Policy: Drug, Alcohol and Contraband Policy and Procedure

Revision Date: 3/22/2011

SCOPE & PURPOSE

This Drug, Alcohol and Contraband Policy and Procedure has been established by the Company to provide a safe and healthy work environment, to protect the general public, to maintain productivity and the quality of the services provided by the Company, to protect Company property, to deter unlawful drug and alcohol use by Company employees, to investigate possible individual impairment and to comply with applicable laws and regulations.

NOTE: The Company does not intend for this policy to alter the nature of the relationship between the employee and the company. Employment is all times “at will,” meaning that either the Company or the employee may terminate the employment at any time.

DEFINITIONS

1. The terms "Company premises", "illegal drug", "controlled substance", and “contraband” will have the following meanings when used in this Policy:

2. The terms "Company premise" means:
   1. All premises and locations owned by, leased by or under the control of the Company including all parking lots, lockers and storage areas;
   2. All premises and locations at which work is performed by the company or any of its employees;
   3. All premises or locations which are assigned to the Company for its use or the use of any of its employees by any client or customer including all parking lots, lockers, and storage areas; and
   4. All vessels and automobiles, aircraft, trucks and other vehicles owned by, leased by, used by or otherwise under the control of the company or any of the Company's clients and customers.

3. The term "illegal drugs" means: any drug or other similar substances the possession, use, concealment, transportation, promotion, purchase or sell of which is made illegal by any law of the United States or regulation of any U.S. department, or by any law or regulation of the State in which
the employee of the Company is working or in which the Company premises are located.

4. The term "controlled substance" means: Any drugs, substances or items which are defined or listed as a controlled substance by any law of the United States or regulation of any U.S. department or by any law or regulation of the state in which the employee of the company is working or in which the Company premises are located.

5. The term "controlled substance" specifically includes, but is not limited to, any drugs, substances or items which are defined or listed as controlled substances in 21 U.S.C. 812, 21 CFR Part 1308, or La. R.S.40:961(7).

6. The term “contraband” shall mean firearms, ammunition, explosives, weapons or drug paraphernalia.

**PROHIBITED SUBSTANCE & CONDUCT**

A. Prohibited Items and Substances:
   1. All employees of the Company are prohibited from possessing, using, concealing, transporting, promoting, purchasing or selling any of the following items or substances on all Company premises:
      a. Any illegal drugs;
      b. Any non-prescribed controlled substance (over-the-counter, misuse);
      c. "Synthetic drugs," "designer drugs" or "look-alike drugs";
      d. Alcoholic beverages (except with the specific permission of the Company at official Company functions);
      e. Drug paraphernalia.
      f. Contraband.
   2. Adulterating any urine or blood sample.
   3. Providing sample other than person named on Chain of Custody.

B. Alcohol:
   1. All employees of the company are prohibited from possessing, working, reporting for work or being on Company premises under the influence of alcohol. An employee will be considered to be under the influence of alcohol under any one or more of the following circumstances:
      a. alcohol testing shall be done by breath analyzer test (BAT) or saliva test.
      b. if his or her blood alcohol concentration is .04% or more;
      c. if he or she would be considered as under the influence of alcohol pursuant to any applicable federal, state or local law, rule or regulation; or
d. if other circumstances show him or her to be under the influence of alcohol.

C. Drugs:
1. All employees of the Company are prohibited from working, reporting for work or being on Company premises with any detectable amount of any illegal drug or non-prescribed controlled substance or metabolite thereof in their systems.
2. Misuse of prescription or over-the-counter medications.

D. Client or Customer Rules:
1. In addition to the rules and requirements set forth in this Policy, the Company and all its employees will be required to comply with all rules and requirements of the Company's clients and customers.

E. Federal, State and Local Laws, Rules and Regulations
1. In addition to the rules and requirements set forth in this policy, the Company and all its employees must comply with all applicable federal, state and local laws, rules and regulations in connection with their work with the Company.

SEARCHES & INSPECTIONS

A. The Company may, at any time and without advance notification, conduct searches or inspections of any employee of the Company. Areas subject to these searches or inspections include, without limitation, employees':
1. Lockers
2. Lunch boxes
3. Personal effects
4. Clothing
5. Work areas
6. Vehicles

B. Employees should have no expectation of privacy in these or similar areas. These searches or inspections will be made for the purpose of determining if the searched employees are using, possessing, transporting or concealing any prohibited items or substances. These searches and inspections may be conducted by supervisors or by other individuals or entities authorized by the Company or by its clients or customers. Trained dogs may be used.

C. Prohibited items may be confiscated and turned over to law enforcement authorities.
ALCOHOL & DRUG TESTING OF EMPLOYEES

A. The Company shall test its employees for the purpose of detecting alcohol, illegal drugs or controlled substances or metabolites thereof in their systems by using urine, blood, breath or other tests. These tests shall be used in any of the following circumstances:
   1. Pre-employment testing;
   2. Re-employment or return-to-work testing (30 days from last week ending pay date);
   3. Annual, periodic and random testing;
   4. Part of an overall search and inspection of the Company's premises;
   5. When a company supervisor or other appropriate Company personnel suspects that an employee of the Company is under the influence of, is in the possession of, is using or has used an illegal drug, a controlled substance, or alcohol;
   6. When a Company official or supervisor believes that there is reasonable cause to require such a test or tests;
   7. When an employee of the Company is found in possession of any item or substance that is prohibited or suspected to be prohibited;
   8. Within 24 hours of an accident and/or covered incident;
   9. When required or requested by any client or customer of the Company;
   10. When random testing of all Company employees or groups of employees is conducted; or
   11. When required or permitted by any federal, state or local law, rule or regulation.
   12. Post incident testing with or without injury (includes MVA, mobile and stationary equipment operation).

   • Employees selected for random testing will be notified and those employees randomly selected will have twenty-four (24) hours to report to company’s selected drug testing laboratory/clinic for testing. Those failing to report will be subject to immediate disciplinary action, up to and including termination.

B. Any employee of the company refusing to be tested shall be prohibited from working and will not be allowed access until a negative result is received.

C. Employees of the Company will be required to execute various forms or documents in connection with this Policy or the testing. These forms or documents may (to the extent allowed by law):
a. Require the disclosure of drugs and medications currently being taken or previously taken.
b. Document the chain of custody of the specimen tested;

D. Compliance with this Policy is a condition of continued employment for all Company employees. Employees shall be subject to disciplinary action up to and including termination from employment for the following:

1. Refusing at any time to submit to a search or inspection or to a urine, blood, breath, or other test for the detection of alcohol, illegal drugs, or controlled substances or metabolites thereof;
2. Possessing, using, concealing, transporting, promoting, purchasing or selling any prohibited item or substance on Company premises;
3. Working, reporting for work, or being on Company premises while under the influence of alcohol;
4. Working, reporting for work, or being on Company premises with any detectable amount of an illegal drug or non-prescribed controlled substance or any metabolite thereof in his or her system;
5. Refusing or failing to complete properly and fully all forms or documents requested in connection with this policy or any urine, blood, breath or other test.
6. Any violation of any applicable federal, state or local law, rule or regulation in connection with the employee’s work with the Company;
7. Any other violation of this Policy or of any policy, rule or regulation of any of the Company’s clients or customers.

ALCOHOL AND DRUG TESTING OF APPLICANTS & REHIRES

A. Drug and Alcohol Screening Test shall be conducted on all new applicants.
B. Applicants shall receive a negative result prior to beginning service.
C. All Rehires shall be Drug and Alcohol Tested within 30 days of reemployment (based on week ending of last pay date).
D. The Company may require anyone applying to work for the Company to take urine, blood, breath or other tests for the detection of alcohol, illegal drugs or controlled substances or metabolites.
E. The company may authorize other individuals and entities to conduct or assist with any such tests, to obtain information concerning drugs and medications currently being taken or previously taken, and to assist in the execution of all required forms and documents.
F. The Company reserves the right to refuse to hire any individual applying for employment with the Company who:
1. Refuses to submit to any such urine, blood, breath or other tests;
2. Fails to complete fully and properly all forms or documents;
3. Tests positive.

**DISCLOSURE OF INFORMATION**

A. The Company may (to the extent allowed by law) disclose:
   1. Any information which it obtains in connection with this policy or in connection with any urine, blood, breath or other testing procedures authorized by this Policy;
   2. Any information relating to the results of any tests;
   3. Any information concerning drugs and medications currently being taken or previously taken to other persons or entities including representatives and employees of the Company, Independent laboratories and other individuals or entities who services the company used for performing the tests or obtaining the information and any other persons or entities to which the Company is allowed by law to disclose the information.