



## Drug-Free Workplace Policy

Effective February 21, 2005

### Purpose and Goal

MidStar Timber Harvesting, Inc. is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. Under the authority of Code of Alabama, Article 13, Drug-Free Workplace Program, we have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. Randall Mason is the Drug-Free Workplace Coordinator and may be contacted with any questions pertaining to the program. Copies of this policy are available to employees and job applicants upon request.

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- This organization has no intention of interfering with the private lives of its employees unless involvement with alcohol and other drugs off the job affects job performance or public safety.
- As a condition of employment, this organization requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol.
- This organization encourages employees to voluntarily seek help with drug and alcohol problems.

### Definitions

**Alcohol** is ethyl alcohol or spirits of wine, from whatever source or by whatever process produced.

**Breath Alcohol Concentration** (BrAC) is the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

**Confirmation Test or Confirmed Test** is a second analytical procedure used to identify the presence of a specific drug or metabolite or alcohol in a specimen. The confirmation test shall be different in scientific principle than that of the initial test procedure. The confirmation method shall be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

**Drugs** as used in this policy include illegal use of controlled substances, drugs which are not legally obtainable, or the improper use of prescriptions. Unless otherwise stated, this term refers to amphetamines, cannabinoids, phencyclidine (PCP), methadone, opiates, cocaine methaqualone, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any of these substances.

**Evidential Breath Testing Device** (EBT) is used for alcohol testing which has been approved by the National Highway Traffic Safety Administration (NHTSA) and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

**Medical Review Officer** (MRO) is a licensed physician (medical doctor or doctor of osteopathy), certified by either the American College of Occupational and Environmental Medicine or The American Association of Medical Review Officers, responsible for receiving laboratory results generated by an employer's drug testing program.

The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history, and other relevant biomedical information.

**Prescription Medication** (Prescription Drug) is a drug or medication lawfully prescribed by a physician for an individual and taken by that individual in accordance with the prescription.

**Safety Sensitive Functions** usually include positions that involve any of the following: national security; health or safety; functions that require a high degree of trust and confidence; operation of company vehicles, machinery, or equipment (the mishandling of which may place fellow employees or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace); or the handling of hazardous material.

**Substance** is drugs or alcohol.

**Substance Test or Test** is any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence of a drug or alcohol.

### **Covered Workers**

Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to CEO, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, interns and applicants.

### **Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on call, paid standby, while on company property or work sites, and at company-sponsored events.

### **Prohibited Behavior**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

### **Notification of Convictions**

Any employee who is arrested or convicted of a criminal drug violation in the workplace must notify the organization in writing within five calendar days. The organization will take appropriate action within 30 days of notification.

### **Searches**

Entering the company's property or work sites constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment.

## **Drug Testing**

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation within 5 days, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in confidential records.

Each employee, as a condition of employment, will be required to participate in pre-employment, post-accident, reasonable suspicion, routine fitness-for-duty, and post-rehabilitation testing upon selection or request of management.

The substances that will be tested for are amphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP) and alcohol.

Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Conditions for which testing shall be conducted:

- I. Pre-Employment Testing shall be required of all applicants that receive an offer of employment. Prior to testing, the applicant shall be afforded the opportunity to voluntarily sign a Substance Use Testing Consent Form. If the applicant refuses to sign the previously named consent form, consideration for employment shall be withdrawn. If an applicant tests positive for the use of drugs or alcohol, consideration for employment shall be withdrawn. The applicant has five days to contest or explain a confirmed positive test after written notification of such result from the employer. It is the current use of alcohol and drugs, not the past history, which prevents the applicant from being accepted for employment. **NOTE:** The applicant that tested positive may, after a period of at least one year, seek employment with MidStar Timber Harvesting, Inc., but the applicant must present themselves free of substance as evidenced by Pre-Employment Testing.
- II. Reasonable Suspicion Testing shall be required when it is believed that an employee is using or has used drugs or alcohol in violation of MidStar Timber Harvesting, Inc. policy. Testing shall be based upon specific objectives and articulable facts and reasonable inferences as identified on the "Reasonable Suspicion Report Form." Such facts and inferences may be based upon, but not limited to, the following:
  - Direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance use.
  - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  - A report of substance use provided by a reliable and credible source.
  - Evidence that an individual has tampered with any substance use test during his or her employment with the current employer.
  - Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the premises of the employer or while operating the employer's vehicle, machinery, or equipment.
  - Causing or contributing to a workplace accident.

The supervisor requesting testing shall complete, explain in detail the circumstances and evidence warranting testing, and sign the "Reasonable Suspicion Report Form" at the time testing is requested, if feasible, but within 24 hours of testing in any event. The supervisor

- should have the corroboration of another supervisor, when possible, before the employee is requested to be tested. In the absence of another supervisor, another employee may be requested to witness the observation and the "Reasonable Suspicion Report Form." If use is suspected, the employee will be transported to the collection site for testing. Under no circumstance shall the employee be permitted to drive if the employee appears to be impaired, disoriented, or confused.
- III. Routine Fitness-For-Duty Testing shall be a part of all scheduled medical examinations for employees holding commercial driver's licenses.
  - IV. Post-accident Testing shall be conducted when an employee causes or contributes to any accident resulting in injury requiring more than simple first-aid treatment, damage to company property in excess of \$5,000 of damage, or when the employee causes or contributes to a loss-time accident. For alcohol testing, the employee shall be tested within eight-hours of the accident. Drug testing shall be conducted within 32 hours of the accident.
  - V. Post Rehabilitation Testing shall be conducted at least once a year during a two-year period after an employee returns to work upon the completion of rehabilitation or suspension related to substance use.

### **Consequences**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

Any employee who tests positive will be immediately removed from duty. Any employee who tests positive may be suspended without pay for a period of 60 days, required to pass a Return-to-Duty test, required to sign a Return-to-Work Agreement, required to sign a Last-Chance Agreement, and may be subject to ongoing, unannounced, follow-up testing for a period of one year. An employee may be terminated immediately if he/she tests positive a second time.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Return-to-Work and Last-Chance Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement or a Last-Chance Agreement as a condition of continued employment.

### **Assistance**

MidStar Timber Harvesting, Inc. recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.

If an employee voluntarily requests rehabilitation, a reasonable suspicion test will be performed to determine if the employee is under the influence of drugs or alcohol at that time. If the employee is found to be under the influence of drugs or alcohol, the employee will be suspended without pay for sixty days and information about rehabilitation resources will be given. The sixty-day suspension is to allow the employee an opportunity to receive rehabilitation and then return to work.

If the employee is found not to be under the influence of alcohol or drugs at that time, information about rehabilitation resources will still be given, but no suspension will be imposed.

Under both the above circumstances, the employee will be required to sign a return-to-work agreement which may require post-rehabilitation testing.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by MidStar Timber Harvesting, Inc. through the drug-free workplace program is confidential communication. All information received through substance abuse testing is confidential, but may be used or received in evidence, or obtained in discovery, or disclosed in any civil or administrative proceeding when the information is relevant to the employer's defense, e.g., a worker's compensation hearing.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Clearly state consequences of policy violations.

## **Communication**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed from time to time at safety meetings.
- All employees will receive an update of the policy annually with their paychecks.
- Posters or brochures will be available at all locations.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.