

## Non DOT Sample Drug and Alcohol Policy

### I. Objective

This policy establishes guidelines for The Company to provide a safe, healthy, productive and secure drug-free work environment for employees and other individuals conducting business with The Company.

### II. Scope

The Company is committed to providing a safe and productive work environment that encourages every employee to achieve the highest level of personal and professional satisfaction possible. The use of drugs and/or alcohol can create safety and health hazards, which may cause unacceptable job performance, behavior and possibly put others in danger. All individuals are subject to this policy while they are on or in company property owned and/or operated by The Company its affiliates and subsidiaries.

### III. Policy Statement

1. The Company explicitly prohibits:
  - i. The unlawful manufacturing, distributing, possessing, abusing or being under the influence of drugs and/or alcohol in the workplace.
  - ii. Being impaired or under the influence of drugs and/or alcohol away from the workplace, if such an impairment or influence adversely affects the employee's work performance, the safety of the employee or others, or puts at risk the Company's reputation.
2. The company reserves the right to test applicants and/or current employees under the following circumstances:
  - i. Pre-employment Testing – required of all applicants who have been given a conditional offer of employment.
  - ii. Random Testing – Employees will be selected at random for drug and alcohol testing at the interval determined by the Company. The company is authorized to perform random testing over and above the standards enforced by the Company.
  - iii. Reasonable Suspicion Testing- The company may ask an employee to submit to a drug test at any time it feels that the employee may be under the influence of drugs or alcohol, including but not limited to the following circumstances: evidence of drugs, drug paraphernalia, or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence

of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

- iv. Post-Accident Testing- Any employee involved in an on-the-job accident or injury may be asked to submit to a drug and/or alcohol test under circumstances mandated by the Company. These circumstances include, but are not limited to the following:
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- v. Return to work- If an employee has tested positive or otherwise violated the drug and/or alcohol policy, the employee will be required to take a drug and/or alcohol test before returning to work.
- vi. Follow-up – Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including termination. Depending upon the circumstances and the employee’s work history/record, The Company may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which will include follow-up drug and/or alcohol testing at times and frequencies determined by The Company. Follow-up testing will be randomly administered at least 6 times during the first 12 months an employee has returned to work and can continue for a period of up to (5) years. Employees may also be asked to sign a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete their rehabilitation program or tests positive after completing the rehabilitation program, they will be subject to immediate discharge from employment.

#### **IV. Collection and Testing Procedures**

1. Employees subject to alcohol testing shall be driven to a Company designated facility and directed to provide breath specimens. If an employee’s breath alcohol concentration is .02 or more, a second breath specimen shall be tested approximately 20 minutes later. The results of the second test shall be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the Company’s discretion. For purposes of this Policy, test results generated by law enforcement or medical providers may be considered by the Company as work rule violations.
2. Applicants and employees shall provide urine specimens to a Medical facility as directed by the company. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens shall be sent to a laboratory and tested for evidence of drug use. The laboratory shall screen all specimens and confirm all positive screens. There shall be a chain of custody from the time specimens are collected through testing and storage.

3. The laboratory shall transmit all positive drug test results to a Medical Review Officer (“MRO”) retained by The Company, who shall offer persons with positive results a reasonable opportunity to rebut or explain the results. Persons with positive test results may also ask the MRO to have their split specimen sent to another laboratory to be tested at the applicant’s or employee’s own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event shall a positive test result be communicated to The Company until such time that the MRO has confirmed the test to be positive.

**V. Reasonable Suspicion and Post-Accident Testing Protocol**

1. The employee will be advised that the Company believes that there is reasonable suspicion to believe that he/she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported to any one of the company’s contracted testing facilities. One member of management/designated attendant will accompany the employee. *Under no circumstances will the employee be allowed to drive him or herself to the testing facility.*
3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform them that staff from the Company will be arriving and will need a drug and/or alcohol test completed.
4. The employee to be tested MUST present a PHOTO ID (i.e., a driver’s license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings this with them when leaving Company premises.
5. The employee to be tested must sign a consent form provided by/at the testing facility. Refusal to sign is addressed under the “Disciplinary Actions” section of this document.
6. A Company representative must sign as a witness to the collection procedure, along with the tested employee.
7. After returning to work or when leaving the testing facility, the supervisor/manager MUST make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will the tested employee be allowed to drive himself or herself home.

**VI. Disciplinary Actions**

1. Any employee determined by the Company to have engaged in the creation, manufacture, distribution, dispensing, possession, or is determined to be under the influence of drugs and/or alcohol while on the company’s premises or while conducting company business will be subject to corrective action up to and including termination.
2. Any employee who refuses to submit to a urine/ or blood analysis shall be subject to corrective action up to and including termination.

3. Any employee who refuses to sign a consent form at a testing facility shall be subject to corrective action up to and including termination.
4. The company may choose on a case-by-case basis, to ask an offending employee to participate in, and satisfactorily complete a drug or alcohol abuse evaluation, treatment, and/or rehabilitation program approve for such purposes.
5. Any applicant for hire testing positive will not be hired.

## **VII. Exemptions and Reasonable Accommodations**

The Company recognizes that many prescription and over-the-counter medications may fall within the above prohibitions. It is the responsibility of the employee to report to his or her Manager or Human Resources Manager the current use of any prescription or over-the-counter drug that may impair his or her performance, for his or her own safety and the safety of others.

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

## **VIII. Definitions**

1. Drug- for the purpose of this policy, the definition of a “drug” includes alcoholic beverages, legal and illegal controlled substances, narcotics, hallucinogens, depressants, stimulants, inhalants and other substances capable of creating or maintaining effects on one’s physical, emotional, or mental state. Any such drugs may be included in the testing program.
2. Drug paraphernalia- for the purpose of this policy, is any material or equipment used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing into the human body any illegal or authorized drugs covered by this policy.
3. Controlled Substances- for the purpose of this policy, chemical substances and drugs controlled under the laws of the United States of America or by appropriate state law.
4. Company Property/Premises- for the purpose of this policy, includes all property facilities, land, offices, buildings, structures, fixtures, installations, equipment, automobiles, trucks, vehicles, and parking area’s whether they are owned leased, used, or under the control of the company.
5. Detectable levels/identifiable trace quantities- for the purpose of this policy, is the measurable presence of an illegal or prohibited rug or substance found in the body fluids at levels of

detection above the lowest cutoff levels, as established by the analytical methods used by the testing laboratory.

**IX. Management Rights**

Management retains the right to amend the provisions of this policy when applicable Federal, State, or Municipal Law so indicates. Such right to amend under this circumstance is not limited to the necessity as required by the applicable statute.

**EMPLOYEE ACKNOWLEDGEMENT  
OF DRUG & ALCOHOL TESTING POLICY**

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DRUG AND ALCOHOL POLICY CERTIFICATE OF RECEIPT

I hereby certify that I have received a copy of this latest version The Company Drug and Alcohol Policy, dated \_\_\_\_\_.

I agree to submit to blood, breath, hair, urinalysis, or other appropriate testing to determine whether I have drugs or alcohol in my system. I understand that if I test positive for the presence of drugs or alcohol, I will be subject to disqualification for hire, or to discipline up to and including immediate termination. I consent to the release of test results to The Company and to its medical advisors. I also consent to the release of test related information to the company's insurers, or any other government agency or court of law.

In return for my initial or continued employment, I release The Company, its customers, affiliates, and their employees, officers and agents from liability and damages which may arise from collection and/or testing of any specimen, or any adverse employment action taken as a result of said testing or test results.

I understand that this Consent and Release in no way limits my right or the company's right to terminate my employment at any time for any reason, with or without advance notice.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Printed)