



Drug Free Workplace Substance Abuse Policy

It has been estimated that American companies spend over one hundred billion dollars each year on the consequences of substance abuse in the workplace. This considerable amount of money covers the costs of absenteeism, accidents and equipment damage, as well as the increased medical costs and insurance premiums that accompany such events.

We know, for example, that health insurance costs for employees with alcohol problems are about twice those of other employees. It has also been estimated that employees who abuse alcohol or drugs have two times as many vehicular accidents and use three times as much sick time as those who do not.

The financial cost of substance abuse is substantial; however, the emotional impact of losing a friend, co-worker, or family member to drugs or alcohol is even greater. In fact, there is no way to calculate the enormity of this kind of loss.

Each of us reacts differently to drugs and alcohol, but one thing is clear, these substances affect our judgment and our ability to perform. The danger of abusing these substances becomes especially clear when you add a motor vehicle to this picture.

To maintain a drug-free work force and to eliminate the safety risks, lost time and reduced productivity that results from the use and the influence of alcohol and/or drugs in the workplace, Hollis and Hollis Group, Inc., hereafter called "Company", has adopted a substance abuse policy. The intention of this policy is to make the Company safer and a better place to work.

POLICY STATEMENT

The use, possession, purchase, sale or manufacture of alcohol, illegal drugs, or non-prescribed drugs or being under the influence of alcohol, illegal drugs, or non-prescribed drugs while on Company property, while operating Company vehicles/equipment, or while engaging in Company business is strictly prohibited.

SCOPE

Employees Subject to Testing:

All employees of Hollis & Hollis Group, Inc., are subject to testing.

Alcohol:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

No employee shall report for work or remain at work while having an alcohol concentration of 0.04 or greater. Possession of alcoholic beverages at the work site is prohibited.

No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of the shipment.

No employees shall report for work within four hours after using alcohol.

No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Controlled Substance

The Tennessee Workers' Compensation Reform Act of 1996 allows for testing pursuant to drug testing regulations adopted by the United States Department of Transportation, which includes amphetamines, cannabinoids, cocaine, opiates, and phencyclidine.

No employee shall report for work or remain at work when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her work function.

No employee shall report for work or remain at work if the employee tests positive for controlled substances.

Prescribed Medications:

All employees taking prescribed medications that could impair their ability to safely perform their work functions, must report this to their immediate supervisor or substance abuse manager as directed by this policy.

QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT:

Prohibited Conduct:

Company prohibits any alcohol misuse and/or any drug use that could affect performance of employee's job functions, including:

1. Use is prohibited during working hours.
2. Use is prohibited 4 hours prior to time scheduled on the job.

3. Reporting for work or remaining at work with an alcohol concentration of 0.04 or greater is prohibited.
4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment is prohibited.
5. Use during the 8 hours following an accident, or until he/she undergoes a post-accident test is prohibited.
6. Refusal to take a required alcohol test is interpreted as a positive alcohol test result.

Note: An employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

Controlled Substance:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform his/her job function, is prohibited.

Employee is required to advise his/her supervisor of the use of any prescription medication, over-the-counter medication, or other substance which displays a warning advising the user of a danger of drowsiness or any possible impairment to mental ability or physical dexterity.

2. Refusal to take a required test is interpreted as a positive controlled substance test result.

Consequences and Disqualifications:

1. The employee shall not perform or be permitted to perform a work function if any of the above-listed prohibitions are violated.
2. Any employee violating these prohibitions will be referred to a Substance Abuse Professional for evaluation, and will be subject to discipline up to or including termination, regardless of employment status.

TESTING CIRCUMSTANCES:

Pre-Employment Testing:

All applicants for positions at the Company will be directed to submit to a controlled substance test.

A drug test will be conducted during the pre-employment process and a negative drug test result must be received before employment begins.

Post-Accident Testing:

If any employee is involved in an accident, which causes injury to himself/herself or another person enough to require treatment for the injury, that employee will be required to submit to an alcohol and controlled substance test. Testing will be administered immediately following the accident or as soon as medically and legally possible.

The alcohol test must be administered within 2 hours following the accident and in no case shall more than 8 hours elapse before the test is administered. It is the employee's responsibility to notify the Company immediately to insure actions are taken to meet the testing requirements.

The employee must refrain from using alcohol for 8 hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within 32 hours following the accident. The employee must remain available for testing, or the Company will consider the employee to have refused to submit to testing.

NOTE: Nothing in this requirement should be construed as to require the delay of necessary medical attention for injured people following an accident.

Random Testing:

All employees of the Company will be subject to random testing for controlled substances and alcohol. Random testing will be done on percentage basis in a fair and equitable manner.

For drug and alcohol testing an employee may be tested at any time the employee is at work for the Company.

Selection of employees for a computer-based random number generator will make random testing that is matched with employees' Social Security numbers.

Each time a random selection is made, every employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. Employees, when notified that they have been selected for random testing, will proceed immediately to the collection site.

Reasonable Suspicion Testing:

Any employee while on Company property, while operating a Company vehicle, or while engaging in Company business, who acts in an abnormal manner sufficient to cause reasonable suspicion that he/she has violated this policy, will be required to submit to an alcohol and/or a controlled substance test upon the approval and direction of an officer of the Company.

Return to Duty Testing:

Any employee, based on Company approval, that is allowed to return to duty following referral, evaluation, and treatment as a result of a positive alcohol or drug test will be required to submit to a return-to-duty alcohol and/or controlled substance test. An alcohol concentration of less than 0.02 and a negative drug test will be required before a return-to-duty decision is made.

Follow-Up Testing:

In the event an employee can return to duty following referral, evaluation, and treatment, a minimum of 6 unannounced alcohol and/or drug tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 60 months following return to duty at the Company's discretion, based on recommendations from the Substance Abuse Professional.

Alcohol and controlled substance testing may be performed at any time the employee is at work for the Company.

ALCOHOL TESTING METHODOLOGY:

Breath Alcohol Technician (BAT):

Alcohol testing will only be performed by a Certified Breath Alcohol Technician (BAT) trained and certified in the principles of Evidential Breath Testing Devices (EBT) methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required for obtaining a breath sample, and interpreting and recording EBT results.

Evidential Breath Testing Devices (EBT):

Alcohol testing will only be performed using evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing must be performed by either a Certified BAT employed by the Company or an outside BAT. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested. Unauthorized persons will not be permitted access to the testing location when a test is in progress.

ALCOHOL TESTING PROCEDURES:

Using the Evidential Breath Testing Device, the Certified Breath Alcohol Technician will open an individually sealed mouthpiece and attach it to the EBT. The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained.

The EBT will record the result and display it on the device and print the result immediately. The result will be recorded on the Breath Testing Form and attached to the form with tamper-proof tape.

When the result is less than 0.02, no further testing is authorized, and the result will be transmitted to the Company in a confidential manner and will be stored to insure confidentiality is maintained.

When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the result upon which any action under the terms of this policy shall be based.

Following the completion of the test, the BAT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee.

Refusal to test will be treated the same as if the results is 0.04 or greater. The Company will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.

- An employee shall have access to any of his/her alcohol and drug testing records upon written request.
- When requested, the Company shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.
- The Company will make records available to a subsequent employer upon receipt of a written request from the employee.
- The Company may disclose information to the employee or to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual. This may include worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

If an employee attempts but fails to provide an adequate amount of breath, the Company will be immediately notified and will direct the employee to obtain, as soon as practical, an evaluation from a licensed physician who is acceptable to the Company concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines that there is a medical reason that prevents the employee from providing an adequate amount of breath, he/she will provide the Company with a written statement of the basis for his or her conclusion. If the physician determines there is no medical reason

to prevent the employee from providing an adequate amount of breath, he/she will provide the Company with a written statement of the basis for his or her conclusion and it will be regarded as a refusal to take the test. The terms of this policy will then be administered.

SPECIMEN COLLECTION PROCEDURES:

Specific guidelines will be followed in urine specimen collections for the purpose of drug testing. In accordance with the Department of Health and Human Services (DHHS) guidelines, a clear and well-documented procedure for collection, shipment and accession of urine specimens from the Company to the laboratory has been established. Procedures will account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

The Company may choose to do urine specimen collections in-house or utilize the services of an outside source, which may be a doctor's office, clinic, hospital or other facility that meets security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for maximum privacy, which includes a toilet for completion of urination, a source of water for washing hands excluded from the area provided for urination.

No other person will be sent or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No one other than the collection site person may handle specimens prior to their being placed securely in the mailing container.

When reporting to a collection site for specimen collection each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e. coat or jacket) and secure all personal belongings (individual may retain his/her wallet).

Employees will be allowed to provide his/her specimen in the privacy of a stall.

If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct supervision of a same-gender collection site person. Both samples will be sent to the lab.

Refusal to test will be handled the same as a verified positive result.

In all cases the employee and the collection site person shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamperproof seals and the employee will sign appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample.

TESTING METHODOLOGY:

Only laboratories certified by the Department of Health and Human Services (DHHS) will be used for drug urinalysis.

Every specimen is required to undergo an initial screen followed by confirmation of all positive screen results. This screen-confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

Reporting of Results:

The laboratory is required to report the test results directly to the Company's Medical Review Officer (MRO) within 5 working days. The report shall indicate the drug/ metabolites tested for, whether the results are positive or negative, the specimen number assigned by the Company and the drug testing laboratory identification number.

The Medical Review Officer (MRO) is a licensed physician and possesses a knowledge of drug abuse disorders. The MRO may be an employee of the Company or one contracted to provide the services required. The MRO will review and interpret positive results obtained from the laboratory. The MRO through a verification process will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the employee, review the employee's medical history and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.

The MRO will give the individual testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO will notify the Company as prescribed below.

If, during an interview with an employee who has tested positive, the MRO learns of a medical condition, which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to the Company.

The MRO will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the specimen to another certified laboratory for analysis. If the analysis of the specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the specimen is unavailable, inadequate for testing, or untestable, the MRO will cancel the test and report cancellation and the reasons for it to the Company and the employee. A request for re-testing of the sample and associated costs are the responsibility of the employee.

If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact a designated management official of the Company to arrange for the employee to contact the MRO prior to going off duty. If within 5 days after a documented contact by designated management official of the Company instructing the employee to contact the MRO, the employee has not done so, the MRO will verify the test positive and report it to the Company.

DISCIPLINE AND CONSEQUENCES:

Pre-Employment / Pre-Duty

An applicant for employment with a verified positive controlled substance test result will be denied employment.

Reasonable Cause:

Any employee of the Company subject to the terms of this policy, as a result of reasonable cause testing, with a verified positive controlled substance test result and/or an alcohol breath test with a confirmed test result of 0.04 or greater will be subject to disciplinary action up to or including termination. If terminated, employee will be referred to a qualified substance abuse professional.

If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04, the employee will be subject to disciplinary action including, but not necessarily limited to, a twenty-four-hour suspension followed by a retest of the employee's Breath Alcohol Content at his or her expense.

Post-Accident:

Any employee of the Company subject to the terms of this policy, as a result of a post- accident test, with a verified positive controlled substance test result and/or a confirmed alcohol breath test with a confirmed test result of 0.04 or greater will be subject to disciplinary action up to or including termination. If terminated, the employee will be referred to a qualified substance abuse professional.

If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04, the employee will be subject to disciplinary action including, but not necessarily limited to, a twenty-four-hour suspension followed by a retest of the employee's Breath Alcohol content at his or her expense.

Random:

Any employee of the Company subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result will be subject to disciplinary action up to or including termination. If terminated, the employee will be referred to a qualified substance abuse professional.

Return to Duty:

In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result, the employee will be referred to a Substance Abuse Professional (SAP) for evaluation, referral and treatment. The referral to the SAP applies even if the employee is terminated. The employee is responsible for any expense incurred under such treatment or rehabilitation subject to any health insurance benefits, which may apply.

Supervisory Training as required will be provided to all supervisors.

If an employee should approach the Company for assistance through rehabilitation for drug abuse or alcohol abuse prior to a testing request by the Company, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. If an employee is terminated, the Company will not be obligated to aid beyond the last day of employment.

Effective Date of this Policy is: March 1, 2005