

Drug Free Workplace Policy

1.1 Purpose and Policy:

The Employer adopts this policy to deter the use of alcohol and/or drugs in the workplace. In accordance with this policy, all employees are prohibited from using drugs and/or alcohol while at the workplace, being under the influence alcohol and/or drugs while at the workplace, or using alcohol or drugs in any manner that will detrimentally affect his or her performance of his or her duties while at the workplace. To insure the enforcement of this policy, all applicants and employees shall be required to submit drug testing in accordance with this policy. This policy sets forth the guidelines and rules by which drug testing shall be administered, as well as, the consequences for failing a confirmed test or refusing to submit to testing. This policy satisfies the requirements of Tennessee Code Annotated 50-9-101 et seq., and the Rules of the Department of Labor, Division of Workers Compensation, Chapter 0800-2-12.

1.2 Types of Testing:

A. Applicant Testing

Any person applying for employment with the Employer shall be required to submit to a drug test in accordance with this policy. Any applicant shall have the right, pursuant to this policy, to contest or challenge a confirmed positive test to the medical review officer within 5 days of receipt of written notice from the medical review officer of the test results. Any applicant whose test is verified positive by a confirmation test and the medical review officer or refuses to submit to a drug test may be refused employment by the Employer in accordance with this policy.

B. Reasonable Suspicion Testing

All employees shall be required to submit to an alcohol and/or drug test if it is determined that the Employer believes that the employee has used alcohol or drugs in violation of this policy. The Employer's belief shall be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. The facts and inferences upon which this belief is based may include, but is not limited to, the following:

1. Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
2. Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance;
3. A report of drug or alcohol use, provided by a reliable and credible source;
4. Evidence that an individual has tampered with a drug or alcohol test during his or her employment with the Employer;

5. Information that an employee has used, possessed, sold solicited or transferred drugs or alcohol while working or while on the Employer's premises or while operating the Employer's vehicle, machinery, or equipment.

C. Post-Accident Testing

After an accident, which results in an injury, the Employer may require the employee to submit to a drug and alcohol test in accordance with the following rules:

1. An employee injured at the workplace and required to be tested shall be taken to a medical facility for immediate treatment of injury. Specimens shall be obtained at the treating facility or a designated collection site under the procedures set forth under these rules and transported to an approved testing laboratory.
2. No specimens shall be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must submit to testing.
3. In the case of non-emergency injuries reported to the Employer after the fact, the injured employee must submit to testing at the time the injury is entered into the Employer's OSHA 200 Log or any authorized or required replacement for the OSHA 200 Log.

D. Follow-up Drug and/or Alcohol Testing

If the employee in the course of employment enters an employee assistance program for drug or alcohol related problems, or a drug or alcohol rehabilitation program as a requirement of disciplinary action taken in accordance with this policy and/or any other employment policy of the Employer, the employee shall submit to a drug or alcohol test, as appropriate, as a follow-up to such program at least once a year for two years after successful completion of the program. Advance notice of the follow-up testing date shall not be given the employee.

1.3 Testing and Collection Procedure

All drug and alcohol tests performed by the employer shall be conducted in accordance with this policy. All tests shall follow the following policy and procedure:

A. Specific Drugs Tested

All drug tests administered by the Employer shall test for the following drugs:

1. Alcohol (if required according to policy)
2. Amphetamines
3. Cannabinoids (THC)
4. Cocaine
5. Opiates

6. Phencyclidene
7. Any other drug requested by the Employer, at its discretion, at the time the test is administered.

B. Initial Screening

The initial screening of all drugs, except alcohol shall use an immunoassay in a certified laboratory. Any initial screening that tests positive shall be re-tested for confirmation in accordance with this policy.

C. Confirmation Testing

All specimens identified as positive on the initial test, excluding tests for alcohol, shall be confirmed using gas chromatography/mass spectrometry (GS/MS). Threshold detection levels of any positive test shall be in accordance with Substance Abuse & Mental Health Services Administration (SAHMSHA) or (CAP-FUDT) guidelines unless modified according to Tennessee Code Annotated 50-9-111.

D. Alcohol Tests

Levels of alcohol shall be tested by analysis that will determine the presence and level or absence of alcohol as authorized by the United States Department of Transportation in its rules and guidelines concerning alcohol and drug testing.

E. Split-Specimens

All specimens collected shall be divided into primary and secondary specimens. The primary specimen shall be used for the initial and confirmation test.

F. Evaluation by Medical Review Officer

Every positive confirmed test shall be evaluated by the Medical Review Officer (MRO). The MRO shall be a licensed physician employed or contracted with the Employer who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures. The MRO shall evaluate any positive test result, considering the employee's medical history, information provided by the employee relevant to the test, including any prescription or nonprescription medication currently or recently used by the employee, and any other relevant biomedical information.

G. Collection Procedure

When the specimen is taken from the employee or job applicant, the employee or job applicant shall be provided with a form to provide any information that he or she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other information. This form shall be confidential and shall be kept by the applicant or employee. If the applicant or employee receives notice of a confirmed positive tests,

he or she may use this form to contest, challenge or explain the result to the Medical Review Officer in accordance with this policy. The applicant or employee shall also be required to sign a consent form in accordance with the Confidentiality section of this policy. The specimen shall be taken from the employee by any person employed or contracted with the Employer who is authorized by the Employer and qualified to conduct the collection of the specimen. The specimen shall then be properly transported and transferred to the certified laboratory. The custody of the specimen must be documented using the chain of custody form developed by the Department of Labor specifically for the Tennessee Drug-Free Workplace Program.

1.4 Reporting and Review of Results

A. Confirmed Positive Tests

Confirmed Positive Tests shall be reported to the Medical Review Officer, who shall verify the result and report those results to the appropriate supervisor of the employee or applicant. The Employer shall notify the applicant or employee of the confirmed positive test results. All test results shall be confidential and shall be distributed and kept in accordance with the confidentiality requirements of this policy.

B. Right to Contest or Explain Test Results

Any employee or applicant who receives a positive test result shall have the right, within 5 days of notification of the result, to contest, explain or challenge the test result. The employee or applicant shall also have the right to request the split specimen to be retested, at the expense of the employee or applicant. Any challenge, explanation, contest or request for retesting shall be made in writing to the Medical Review Officer. Upon review, the Medical Review Officer shall determine if the challenge, contest or explanation is satisfactory. If it is not satisfactory, the Medical Review Officer shall report the confirmed positive test to the Employer.

C. Contaminated, Tampered or Questionable Specimens

Any specimens with evidence of dilution, contamination, tampering or any question regarding the specimen shall be reported to the Medical Review Officer for his or her opinion and disposition. The Employer can require the re-collection, re-test or modification of the collection procedure, upon the determination of the Medical Review Officer of the necessity to do so. Any employee or applicant whom it is determined has contaminated, tampered or in any way altered any specimen given or test result shall be considered to have refused to cooperate with this policy and refused testing, which shall result in the employee or applicant being disciplined in accordance with this policy.

1.5 Consequences of Confirmed Positive Test

A. Job Applicants

The Employer shall have the right to refuse hiring any applicant whose drug test is confirmed positive and verified by the Medical Review Officer. The refusal to hire shall be deemed for

cause. At its discretion, the Employer may hire the applicant but may require that the applicant participate in an employee assistance program or drug rehabilitation program, in accordance with this policy, as a condition of employment. The Employer shall not be prohibited from discharging the employee or taking any other disciplinary action provided by this policy or the Employee Handbook for a subsequent positive confirmed test.

B. Employees

The Employer shall have the right to discharge any employee whose drug or alcohol test is confirmed positive and verified by the Medical Review Officer. An employee discharged pursuant to this policy shall be discharged for cause and can be discharged on the first violation of this policy. A positive drug screen shall be classified as Category I misconduct as defined by the Employee Handbook. At its discretion, the Employer may take other disciplinary action against the employee pursuant to this policy and the Employee Handbook, which may include required participation in an employee assistance program or drug rehabilitation program.

C. Employee Assistance Programs and Drug Rehabilitation Programs

The following employee assistance programs and drug rehabilitation programs shall be available for employees and may be required by the Employer as a part of disciplinary actions against employees or applicants whose drug tests are confirmed positive and verified by the Medical Review Officer:

Jackson Area Council on Alcoholism & Drugs (JACO)
Ph. 731-423-3653
900 E. Chester
Jackson, TN 38301

Pathways
Ph. 1-800-587-3854
238 Summar Drive
Jackson, TN 38301

National Council on Alcoholism and Drug Dependence Hopeline
Ph. 1-800-NCA-CALL
Website: www.ncadd.org

Alcoholics Anonymous (AA)
Ph. 212-870-3400 or 1-877-426-8330
Website: www.aa.org
1330 N. Parkway Drive
Jackson, TN 38305

1.6 Substance Abuse Education/Awareness

A. Employee Education and Awareness

Each year all employees shall be required to attend and complete at least one hour of an education/awareness program about substance abuse in the workplace. This program shall be provided by the Employer and shall be mandatory. Any employee who refuses to attend and complete the program shall be subject to discipline in accordance with this policy and/or the Employee Handbook.

B. Supervisor Training

In addition to the Employee Education and Awareness Program, all employees who hold a supervisory position (which shall be determined by the Employer) shall be required to attend two hours of training in workplace substance abuse recognition training. This training shall be mandatory and shall be provided by the Employer. Any employee required to attend the supervisor training who refuses to do so shall be subject to discipline in accordance with this policy and/or the Employee Handbook.

1.7 Confidentiality

All information, interview, reports, statements, memoranda, and drug or alcohol test results are confidential communications and shall not be disclosed or released except in accordance with these rules and as required by law. All employees and applicants shall be required to sign written consent forms, which shall authorize the use of this information in accordance with this policy. All information obtained through this policy shall be used solely for the enforcement of this policy unless otherwise required by law.

President / Owner

Date

June 01, 2005