey, if You test positive for marijuana, You will be notified in writing that You may present a medical explanation for the test result if applicable or they may request a confirmatory re-test of the original specimen.

In Oklahoma, applicants and employees have the right to obtain copies of all information and records relating to their drug and alcohol testing. In Oklahoma, BAE Systems will test for drugs and alcohol as defined in the Standards for Workplace Drug and Alcohol Testing Act, including controlled substances approved for testing by the State Commissioner of Health.

In Vermont, an Employee may request, at their own expense, to have a blood specimen drawn at the time that he or she provides the urine specimen and maintained for potential testing at a later time.

In West Virginia, an injured employee who refuses to submit to drug testing forfeits eligibility for unemployment compensation benefits, and if injured, for indemnity benefits under the Worker Compensation Laws.

I. Searches

Your Inc. Business may conduct reasonable searches for Illegal Drugs and/or Alcohol on its premises including, without limitation, parking areas and Your vehicle, at any time and with or without notice, in accordance with applicable laws. You are expected to cooperate in such searches. Searches of You and Your personal property may be conducted when there is Reasonable Suspicion that You are in violation of this Policy. Your refusal to comply may result in disciplinary action, up to and including termination of employment. No such search will be conducted without the prior review and approval of Human Resources.

WHAT HAPPENS IF SOMEONE VIOLATES THIS POLICY

BAE Systems maintains and reserves the right to take corrective action against You if You violate this Policy, up to and including termination, as permitted by law.

DEFINITIONS

7. Alcohol – The intoxicating agent in beverage Alcohol, ethyl Alcohol, or other Alcohols including methyl and isopropyl Alcohol.

8. Controlled Substance – Defined under Sections 102(6) and 202 of the Controlled Substances Act, 21 USC §802(6); 812, and includes all substances listed in Schedules I through V of 21 CFR 1308.11 through 1308.15, as they may be revised from time to time.
9. Conviction – A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of a Criminal Drug Statute.
10. Criminal Drug Statute – A federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, sale, purchase, or use of any Controlled Substance.
11. Drug Abuse – The use of Illegal Drugs, and the excessive or illegal use of drugs or Alcohol whose sale, use, or possession is legal (including abuse of prescription or over-the-counter medications). This includes the use of prescribed medications in a way that is not as prescribed.
12. Illegal Drugs – Refers to Controlled Substances that may not be used under applicable law; this term does not include those Controlled Substances used pursuant to and in accordance with a valid prescription.
13. Inc. Business – BAE Systems, Inc. or its owned and/or managed businesses. For purposes of this Policy, this term will refer to Inc. Businesses located in the U.S., unless otherwise specified.
14. Marijuana – A psychoactive drug derived from the cannabis plant.
15. Medical Review Officer (MRO) – A licensed physician responsible for receiving laboratory results generated by a drug-testing program and evaluating medical explanations for certain drug test results.
16. Reasonable Suspicion – A conclusion clearly expressed by a member of management that an individual has used or may have used drugs and/or Alcohol in violation of this Policy, based on specific, contemporaneous, and objective observations concerning the appearance, behavior, speech, and/or body odor of the employee, or as otherwise required by law.
17. Safety-Sensitive Functions – Defined under the FAA, FMCSA, and FTA.
18. Sensitive Positions – The positions that are considered to be sensitive as determined by BAE Systems and would reasonably be expected to affect health, safety, or national security. These include, but are not limited to, duties involving access to U.S. Government classified information; design, manufacture, test, evaluation, control, operation, use, transportation, storage, or protection of potentially dangerous equipment, materials, munitions, weapons, or weapon systems; national security; the health or safety of themselves or others; or whose

positions involve a high degree of trust and confidence. Individuals occupying such positions may be subject to random and/or periodic drug testing, as permitted by applicable laws.

19. Substance Abuse Professional (SAP) – A person who evaluates employees concerning substance abuse and makes recommendations about education, treatment, follow-up testing, and aftercare.
20. Tobacco Products – Include, but are not limited to, cigarettes, pipes, cigars, oral or smokeless tobacco, chewing tobacco, snuff, e-cigarettes, or any electronic nicotine delivery device that emits an odor or other byproduct.

RELATED POLICIES/DOCUMENTS

[Appendix A1](#) – Commercial Motor Vehicle Drivers

[Appendix A2](#) – Safety-Sensitive Positions – Federal Aviation Administration (FAA)

[Appendix A3](#) – Safety-Sensitive Functions – Federal Transit Administration (FTA)

[Appendix A4](#) – Additional State and Local Law Requirements Governing Non-Department of Transportation (DOT)-Regulated Testing

EXCEPTIONS

Exceptions to this Policy require the prior written approval of the BAE Systems, Inc. President & CEO and the Inc. SVP & Chief Human Resources Officer (or designee).

POLICY CONTACT/INFORMATION

Approval Authority: BAE Systems, Inc. President & CEO and
Inc. SVP & Chief Human Resources Officer (or designee)

Responsible Office: Human Resources

Policy Contact: Director, Human Resources Compliance

HISTORY

Version: Six
Effective: March 13, 2024

APPENDIX A1

COMMERCIAL MOTOR VEHICLE DRIVERS

The Federal Motor Carriers Safety Administration (FMCSA) has promulgated specific regulations relating to the misuse of Alcohol or the use of Controlled Substances by drivers of commercial motor vehicles. Drivers of commercial motor vehicles are subject to drug and Alcohol testing in accordance with this Policy.

Any questions regarding the meaning or application of this Policy should be directed to the BAE Systems' Designated Employer Representative (DER), which will be provided to the covered employee in writing at the time an individual becomes covered by this program as the DER varies for each site.

A. Prohibitions

1. Alcohol Prohibitions

- (i) A driver may not report for duty or stay on duty that requires the performance of a safety-sensitive function:
- (ii) With an Alcohol concentration of 0.02 or greater;
- (iii) If in possession of Alcohol;
- (iv) If using Alcohol (including medications containing alcohol); or
- (v) Within four hours of using Alcohol.

2. Drug Prohibitions

- (i) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Controlled Substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial vehicle.
- (ii) Drivers may not report for duty or stay on safety-sensitive duty if they have tested positive for drugs.
- (iii) The use of "medical" Marijuana or "recreational" Marijuana is prohibited and will not excuse a positive drug test result even if legal under state law. The use of hemp and CBD products also will not excuse a positive Marijuana drug test result.

- (iv) Employers who know about either of the above acts cannot permit the driver to perform a safety-sensitive function.

B. Drug and Alcohol Testing

1. Testing History. Prior to performing a safety-sensitive function for the first time, the applicant or employee must provide the employer with written consent authorizing the release of certain drug and Alcohol-related information from each of their previous DOT-regulated employer(s) for the past three years. The BAE Systems will forward the authorizations to each previous employer in connection with the investigation of the driver's safety performance history. An applicant/transferee must inform the BAE Systems whether he or she has tested positive, or refused to test, on any pre-employment drug or Alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive transportation work covered by any DOT operating agency's drug and Alcohol testing rules during the past three years.
2. Drivers will be tested for the use of drugs commencing with the driver's first medical examination. Thereafter, drivers will be tested in accordance with the regulations outlined in 49 CFR Part 382 Subpart C and will include:
 - (i) Pre-employment (drugs);
 - (ii) Transfer into a safety-sensitive function (drugs)
 - (iii) Post-accident (drugs and Alcohol)
 - (iv) Random (drugs and Alcohol)
 - (v) Reasonable Suspicion (drugs and/or Alcohol)
 - (vi) Return-to-Duty (drugs and/or Alcohol)
 - (vi) Follow-up (drugs and/or Alcohol)
3. Drivers are required to submit to "Reasonable Suspicion" testing, in accordance with federal regulations. The BAE Systems will require a driver to submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has violated FMCSA's drug or alcohol prohibitions. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. These determinations will be made by supervisors who have been trained. Union members have the right to union representation when meeting with the BAE Systems to discuss reasonable suspicion testing. The driver must be tested for the use of

Alcohol within two (2) hours but not later than eight (8) hours and for drugs as soon as possible but not later than 32 hours after a reportable accident as defined above.

4. Post-accident testing will be conducted under the following circumstances:

Type of accident involved	Citation issued to the CMV driver	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

(i) **Alcohol tests.** If a post-accident test required by FMCSA is not administered within two hours following the accident, the BAE Systems shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the BAE Systems shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(ii) **Drug tests.** If a post-accident drug test required by FMCSA is not administered within 32 hours following the accident, the BAE Systems shall cease attempts to administer a drug 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.

(iii) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the BAE Systems to have refused to submit to testing. Nothing in the FMCSA regulations shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

5. When a driver has not performed a safety-sensitive function for 30 consecutive calendar days regardless of the reason, and the driver has not

been in the BAE Systems' random selection pool during that time, the driver must submit to a pre-employment drug test and obtain a negative result prior to performing safety-sensitive functions.

6. Drivers who are required to comply with the DOT return-to-duty process after a drug and/or alcohol rule violation will be subject to return-to-duty testing and follow-up testing, conducted by direct observation of urine collections. Follow-up testing will be unannounced and will be conducted for a period of not less than one year and not more than five years. The first year of testing shall consist of at least six tests following the employee's return to duty.
7. A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and/or results of tests administered by law enforcement, or other documents that would indicate whether there were any drugs or Alcohol in their system.

C. Consequences for Drivers Engaging in Substance Use or Alcohol Misuse

1. Drivers and applicants for driver positions who violate this policy will be subject to disciplinary action up to and including termination. The DOT and FMCSA, at a minimum, require the following:
 - (i) A driver who has a verified positive drug test result, an Alcohol test with a result indicating an Alcohol concentration of 0.04 or greater, or refuses to test (including by adulterating or substituting a urine specimen) will be immediately removed from performing safety-sensitive functions and referred to a Substance Abuse Professional (SAP). The driver will not be allowed to perform safety-sensitive functions until he/she has successfully complied with the SAP's evaluation and recommendations, including successful completion of return-to-duty testing and participation in follow-up testing with negative results. A driver who tests positive for drug and alcohol for a second time will be terminated.
 - (ii) A driver who is found to have an Alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor will the driver be permitted to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
 - (iii) An applicant who refuses to submit to a drug test will not be hired. A driver who refuses to submit to a drug or alcohol test will be terminated.

2. Drivers who test positive is subject to discipline up to and including discharge, as permitted by applicable law.

A driver who is not discharged will receive, at a minimum, an immediate five-day disciplinary suspension without pay and must sign a “Last Chance Agreement” with the following conditions prior to reinstatement:

The employee must agree to be evaluated for a potential substance abuse problem.

The employee must meet with an Occupational Health Representative or Employee Assistance Program (EAP) Representative for assessment and referral to a rehabilitation program, if appropriate. (Note — Human Resources will generally take the place of Occupational Health in locations that do not have Occupational Health departments).

The employee must participate in an appropriate rehabilitation program as recommended by the Occupational Health Representative or EAP Representative.

The employee must authorize the EAP Representative to monitor the employee’s progress and to periodically communicate with the applicable BAE Systems and/or Human Resources Representative with sufficient information to ensure participation and treatment is occurring, and to address potential return-to-work issues.

Prior to returning to work, the employee must meet all of the requirements below. An employee meeting all of the requirements will be reinstated to the same position held prior to their absence or a similar position held prior to their absence if they are within any reinstatement rights period. If the employee has no reinstatement rights or is beyond the reinstatement period for which he/she is eligible and no position is available, their employment will be terminated:

- (i) Submit to, as instructed, and successfully pass a return to duty drug and/or Alcohol test immediately prior to returning to work.
- (ii) Receive the written consent for the employee to return to work from the Substance Abuse Professional or EAP.
- (iii) Receive approval of the Contracting Officer (when required under U.S. Government contract).
- (iv) Agree to abide by all conditions established for their rehabilitation “after care” upon successful completion of a rehabilitation program.

- (v) Agree to participate in a periodic, unscheduled drug and/or Alcohol testing, if required by law or if recommended by the treating Substance Abuse Professional.
 - (vi) Meet the job performance standards of their position, including continued compliance with all BAE Systems policy requirements and standards of conduct.
3. Any violation of the above provisions will be grounds for corrective action up to and including discharge from employment.
 4. An employee who tests positive for a second time will be discharged from employment.

D. Drug and Alcohol Testing Procedures

1. As required by the FMCSA's rules, the BAE Systems' drug and Alcohol testing procedures comply with the Federal Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct driver. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests.
2. Drug Testing
 - (i) Drug testing is conducted by analyzing an employee's urine specimen. DOT has established a chain-of-custody procedure for the collection and analysis of urine samples that will verify the identity of each sample and test result. The collector of the specimen will seal and label the urine specimen, complete a required chain of custody form (Federal Drug Testing Custody and Control Form), and prepare the specimen and BAE Systems paperwork for shipment to a DHHS-certified laboratory. Only official DOT-authorized Federal Custody and Control forms shall be used in connection with this procedure.
 - (ii) Individuals with confirmed non-negative results (*i.e.*, positive, adulterated, substituted, and invalid) will be given the opportunity to discuss with the MRO any legitimate explanation for the test result. If, after speaking with the driver, the MRO determines that there is a legitimate medical explanation for a confirmed positive test result, the MRO will report the test result as negative to the DER. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a "verified positive test result" by the MRO.

- (iii) A split-specimen collection method will be used for drug tests. This means that a urine sample is subdivided into two bottles labeled as a “primary” and a “split” specimen. Both bottles are sent to a laboratory. Only the “primary” specimen is opened and used for the urinalysis. The “split” specimen bottle remains sealed and is stored at the laboratory. All applicants and drivers whose primary urine sample is verified positive, adulterated or substituted have the right to request that their split-specimen be analyzed in a different DHHS certified laboratory, selected by the BAE Systems, to reconfirm the positive, adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive, adulterated or substituted test result.

3. Alcohol Testing

- (i) Alcohol screening tests will be performed by a screening test technician (STT) using a non-evidential screening device, or by a breath Alcohol technician (BAT) using an evidential breath testing device (EBT). The BAE Systems ensures that the STTs are proficient in the operation of non-evidential screening devices and that the BATs are proficient in the operation of EBTs. In addition, the BAE Systems will use only non-evidential Alcohol screening devices and EBTs which are listed on the conforming products list issued by the National Highway Traffic Safety Administration.
- (ii) If the result of the screening test is an Alcohol concentration of 0.02 or greater, a confirmation test will be performed using an EBT. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action taken under the BAE Systems’ policy shall be based. A positive test result is an Alcohol concentration of 0.04 or greater.

4. FMCSA Clearinghouse

- (i) Notification to Applicants and Drivers. Applicants will be notified of the results of a pre-employment drug test, if the applicant requests their test results within 60 days of being notified of the disposition of the employment application. Drivers will be advised of drug test results which are verified positive and the drug or drug(s) for which a positive result was verified. Drivers will be notified of the results of their alcohol tests immediately after the administration of the screening test and, if necessary, the confirmatory test.
- (ii) FMCSA Clearinghouse. The following drug and alcohol information must be reported to the FMCSA Clearinghouse:

- (a) A verified positive, adulterated, or substituted drug test result;
- (b) An alcohol confirmation test with a concentration of 0.04 or higher;
- (c) A refusal to submit to a drug or alcohol test;
- (d) An employer's report of actual knowledge, as defined at 49 CFR § 382.107;
- (e) On duty alcohol use pursuant to 49 CFR § 382.205;
- (f) Pre-duty alcohol use pursuant to 49 CFR § 382.207;
- (g) Alcohol use following an accident pursuant to 49 CFR § 382.209;
- (h) Drug use pursuant to 49 CFR § 382.213;
- (i) A SAP's report of the successful completion of the return-to-duty process;
- (j) A negative return-to-duty test; and
- (k) An employer's report of completion of follow-up testing.

In addition, the BAE Systems must conduct a query of the Clearinghouse prior to hiring a driver subject to this policy and at least annually for all drivers subject to this Policy.

DEFINITIONS

1. Accident – Requiring post-accident testing is an occurrence involving a commercial motor vehicle operating on a public road in commerce, where the driver was performing safety-sensitive functions and the accident involved:
 - (i) Loss of human life;
 - (ii) If the driver receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident if the accident involved;
 - (iii) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
 - (iv) One or more motor vehicles incur disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle; or

- (v) If the driver receives a citation within 32 hours of the occurrence as defined in paragraph 2, the driver will be subject to drug testing only.
2. Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:
 - (i) Has a gross combination weight rating of 26,001 or more pounds inclusive of towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - (ii) Has a gross vehicle weight rating of 26,001 or more pounds;
 - (iii) Is designed to transport 16 or more passengers, including the driver; or
 - (iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
 3. Designated Employer Representative – An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.
 4. Disabling Damage – Damage which prevents a motor vehicle from being driven from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if driven. This term **does not include** damage which can be remedied temporarily at the scene of the accident without special tools or parts; tire disablement without other damage even if no spare tire is available; headlight or taillight damage; or damage to turn signals, horn or windshield wipers which make them inoperative.
 5. Driver – Any person who operates a “commercial motor vehicle”. Under FMCSA regulations, this includes, but is not limited to, full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and, independent owner-operator contractors.
 6. Drugs – Marijuana, cocaine, opiates (including heroin, cocaine, morphine, hydrocodone, hydromorphone, oxycodone and oxymorphone), amphetamines, phencyclidine (PCP), or their metabolites.
 7. Performing a Safety-Sensitive Function – Any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

8. Refusal to Test - For purposes of this Policy, the following employee conduct will be considered a refusal to submit to a test:
- (i) Failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the BAE Systems, consistent with applicable DOT regulations, after being directed to do so by the BAE Systems, its consortium or third-party administrator (as applicable);
 - (ii) Failing to remain at the testing site until the testing process is complete; however, an applicant who leaves the testing site before the pre-employment testing process commences is not deemed to have refused to test;
 - (iii) Failing to provide a urine specimen, or breath or saliva specimen for testing;
 - (iv) Failing to attempt to provide a breath or saliva specimen for testing;
 - (v) Failing to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure;
 - (vi) Failing or declining to take a second drug or alcohol test that the BAE Systems or collector has directed to be taken, including failing to take a second test that the employer has directed following a negative dilute test result, when the BAE Systems so elects;
 - (vii) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” procedures (in the case of applicants, only after a contingent offer of employment has been extended), or the insufficient breath procedures;
 - (viii) Failing to provide a sufficient breath specimen when directed, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (ix) Failing to sign the certification at Step 2 of the Alcohol Testing Form;
 - (x) Adulterating or substituting a urine specimen;
 - (xi) Admitting to the collector or MRO that the specimen was adulterated or substituted;
 - (xii) In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (including failing to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around

to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process);

- (xiii) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- (xiv) Failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process (e.g., leaving the test site before the collection process is completed, refusing to empty pockets when so directed by the collector, failing to wash hands after being directed to do so by the collector or behaving in a confrontational way that disrupts the collection process); or
- (xv) Failing to promptly notify the BAE Systems that the driver was in an accident or not being readily available for testing after an accident (except as necessary to obtain assistance or medical care).

9. Safety-Sensitive Function – All time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions are:

- (i) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (ii) All time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (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 except time spent resting in a sleeper berth;
- (v) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (vi) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

APPENDIX A2

SAFETY-SENSITIVE POSITIONS - FEDERAL AVIATION ADMINISTRATION

The Federal Aviation Administration (FAA) has promulgated specific regulations relating to the misuse of Alcohol or the use of drugs by individuals performing safety-sensitive functions. Individuals performing such duties are subject to drug and Alcohol testing in accordance with this policy. As a contractor or subcontractor of an entity regulated by FAA drug and alcohol testing regulations, the BAE Systems must comply with FAA drug and alcohol testing for its employees who perform safety-sensitive functions.

A. Prohibitions

1. Alcohol Prohibitions

- (a) A covered employee may not perform a safety-sensitive function if the employee's test result indicates an Alcohol concentration of 0.02 or greater.
- (b) A covered employee may not perform a safety-sensitive function while using Alcohol.
- (c) A covered employee may not perform a safety-sensitive function within 4 hours after using Alcohol. If the employee performs flight crewmember or flight attendant duties, then he/she may not perform those duties within 8 hours after using Alcohol.
- (d) A covered employee may not use Alcohol for 8 hours following an accident in which the employee has actual knowledge of an accident involving an aircraft for which he/she performed a safety-sensitive function at or near the time of the accident unless the employee has been given a post-accident test or the employer has determined that the employee's performance could not have contributed to the accident.

2. Drug Prohibitions

- (a) A covered employee may not report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses or has drugs in their system or has tested positive for drugs.
- (b) The use of "medical" Marijuana or "recreational" Marijuana is prohibited and will not excuse a positive drug test result even if legal under state law. The use of hemp and CBD products also will not excuse a positive marijuana drug test result.

B. Drug and Alcohol Testing

1. Testing History. Prior to performing a safety-sensitive function for the first time, the covered employee must provide the employer with written consent authorizing the release of certain drug and Alcohol-related information by their previous DOT-regulated employer(s) for the past two years (five years for pilots). A covered employee must inform the BAE Systems he or she has tested positive, or refused to test, on any pre-employment drug or Alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by any DOT operating agency's drug and Alcohol testing rules during the past two years.
2. Covered employees will be tested for the use of drugs and Alcohol in accordance with the regulations outlined in 14 CFR §120 and will include:
 - (i) Pre-employment (drugs);
 - (ii) Transfer into a safety-sensitive function (drugs);
 - (iii) Post-accident (drugs and Alcohol);
 - (iv) Random (drugs and Alcohol);
 - (v) Reasonable Suspicion (drugs and Alcohol);
 - (vi) Return-to-Duty (drugs and/or Alcohol); and
 - (vii) Follow-up (drugs and/or Alcohol).
3. Covered employees are required to submit to "Reasonable Suspicion" testing when reasonably suspected of having used a prohibited drug or alcohol. The decision to test must be based on a reasonable and articulable belief that the employee is using drugs or alcohol on the basis of specific contemporaneous physical, behavioral, or performance indicators of probable drug use. At least two of the employee's supervisors, one of whom is trained in detection of the symptoms of possible drug use, must substantiate and concur in the decision to test an employee who is reasonably suspected of drug use; except that in the case of an employer who employs 50 or fewer employees who perform safety-sensitive functions, one supervisor who is trained in detection of symptoms of possible drug use must substantiate the decision to test an employee who is reasonably suspected of drug or alcohol use. For alcohol, the determination may be made by one trained supervisor.
4. Post-accident testing: If a covered employee's performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident, the employee must submit to testing

within two (2) hours but not later than eight (8) hours for Alcohol and as soon as possible but not later than 32 hours for drugs following the accident. The decision not to administer a post-accident test shall be based on the employer's determination, using the best available information at the time of the determination that the covered employee's performance could not have contributed to the accident. A covered employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. If a post-accident alcohol test is not administered within 2 hours following the accident, the BAE Systems will document the reasons why the test was not promptly administered. If a post-accident alcohol test is not administered within 8 hours following the accident, the BAE Systems shall cease attempts to administer an alcohol test and shall document the reasons why.

5. Covered employees who are required to comply with DOT return-to-duty process after a drug and/or alcohol rule violation will be subject to return-to-duty testing and follow-up testing, conducted by direct observation of urine collections. Follow-up testing will be unannounced for a period of not less than one year and not more than five years. The first year of testing shall consist of at least six tests following the employee's return to duty.

C. Consequences for Covered Employees Engaging in Substance Use or Alcohol Misuse

1. Covered employees who violate this policy will be subject to disciplinary action up to and including termination. The DOT and FAA, at a minimum, require the following:
 - (i) A covered employee who has a verified positive drug test result, an Alcohol test with a result indicating an Alcohol concentration of 0.04 or greater, or refuses to test (including by adulterating or substituting a urine specimen) will be immediately removed from performing safety-sensitive functions and referred to a Substance Abuse Professional (SAP). The covered employee will not be allowed to perform safety-sensitive functions until he/she has successfully complied with the SAP's evaluation and recommendations, including successful completion of return-to-duty testing and participation in follow-up testing with negative results. A covered employee who tests positive for drug or alcohol for a second time will be terminated.

- (ii) A covered employee who has verified positive drug test results on two (2) required drug tests or has engaged in prohibited drug use during the performance of a safety-sensitive function is permanently precluded from performing safety-sensitive functions.
 - (iii) A covered employee who is found to have an Alcohol concentration of 0.02 but less than 0.04 will immediately be removed from performing the safety-sensitive function until the employee's Alcohol concentration measures less than 0.02 or the start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test. If the employer chooses to permit the employee to perform safety-sensitive functions within 8 hours, the employee may not return to the safety-sensitive function until he/she is retested with a negative result.
 - (iv) A covered employee who has verified positive Alcohol test of 0.04 or higher and had previously engaged in Alcohol use that violated this policy is permanently precluded from performing the safety-sensitive function.
 - (v) An applicant who refuses to submit to a test will not be hired. A covered employee who refuses to submit to a test will be terminated.
2. Covered employees who test positive are subject to discipline up to and including discharge, as permitted by applicable law.
3. A covered who is not discharged will receive, at a minimum, an immediate five day disciplinary suspension without pay and must sign a "Last Chance Agreement" with the following conditions prior to reinstatement:
- (i) The employee must agree to be evaluated for a potential substance abuse problem;
 - (ii) The employee must meet with an Occupational Health Representative or Employee Assistance Program (EAP) Representative for assessment and referral to a rehabilitation program, if appropriate. (Note — Human Resources will generally take the place of Occupational Health in locations that do not have Occupational Health departments);
 - (iii) The employee must participate in an appropriate rehabilitation program as recommended by the Occupational Health Representative or EAP Representative;
 - (iv) The employee must authorize the EAP Representative to monitor the employee's progress and to periodically communicate with the applicable BAE Systems and/or Human Resources Representative

with sufficient information to ensure participation and treatment is occurring, and to address potential return-to-work issues; and

- (v) Prior to returning to work, the employee must meet all of the requirements below. An employee meeting all of the requirements will be reinstated to the same position held prior to their absence, or a similar position held prior to their absence, if they are within any reinstatement rights period. If the employee has no reinstatement rights or is beyond the reinstatement period for which they are eligible and no position is available, their employment will be terminated:
 - (a) Submit to, as instructed, and successfully pass a return to duty drug and/or Alcohol test immediately prior to returning to work;
 - (b) Receive the written consent for the employee to return to work from the Substance Abuse Professional or EAP;
 - (c) Receive approval of the Contracting Officer (when required under U.S. Government contract);
 - (d) Agree to abide by all conditions established for their rehabilitation “after care” upon successful completion of a rehabilitation program;
 - (e) Agree to participate in a periodic, unscheduled drug and/or Alcohol testing, if required by law or if recommended by the treating Substance Abuse Professional; and
 - (f) Meet the job performance standards of their position, including continued compliance with all BAE Systems policy requirements and standards of conduct.
- (vi) Any violation of the above provisions will be grounds for corrective action up to and including discharge from employment.
- (vii) An employee who tests positive for a second time will be discharged from employment.
- (viii) If the BAE Systems determines that a covered employee certificated under 14 CFR Part 67 (Airmen Medical Standards and Certification) has violated any of this Program’s alcohol misuse provisions, it shall notify the Federal Air Surgeon of such violation (along with sending to the Federal Air Surgeon related reports and documentation) within two (2) working days of receipt of notice.

- (ix) If a covered employee certificated under 14 CFR Part 67 (Airmen Medical Standards and Certification) receives a confirmed positive drug test result, the MRO shall notify the Federal Air Surgeon of such violation (along with sending to the Federal Air Surgeon related reports and documentation) within two (2) working days of receipt of notice. Notification must be sent to: Federal Aviation Administration, Office of Aeronautic Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue, SW., Washington DC 20591, or by fax to (202) 267-5200.
- (x) In addition, the BAE Systems must provide to the Federal Air Surgeon within two (2) working days of receipt, copies of all reports provided to the BAE Systems by the Substance Abuse Professional (“SAP”) regarding the following:
 - (a) An individual who the MRO has reported to the Federal Air Surgeon for receiving a confirmed positive drug test result;
 - (b) An individual who the BAE Systems has reported to the Federal Air Surgeon for refusing to submit to drug testing; or
 - (c) BAE Systems, MRO and SAP must maintain copies of all documents sent to the FAA and/or Federal Air Surgeon for five years.

D. Drug and Alcohol Testing Procedures

1. As required by the FAA’s rules, the BAE Systems’ drug and Alcohol testing procedures comply with the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct employee. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests.
2. Drug Testing
 - (i) Drug testing is conducted by analyzing an employee’s urine specimen. DOT has established a chain-of-custody procedure for the collection and analysis of urine samples that will verify the identity of each sample and test result. The collector of the specimen will seal and label the urine specimen, complete a required chain of custody form (Federal Drug Testing Custody and Control Form), and prepare the specimen and BAE Systems paperwork for shipment to a DHHS-

certified laboratory. Only official DOT-authorized Federal Custody and Control forms shall be used in connection with this procedure.

- (ii) Individuals with confirmed non-negative results (*i.e.*, positive, adulterated, substituted, and invalid) will be given the opportunity to discuss with the MRO any legitimate explanation for the test result. If, after speaking with the employee, the MRO determines that there is a legitimate medical explanation for a confirmed positive test result, the MRO will report the test result as negative to the DER. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a “verified positive test result” by the MRO.
- (iii) A split-specimen collection method will be used for drug tests. This means that a urine sample is subdivided into two bottles labeled as a “primary” and a “split” specimen. Both bottles are sent to a laboratory. Only the “primary” specimen is opened and used for the urinalysis. The “split” specimen bottle remains sealed and is stored at the laboratory. All applicants and covered employees whose primary urine sample is verified positive, adulterated or substituted have the right to request that their split-specimen be analyzed in a different DHHS certified laboratory, selected by the BAE Systems, to reconfirm the positive, adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive, adulterated or substituted test result.

3. Alcohol Testing

- (i) Alcohol screening tests will be performed by a screening test technician (STT) using a non-evidential screening device, or by a breath Alcohol technician (BAT) using an evidential breath testing device (EBT). The BAE Systems ensures that the STTs are proficient in the operation of non-evidential screening devices and that the BATs are proficient in the operation of EBTs. In addition, the BAE Systems will use only non-evidential Alcohol screening devices and EBTs which are listed on the conforming products list issued by the National Highway Traffic Safety Administration.
- (ii) If the result of the screening test is an Alcohol concentration of 0.02 or greater, a confirmation test will be performed using an EBT. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action taken under the BAE Systems’ policy shall be based. A positive test result is an Alcohol concentration of 0.04 or greater.

DEFINITIONS

1. Accident – An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and the time all such persons have disembarked, and in which any person suffers death or serious injury or in which the aircraft receives substantial damage.
2. Covered Employee – A person who performs, either directly or by contract, a safety-sensitive function for the BAE Systems. An employee also is a person who transfers into a position to perform a safety-sensitive function for the BAE Systems. For purposes of pre-employment drug testing only, the term “covered employee” includes a person applying to perform a safety-sensitive function.
3. Designated Employer Representative – An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.
4. Drugs – Marijuana, cocaine, opioids (including heroin, morphine, codeine, hydrocodone, hydromorphone, oxycodone and oxymorphone), phencyclidine (PCP), amphetamines or their metabolites.
5. Refusal to Test – For purposes of this policy, the following employee conduct will be considered a refusal to submit to a test:
 - (i) Failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the BAE Systems, consistent with applicable DOT regulations, after being directed to do so by the BAE Systems, its consortium or third-party administrator (as applicable);
 - (ii) Failing to remain at the testing site until the testing process is complete; however, an applicant who leaves the testing site before the pre-employment testing process commences is not deemed to have refused to test;
 - (iii) Failing to provide a urine specimen, or breath or saliva specimen for testing;
 - (iv) Failing to attempt to provide a breath or saliva specimen for testing;
 - (v) Failing to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure;

- (vi) Failing or declining to take a second drug or alcohol test that the BAE Systems or collector has directed to be taken, including failing to take a second test that the employer has directed following a negative dilute test result, when the BAE Systems so elects;
- (vii) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” procedures (in the case of applicants, only after a contingent offer of employment has been extended), or the insufficient breath procedures;
- (viii) Failing to provide a sufficient breath specimen when directed, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (ix) Failing to sign the certification at Step 2 of the Alcohol Testing Form;
- (x) Adulterating or substituting a urine specimen;
- (xi) Admitting to the collector or MRO that the specimen was adulterated or substituted;
- (xii) In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (including failing to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process);
- (xiii) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- (xiv) Failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process (e.g., leaving the test site before the collection process is completed, refusing to empty pockets when so directed by the collector, failing to wash hands after being directed to do so by the collector or behaving in a confrontational way that disrupts the collection process); or
- (xv) Failing to promptly notify the BAE Systems that the driver was in an accident or not being readily available for testing after an accident (except as necessary to obtain assistance or medical care).

6. Safety-Sensitive Function – A function that is performed by a covered employee as defined below, including any assistant, helper, or individual in a training status, either directly or by contract (including by subcontract at any tier) for the BAE

Systems, including full-time, part-time, temporary, and intermittent employees regardless of the degree of supervision. Safety-sensitive functions are:

- (i) Flight crewmember duties;
- (ii) Flight attendant duties;
- (iii) Flight instruction duties;
- (iv) Aircraft dispatcher duties;
- (v) Aircraft maintenance and preventive maintenance duties;
- (vi) Ground security coordinator duties;
- (vii) Aviation screening duties;
- (viii) Air traffic control duties; and
- (ix) Operations Control Specialist duties.

APPENDIX A3

SAFETY-SENSITIVE FUNCTIONS – FEDERAL TRANSIT ADMINISTRATION (FTA)

The Federal Transit Administration (FTA) has promulgated specific regulations relating to the misuse of Alcohol or the use of Controlled Substances by individuals performing safety-sensitive functions. Individuals performing such duties are subject to drug testing in accordance with this Policy.

A. Prohibitions

1. Alcohol Prohibitions

- (i) A covered employee may not perform a safety-sensitive function if the employee's test result indicates an Alcohol concentration of 0.02 or greater.
- (ii) A covered employee may not report for duty on a safety-sensitive function if using Alcohol within 4 hours prior to reporting for duty.
- (iii) A covered employee "on call" shall not consume Alcohol for the specified on-call hours. Covered employees who are called to report to duty must acknowledge if he/she has consumed Alcohol and either: (a) state the inability to perform the safety-sensitive function; or (b) submit to an Alcohol test prior to performing the safety-sensitive function.
- (iv) A covered employee who is required to take a post-accident Alcohol test may not consume Alcohol for eight hours following an accident or until he/she undergoes a post-accident test, whichever occurs first.

2. Drug Prohibitions

- (i) A covered employee may not report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses or has drugs in his or her system, or has tested positive for drugs.
- (ii) The use of "medical" marijuana or "recreational" marijuana is prohibited and will not excuse a positive drug test result even if legal under state law. The use of hemp and CBD products also will not excuse a positive marijuana drug test result.

B. Drug and Alcohol Testing

1. Testing History. Prior to performing a safety-sensitive function for the first time, the covered employee must provide the employer with written consent authorizing the release of certain drug and Alcohol-related information by their previous DOT-regulated employer(s) for the past two years. A covered employee must inform the BAE Systems he or she has tested positive, or refused to test, on any pre-employment drug or Alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by any DOT operating agency's drug and Alcohol testing rules during the past two years.
2. Covered employees will be tested for the use of drugs and Alcohol in accordance with the regulations outlined in 49 CFR §655 and will include:
 - (i) Pre-employment (drugs);
 - (ii) Transfer into a safety-sensitive function (drugs);
 - (iii) Post-accident (drugs and Alcohol);
 - (iv) Random (drugs and Alcohol);
 - (v) Reasonable Suspicion (drugs and Alcohol);
 - (vi) Return-to-Duty (drugs and/or Alcohol); and
 - (vii) Follow-up (drugs and/or Alcohol)
3. Covered employees are required to submit to "Reasonable Suspicion" testing when requested based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other BAE Systems official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations. Union members have the right to union representation when meeting with BAE Systems to discuss reasonable suspicion testing. Alcohol testing will be based on observations made during, just preceding, or just after the period of the workday that covered employee is required to be in compliance with FTA regulations. BAE Systems may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. If an alcohol test is not administered within two hours following the determination, BAE Systems will document the reasons why. If an alcohol test is not administered within eight hours following the determination, no

test shall be conducted and BAE Systems will document the reasons for not administering the test.

4. Post-accident testing will be conducted in accordance with federal regulations. If an accident involved the loss of human life or if the covered employee's performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident (as determined by BAE Systems using the best information available at the time of the decision), the covered employee must submit to testing within two (2) hours but not later than eight (8) hours for Alcohol and as soon as possible but not later than 32 hours for drugs following the accident. A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying BAE Systems or the DER of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed by the employer to have refused to submit to testing. Nothing in this policy shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. The decision not to administer a drug and/or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test. The results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section provided such test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by BAE Systems. Such test results may be used only when BAE Systems is unable to perform a post-accident test within the required time period.
5. When a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the covered employee has not been in BAE Systems' random selection pool during that time, the covered employee must submit to a pre-employment drug test and obtain a negative result prior to performing safety-sensitive functions.
6. Covered employees who are required to comply with the DOT return-to-duty process after a drug and/or alcohol violation will be subject to return-to-duty testing and follow-up testing, conducted by direct observation of urine collections. Follow-up testing will be subject to unannounced testing of drugs and Alcohol for a period of not less than one year and not more than five years. The first year of testing shall consist of at least six tests following the employee's return to duty.

C. Consequences for Covered Employees Engaging in Substance Use or Alcohol Misuse

Covered employees who violate this policy will be subject to disciplinary action as outlined in Section 11 of this Policy. The DOT and FTA, at a minimum, require the following:

1. A covered employee who has a verified positive drug test result, an Alcohol test with a result indicating an Alcohol concentration of 0.04 or greater, or refuses to test (including by adulterating or substituting a urine specimen) will be immediately removed from performing safety-sensitive functions and referred to a Substance Abuse Professional (SAP). The covered employee will not be allowed to perform safety-sensitive functions until he/she has successfully complied with the SAP's evaluation and recommendations, including successful completion of return-to-duty testing and participation in follow-up testing.
2. A covered employee who is found to have an Alcohol concentration of 0.02 but less than 0.04 will immediately be removed from performing safety-sensitive functions until the employee's Alcohol concentration measures less than 0.02 or the start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test. If the employer chooses to permit the covered employee to perform safety-sensitive functions within 8 hours, the employee may not return to the safety-sensitive function until he/she is retested with a negative result.

D. Drug and Alcohol Testing Procedures

As required by the FTA's rules, BAE Systems' drug and Alcohol testing procedures comply with the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct employee. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests.

1. Drug Testing
 - (i) Drug testing is conducted by analyzing an employee's urine specimen. DOT has established a chain-of-custody procedure for the collection and analysis of urine samples that will verify the identity of each sample and test result. The collector of the specimen will seal and label the urine specimen, complete a required chain of custody form (Federal Drug Testing Custody and Control Form), and prepare the specimen and BAE Systems paperwork for shipment to a DHHS-certified laboratory. Only official DOT-authorized Federal Custody and Control forms shall be used in connection with this procedure.

- (ii) Individuals with confirmed non-negative results (*i.e.*, positive, adulterated, substituted, and invalid) will be given the opportunity to discuss with the MRO any legitimate explanation for the test result. If, after speaking with the employee, the MRO determines that there is a legitimate medical explanation for a confirmed positive test result, the MRO will report the test result as negative to the DER. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a “verified positive test result” by the MRO.
- (iii) A split-specimen collection method will be used for drug tests. This means that a urine sample is subdivided into two bottles labeled as a “primary” and a “split” specimen. Both bottles are sent to a laboratory. Only the “primary” specimen is opened and used for the urinalysis. The “split” specimen bottle remains sealed and is stored at the laboratory. All applicants and employees whose primary urine sample is verified positive, adulterated or substituted have the right to request that their split-specimen be analyzed in a different DHHS certified laboratory, selected by BAE Systems, to reconfirm the positive, adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive, adulterated or substituted test result.

2. Alcohol Testing

- (i) Alcohol screening tests will be performed by a screening test technician (“STT”) using a non-evidential screening device, or by a breath Alcohol technician (“BAT”) using an evidential breath testing device (“EBT”). BAE Systems ensures that the STTs are proficient in the operation of non-evidential screening devices and that the BATs are proficient in the operation of EBTs. In addition, BAE Systems will use only non-evidential Alcohol screening devices and EBTs which are listed on the conforming products list issued by the National Highway Traffic Safety Administration.
- (ii) If the result of the screening test is an Alcohol concentration of 0.02 or greater, a confirmation test will be performed using an EBT. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action taken under BAE Systems’ policy shall be based. A positive test result is an Alcohol concentration of 0.04 or greater.

DEFINITIONS

1. Accident – An occurrence associated with the operation of a vehicle, if as a result:

- (i) An individual dies;
 - (ii) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
 - (iii) With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more of the vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - (iv) With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operations.
2. Covered Employee – A person, including an applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to FTA regulations. For purposes of pre-employment drug testing only, the term “covered employee” includes a person applying to perform a safety-sensitive function.
3. Designated Employer Representative – An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.
4. Disabling Damage – Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. This term **includes** damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if driven. This term **does not include**:
- (i) Damage that can be remedied temporarily at the scene of the accident without special tools or parts;
 - (ii) Tire disablement without other damage even if no spare tire is available;
 - (iii) Headlamp or tail light damage; or
 - (iv) Damage to turn signals, horn, or windshield wipers, which makes the vehicle inoperable.
5. Drugs – Marijuana, cocaine, opioids (including heroin, morphine, codeine, hydrocodone, hydromorphone, oxycodone, and oxymorphone), amphetamines, phencyclidine (PCP), or their metabolites.

6. Refusal to Test – For purposes of this policy, the following employee conduct will be considered a refusal to submit to a test:
- (i) Failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the BAE Systems, consistent with applicable DOT regulations, after being directed to do so by the BAE Systems, its consortium or third-party administrator (as applicable);
 - (ii) Failing to remain at the testing site until the testing process is complete; however, an applicant who leaves the testing site before the pre-employment testing process commences is not deemed to have refused to test;
 - (iii) Failing to provide a urine specimen, or breath or saliva specimen for testing;
 - (iv) Failing to attempt to provide a breath or saliva specimen for testing;
 - (v) Failing to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure;
 - (vi) Failing or declining to take a second drug or alcohol test that the BAE Systems or collector has directed to be taken, including failing to take a second test that the employer has directed following a negative dilute test result, when the BAE Systems so elects;
 - (vii) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” procedures (in the case of applicants, only after a contingent offer of employment has been extended), or the insufficient breath procedures;
 - (viii) Failing to provide a sufficient breath specimen when directed, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (ix) Failing to sign the certification at Step 2 of the Alcohol Testing Form;
 - (x) Adulterating or substituting a urine specimen;
 - (xi) Admitting to the collector or MRO that the specimen was adulterated or substituted;
 - (xii) In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (including failing to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process);

- (xiii) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
 - (xiv) Failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process (e.g., leaving the test site before the collection process is completed, refusing to empty pockets when so directed by the collector, failing to wash hands after being directed to do so by the collector or behaving in a confrontational way that disrupts the collection process); or
 - (xv) Failing to promptly notify the BAE Systems that the employee was in an accident or not being readily available for testing after an accident (except as necessary to obtain assistance or medical care).
7. Safety-Sensitive Function – Any of the following duties, when performed by employees of recipients, sub recipients, operators, or contractors:
- (i) Operating a revenue service vehicle, including when not in revenue service;
 - (ii) Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver’s License;
 - (iii) Controlling dispatch or movement of a revenue service vehicle;
 - (iv) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle for equipment used in revenue service; or
 - (v) Carrying a firearm for security purposes.
8. Vehicle – A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

APPENDIX A4

ADDITIONAL STATE AND LOCAL LAW REQUIREMENTS GOVERNING NON-DOT-REGULATED TESTING

In addition to BAE Systems policies and other government requirements detailed above, certain states or localities have specific drug testing provisions which are listed below and only apply when testing in those jurisdictions.

1. **San Francisco, California**

The City's drug testing ordinance does not preempt provisions contained in collective bargaining agreements.

2. **Boulder, Colorado**

(i) Employees who test positive have the right to request a copy of the records pertaining to the test result and to submit written information explaining the results.

(ii) A copy of the City's drug testing ordinance will be provided to all employees employed in Boulder, CO.

3. **Hawaii**

Prior to testing, employees will be provided with a list of the substances to be tested for.

4. **Iowa**

(i) BAE Systems' drug and Alcohol testing procedures comply with Iowa Code Ann. §730.5.

(ii) An applicant or employee may provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. Any action taken against an applicant or employee shall be based only on the results of the drug or Alcohol test.

(iii) If an applicant or employee is a minor (*i.e.*, under the age of eighteen), BAE Systems will provide a copy of this policy to a parent of the applicant or employee by certified mail, return receipt requested. In addition, written notification of a verified positive drug test result conducted pursuant to this policy also will be provide to a parent of the applicant or employee by certified mail, return receipt requested.

- (iv) An Alcohol test result of .04 or greater shall constitute a positive test result. Upon receipt of a confirmed positive test result, and if the employee has been employed for at least 12 of the preceding 18 months, and if the employee has not previously violated this policy, the employee shall not be terminated and shall be offered an opportunity to seek evaluation and treatment as provided in Section 11(b). An Alcohol test result of .04 or greater shall constitute a positive test result.

5. **Maine**

BAE Systems' drug and Alcohol testing procedures comply with 26 M.R.S.A. c. 7, sub-c. III-A.

6. **Minnesota**

Applicants and employees have the right to explain a test result and to have a re-test conducted at the applicant's or employee's expense.

7. **Montana**

BAE Systems will test for marijuana, cocaine, amphetamines, opiates PCP and their metabolites, and no other drugs. An Alcohol concentration of .04 or greater constitutes a positive test result. Information obtained by the MRO will be held in strict confidence and will not be released to BAE Systems.

8. **Oklahoma**

- (i) BAE Systems shall test for drugs and Alcohol as defined in the Standards for Workplace Drug and Alcohol Testing Act, including those substances approved for testing by the State Commissioner of Health.
- (ii) Prior to testing, applicants and employees will be provided with the applicable testing methods and collection procedures. Applicants and employees have the right to explain their test results in confidence, and have the right to obtain all information and records related to his or her test results, upon request.

9. **Vermont**

Prior to testing, applicants and employees will be provided with a list of the substances to be tested. Over-the-counter medications and prescription medications may cause a positive test result.