



Drug and Background Investigations

Contractor is solely responsible for ensuring that all members of Contractor Project Team have completed and passed all drug and alcohol tests and background investigations required under this Attachment and under Contractor's own programs before assigning such personnel to perform Work. Contractor is also solely responsible for ensuring that such testing and investigations are performed in accordance with all applicable laws.

- 1. Required Investigations.** Except as otherwise required by applicable law, Required Investigations shall consist of all of the following:
 - 1.1** a 7-panel drug screening;
 - 1.2** a background investigation that includes a criminal records check in all counties where the applicable person has resided for at least the last seven (7) years;
 - 1.3** a third-party verification of previous employment and the highest education level completed by the applicable person;
 - 1.4** a check of the National Sex Offender Registry and Terrorist Watch List (Denied Parties); and
 - 1.5** a check of Motor Vehicles Record (if work to be performed by the applicable person requires driving as part of the defined duties).
- 2. Notices to Tested Persons Regarding Background Checks.** All background checks will be conducted in compliance with applicable provisions of the Fair Credit Reporting Act.
- 3. Forms and Testing Organization for Drug Tests.** Except for those positions subject to Department of Transportation ("DOT") drug and alcohol testing regulations, all drug testing shall be performed using the Universal Toxicology four part "Non-DOT" Chain of Custody and Request Form with white and blue top page, and shall be conducted by an independent third-party organization.
- 4. Pass/Fail Standards – Background Checks.** A person shall be deemed to have failed the applicable background check if:
 - 4.1** information is reported through the background check process indicating that such person has failed to disclose or misrepresented information requested at any time about such a person's criminal background history; or
 - 4.2** such person has ever committed any felony constituting a violent crime, crime against a person, sexual offense or fraud; or
 - 4.3** such person has committed any other felony, or has been incarcerated for a felony, within ten (10) years prior to the date of such background check (i.e., for these felonies there must be a ten (10) year lapse in time from the later of the commission and the end of any period of incarceration); or
 - 4.4** such person has committed any misdemeanor that:
 - 4.4.1** involves violence that is sexually related; or

- 4.4.2 consists of a DUI that is the second (or more) DUI in the last two (2) years prior to the date of the background check; or
- 4.4.3 consists of a theft-related offense; provided that there can be no more than one theft by check and it must have been for an amount less than \$100; or
- 4.4.4 consists of any drug-related misdemeanor committed at any time within forty-eight (48) months prior to the date of the background check.

4.4 For purposes of both felonies and misdemeanors, a person is deemed to have committed the applicable offense if he/she is convicted or enters a plea of guilty or nolo contendere for such offense (to include, without limitation, sentences of probation and deferred adjudication).

5. **Pass/Fail Standards – Drug Tests.** A person shall be deemed to have failed the applicable drug test if any of the following maximum cut-off levels are exceeded, unless there is a legitimate medical explanation for the presence of a tested substance at or above the applicable cut-off level:

- 5.1 Amphetamines 500ng/mL
- 5.2 Barbiturates 150ng/mL
- 5.3 Benzodiazepines 150ng/mL
- 5.4 Cocaine 150ng/mL
- 5.5 Marijuana 150ng/mL
- 5.6 Opiates 2000ng/mL
- 5.7 Phencyclidine 25ng/mL

For any positions subject to DOT drug and alcohol testing requirements, testing shall be conducted according to the applicable DOT panel and cutoff levels.

6. **Other Requirements.**

- 6.1 Background checks and drug tests will be paid for by Contractor without reimbursement by Company.
- 6.2 Contractor will keep background checks and drug test records while the applicable persons are working pursuant to this Agreement and for three (3) years thereafter.
- 6.3 Upon request, Contractor will provide a certification to Company that no person required hereunder to pass a background check or drug test has failed such investigation or test. Contractor will not provide the specific results of the background check or drug test of any individual to Company.
- 6.4 If any person required under this Agreement to pass a background check or drug test fails such check or test, Contractor will not report the specific results of such check or test to Company and will not allow such individual to perform any Work for Company. Although such person may not be assigned to perform any Work for Company, nothing in this Attachment requires Contractor to take any other action with respect to such person's employment with Contractor.