

Provisional Services Substance Abuse Testing Policy

The consequences of employee substance abuse in the workplace are many and far reaching. These consequences include increased accidents, tardiness, absenteeism, property damage, workers' compensation costs, health insurance costs, employee turnover, and employee theft. As a result, morale and productivity may be destroyed. This organization intends to provide a working environment free of substance abuse and its attendant dangers and costs. Therefore, a policy that includes testing for the presence drugs and alcohol has been carefully crafted to meet the needs of our employees as well as those of our business and customers.

Definitions

As used throughout this policy, the following terms have the following meaning:

- **Accident** means an event wherein an employee's actions have caused injury to him or herself or others requiring medical treatment beyond first aid or those actions have resulted in damage to company, vender, or customer property exceeding \$500.00, or those actions have resulted in a driving citation or moving traffic violation arising out of a motor vehicle accident. For the purposes of this policy, an accident is defined as an event or incident occurring while on working time and/or work premises.
- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.
- **Collection site** means a place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine or breath subsequently to be analyzed for the presence of drugs or alcohol.
- **Drugs** covered by this policy include marijuana, cocaine, opiates, phencyclidine and amphetamines.
- **Employee** means any person on the payroll of Provisional or any of its subsidiaries, including, but not limited to persons paid hourly, by a salary, and those employed on a full-time, part-time, or temporary basis
- **Evidential breath testing (EBT) device** means a device approved for the evidential testing of breath.
- **Over-the-counter medication** means a drug or medication authorized under federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments or injuries.

- **Positive alcohol test** means scoring a breath alcohol concentration of 0.02 grams per liter or greater on an EBT.
- **Positive drug test** means an employee urine specimen which has been tested by a United States Department of Health and Human Services (DHS) certified drug testing laboratory, and has been determined to contain particular concentrations of one or more of the drugs defined in this policy.
- **Prescription medication** means a drug or medication lawfully prescribed by a physician, or other health care provider licensed to prescribe medication, for an individual and taken in accordance with the prescription. This type of medication is distinguished from over the counter medications that may be legally obtained without a prescription, to be taken consistent with enclosed directions.
- **Reasonable suspicion (R/S)** means specific, contemporaneous, articulable, observations concerning the appearance, behavior, speech or body odors of an employee that leads a company supervisor, manager or other company designated official to reasonably conclude that an employee is in violation of one or more of the prohibitions set forth in this policy.
- **Refusing to submit** to a substance abuse test, whether for drugs or alcohol or both, means: (i) unwillingness to make oneself available for one or more of the substance abuse tests identified in this policy; or (ii) altering, adulterating, diluting or otherwise tampering with a specimen sample. Such action will result in disciplinary action, up to and including immediate termination of employment.
- **Verified positive drug test** means a positive drug test that has been confirmed as positive.
- **Work, working and on working time** mean all time from the time an employee is scheduled to begin work or is required to be in readiness to work (e.g., rest and meal breaks) until the time he or she is relieved from work and all responsibility for performing work, regardless of whether such work is performed at one of the company's places of business or elsewhere.

Prohibitions

- **The manufacture, distribution, dispensation, possession and use of, or having in your bodily system, illegal drugs while on working time or on company premises is prohibited.** Prescription or nonprescription medications are not prohibited when taken in accordance with lawful prescription or consistent with standard dosage recommendations. A verified positive drug test is prima facie evidence of the use of drugs and having illegal drugs in your bodily system. An employee receiving a verified positive result will be subject to discipline, up to and including immediate termination of employment.

- **The use of, being in consumption of, or being under the influence of alcohol while on working time or on company premises is prohibited.** A positive alcohol test is prima facie evidence of being under the influence of alcohol. Observations of an employee's appearance and behavior may also lead a supervisor to reasonably conclude that the employee is under the influence of alcohol. Such observations include, but are not limited to the following examples: breath alcohol odor, swaying or staggering walk, bloodshot eyes, etc. An employee receiving a verified positive result will be subject to discipline, up to and including immediate termination of employment.
- **Refusal to submit to a substance abuse test, whether for drugs or alcohol or both, including altering, adulterating, diluting or otherwise tampering with or substituting a specimen sample, is prohibited.** Where an individual is found to have refused to provide a sample; has altered, adulterated, or tampered with a sample; or fails to provide a satisfactory medical reason for the dilute state of the sample, the employee will be subject to discipline, up to and including immediate termination of employment. Once notified or aware of the need to be tested, the employee may neither eat nor drink anything until instructed otherwise by collection facility staff, the employer, or law enforcement. This step should assist in eliminating concerns regarding some forms of adulteration and dilution.
- **Misuse of Prescription and Over-the-Counter Medications:** Employees may not report for work while taking prescription or over-the-counter medications unless the employee has been assured by his or her physician or care provider that such usage will not impair the individual's ability to perform his or her job in a safe and secure manner. In a case in which impairment may occur, the employee must immediately report the name of the drug, its possible side effects, and the name of his or her prescribing physician or care provider to the Director of Human Resources. Once this information is provided, the employer will be able to determine which functions the individual may perform while taking such medication. Where no alternatives exist, the employee may be removed from safety sensitive functions or placed on leave. Violation of this policy as well as misuse of any legally prescribed or obtained drug may subject an employee to disciplinary action, up to and including immediate termination of employment.

Substance Testing

- **Job Applicants:** As a requirements for some clients, applicants may be required to submit to a drug test after Provisional or the client has extended an offer of employment. This organization will not hire any applicant who refuses to submit to a drug test or who receives a verified positive test result.
- **Post-Accident:** Upon the occurrence of an accident, as defined above, the employee having caused or contributed to the accident shall make himself/herself available to be transported to the nearest specimen collection site as soon as practicable following the accident to be tested for illegal drugs and alcohol. The

employee will then be transported home and will not be permitted to return until a negative test result has been obtained.

- **Reasonable Suspicion (R/S) Testing:** When a supervisor, manager or other designated company official of the client has reasonable suspicion R/S to believe that an employee is in violation of one or more prohibitions set forth in this policy, then the employee will be notified that he or she must undergo a R/S drug and/or alcohol test. The notified employee shall make himself/herself available to be transported to the nearest specimen collection site as soon as practicable following the accident to be tested for illegal drugs and alcohol. The employee will then be transported home and will not be permitted to return until a negative test result has been obtained.

Collection Procedures

- **Required Samples:** Tests for drugs generally require a urine sample. Tests for Alcohol generally require a breath sample.
- **Privacy:** The collection and testing procedure is designed to ensure, to the extent possible, that individual dignity and privacy are preserved. As such, collection will generally be performed in an unobserved, unobtrusive manner.
- **Situations Leading to Observed Collection:** As noted above, generally urine samples will be collected in a manner preserving individual dignity and privacy to the greatest degree. This policy will be modified, however, where concern for sample integrity exists. Such circumstances include, but are not limited to: the existence of a previous adulterated, altered or tampered with sample; a previous attempt to adulterate, alter or tamper with a sample; a reasonable suspicion test; a previous positive result; or a measurement thought to be inconsistent with a fresh voiding. In such cases, the modified collection will include observed collection wherein the individual is accompanied by a same sex medical professional during provision of the sample.

Disciplinary Action

Violation of any portion of this policy may result in disciplinary action up to and including termination of employment, even for the first offense. Those discharged for violation of this policy are uniformly and permanently ineligible for rehire with this organization. Additionally, any individual found in violation of this policy is subject to expulsion from company premises. Furthermore, in appropriate circumstances, law enforcement may be contacted with other possible civil and criminal consequences for the individual.

Voluntary Self-Referral

- **The Employer Encourages Voluntary Self-referral:** Employees who feel they may have a substance abuse problem are strongly encouraged to seek assistance. In some cases those voluntarily acknowledging a substance abuse problem may be eligible for an unpaid leave of absence based on other applicable employer policies. Please speak to human resources for greater detail. Where there is no violation of the policy, no disciplinary action will apply as a result of the employee's voluntary request, notification, treatment, and return.
- **Fitness for Duty Exam Required Prior to Resumption of Work:** As set forth in our handbook, when an employee returns from any leave of absence because of personal disability due to illness, injury or pregnancy, the employee may be required to submit a written release from the attending physician. The release must include the permitted date of return to work, and state any restrictions on work performance. No guarantee of re-employment is implied by the approval of a leave of absence.

Confidentiality

Provisional will make all reasonable efforts to maintain confidentiality in dealing with matters involving an individual's drug test, test results and employee use of any assistance program. Generally, only those managers, supervisors or company-designated officials, such as the president, who have a need for such information, will have access to the same. Otherwise, release will be made only by express written authorization of the individual, entered into knowingly and voluntarily, unless the provision of this information is otherwise required by law.

Acknowledgment of Receipt and Understanding of Provisional's Substance Abuse Policy & Consent to Testing

The undersigned employee acknowledges that he or she has received a copy of and has reviewed and understands Provisional's Substance Abuse Policy. Further, the employee agrees to comply in all respects with such policy. Without limiting the foregoing, employee agrees and consents to the substance testing, substance testing procedures, and provision of positive or negative results to the employer as described in this policy, and releases Provisional and its agents, contractors, directors, officers, and employees from any claim arising from or incident to substance testing in accordance with such policy.

DATED this ____ day of _____, 200*.

Employee Signature

Applicant Acknowledgment of Receipt and Understanding of Provisional's Substance Abuse Policy & Consent to Testing

The undersigned Job Applicant acknowledges that he or she has received a copy of and has reviewed and understands Provisional's Substance Abuse Policy. Further, the Job Applicant agrees to comply in all respects with such policy. The Job Applicant agrees and consents to the substance testing, substance testing procedures, and provision of positive or negative test results to the employer as described in such policy, and releases Provisional and its agents, contractors, directors, officers, and employees from any claim arising from or incident to substance testing in accordance with such policy.

Job Applicant acknowledges that Job Applicant is now required to submit to a drug test, that either refusal to submit to a drug test or a verified positive test shall result in the conditional offer of employment being withdrawn and Job Applicant not being hired.

DATED this ____ day of _____, 200__.

Job Applicant Signature