

Substance Abuse Policy

Purpose of Policy

The Company recognizes the problem of substance abuse (including illegal drugs and misuse of alcohol, prescription drugs and over-the-counter drugs) in our society. If unchecked in the workplace, this problem could adversely affect both the productivity and profitability of our business and the professional, personal and family lives of our associates. The Company will strive to balance respect for individual privacy with the need to keep a safe and productive work environment; however, the Company is committed to and will aggressively pursue the goal of this policy. The Company INTENDS TO MAINTAIN A SUBSTANCE ABUSE-FREE WORKPLACE. With that basic goal in mind, the Company has established this policy with regard to use, possession and sale of alcohol and drugs.

Prohibited Conduct

1. Illegal Drugs

This policy prohibits any employee from bringing onto employer premises or property, having possession of, being under the influence of, or using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug while on employer business or at any time during the hours between the beginning and ending of the employee's work day, whether on duty or not, and whether on employer property or not.

For purposes of this policy, an "illegal drug" is any drug (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained by the employee; or (c) which is being used in a manner or for a purpose other than as prescribed for the employee.

2. Alcohol

This policy prohibits any employee from being impaired by alcohol while on employer business or at any time during the hours between the beginning and ending of the employee's workday, whether on duty or not, and whether on employer property or not. This policy also prohibits any employee from bringing alcohol onto employer premises or property or using, consuming, transferring, selling or attempting to sell or transfer alcohol while on employer business or at any time during the hours between the beginning and ending of the employee's work day, whether on employer property or not, except as specifically authorized by the Company.

3. Prescription and Over-the-Counter Drugs

This policy prohibits any employee from abusing prescription medications or over-the-counter drugs while on employer business or at any time during the hours between the beginning and ending of the employee's workday, whether on duty or not, and whether on employer property or not.

For purposes of this policy, "prescription or over-the-counter drug abuse" means taking medications that were prescribed for someone else; using prescription drugs or over-the-counter drugs for a purpose other than for which they were prescribed or manufactured or other than in accordance with the doctor's instructions or recommended dosages.

Employees are expected to consult with their physicians regarding the effect of medications prescribed for them and to consult any package warnings for over-the-counter drugs. When an employee is taking a prescription or over-the-counter drug that can or will have an effect on the employee's normal mental and/or physical state or interfere with work such as operating vehicles, machinery, equipment, etc., the employee should inform his or her immediate supervisor so that an accommodation may be made to allow the employee to continue job performance without endangering his or her health and safety or the health and safety of others.

Substance Screening

The Company may require individuals to undergo drug or alcohol screening under the following circumstances:

1. Applicant Testing

The Company may require any job applicant who has received a conditional offer of employment to undergo a drug and/or alcohol test as a condition of commencement of employment. If the job applicant refuses to undergo substance testing or has a confirmed positive test result, the conditional offer of employment will be withdrawn, and the individual will not be hired.

2. Reasonable Suspicion Testing

The Company may require any employee to undergo drug and/or alcohol testing if it has a reasonable suspicion that the employee is using or has used drugs or alcohol in violation of this policy.

By way of example only, a "reasonable suspicion" for purposes of this policy may be based upon such circumstances as physical symptoms or manifestations of being under the influence of drugs or alcohol or direct observation of drug or alcohol use while at work or on duty; a reliable, credible and independently corroborated report of drug or alcohol use while at work or on duty; evidence that an individual has tampered with a drug or alcohol test during his or her employment with the Company; or evidence that the employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on Company premises or operating the Company's vehicles, machinery or equipment.

3. Post-Accident Testing

Generally, the Company may require an employee to undergo drug and/or alcohol testing if the Company has a reasonable suspicion that the employee or another person has sustained a work-related injury or an accident occurs resulting in Company property damage or loss of at least \$500.00 as a direct result of the employee's use of drugs or alcohol.

4. Random Testing

The Company may require any employee to undergo drug and/or alcohol testing on a random selection basis. In selecting employees at random for alcohol or drug testing, all employees will be equally subject to being selected and the Company will not have the discretion to waive the selection of any employee.

5. Post-Rehabilitation Testing

The Company may require any employee to undergo drug and/or alcohol testing without prior notice following a prior confirmed positive test or following the employee's

participation in a drug or alcohol dependency treatment program under an employee benefit plan or at the request or requirement of the Company. This post-rehabilitation testing may continue for up to two years.

6. Scheduled, Periodic Testing

The Company may require any employee to undergo drug and/or alcohol testing as part of a routinely scheduled fitness-for-duty medical exam to the extent such an exam is regularly conducted on the employee. Also, any employee may be required to undergo drug and/or alcohol testing which is routinely scheduled for all members of the employee's classification or group. At this time, the Company does not routinely schedule drug or alcohol tests for any of its employee classifications or groups other than as it may be required by federal regulations applicable to commercial drivers. The Company reserves the option to do so in its discretion in the future, however.

Substance Screening Methods and Limits

Initial tests for alcohol will almost always be through breath or saliva samples (blood samples may be used in limited situations). Confirmation tests will be through breath or blood samples. Testing of urine samples for alcohol will be done only in connection with post-rehabilitation testing to monitor that an employee continues to be substance free following participation in a treatment program.

Substance screening may also be conducted through urine tests for the following drugs and their metabolites at initial and confirmation levels established by the State Department of Health: (1) marijuana; (2) cocaine metabolites; (3) opiate metabolites, including codeine, hydrocodone, hydromorphone, meperidine, methadone, oxycodone, propoxyphene, morphine, heroin and 6-Acetylmorphine; (4) phencyclidine; (5) amphetamines; (6) barbiturates, including amobarbital, butalbital, pentobarbital and secobarbital; (7) benzodiazepines, including diazepam, chlordiazepam and alprazolam; and (8) methaqualone.

If an applicant or employee has a confirmed positive test result, the individual may at his or her option explain the test results in confidence to the Company's medical review officer. The name of the current medical review officer, who is a medical professional trained and authorized to receive and interpret drug test results, can be obtained from the personnel office. An applicant or employee who has received a positive test result may also request a retest in order to challenge the results of a positive test; however, the individual shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test, in which case the Company shall reimburse the individual for the costs of the retest.

All samples will be collected in a manner which is designed to protect to the fullest extent possible individual privacy of employees. Employees will not be subject to direct observation while rendering urine samples; however, if there is a valid suspicion that the employee has tampered with a sample, preventive measures will be employed. If an employee provides a sample that contains confirmed evidence of any form of tampering or substitution, this shall constitute a refusal to be tested and the employee shall be subject to discipline in accordance with this policy.

All records and results pertaining to substance screening shall be maintained by the Company as "confidential" in the same manner as medical records. Any applicant or employee who wishes to obtain information or records related to his or her individual drug or alcohol test may, however, have access to those records upon written request to the Human Resources Department.

Employee Notification of Criminal Drug Conviction or License Suspension

In accordance with the federal Drug Free Workplace Act, any employee who is convicted of a violation of a criminal drug statute involving an on-the-job incident must notify the Company within five days of his or her conviction.

Employee Education and Assistance Program

The Company provides drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment and rehabilitation as part of an Employee Education and Assistance Program. Employees are encouraged to seek assistance through this program and an employee's decision to seek assistance from the Employee Education and Assistance Program will not be used as the basis for disciplinary action prior to a positive alcohol or drug test result or other violation of this policy. On the other hand, using the employee assistance program will not be considered a defense to imposition of disciplinary action when the Company becomes aware of a positive drug test or other violation of this policy outside of the Employee Education and Assistance Program. Depending on the circumstances, the Company may suspend the imposition of disciplinary action subject to an employee's successful participation and completion in an alcohol or drug dependency treatment or rehabilitation program, but such suspension of disciplinary action shall be in the sole discretion of the Company. No employee shall be able to avoid disciplinary action for violation of this Policy if he or she does not meet the standards of job performance established for his or her position even if the individual's lack of performance is due to alcoholism or drug dependency.

Consequences of Failure to Comply with this Policy

Any employee who violates any provision of this policy shall be deemed guilty of misconduct and subject to discipline, up to and including termination from employment, even for the first offense. This shall include any use, possession or sale of illegal drugs as prohibited by this policy; any use or abuse of alcohol as prohibited by this policy; and any prescription or over-the-counter drug abuse as prohibited by this policy.