

J. L. Malone & Associates, Inc.

DRUG-FREE WORK PLACE PROGRAM

I. STATEMENT OF POLICY

In order to establish J. L. Malone & Associates, Inc. as a drug-free work place and thereby increase the safety and health of our employees and their families, this policy requires that employees of our company shall not use illegal drugs at any time, shall not use or be under the influence of alcohol while working or any other time when operating a company vehicle, and shall not use or be under the influence of medications, while working, that could affect their ability to work safely.

II. DEFINITIONS

Alcohol ----- Liquids containing ethyl alcohol (ethanol).

Drug(s) ----- Some examples include, but are not limited to one or more of the following named substances: Amphetamines, Cannabinoids (Marijuana), Cocaine, Phencyclidine, PCP, Opiates, Barbiturates, Methaqualone, Benzodiazepines, Methadone, Propoxyphene and other drugs not listed on this form.

Medication(s) ----- Prescription and Non-Prescription substances obtained and used legally to combat illness and injury or for other therapeutic reasons.

Work(ing)(ed) ----- Performing any activity under any condition during any period of time that an employee is covered by the Employer's worker's compensation insurance. i.e. Driving, on duty, on call, or performing any task as a part of employment duties; leased and contract employees included.

Influence ----- To be physically, mentally, or emotionally subject to the effects of any substance.

Company and Employer ----- J. L. Malone & Associates, Inc.

Employee ----- Anyone employed by or contracted with the company who is covered by worker's compensation insurance obtained by the company.

Use(ing)(ed) ----- As pertains to drugs, alcohol, and medications; to drink, smoke, apply topically, inject, possess, solicit, distribute, dispense, manufacture, or transfer. Exceptions to these rules regarding the definition of "use" will be allowed only with management's written permission.

III. POLICY WORK RULES

- A. **Drugs** – Employees shall not use or be under the influence of illegal drugs at any time, whether working or not working.
- B. **Alcohol** – Employees shall not use or be under the influence of alcohol while working or while operating any company equipment to or from the work site before, after or between scheduled work periods.

C. **Medications** – Employees shall not use or be under the influence of medication while working if the medications have the potential to alter or to adversely affect their judgment, motor skills, to induce sleepiness or to otherwise detract from their safe job performance. Exceptions can, of course, be made in work areas and activities of decreased safety sensitivity when the effect of the medication on the employee is judged to be no factor by medical authority. It must also be acceptable to Management for the employee to continue to work. Exceptions to this rule (Section C) will be made at least one level of supervision above the concerned employee’s immediate supervisor. Employees will report their use of medications to their supervisor before beginning work if the medication taken is subject to adversely affect their judgment, motor skills, induce sleepiness or otherwise detract from safely performing the job duties for themselves and for other employees. If anyone is sensitive to the disclosure of their use of certain medications, they may call or visit the company official (Mr. John Haynes 229-439-2351 x 25) who is in charge of the drug-free work place program, in confidence, to resolve their unique work situation.

D. **Drug-Free Work Place Program Monitoring** – To measure the success of, and to aid in enforcing, our drug-free work place program the following types of drug screening test will be administered to detect the presence of Amphetamines, Cannabinoids (Marijuana), cocaine, Phencyclidine, PCP, and Opiates, in...

1. job applicants, as a condition of obtaining employment
2. employees required to undergo fitness for duty medical examinations
3. employees as a follow-up to a return from a rehabilitation program
4. employees, who by reliable evidence, or by their observed or reliably reported behavior, may be reasonably suspected of: (a) Using or being under the influence of drugs, alcohol, or medications while working, (b) Tampering with a drug screen test, or (c) Causing or contributing to an accident involving a reportable injury (i.e. an injury sufficient to require the attention of a medical professional), lost time, and/or damage to equipment, vehicles or property. In the event an employee is injured by a vehicle or piece of equipment operated by another company employee, both the operator of the equipment as well as the injured person must submit to alcohol and drug testing. All specimens must be provided by the employees as soon as possible but not later than 32 hours after the accident. Failure to timely take the required test will be viewed as admission to violation of this program. Testing for the presence of drugs and alcohol will be performed by an approved laboratory. All test results are reported to the medical review officer (MRO) for verification prior to being transmitted to the employee and/or employer.
5. Screening tests administered on a periodic basis in which all company employees are subject of being selected on a random basis for testing regardless of when or under what circumstances a recent prior test may have been administered to a particular individual. Having just been subjected to a screening test does not preclude an employee from again being selected as a part of the random screening program. A negative test result will be taken as indicated. A positive result will result in the employee being sent immediately to an approved collection site for another urine sample and a drug test performed by an approved laboratory. Results will then be analyzed by the MRO and reported to the company.

E. **Consequences to Employees if -**

- (1) Employee test positive for confirmed drug or alcohol use.
- (2) Employee refuses to be tested for drugs or alcohol.

(3) Employee is arrested, convicted, or pleads Nolo Contendere to, or is arrested or indicted for any violation of any controlled substance law of the United States or any state, for a violation occurring in the workplace.

1. Job Applicants will not be hired and employees or who are still within their six months probationary employment period will be terminated immediately.

2. Employees being tested in conjunction with a physical examination, as a follow-up to rehabilitation, as a result of reasonable suspicious behavior, random testing or because of contributing to or causing an accident may be terminated, even for the first offense. Injured employees, in addition to possibly being terminated, will also forfeit eligibility for worker's compensation medical payments and indemnity payments where such is sanctioned by established state law.

3. Any employee arrested, indicted, convicted or pleading Nolo contender to violating controlled substance laws will notify the employer within five (5) days of the event and if this policy was also violated, the employee will be disciplined up to and including termination, depending on the circumstance.

4. Employees who refuse to submit themselves to drug or alcohol testing required under the scope of this policy in a timely manner as required by this policy shall by such refusal be judged to be in violation of the prohibition against drug and alcohol use and shall be dealt with in the same manner as if they had tested positive for illegal drug or alcohol use.

F. **Challenges to Confirmed Positive Test Results** – A Job applicant or Employee will receive written notification of positive confirmed test results from the company within five (5) working days of the company's receipt of a report of a positive confirmed test result from the MRO. This notification will also state the consequences of the positive confirmed test result. A job applicant or employee who received written notification of (1) a positive confirmed test result and (2) the consequences to the employee of that result, will have the opportunity within five (5) working days to explain or contest the result. If the explanation or challenge of the positive test result is judged unsatisfactory by the company, the job applicant or employee will be provided with a written explanation as to why the explanation of the positive test was unsatisfactory, along with a written report of the positive test results within fifteen (15) working days. During a 30 day period after written notification of a positive test result, the employee who provided the specimen shall be permitted by the employer to have a portion of the specimen re-tested, at the employee's expense. Such re-testing shall be done at another licensed or NIDA approved laboratory, as appropriate, chosen by the employee or job applicant. All such documentation will be kept confidential and retained by the company for at least one year.

G. **Confidentiality of Drug Testing Information** – All written reports and related information received by the company, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents will be held in strictest confidence and will not be disclosed to agencies or persons outside of the company except in accordance with applicable state statutes or otherwise legally disclosed. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Agents of our company, and the laboratory conducting a drug test will, however, have access to drug test information when consulting with legal counsel in connection with actions brought against them when the information is relevant to its defense in a civil or administrative matter.

H. **Confidential Reporting of Medication Use** - The company knows that eventually most people need to take medications to combat various illnesses. Employees must realize, however, that many medications will alter or affect a drug test. An employee could possibly test positive for a drug when taking medications prescribed by a doctor or bought at a pharmacy. If you are unclear about a certain medication and the effect it will have on a drug test, please consult your pharmacy or prescribing physician. If you are on a medication you must report the medication before the testing procedure to the drug screening facility being used.

I. **Employee Assistance Program** - Our Company maintains an Employee Assistance Program (EAP) that consists of help in referring employees and their families who suffer from alcohol or drug use problems to local drug and alcohol rehabilitation centers. If you require assistance with this, please contact company official, Mr. John Haynes (229) 439-2351 x25 for assistance in finding someone in your local area. You may also find help in your local telephone directory yellow pages, under “drug abuse and addiction information and treatment.” An additional resource you might find helpful is the United Way, which is listed in the telephone directory white pages. They offer many confidential services at no charge. Any costs of outside services are, however, the employee’s responsibility. Any employee who has not previously tested positive for drug and alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and alcohol problems before they lead to disciplinary actions. No employee will be discharged, disciplined, or discriminated against solely upon the employee’s voluntarily seeking treatment for a drug/alcohol related problem if the employee has not previously tested positive for drug use, entered and employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. Through the EAP, the company will attempt to provide appropriate referral to drug and alcohol abuse rehabilitation programs. Such employees may not continue to work, but will be granted leave without pay or benefits, with a conditional return to work, depending up successful completion of an agreed upon appropriate treatment regimen, to include an initial negative test result. Conditional return to work is dependent on the continued availability of work in the same job/contract where employment was held prior to leave of absence for drug treatment/rehabilitation. There is no guarantee of continued employment on other jobs/contracts in the same are or in other geographic locations. For up to two years, a series of periodic drug tests will be administered after return to work. Failure of any of these periodic drug tests or refusal to take such tests when requested during the probationary period shall be grounds for immediate termination of the employee.

J. **Authority to Establish a Drug-Free Work Place Program** - The company’s drug-free work place program has been established in accordance with U.S. Federal and State Law; specifically drug-free work place provisions.

K. **Federal and State Laws and Regulations** - Nothing in this statement of policy shall be presumed to override, amend, or change any requirements of State of Federal law. In the even any of the provisions of this policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

L. **Amendment and Severability** – This policy may be amended in any and all respects at any time by the employer. If any provision of this policy or the application thereof to any party or circumstance is held invalid or unenforceable, the remainder of the terms of this policy and the applicable of any invalid or unenforceable provision to other parties or circumstances, will not be affected thereby, and to this end the provisions of this policy are severable.