

# **DRUG-FREE WORKPLACE POLICY**

## **Champion Personnel**

### **PURPOSE**

Drug and alcohol abuse poses a serious threat to the safety and welfare of all employees (not just the user). Specifically, drug and alcohol use lowers productivity, lessens reliability, increases absenteeism, impairs the ability of employees to perform their work, increases the likelihood of accidents, and impairs good judgment. The purpose of this policy is to establish and maintain a drug and alcohol-free work environment to best serve the interests of the Company, our employees, and our customers.

### **DEFINITIONS**

This policy is designed to establish and maintain a workplace free from the influences of controlled substances, most particularly, drugs and alcohol.

Employee – means all individuals employed by the Company in any capacity whatsoever (including management).

Drug – means any drug or drug substance:

- (1) the use, possession, or sale of which is illegal; or
- (2) which cannot legally be purchased over-the-counter, and which is not prescribed or being used under the supervision of a physician; or
- (3) which, even if over-the-counter or prescribed, is being used other than as prescribed or directed.

Alcohol – means any alcoholic beverage or substance containing alcohol

Company Premises – means all areas in which the Company has a proprietary interest, including but not limited to job sites on which employee may be assigned.

“Under the influence” – means having consumed any drug or alcohol as evidenced by behavior, appearance, attendance, performance, and/or testing for drugs and alcohol consumption.

## **I POLICY STATEMENT**

Management is fully committed to our Drug-Free Workplace Policy. It establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy and intend to hold everyone reasonably responsible for supporting the Policy.

This document describes our Company's Drug-Free Workplace Program, and every employee is expected to read and understand it. The Policy applies to every employee including management. The consequences stated in this Drug-free Policy will apply to anyone who violates the Policy.

Champion Personnel holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify that they have a substance problem will receive Company support and assistance. However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug or alcohol use in violations of this Policy, the Company reserves the right to terminate employment for violation of this work rule.

Champion Personnel expects all employees to act in a responsible manner with respect to the directed or needed use of legally purchased or prescribed drugs. An employee who is taking drugs for medicinal purposes and they may impact his/her ability to safely and substantially perform his/her duties should report such use to his or her immediate supervisor for the protection of the affected employee, co-workers, customers, and the Company. (A doctor's notice should be provided when this circumstance exists).

The unlawful manufacture, distribution, dispensation, possession, and use of drugs and/or alcohol are prohibited on Company premises. It is a violation of Champion's work rules, regulations and accepted practices for any employee to:

- Report to work, work, or attempt to work under the influence of drugs and/or alcohol
- Use, possess, distribute, dispense, manufacture, sell or attempt to sell drugs and/or drug related paraphernalia on Company premises, including employee vehicles
- Consume alcohol or use of alcoholic beverages on company premises, including employee vehicles
- Refuse to take a test, cooperate fully or sign the necessary papers when reasonable assumption exists

Violation of any of the above rules will result in discipline, up to and including immediate discharge.

## **Protection for Employees**

This program is designed to protect employees from the behaviors of substance use. Some of the protections built into the program are:

- Employee records like testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- All employees will receive awareness education every year to help identify problems and learn where employees can go for help.
- Collection of urine specimens and breath testing will be done at a local clinic. A laboratory certified by the federal government will analyze test specimens.
- When an MRO receives a positive test result, they will contact the employee to determine whether there is a valid reason for the presence of the drug in the person's system.
- The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established from federal guidelines and are fair for all employees as to what will be considered a positive test.

## **Employee Awareness Education**

Every employee will be required to attend a mandatory video presentation. This presentation will explain the Champion Personnel's Drug-Free Workplace Policy. It will also address how substance use is a workplace problem. The video will discuss the effects, signs/symptoms of use and abuse. You will then have a chance to ask questions with your staffing coordinator at the time of your interview. Should help be requested you will be directed accordingly at that time. In addition, you will be provided a written copy of Champion's Policy and are expected to sign that it has been received and understood. There will be an annual review.

## **Supervisor Awareness Education**

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to the employee education session. Supervisors will be trained about reasonable suspicion procedures, testing responsibilities, and how to make referrals for help.

## **Drug and Alcohol Testing**

Testing will be used to detect problems, get employees not to use substances in a way that violate our Policy and allow us to take appropriate action to correct the situation. In addition to alcohol, drugs that are tested for are:

- Amphetamines (speed, uppers)
- Cocaine (including crack cocaine)
- Marijuana
- Opiates (codeine, heroin, morphine)
- Phencyclidine (PCP, “angel dust”)

## **Employee Assistance**

Champion Personnel believes in offering assistance to employees with a substance problem. We provide updated lists of local community resources to anyone who comes forward voluntarily to seek help. The lists are of places to go for assessment and also treatment. When an employee has a substance problem, we will meet with the employee to discuss the problem and any violation of this Policy. The Company reserves the right to terminate based on a positive test.

## **II TESTS**

Employees will be tested for the presence of drugs in the urine and/or alcohol on the breath under any and/or all of the conditions outlined below:

### **A. Pre-Hire/Post-Offer**

As part of Champion Personnel’s employment procedures, all applicants will be required to participate in either a *pre-hire* or *post-offer* urine analysis within 90 days of employment by a contractor designated by Champion. Any offer of employment is dependant upon a negative result of this screening.

### **B. Reasonable Suspicion Testing**

Reasonable suspicion testing will occur when there is reason to suspect that an employee may be in violation of this Policy. The suspicion will be documented in writing prior to the release of the test findings.

A reasonable suspicion test may occur based on:

- Observed behavior, such as direct observation of drug/alcohol use or possession and/or physical symptoms of drug and/or alcohol use;
- A pattern of abnormal conduct or erratic behavior;
- Information provided either by reliable and credible sources or independently corroborated regarding an employee’s substance use; or
- Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere “hunches” are not sufficient to justify testing. To prevent this, all managers/supervisors will be trained to recognize drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

### **C. Post-Accident Testing**

Post-accident testing will be conducted whenever an accident occurs. We consider an accident an unplanned, unexpected or unintended event that occurs on our property, during the conduct of our business, or during working hours, or which involves one of our motor vehicles or motor vehicles that are used in conducting company business, or is within the scope of employment, and which results in any of the following:

1. Any injury
2. A fatality of anyone involved in the accident;
2. Bodily injury to the employee and/or another person that requires off-site medical attention away from the job site
3. Vehicular damage
4. Non-vehicular damage

When such an accident results in one of the situations any employee who may have contributed to the accident will be tested for drugs or alcohol use or both.

### **Drug and/or Alcohol Testing after an Accident**

Urine specimen collection (for drugs) or breath/saliva (for alcohol) is to occur as quickly as possible after a need to test has been determined. At no time will a urine specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed as quickly as possible but no later than eight hours after the incident, or it will be documented but not performed. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee grants the company the right to request that attending medical personnel obtain appropriate specimens (breath, urine and/or blood) for the purpose of conducting alcohol and/or drug testing. Failure to do so will result in an assumed positive test result. Further, all employees grant the Company access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the work-related accident including a full medical report from the examining physician(s) or other health care providers. A signed consent to testing form is considered a condition of employment. Management reserves the right to determine who may have caused or contributed to a work-related accident and may choose not to test after minor accidents if there is no violation of a safety or work rule, minor damage and/or injuries and no reasonable suspicion.

### **Follow up Testing after Return-to-Duty from Assessment or Treatment**

This test occurs when an employee who has previously tested positive and the decision is made to not terminate the employee. A negative return-to-duty test is required before the employee will be allowed to return to work. If the employee fails this test, this will lead to termination of employment. Once an employee passes the drug and/or alcohol test and returns to work, management may choose to do additional unannounced tests for as long as we deem necessary. Any employee with a second positive test result will be terminated.

### **E. Random Drug Testing**

Random drug testing will include all employees on an unannounced basis. A non-company testing organization uses computer software that ensures a truly random selection process in which all employees in the testing pool have an equal statistical likelihood of being selected for testing. When the next random draw is conducted, all employees are again included in the pool with an equal chance of selection, regardless of whether an employee was previously selected. Random testing is designed to deter drug use in violation of the Policy and ensure that we maintain confidence in our employees' abilities to perform their duties. The Company has contracted with an outside vendor to perform the periodic selection of employees for inclusion in the random testing pools. The contractor selects employees at random for drug testing at any time during each calendar year. The Company will provide employee identification numbers to be used in the random selection drawings. The contractor will, in turn, furnish the Company with a list of individuals to be tested at the beginning of each selection period. It shall be the responsibility of the Company to notify each employee who was selected with the date, time and location that random testing will be performed. When notified, it shall be the responsibility of the individual employee to provide a urine specimen for drug testing within 24 hours. An employee's failure to comply with the request for a specimen for random testing will result in termination of employment.

### **III SUBSTANCES TO BE TESTED FOR AND METHODS OF TESTING**

The procedure that we're relying on is called systems presence testing. This is how qualified testing professionals identify the presence of one or more of prohibited controlled substances or alcohol that may be present in the employee. There is an initial screening test. If it's negative, then a negative test is declared. If the initial test is positive (comes in at or higher than the cut-off level), a second test called a "confirmatory" test is done. This is a different test and is considered 100% accurate by experts and in court. Cut-off levels are standards that have been established each of the tested drugs after years of research. These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, reasonable suspicion test, post-accident test or follow up test. Breath alcohol testing will be conducted by a medical clinic that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .04 will be considered a verified positive result. In the event of an accident where an employee has "whole blood" alcohol drawn at a medical treatment facility, a result equal to or greater than .04 shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) will typically be used to confirm any initial positive test result. The Company also reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or laws. An employee who adulterates, attempts to adulterate or substitutes a specimen or otherwise manipulates the testing process will be terminated. A refusal to produce/provide a specimen is considered a positive test unless there's a verifiable medical reason that the specimen could not be produced.

#### **IV SPECIMEN COLLECTION PROCEDURE**

Urine specimens and breath testing will be conducted by trained collection personnel who meet standards for urine collection and breath alcohol testing. Confidentiality is required from our collection sites and labs. Employees are permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen.

Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. An observed voiding will only occur if there is ground for suspecting manipulation of the testing process.

#### **V REVIEW OF TEST RESULTS**

To ensure that every employee who is tested is treated fairly, we have hired a Medical Review Officer (“MRO”). The MRO is a doctor with a specialized knowledge of substance abuse disorders and will be able to determine whether there are any valid reasons for the presence in the employee’s system of the substance that was tested positive.

#### **VI EMPLOYEES’ RIGHTS WHEN THERE’S A POSITIVE TEST RESULT**

An employee who tests positive under this Policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to the Company. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last thirty days by the employee. If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee’s position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. A medical disqualification of the employee will result. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Company.

#### **VII REPORTING OF RESULTS**

All test results will be reported to the MRO prior to the results being issued to the company. The MRO will receive a detailed report of the findings of the analysis from the testing laboratory. Each substance tested for will be listed along with the results of the testing. The company will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal Department of Health and Human Services.

## **VIII STORAGE OF TEST RESULTS AND RIGHT TO REVIEW TEST RESULTS**

All records of drug/alcohol testing will be stored separately and apart from the employee general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated company officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated company officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. n employee may request from the Drug-Free Coordinator, in writing, presenting a duly notarized Employee Request for Release of Drug Tests Results form, requesting that a copy of the test be provided. The company will use its best efforts t o promptly comply with this request and will issue to the employee a copy of the results personally or by U.S.Certified Mail, Return Receipt Requested.

## **IX POSITIVE TEST RESULTS**

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

## **XI TERMINATION NOTICES**

In those cases where substance testing results in the termination of employment, all termination notices will list “misconduct” as the reason. Termination shall be deemed “for cause.”