

# **OPPORTUNITIES UNLIMITED, INC. DRUG FREE WORKPLACE POLICY**

## **POLICY STATEMENT**

**Opportunities Unlimited, Inc.** has an interest in establishing a work environment free of the influence of drugs and alcohol for the benefit of its employees, as well as its customers and the public at large. As a result, the Company will implement a drug and alcohol free workplace policy to insure that its employees are free from the effects of drugs and alcohol while at work or on Company business. This is consistent with regulations recently enacted by both state and federal regulations requiring drug testing for transportation employees, as well as federal regulations requiring a drug free workplace for all businesses contracting with the federal government. Therefore, effective **March 1, 1999** this drug free workplace policy will be implemented and will apply to all prospective and current employees of **Opportunities Unlimited, Inc.** (hereafter referred to as the Company).

## **INTRODUCTORY PROVISIONS**

### **POSSESSION, USE OR DISTRIBUTION OF ILLEGAL DRUGS OR ALCOHOL**

The possession, use, purchase, sale or distribution of illegal drugs (meaning those drugs for which there is no generally accepted medical use, e.g. marijuana, cocaine, methamphetamine), drug paraphernalia, or use of alcohol by an employee in a Company vehicle, at a job site, on Company property, or during work hours without Company approval is strictly prohibited. Any employee violating this prohibition will be terminated from employment with the Company.

This Company has an absolute prohibition against employee use of illegal drugs both on and off the work site. An employee's off the job illegal use, manufacture, purchase, possession, sale, or distribution of illegal drugs, or drug paraphernalia, that results in criminal charges being brought against the employee, will result in the employee being requested to submit to drug testing and may result in the employee being suspended from work without pay. Any employee convicted of a criminal drug statute will be terminated from employment with the Company.

### **EMPLOYEE'S USE OF ALCOHOL**

The Company is committed to ensuring that all employees are not at work while under the influence of alcohol. Therefore, employees of this Company are not to consume alcohol within four (4) hours of reporting to work. Employees are not to report to work or remain at work while having an alcohol concentration of .02 or greater. Employees are prohibited from using or possessing alcohol while they are on duty.

### **PRESCRIPTION MEDICATION**

Employees are cautioned regarding the use of prescription medication that contains a warning label stating that the use of that drug may impair his/her ability to safely operate equipment or machinery. Employees may be allowed to work while using such medication if the drug is prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties, and who has advised the employee that the prescribed drug will not adversely affect his/her ability to safely perform the job.

## **SELF-REFERRAL**

All employees of the Company who consider themselves drug or alcohol dependent and who voluntarily identify themselves as such will be required to obtain an evaluation by a substance abuse counselor and seek treatment, if such is the counselor's recommendation. A copy of the evaluation will be provided to the Company. The Company will provide informational assistance in locating professional substance abuse counseling to any employee who requests it.

Employees who undergo drug or alcohol rehabilitation will be expected to do so at their own expense (with the exception of those expenses covered by the Company insurance program), on their own time, or during a non-paid leave of absence approved by the Company. Arrangements may be made to allow an employee to use accrued personal time off (PTO) leave during any such leave of absence.

Employees who demonstrate successful progress or completion of a recommended course of treatment may return to work after taking and passing a drug and/or alcohol test. Any employee who continues to work during treatment or returns to work after such treatment will be expected to comply with all aspects of this drug free workplace policy. A request for rehabilitation may not be made in order to avoid the consequence of a positive drug result or to avoid taking a drug test when requested to do so under the terms of this policy.

## **DRUG OR ALCOHOL TESTING REQUIRED OF EMPLOYEES**

### **PRE-EMPLOYMENT TESTING**

All applicants to whom the Company intends to offer employment will be required to submit to testing for the presence of illegal drugs as a part of the application process.

### **REASONABLE CAUSE TESTING**

The Company will require an employee to be tested for the use of alcohol, illegal drugs, or the abuse of prescription medication if an employee's physical appearance or pattern of behavior gives Company officials reason to believe the employee is impaired because of substance abuse which would endanger their well being, as well as the safety of fellow employees or the general public. The basis of suspicion, regarding drug or alcohol abuse may be a specific, contemporaneous event, or conduct evidencing impairment observed over a period of time. The Company will make arrangements to insure that all employees who are requested to take a reasonable-cause test will be transported to a collection clinic to take the test.

### **RANDOM TESTING**

All employees will be subject to random testing for the presence of illegal drugs. A random test is a test that is unscheduled and results in every employee being subject to testing at any given time. The random selection method used by the Company will be determined in consultation with contracted laboratories and will be conducted by utilizing a random selection method that ensures the testing selection method is accomplished in an arbitrary manner.

## **BASELINE TESTING**

In initiating the provisions of this drug free workplace policy, the Company will require all employees to submit to testing for the presence of illegal drugs as soon after the effective date of this policy as is deemed necessary.

## **POST ACCIDENT TESTING**

Any employee who is involved in a work-related accident (as defined below) will be tested for the use of illegal drugs and/or alcohol as soon as practicable after the accident.

Examples of conditions that will require an employee to take a drug and/or alcohol test include, but are not limited to, accidents that are caused by an employee and result in one of the following:

1. a fatality, or bodily injury to another person, requiring medical treatment away from the site of the accident;
2. an injury to the employee that may result in that employee filing a worker's compensation claim, with lost time likely exceeding one working day; or
3. damage to property owned by the Company, or by third party, that may reasonably be estimated to exceed \$1,000.00.

An employee may be placed on administrative leave until the drug test results are obtained.

An employee who is seriously injured and cannot provide specimen for testing will be required to authorize the release of relevant hospital reports or other documentation that would indicate whether there were drugs or alcohol in his/her system at the time of the accident. If it is determined by Company management that an employee's accident was definitely caused by the actions of another, and that there were no unsafe acts on the part of the injured employee, the Company reserves the right to waive post-accident testing of the injured employee.

Employees who are involved in a work-related accident requiring medical attention are to inform their supervisor of the accident as soon as possible so that any needed drug or alcohol testing may be promptly conducted in conjunction with their medical treatment.

Any alcohol testing under this section will be limited to circumstances where there is evidence that the employee involved may have been alcohol impaired at the time of the accident.

## **DRUG/ALCOHOL TESTING PROCEDURES**

### **SPECIMEN COLLECTION PROCEDURE**

When a prospective or current employee is notified that he/she is to submit to drug or alcohol testing, he/she will be given instructions as to where to report for testing. All specimen collections will be conducted by personnel who have been properly instructed and will be done according to approved collection procedures.

### **ADULTERATION OR SUBMISSION OF CONCEALED SPECIMEN**

If, during the collection procedure, the collection monitor detects an effort by an employee to adulterate or substitute a specimen, a second specimen will be requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collector will convey to the Company the employee's refusal to submit a true specimen. Such conduct will result in either a prospective employee not being offered employment or a current employee being terminated from employment with the Company.

In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, the Company will advise the employee of that finding and request that the employee submit a second specimen. Such employees will be advised by the Company not to drink any fluids prior to the test.

## **DRUG/ALCOHOL TESTING AND CONFIRMATION**

All specimens will be tested for the presence of illegal drugs. When an employee is tested for the presence of alcohol, the testing level will be the equivalent of 0.02 alcohol concentration (BAC). The Company reserves the right to test an employee for the presence of prescription medication when it has reason to believe the employee may be abusing such medication.

Any specimen that screens positive for the presence of illegal drugs will be confirmed by the Gas Chromatography/Mass Spectrometry (GS/MS) confirmation method. Any employee who tests positive for illegal drugs or prescription medication may request the same specimen be retested at his/her expense. This request must be conveyed to the Company within 48 hours of the employee being notified of the positive test result. Any employee who refuses to be tested consistent with the terms of this policy will be terminated from employment with the Company.

## **NOTIFICATION OF TEST RESULTS**

All results received from the laboratory will be forwarded through the contracted collection facilities to the Company. In forwarding test results to the Company, the staff at the contracted collection facilities will only report results to those Company official(s) authorized to receive them. In the event a prospective or current employee tests positive, the Company will be notified of the employee's identity and the drug(s) involved. Any prospective or current employee who tests positive will be allowed to discuss that result with Company's drug testing servicing agencies prior to the Company taking disciplinary action. In talking with any such individual, the staff at the contracted collection facility may consult with a medical professional and will follow up on such information as is deemed necessary in resolving the question of the employee's illegal drug use.

If, after consideration of the matter, the staff at the contracted collection facility determines that an employee's positive test result was due to his/her authorized use of prescription medication, the former will immediately report that result to the Company and no further action will be taken. However, if an employee cannot provide a reasonable explanation for his/her positive test result, the Company will be notified of the positive test result and will then take disciplinary action consistent with the terms of this policy.

## **EFFECT OF TESTING POSITIVE**

Any prospective employee who tests positive for the presence of illegal drugs will not be offered employment with the Company. If a current employee that tests positive for illegal drugs or alcohol the Company may:

1. Require, as a condition of continued employment, that the employee enroll in an employer-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing.
2. Suspend the employee without pay for a period of time.
3. Terminate the employee.
4. Take other disciplinary measures in accordance with the Company's usual procedures.

For purposes of this policy, an employee tests positive for alcohol when that employee's blood alcohol concentration (BAC) is .02 or above.

## **DISCHARGE FOR WORK RELATED MISCONDUCT**

An employee can be considered for discharge on work related misconduct when:

1. A confirmed positive drug test, or a positive alcohol test, which is indicated by a test result of at least 0.02 blood alcohol content (BAC).
2. The employee refuses to provide a sample for testing.
3. The employee alters or attempts to alter a test sample by adding a foreign substance that would make it more difficult to analyze the sample.
4. The employee submits a sample that is not his or her own.

## **CONCLUSION**

The terms of this drug free workplace policy are intended to produce a work environment where employees are free from the effects of drugs and/or alcohol. Employees should be aware that the provisions of this policy may be revised when necessary and that employees will be notified of any such changes. The Company anticipates that by implementing the provisions of this drug free workplace policy its employees will enjoy the benefits of working in a safer and more productive work environment.

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**President/CEO**  
**Opportunities Unlimited, Inc.**

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**Date**