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## DRUG AND ALCOHOL TESTING

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### STATEMENT OF POLICY:

As part of the Company's commitment to safeguarding the health of employees, providing a safe place for employees to work, and supplying our clients with the highest quality products and services possible, the Company issues this policy outlining its position on the use or abuse of alcohol, drugs, other controlled substances, or inhalants by employees.

Because substance abuse at work or away from work can seriously endanger the safety of employees and render it impossible to supply top-quality products and services, the Company has a program established under this policy to detect and remove abusers of alcohol, drugs, other controlled substances, or inhalants from its workplace where such abuse impacts job performance, or otherwise has a negative impact on the Company's business environment.

In implementing and enforcing this policy, the Company may test applicants and employees for the presence of drugs and/or alcohol. In the absence of state or federal law to the contrary, the following shall apply:

### GUIDELINES:

1. Definitions:

- a. *Alcohol or alcoholic beverage* – means any beverage that has an alcoholic content in excess of .5% by volume.
- b. *Drug* – means any substance (other than alcohol) capable of altering the mood, perception, pain level, or judgment of the individual consuming it and/or the metabolite of any such substance.
- c. *Prescribed drug* – means any controlled substance prescribed for the individual consuming it by a licensed medical practitioner. Controlled substance means that distribution of a substance (usually a drug) is subject to regulation by state or federal law (*i.e.*, it can only be prescribed by a licensed medical practitioner).
- d. *Illegal drug* – means any drug or controlled substance, the sale or consumption of which is illegal.
- e. *Specimen* – means urine, blood, breath, saliva, or hair.
- f. *Inhalant* – means any glue, paint, aerosol, anesthetic, cleaning agent, solvent, or other substance that, when inhaled or ingested, will cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses and that contains chemicals including, but not limited to: toluene, xylene; hexane; acetone; methylene chloride; methanol; Freon(s); benzene; (iso) amyl nitrite; (iso) butyl nitrite; (iso) propyl nitrite; N-butyl nitrite; butane; propane; fluorocarbon, hydrocarbons; ethyl chloride; nitrous oxide; halothane; tetrachloroethylene; trichloroethane; trichloroethylene.

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2. The Company reserves the right to test for the presence of the following drugs and alcohol at the levels indicated on the following chart:

<b>DRUG CLASS</b>	<b>URINE – NG/ML</b>	<b>HAIR – NG/GM</b>
Alcohol	0.04%	-
Amphetamine/Methamphetamine	1,000	500
Barbiturates	200	-
Benzodiazepines	200	-
Cocaine Metabolite	300	500
Marijuana Metabolite	50	5
Methadone	300	-
Methaqualone	300	-
Opiates	300	500
Phencyclidine (“PCP”)	25	300
Propoxyphene Metabolite	300	-

3. Any individual whose test result indicates the presence of alcohol or drugs at or above the levels shown in any of the classes of drugs listed above will be considered to have a positive test.
4. No prescribed drug shall be brought on Company premises by any person other than the person for whom the drug is currently prescribed by a licensed medical practitioner and shall be used only in the manner, combination, and quantity prescribed.
5. The Company will not tolerate on-premises or on-duty use, possession, or distribution of illegal drugs or alcohol or the abuse of inhalants. Employees who use these substances off duty and report for work under their influence may be terminated.
6. The illegal use, sale, trade, or delivery of a drug or controlled substance or the illegal possession of same on or off duty is cause for termination.
7. At the request of the Company, based on reasonable suspicion or evidence of illegal sale, possession, or use of controlled substances, employees must submit to a search of items within the employee’s work area and any personal vehicle brought on Company premises or worksites or used on Company business.

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8. Applicant Testing:

All persons who seek employment for any position may be required to submit to drug testing only after a conditional offer of employment has been made. Collection sites, laboratory locations, the Medical Review Officer (“MRO”), and record keeping will all follow the guidelines set forth in this policy.

9. Employee Testing:

All employees may be required to submit to testing under the specific guidelines described in the Drug and Alcohol Testing Policy.

a. Post-Accident Testing: Drug and/or alcohol testing, concurrent with treatment for injury or as soon as practicable after non-injury property damage, will be required if the employee:

- (1) Has sustained a personal injury or caused a co-worker or any other person to be injured or
- (2) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or a vehicle involved in a work-related accident or in damage to property.

b. Reasonable Suspicion Testing: Drug and/or alcohol testing may be required if an employer has a “reasonable suspicion,” based on specific facts and rational inferences from those facts, that an employee:

- (1) Is under the influence of drugs or alcohol or
- (2) Has violated the Company’s written work rules against the use, possession, sale, or transfer of drugs, alcohol, or inhalants.

c. Random Testing: At the discretion of Company management, employees may be required to participate in random, spot-check drug screens. Drug tests are unannounced and every employee has an equal chance of being selected for testing.

d. Return-to-Duty/Follow-Up Testing: The Company may conduct follow-up testing as permitted and/or required by law. Any positive test during this period may result in termination without notice.

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### 10. Testing Procedures:

- a. Testing of employees will be conducted either during the employee's workday or immediately thereafter. Employees will be compensated for this time at their regular rate of pay.
- b. The Company may use Breathalyzers or other testing procedures to detect alcohol use or influence by employees while on duty. If alcohol use or impairment is suspected, an employee should be treated in the same fashion as other employees subject to for-cause investigations.
- c. All applicants and employees who are requested to submit to testing will be directed to report to a laboratory selected by the Company for the purpose of testing including, without limitation, providing a urine, blood, or hair specimen for testing.
- d. Specimen collection will be performed by the laboratory's personnel and will be conducted in accordance with federal, state, and local requirements to guard the integrity of the specimens, maintain the chain of custody, and ensure the tests are treated as confidential and distribution limited to those having a "need to know."
- e. Testing of the specimen will be performed by a certified laboratory. The method of initial testing used will be EMIT immunoassay. In the event the initial test results are positive, the laboratory will perform a second test on the same specimen to confirm the test results. The confirmation test method used will be GC/MS (gas chromatography/mass spectrometry). Except as otherwise provided in this policy, all initial and confirmation tests will be performed at the expense of the Company.
- f. Positive test results will be reviewed by the laboratory's MRO who will interpret and evaluate the test results together with the individual's medical history and any other relevant information. Applicants and employees will have the right to provide the MRO with any information the applicant or employee believes may affect the outcome of the test.
- g. All test results will be reported to the Company's designee.

### 11. Confidentiality:

- a. All test results and related information will be maintained and treated as confidential by the Company, with distribution limited to those having a "need to know."
- b. Such records are property of the Company, but may be made available to the applicant or employee upon his or her request for inspection or copying.
- c. The testing laboratory will not disclose to the Company any information revealed by the testing relating to the general health, pregnancy, or other physical or mental condition of the person tested or any other information if the disclosure is prohibited by federal, state, or local law.

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12. Policy Violations and Consequences:

- a. Applicants who refuse to sign the Substance Abuse Screening Consent and Release or submit to testing or who adulterate, dilute, or otherwise tamper with a test specimen or have a positive test result that is confirmed in accordance with federal, state, and local rules and regulations may be denied employment.
- b. Employees who refuse to sign the Substance Abuse Screening Consent and Release or submit to testing or who adulterate, dilute, or otherwise tamper with a test specimen or have a positive test result that is confirmed in accordance with federal, state, and local rules and regulations may be subject to immediate termination from employment.
- c. Unless otherwise prohibited by law, any employee who is terminated from employment in accordance with this policy is considered to have been terminated for misconduct and may not be eligible to collect unemployment compensation benefits.
- d. The Company will not take any action under this policy in violation of the Americans with Disabilities Act, or any other law.
- e. Employees who come forward to admit they have a substance abuse problem prior to the Company's initiation of investigative procedures may, at the Company's discretion, be granted leave for the purpose of obtaining appropriate counseling and treatment. Employees who seek appropriate treatment may be conditionally reinstated to their previous status provided they undergo Company-approved substance abuse counseling/treatment at their own expense, maintain the preventive course of conduct prescribed by their drug and alcohol counselor and doctors, agree to random drug testing, and their work performance is not adversely affected by continued abuse of drugs and alcohol.
- f. Treatment for alcoholism and other drug addictions is regarded the same as treatment for any other illness or disability. Eligible employees may apply for these benefits in accordance with the terms of available coverage.
- g. **Employees who are granted the opportunity for treatment will have only one opportunity to complete counseling/treatment.** Employees who do not follow the prescribed preventive maintenance treatment by their drug counselor or engage in drug or alcohol use on the job will be terminated. Additionally, employees who use drugs or alcohol off the job that affects their job performance will be terminated.

13. Amendments:

- a. In accordance with federal, state, and local regulations, the Company has the right to make changes to this policy at any time.
- b. If any part of this policy is determined to be void or unenforceable under state or federal law, the remainder of the policy, to the extent possible, remains in full force and effect.

## **SUBSTANCE ABUSE SCREENING CONSENT AND RELEASE**

I, the undersigned, having been made an offer of employment or employed by the employer named below (hereinafter the "Company"), hereby voluntarily consent to the taking of specimens for substance abuse screening as a condition of my initial and/or continued employment with the Company. I authorize the release of all results of such screening to the Company

I release the Company; their agents, servants, and assigns; the testing laboratory, its physicians, nurses, technicians; and any other employees or agents involved with my tests from any and all liabilities, claims, or causes of action relating to such substance abuse screening including, without limitation, those that may result from administering such tests and/or the disclosure of test results.

I understand and freely and voluntarily agree that if the Company asks me to, I will submit to substance abuse screening. I understand that either refusal to submit to the substance abuse screen or a positive test result may result in revocation of a conditional offer of employment or termination of my employment, as applicable.

In the case of a breath alcohol test, I understand and agree that if the breath alcohol test level as determined by the test reflects an illegal level of intoxication, I will be unable to operate a motor vehicle and must use an alternative form of transportation operated by someone other than myself. If I refuse alternative transportation, I understand and agree law enforcement officials may be notified.

Furthermore, I understand that I may be required to submit to testing for the presence of drugs and/or alcohol within twenty-four (24) hours of a work-related injury. I understand that if I refuse to execute all forms of consent and/or refuse to consent to the testing after a work-related injury, my employer has the right to disciplinary action, up to and including termination.

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Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Employer