

[COMPANY] SUBSTANCE ABUSE POLICY

[COMPANY] has a vital interest in maintaining a safe, healthy and efficient workplace for the benefit of its employees, clients and the public. The use of alcohol and performance impairing drugs can cause avoidable injuries to employees, damage to property and productivity losses.

[COMPANY]'s substance abuse policy complies with federal and state laws and regulations. [COMPANY] expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is a condition of employment.

Definitions

Drug: Any substance that has known mind or function altering effects on a person, including psychoactive substances prohibited or controlled by Federal or State controlled substance law.

Prescribed Drugs: Any substance prescribed for use by the employee by a licensed medical practitioner.

Sample: Oral fluid, urine, hair or blood.

To ensure a safe and productive work environment, employees are prohibited from:

- A. The possession, use, impairment by, sale, dispensation, distribution, purchase, or unlawful manufacture of un-prescribed drugs and intoxicants on [COMPANY] premises.
- B. Working impaired under the influence of alcohol, illegal drugs or intoxicants during working hours.
- C. Violating any Federal or State law relating to drugs or alcohol.
- D. The exception to this policy is the authorized possession, use and transportation of drugs prescribed by a physician and used according to prescription instructions unless such use would pose a safety risk to the employee, other employees or the public.

Employee Responsibilities

As a condition of employment each employee must:

- A. Abide by this Substance Abuse Policy.
- B. Notify [COMPANY] of any criminal drugs statute conviction for a violation of Federal or State law relating to drug use, possession or dealing no later than five (5) days after such conviction.
- C. Employees who are required to submit to post accident testing agree to accept, at [COMPANY]'s discretion, transportation to a location where the test will be conducted and to their residence.

Use of Prescription Drugs: In the event an employee is under the care of a physician and is taking prescribed medication, including medical marijuana, that might impair their ability to perform a job safely, the employee must notify management immediately in advance of starting work. It is at management's discretion as to whether the employee may continue to perform the normal assigned duties or be designated non-safety sensitive duties (if available).

Any violator of this substance abuse policy will be subject to appropriate corrective action, up to and including termination of employment. Nothing in this policy changes the at-will employment relationship.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action (discipline up to and including termination of employment) by [COMPANY].

Required Testing

Pre-employment: Contingent upon a job offer, applicants will be required to pass a pre-employment drug test to be eligible for employment with [COMPANY].

Reasonable Suspicion: Employees are subject to testing based upon (but not limited to) observations of an individual being under the influence of alcohol, illegal drugs or intoxicants while at work. Human Resources or a Manager shall be consulted before sending an employee for testing. All levels of supervision making this decision must utilize the "Reasonable Suspicion Documentation" (attached) to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs and/or alcohol. If the results of the "Reasonable Suspicion Documentation" indicate further action is justified, the manager/supervisor should confront the employee with the documentation and with another member of management.

Random Testing

[COMPANY] will randomly test employees in "safety sensitive" designated positions for compliance with its drug-free workplace policy. As used in this Policy, "random testing" means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee performing a "safety sensitive" position will be tested. A "safety sensitive" position is defined as, "a job or position where the employee holding this position has the responsibility for his/her own safety or other people's safety."

"Safety sensitive" positions at [COMPANY] have been identified as follows: any personnel that work in [COMPANY]'s production, R&D and warehouse operations and either work around and/or directly operate or co-operate equipment including but not limited to manufacturing equipment, printing presses, conveyors, packaging equipment, pallet jacks, forklifts or [COMPANY]'s vehicles.

It would be particularly dangerous if such an employee is using drugs or alcohol on the job. An employee has to be with clear mind and diligent while occupying such positions. Furthermore, [COMPANY] has no discretion to waive the selection of an employee selected by this random selection method.

Post-accident: Employees are subject to testing when they cause or contribute to an accident that damages a [COMPANY] vehicle, machinery, equipment, or property and/or result in an injury to themselves or another employee requiring off-site medical attention. A probable belief circumstance will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including, but not limited to, forklift, [COMPANY] vehicle, overhead cranes, aerial/man-lifts) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Substances Covered by Drug/Alcohol Testing

Employees will be tested for their use of commonly-abused controlled substances, which include: Amphetamines, Barbiturates, Benzodiazepines, Opiates, Cannabinoids, Cocaine, Methadone, Methaqualone, Phencyclidine (PCP), Propoxyphene, and chemical derivatives of these substances, as well as alcohol.

Employees must advise testing lab employees of all prescription drugs taken in the past month before the test, and to be prepared to show proof of such prescription(s) to testing lab personnel.

Testing Methods and Procedure

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the State or Federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

Employees will be considered to be engaged at work for the time spent in taking any tests, and will be compensated for such time at their regular rate.

[COMPANY] will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with State law, so that an employee may request a retest of the sample at his/her own expense if the employee disagrees with the test result.

Refusal to Undergo Testing

Employees who refuse to submit to a test are subject to immediate discharge.

Right to Review Records

Employees have a right to obtain copies of all test results from the testing laboratory or from [COMPANY]. When the individual disagrees with the test results, the individual may request that the testing laboratory repeat the test. Such repeat test shall be at the expense of the

individual, unless the repeat test overturns the original report of the Lab, in which case [COMPANY] will reimburse the employee for the costs incurred for the retest.

Confidentiality

Only those persons authorized to receive results from the laboratory will be allowed to discuss these results with the supervisor or the employee.

All records concerning test results will be kept in medical files which are maintained separately from the personnel file of the employee.

Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual which are unrelated to drug usage.

Drug test results will be released to a decision maker in a lawsuit, grievance or other processing (such as for a Worker's Compensation or Unemployment Insurance Claim) initiated by or on behalf of the donor.

Positive Test

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the positive confirmation test, the employee will be required to enter an authorized treatment program approved by [COMPANY] and agree to subsequent retesting for a period of up to two years after returning from treatment.

If the employee refuses to enter the treatment program, he/she will be subject to disciplinary action, up to and including discharge. Discipline selected by [COMPANY] will depend upon a variety of factors, including the prior work record of the employee; the length of prior employment; the prior accident and attendance record of the employee; the circumstances which led to the testing; and the proposals by the employee to address the problem.

Right to Explain Test Results

All employees and applicants have the right to meet with the testing laboratory personnel and with [COMPANY], to explain their test results. These discussions shall be considered confidential except that information disclosed in such tests will be communicated to personnel within [COMPANY] or within the Lab who need to know such information in order to make proper decisions regarding the test results or regarding the employment of the individual.

Retesting

Employees may request a retest of their positive test results within five (5) working days after notification by [COMPANY] of such positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest. Once [COMPANY] has determined whether or not there is evidence to indicate that the test results are incorrect, [COMPANY] will advise the individual of its decision.

Treatment, Termination and Rehire

Where the employee/applicant believes that the positive test result was affected by taking of lawful or prescribed substances, the individual may be suspended without pay pending receipt of confirming information to substantiate the claims of the individual. Normally, the individual will be provided no more than five (5) business days in which to provide this additional information.

If the positive test is due to medically prescribed marijuana by a licensed physician or the test was positive for marijuana in a state where marijuana may be used legally, recreationally, and the test was for reason of:

1. Pre-employment, the candidate will be allowed to move forward with the hiring process provided the position applied for is not designated as “safety sensitive” as defined herein. If the position was designated as “safety sensitive” in the application process, further consideration for hire will be discontinued and the applicant will be disqualified.
2. Reasonable Suspicion, the employee will be subject to immediate discharge.
3. Random Testing, and the position is designated as “safety sensitive”, the employee will be subject to immediate discharge. If the position is not designated as “safety sensitive”, the employee will be allowed to continue employment.
4. Post-accident, and the position is designated as “safety sensitive”, the employee will be subject to immediate discharge. If the position is not designated as “safety sensitive”, management will review all relevant facts and circumstances and will determine in its discretion whether the employee will be allowed to continue employment.

Employees who test positive for any drug(s) other than medically-prescribed marijuana or recreationally approved by law marijuana have two choices. The first option is for the employee to enter an authorized treatment program. The treatment program would be based on a state licensed drug and alcohol assessment with the resulting recommendation and referral to an accredited treatment program, either outpatient or inpatient, at the employee’s expense. There may be coverage through [COMPANY]’s Health Benefits plan for in/out treatment plans.

In addition, upon completion of the treatment program the employee would be required to submit to subsequent retesting for a period of two years after returning from treatment.

The second option, if the employee chooses not to enter the treatment program, would be immediate termination of employment. The individual will not be considered for rehire until he/she can show that he/she has remained drug free for a period of two years or more.

Post-Rehabilitation Testing

[COMPANY], as a condition of continued employment, will require the taking and passing by the employee of follow-up drug tests during a probationary period within the two year period after the employee’s return to work after successful completion of a treatment program.

Consent and Release of Liability for Drug and Alcohol Testing

I understand that as a condition of employment with [COMPANY], I may be required to submit a sample of my urine and/or blood for chemical analysis. I understand that the analysis will be conducted by a certified laboratory. The purpose of this analysis is to check for the presence of non-prescription drugs or alcohol in my system.

I hereby give permission for any certified laboratory to release the results of these tests to [COMPANY]. I consent freely and voluntarily to this request for a urine and/or blood specimen. I hereby release [COMPANY] from any liability arising from this request to furnish urine and/or blood samples, the testing of the urine and/or blood samples and any decision made concerning my application for employment or employment which may be based in whole or in part upon the result of the test analysis.

I understand that the presence of any non-prescription drug or alcohol in my system may result in the denial of employment with [COMPANY] or the termination of that employment. I further understand that employment with [COMPANY] may be conditioned upon my willingness to submit to and the results of periodic drug and/or alcohol testing required by the Company. Likewise, I understand that refusal to submit to or cooperate with any such testing may result in termination of my employment.

Signature of Applicant/Employee

Date

Reasonable Suspicion Documentation

Date:

Name of Employee:

Job Title:

Location/Department:

Prior to sending any employee for drug or alcohol testing due to a reasonable suspicion, this form must be completed by two members of management who have had a first-hand observation or conversation with the employee. In rare situations, a second member of management may not be available to witness the behavior. If the employee is in a safety sensitive area, remove them from work immediately until a second observer can talk with the employee and/or a decision can be made on whether testing is necessary.

When completing the following document, list all observations you noticed. Be as specific as possible including names of employees/witnesses, when and where you noticed these behaviors occurring, what the employee was doing at the time and any witnesses of these events. Include any observations or changes in appearance, smell, speech, movement or actions of the employee; direct observation of drug use or its physical symptoms, including slurred speech, agitated or lethargic demeanor, uncoordinated movement and inappropriate responses to questions; and abnormal conduct or erratic behavior while at work, or significant deterioration in work performance.

First Observer Name:

Job Title:

Observations:

Signature:

Date:

Second Observer Name:

Job Title:

Observations:

Signature:

Date:

Once the observations are documented, the involved management should immediately meet with HR, if available, and make a decision as soon as possible on whether or not to send the employee for reasonable suspicion testing to rule out the possibility that they may be under the influence of drugs or alcohol at work. This decision should be made and handled in accordance with the Company's drug and alcohol policy and procedure.

Describe Action Taken: