

CALSTAR AIR MEDICAL SERVICES, LLC

SUBSTANCE ABUSE POLICY FOR EMPLOYEES

*This policy is effective upon CALSTAR Air Medical Services, LLC being owned by REACH Medical Holdings, LLC

(FOR TESTING TO BE CONDUCTED IN CALIFORNIA [excluding the City of San Francisco], OREGON and TEXAS).

1.0 STATEMENT OF PURPOSE

- 1.1 CALSTAR Air Medical Services, LLC (“Company”) is firmly committed to ensuring a safe, healthy, productive and efficient work environment for our employees, as well as our clients, and the public in general. The Company has a vital interest in ensuring a safe, healthy and efficient working environment and in preventing accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace presents a danger to everyone. For these reasons, the Company has established the following substance abuse policy. As provided below, drug and alcohol testing is an integral part of our substance abuse policy. Compliance with the policy is required as a condition of continued employment with the Company.
- 1.2 This policy applies to all Company employees, including employees in managerial or supervisory positions. This policy also applies to employees in safety-sensitive positions that are subject to the drug and alcohol testing requirements of the U.S. Department of Transportation, Federal Aviation Administration. (Those employees are subject to separate FAA-required drug and alcohol testing policy, in addition to this one.)
- 1.3 The Company maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist recovering addicts or alcoholics and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others.
- 1.4 Questions regarding the meaning or application of this policy should be directed to the Program Administrator.
- 1.5 **This policy is not a contract of employment. All Company employees are employees at-will, except as provided below. This means that employment can be terminated at any time either by the employee or Company with or without cause and with or without notice. If an employee fails to comply with this policy, the employee will be subject to discipline, up to and including termination.**

2.0 PROHIBITED CONDUCT

2.1 Prohibited Conduct Concerning Alcohol And Drugs

The following conduct by employees is prohibited:

- a. Reporting for work or remaining on duty after the employee has consumed alcohol in any amount that adversely affects the employee's job performance. Employees should not consume alcohol for eight hours prior to the start of their shifts, to avoid violation of this rule.
- b. Consuming alcohol at any time during an employee's workday. This includes, but is not limited to, while an employee is on or off the premises of the Company, as well as during the employee's meal and other break periods.
 - (i) Exception: This prohibition does not include the authorized and reasonable consumption of alcohol by an employee of legal drinking age at functions or activities sponsored by the Company or a client.
- c. Consuming alcohol within the eight-hour period immediately following a work related accident (as defined in Section 3.2) or until the employee has submitted to a post-accident alcohol test, whichever comes first.
- d. Engaging in any illegal or unauthorized use of drugs at any time while on or off-duty. This includes, but is not limited to, while an employee is on or off the premises of the Company, as well as during the employee's meal and other break periods.
 - (i) This prohibition does not apply to prescription or over-the-counter medications taken by employees in safety-sensitive positions which:
 - (1) have been lawfully prescribed to, or obtained by, the employee;
 - (2) are being used by the employee in accordance with the prescription's guidelines (if applicable); and
 - (3) before reporting to work under the influence of such medication, the employee has inquired whether the drug manufacturer or the employee's physician warns against driving, operating machinery or performing other work-related safety-sensitive tasks. If such warnings exist, the employee taking the medication must inform his or her supervisor of such restrictions before reporting to work

under the influence of such substances. When informing his or her supervisor(s) or Human Resources of such restrictions, the employee should not identify the medication(s) being used or the reason for its use. The Company will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation, and/or an instruction that the employee not work until the restriction is removed. Any employee reporting to work in a safety-sensitive position without first advising the Company about warnings accompanying lawfully prescribed or obtained medications will be subject to corrective action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this rule.

- (ii) Marijuana – including “medical marijuana” – is illegal under federal law and may not be used in the workplace. All employees are prohibited from being under the influence of marijuana while at work.
 - e. Failing to stay in contact with the Company or its medical review officer while awaiting the results of a drug test.
 - f. Engaging in the unlawful or unauthorized manufacture, distribution, dispensation, solicitation, sale, purchase, transfer or possession of drugs or alcohol while on Company-paid time, on Company premises, in Company vehicles, or while otherwise engaged in activities for or on behalf of the Company. This prohibition does not include the authorized distribution, dispensation, solicitation, sale, purchase, transfer or possession of alcohol at Company sponsored functions or activities. In addition, an employee’s illegal conduct involving drugs or alcohol during non-work times may also result in discipline, up to and including discharge.
 - g. The refusal to submit to any drug or alcohol test that is required under the Company’s policy will result in the employee’s immediate termination of employment. This includes tests which employees agree to take in conjunction with rehabilitation provided under Section 7.0. (For details concerning what conduct will constitute a refusal to submit to a test, refer to Section 2.2).
- 2.2 Refusal to Submit to a Test: An employee who engages in any of the following conduct will be considered to have refused to submit to a test:

- a. refusing or failing to appear for any substance abuse test within a specified time, as determined by the Company, after being directed to do so by the Company;
- b. failing to sign an authorization form permitting the release of the drug test result to the Company;
- c. failing to remain at the testing site until the testing process is complete;
- d. failing to provide a urine specimen, or breath or saliva specimen for testing, or a hair specimen when directed by the Company and as permitted by applicable law;
- e. failing to attempt to provide a urine, breath or saliva specimen for testing, or a hair specimen when directed by the Company and as permitted by applicable law;
- f. failing to provide a sufficient amount of urine or breath when directed, without an adequate medical explanation;
- g. failing or declining to take a second drug or alcohol test that the Company or collector has directed to be taken;
- h. failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Company as part of the “shy bladder” procedures, or the insufficient breath procedures;
- i. adulterating or substituting a urine sample, or attempting to adulterate or substitute a urine sample;
- j. in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (unless prohibited by law);
- k. refusing or failing to notify the Company promptly that the employee was involved in a work-related accident (as defined in Section 3.2 of this policy), without a valid excuse; or,
- l. failing to cooperate with any part of the testing process such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.

2.3 Consumption of Food or Food-Products Containing Hemp: The consumption of food and food-products containing hemp may cause an employee to test positive. A test result that is positive as a result of an employee’s consumption of food or food-products containing or made from hemp or hemp products will be reported

as a positive test and subject the employee to discipline, up to and including termination. (Refer to Section 4.2 concerning the consequences for testing positive.)

- 2.4 Prohibition On Employee Working: No supervisor or manager who has actual knowledge that an employee has engaged in or is engaging in conduct prohibited under this policy shall permit the employee to work or continue working under such circumstances. Any employee who has been directed not to work or directed to stop working under such circumstances must immediately comply.
- 2.5 Notification of Workplace Drug Conviction: Employees must notify their supervisor or local Human Resources Manager of any criminal drug statute conviction for a violation occurring within the workplace within five (5) days of such conviction. Within ten (10) days of such notification or other actual notice, the Company will advise the contracting agency of such conviction.

3.0 REQUIRED TESTS

Except as otherwise provided in this policy, employees are required to submit to testing under the circumstances described below. Except where conditions otherwise require, all tests will normally be conducted either during or immediately after the regular work period, which includes any period when an employee is working overtime.

- 3.1 “Reasonable Suspicion” Drug and Alcohol Testing
- a. An employee must submit to a drug test and/or an alcohol test whenever the Company has, in accordance with the applicable state law, reason to suspect the employee has or may have used drugs or alcohol in violation of the Company’s policy.
 - b. Except as state or local law may otherwise provide, the Company’s “reasonable suspicion” determination will be based on specific, current observations that can be verbalized, including but not limited to the employee’s appearance, behavior, conduct, speech, or body odors. These observations also may include indications of an employee’s chronic use of, or the effects of withdrawal from, drugs or alcohol. The determination may be based on a single instance of conduct involving a serious potential risk of harm to the employee or others, or to Company property or the property of others.
 - c. All “reasonable suspicion” tests must be administered as soon as possible following the determination.
 - d. The Company shall transport or make arrangements for the transport of the employee to and from the collection site.

- e. An employee who is required to submit to a “reasonable suspicion” test will be suspended after the completion of the drug or alcohol tests. The Company also reserves the right to evaluate the employee’s conduct that triggered the drug and/or alcohol test, to determine if the conduct in and of itself warrants discipline, up to and including termination.

3.2 Post-Accident Drug and Alcohol Testing:

- a. Unless otherwise required by state or local law, whenever an employee causes or contributes to a work-related accident (as defined below), the employee will be required to submit to a drug test, and/or an alcohol test, in jurisdictions where the Company conducts them.
 - (i) As used in this policy, “work-related accident” means an accident:
 - (1) which occurs while the employee is on the premises of the Company or at another work-site location, or is off-site while engaged in activities for or on behalf of the Company, or while the employee is operating a vehicle or aircraft, including the employee’s, for or on behalf of the Company, and
 - (2) the accident results in one or more of the following: (i) a fatality; or (ii) bodily injury to any individual who, as a result of the accident, requires immediate medical treatment (excluding first aid) at or away from the scene of the accident; or (iii) property damage to Company property or to the property of a customer that exceeds \$1500 as estimated in the Company’s sole judgment at the time of the occurrence; or (iv) in the case of a vehicle or aircraft accident, one or more vehicles involved in the accident incurs disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by another vehicle.
- b. All post-accident tests must be administered as soon as possible following the accident. Employees who are involved in a work-related accident must remain readily available for testing or will be considered to have refused to submit to a test. However, an employee who is involved in a work-related accident is not prohibited from leaving the scene of an accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care for the employee or others injured as a result of the accident.
- c. Except where circumstances do not permit, the Company shall transport or make arrangements for the transport of the employee to and from the collection site.

- d. An employee who is required to submit to a post-accident test will be suspended after the completion of the test. The Company also reserves the right to evaluate the employee's conduct that triggered the test, to determine if the conduct in and of itself warrants discipline, up to and including termination.

3.3 Random Drug and Alcohol Testing of "Safety-Sensitive" Employees:

- a. The Company may conduct random drug tests and random alcohol tests on "safety-sensitive" employees as state or local law may permit. "Safety-sensitive" employees are those whose duties are so dangerous that they could potentially kill or seriously injure themselves or others if they performed their job duties while under the influence of drugs or alcohol. Employees covered under the Company's FAA Anti-Drug and Alcohol Misuse Program will not be included in this policy's random pool.
- b. Random tests will be unannounced ahead of time and the dates of such tests will be spread out reasonably throughout the calendar year.
- c. As permitted by law, employees who will be subject to random testing will be put into one or more random selection pools and will be selected for testing by the Company using a scientifically-valid random selection process that ensures that each employee in the selection pool has an equal chance of being selected each time a selection is conducted. Appropriate safeguards will be used to ensure that the identity of individual employees who could be selected cannot be determined until after an employee is actually selected.
 - a. Whenever an employee is notified of his or her selection, the employee must proceed to the test site immediately and no employee will be excused.

3.4 Diversion-Based Reasonable Suspicion Testing:

- a. Company employees often have access to narcotics when performing their job duties. The possession, use and distribution of narcotics is governed by government regulation and failure to account for all narcotics in the medication inventory may result in risk to patients, liability to the Company and accidents and/or an unsafe workplace. Accordingly, in the event it is found that narcotics are diverted from the medication inventory of a Company base location, all covered employees who had worked in or at that base location during the previous seven (7) calendar days will be subject to a diversion drug test, in jurisdictions where the Company conducts them.

- b. The seven (7) calendar day look-back period will be from the date that the diverted narcotic is discovered by the Company.
- c. The Program Administrator will review the base personnel registry with a responsible manager of the base location in question to determine which covered employees are subject to a diversion drug test.
- d. For purposes of this section, “diverted” shall mean narcotics which are missing and unaccounted for in Company medication counts and inventory control records (i.e., those narcotics which have not been used/administered for medically-related purposes during the course of a tour).
- e. The decision not to administer a diversion test shall be based on the Company's determination, using the best available information at the time of determination, that there is a legitimate explanation for the unaccounted for narcotics.
- f. Covered employees subject to a diversion drug test will be contacted by the Program Administrator and given instructions on how to proceed with the required testing. Covered employees are obligated to follow the Program Administrator's instructions and submit to a diversion drug tests as soon as possible.

3.5 Other Testing:

- a. Employees may be subject to additional drug and/or alcohol testing when required by the Company and as permitted under applicable law.

4.0 **CONSEQUENCES FOR POLICY VIOLATIONS.**

Employees who violate the Company's policy are subject to the following consequences:

- 4.1 Refusal To Submit: Although employees have a right to refuse to submit to a test, employees who refuse to submit to a test when requested will be terminated from employment. Refer to section 2.2 of this policy for a description of the conduct which will be considered as a refusal to submit to a test.
- 4.2 Positive Test Results: Any employee who receives a verified positive drug or a confirmed alcohol test result of 0.04 or greater will be subject to disciplinary action up to and including termination.
 - a. If an employee tests positive for drugs or alcohol and is not terminated, and if the employee has not violated this policy previously and agrees to rehabilitation, then the employee may not be terminated and may be given an opportunity to sign and comply with the Company's “Last Chance” Agreement. This agreement provides an employee with the opportunity to

be evaluated for a drug problem by a substance abuse professional and, if determined to be necessary by the evaluating substance abuse professional, to participate in a counseling, treatment or rehabilitation program, whichever is determined to be more appropriate by the substance abuse professional. Unless covered through the employee's medical plan, the cost of the evaluation and any counseling, treatment or rehabilitation will be paid at the employee's own expense. The employee also may be subject to a return-to-duty drug testing, and follow-up testing, as recommended by the substance abuse professional, and as permitted by applicable law.

- b. However, an employee who tests positive for the first time will be terminated, if the employee: (i) refuses to sign the "Last Chance" Agreement; (ii) refuses or fails to be evaluated by a substance abuse professional; (iii) refuses to participate in the counseling, treatment or rehabilitation program recommended by the substance abuse professional, or (iv) fails to successfully complete the program, as evidenced by, for example, the employee's withdrawal from the program before its completion, or by a positive test result after the completion of the program.
- c. Any employee who, after entering into a "Last Chance" Agreement, receives a verified positive drug test result or a confirmed alcohol test result of .04 or greater, will be terminated from employment.

- 4.3 Alcohol Test Results from .02 to less than .04 BAC: Any employee who receives an alcohol test result from .02 BAC to less than .04 BAC will be sent home.
- 4.4 Other Policy Violations: The employee will be immediately removed from his or her job duties and will be subject to discipline, up to and including termination.
- 4.5 Fitness-For-Duty Evaluation: Whenever an employee is required to submit to a "reasonable suspicion" test and receives a negative test result, the Company may require the employee to submit to a fitness-for-duty evaluation. The evaluation may include a review of the employee's medical records and/or a medical examination by a licensed physician. The purpose of the evaluation is to determine whether the employee poses a significant risk of substantial harm to the health and safety of the employee or others in the workplace, including clients and visitors. Employees will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. Depending upon the results of the evaluation, the Company will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.
- 4.6 Potential Forfeiture of Workers' Compensation and/or Unemployment Compensation Benefits: An employee's violation of the Company's policy will be

considered as gross and willful misconduct. In addition to the discipline and other consequences imposed under this policy, therefore, such employee misconduct may also result in the denial of unemployment compensation under applicable state law. Additionally, employees who are injured as a result of using drugs or alcohol in violation of this policy and/or the other Company safety rules also risk forfeiture of workers' compensation benefits under the applicable state law.

5.0 NOTIFICATION OF TEST RESULTS, CONFIDENTIALITY, TESTING EXPENSES AND COMPENSATION FOR TESTS

- 5.1 Employees will be provided with a copy of their test results if they test positive, unless otherwise required by law.
- 5.2 The Company will maintain records of its substance abuse program in a secure location with controlled access. These records are confidential and will not be disclosed, except in accordance with applicable law.
- 5.3 The Company will pay for all drug or alcohol tests required by the Company, which includes a confirmation drug test performed on an employee's primary urine specimen. The Company will also pay for the cost of the employee's transportation to a collection site when the test is conducted at a place other than the employee's normal work site.
- 5.4 All time an employee spends providing a specimen for testing, including travel time to and from the collection site in order to comply with a test required under this policy, shall be considered as working time.

6.0 TESTING PROCEDURES

The Company's drug and alcohol testing procedures comply with applicable state and local law. The Company's procedures ensure the integrity, confidentiality and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. These procedures also are intended to minimize the impact upon the privacy and dignity of employees being tested.

6.1 Drug Testing.

Drug testing will be conducted via urine testing. The Company has established a chain of custody procedure for urine specimen collection and testing that will verify the identity of each urine specimen and test result.

a. Laboratories.

In general, drug tests will be administered at outside collection facilities and analyzed by laboratories which are certified by the U.S. Department of Health and Human Services ("DHHS-certified laboratory") or are otherwise required or permitted to be used under applicable state law.

b. **Drugs to be tested for.**

Unless otherwise prohibited by law, the Company will test for the following drugs: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, phencyclidine (PCP), propoxyphene and their metabolites.

c. **Confirmation and review of drug test results.**

All positive drug test results will be confirmed by gas chromatography and mass spectrometry ("GC/MS"). All confirmed positive drug test results will be reviewed by a medical review officer ("MRO") to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the employee's medical history, or review of any other relevant biomedical factors and all medical records made available by the employee.

An employee's use of prescription and over-the-counter medications may result in a positive test result. Employees will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. Employees may provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a confirmed positive test.

A negative test result, however, will not prevent an employee from being found in violation of this policy in certain circumstances. If an employee occupies a safety-sensitive position (as defined below) and provides information to the MRO that he is using prescription or over-the-counter medications that may adversely impact his ability to perform his job duties safely, the MRO will report this information to the Program Administrator. The Program Administrator will then evaluate: (1) whether the employee has violated Section 2.1.d. of this policy by failing to report his use of such medications; and, if necessary, (2) whether the use of the medication does, in fact, adversely impact the employee's ability to perform his job duties safely, and if so, whether any reasonable accommodation can be made.

If an employee refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the tested individual. If the MRO reports to the Company that a negative drug test was dilute, the employee will be directed to take another test immediately. If the employee refuses to take a second test, this constitutes a refusal to test.

d. **Right to have "confirmatory re-test" after positive test result:**

Employees who test positive may request a confirmatory re-test of their original urine specimen, at their own expense, in a different DHHS-certified laboratory (or other laboratory required or permitted under state law) selected by the Company. This request must be

made by the employee within 72 hours of being notified by the MRO of a verified positive test result (unless otherwise required or permitted under state law).

e. **Inability to provide adequate amount of urine.**

Employees must provide at least 45 milliliters of urine for a drug test. If the employee is unable to provide such a quantity of urine, then the individual will be instructed to drink a set amount of fluids and, after a set period of time, again directed to provide a complete specimen. If the employee refuses to drink the fluids as directed, or refuses to provide a new urine specimen, this will constitute a refusal to submit to a test.

If an employee has not provided a sufficient specimen within a certain time period after the first unsuccessful attempt to provide the specimen, the Company will direct the employee to submit to blood testing, where permitted by law. If the employee refuses, the employee will be considered to have refused to test. If blood testing is not permitted by law, the employee will be directed to submit to a medical evaluation, as soon as possible, from a physician selected by the Company. If the physician determines that there is no legitimate medical explanation for the individual's failure to provide an adequate amount of urine, this will constitute a refusal to submit to a test. If the physician determines that there is a legitimate medical explanation for the individual's failure to provide an adequate amount of urine, the Company, in consultation with the physician or MRO, will determine whether the employee should be retested, including whether a reasonable accommodation, if applicable, can be made which will provide an adequate, accurate and timely test result that will not impose an undue hardship on the program.

f. **Adulterated or Substituted urine specimens.**

Procedures for collecting specimens allow an individual privacy unless there is a reason to believe that a particular individual may adulterate or substitute the specimen. In such cases, a specimen may be obtained under the direct observation of a collection site person of the same gender as the employee, unless prohibited by law.

6.2 Alcohol Testing.

a. **In general:**

Except as provided in subsection d. below, alcohol screening tests will be performed either by a screening test technician ("STT") using a non-evidential screening device which the STT is proficient to operate, or by a breath alcohol technician ("BAT") using an evidential breath testing device ("EBT") which the BAT is proficient to operate. The Company will only use non-evidential alcohol screening devices that are on the National Highway Traffic Safety Administration's ("NHTSA") Conforming Products List ("CPL") for non-evidential screening devices and EBTs which are on the NHTSA's CPL for evidential breath measurement devices.

b. **Confirmation of alcohol test results:**

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The confirmation test will be conducted within 30 minutes from the end of the screening test. If the confirmation test result is an alcohol concentration level of 0.04 or greater, the test result will be reported as a positive. The confirmation test result is the final result upon which any discipline or other action taken under the Company's policy shall be based.

c. **Inability to provide adequate specimen amount for alcohol testing:**

If the employee is unable to provide sufficient saliva to complete a test on a saliva screening device, the STT shall conduct a new test, using a new device. If the employee refuses to complete the new test, this will constitute a refusal to submit to a test and the employee will be terminated. If the new test is completed, but there is an insufficient amount of saliva to activate the device, the employee shall immediately take a breath alcohol test using an EBT. If the employee refuses to submit to the test using an EBT the employee will be terminated.

Each employee shall blow forcefully into the mouthpiece of the EBT for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained. If an employee fails to provide or claims that he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the Company will direct the employee to submit to blood testing, where permitted by law. If the employee refuses, the employee will be considered to have refused to test. If blood testing is not permissible by law, then the Company will direct the employee to obtain, within five days, an evaluation from a licensed physician who is acceptable to the Company and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. Failure to undergo such an evaluation constitutes a refusal to test. If the physician concludes that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, the employee's test will be canceled. If the physician concludes that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, the employee will be considered to have refused to test.

d. **Alcohol Testing in Oregon (under certain circumstances).**

In Oregon, if the alcohol test is not a reasonable suspicion test, or if the employee does not consent to breath testing, a blood test will be required. Blood tests will be analyzed at a certified laboratory and positive test results will be subject to confirmatory testing conducted by gas chromatography and mass spectrometry ("GC/MS") as well as MRO review.

An employee who receives a verified positive blood alcohol test result may request a confirmatory "re-test" of the original blood specimen at a different DHHS-certified laboratory (or other laboratory required or permitted under state law) selected by the Company. This request must be made by the employee within 72 hours of being notified by the MRO of a verified positive test result (unless otherwise required or permitted under state law).

7.0 SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM

- 7.1 Consistent with and subject to the Company's policies concerning the Family and Medical Leave Act, and personal leaves and vacations, employees who voluntarily self-identify themselves as having a drug or alcohol problem and who voluntarily request assistance for such problem will be referred to a substance abuse professional for an evaluation and for an appropriate counseling, treatment or rehabilitation program, if recommended. The cost of the evaluation and any counseling, treatment or rehabilitation is the employee's responsibility. (For further details concerning the employee's payment obligations, employees should refer to their individual medical insurance plan.)
- 7.2 This request must be made before the employee is required to submit to a drug or alcohol test required by this policy. Employees may not use this self-identification provision to avoid taking a test when required under this policy or to avoid being disciplined for receiving a positive test result or for refusing to submit to a test (refer to Section 2.2 for a description of conduct that constitutes a refusal to submit to a test).
- 7.3 Once leave commences, periodic certification that the employee is actively continuing to participate in the program, together with progress reports, shall also be required. As a further condition of taking such leave, the employee will be required to authorize the attending substance abuse professional to communicate directly with the Company, including to release the employee's relevant treatment records to the Company, except as federal or state law may otherwise require. All such oral and written communications between the substance abuse professional and the Company shall be treated as confidential.
- 7.4 Except where the federal or state law prohibits, all leave time taken for the evaluation, counseling, treatment or rehabilitation will be counted against the leave to which the employee may be entitled under the federal or state Family and Medical Leave laws, or other applicable leave policy, if any.
- 7.5 In accordance with the applicable "Agreement For Voluntary Treatment and Conditions for Continued Employment" executed by the employee prior to the commencement of such leave, the employee may be required to submit to a return-to-duty drug test as a condition of returning to work and receive a negative result. In some cases an employee may be required to submit to a return-to-duty alcohol test as a condition of returning to duty, and if tested, must receive a negative test result. The employee may also be required to submit to unannounced follow-up drug tests and/or unannounced follow-up alcohol tests as part of the program.

8.0 DRUG-FREE AWARENESS PROGRAM AND EMPLOYEE ASSISTANCE PROGRAM ("EAP")

- 8.1 In order to maintain a drug-free workplace, the Company has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, our drug-free workplace policy, the availability of any drug-free

counseling, rehabilitation and employee assistance programs and the penalties that may be imposed for violations of our drug-free workplace policy.

- 8.2 As part of the Company's commitment to provide a safe, healthy and efficient working environment for our employees, the Company maintains an Employee Assistance Program ("EAP"). The EAP provides information concerning the effects and consequences of alcohol and drug use on an individual's health, work, and personal life and the signs and symptoms of an alcohol or drug problem. In addition, the EAP provides referral services to employees and their families seeking help with problems resulting from alcohol misuse and drug use. Participation in this program is voluntary and confidential. The EAP can discuss available counseling, treatment and rehabilitation programs, fiscal responsibilities, and can help the employee decide what program might be best for his or her situation. For further information or to arrange an appointment, employees may contact the Human Resources Department.

9.0 INSPECTIONS

- 9.1 Inspections Of Company Property: The Company may conduct unannounced random inspections at any time and without cause for the presence of illegal drugs or unauthorized alcohol on Company facilities and property such as (but not limited to) Company-issued vehicles, desks, file cabinets, and lockers. Employees are expected to cooperate in the conduct of such inspections.
- 9.2 Inspections Of Individual Property: Personal inspections of employees and their personal property, such as (but not limited to) vehicles, clothing, packages, purses, brief cases, lunch boxes, or other containers brought onto or being taken off of Company premises, may be conducted by the Company when there is reasonable suspicion to believe that the individual may have or has violated the drug or alcohol prohibitions contained in this policy.