

DEPENDABLE STAFFING SERVICES

Drug & Alcohol Testing Policy

EFFECTIVE JULY 1, 2017

1.1. Drug and Alcohol Testing Policy

DS is committed to maintaining a drug and alcohol free workplace. A healthy and productive work force, working conditions free from the effects of drugs and alcohol, and excellence in the services provided by the Company are important goals to all. It is well documented that the abuse of drugs and alcohol creates a variety of workplace problems. Increases in injuries, absenteeism, a larger financial burden on health and benefit programs, increase in workplace theft, greater liability exposure and declines in morale are some of the problems caused by drug and alcohol abuse.

It is the intent and obligation of the Company to provide a healthy and productive work force and safe working conditions free from the effects of drugs and alcohol. Employees are expected and required to report to work in a suitable mental and physical condition for work. In balancing the interests of the Company and its employees and the general public, the Company finds that testing for drugs and alcohol in the workplace is the best interests of all and therefore adopts the following Drug and Alcohol Policy. The Company prohibits the following behavior by employees while on Company premises or performing Company business at any location:

- Use of illegal drugs or prescription drugs obtained illegally.
- Use or possession of medical marijuana, or products containing medical marijuana, by a person who has been issued a registration by the State of Arizona.
- Abuse of legal (prescription or over-the-counter) drugs.
- Illegal sale, purchase, transfer, manufacture or possession of controlled substances.
- Arrival for work, or working, under the influence of drugs or alcohol. "Under the influence" means the presence of an illegal drug or controlled substance in the hair or body fluids at levels of detection above the lowest cutoff levels established by the analytical methods of the collection site selected by the Company or, if required under applicable law, at a level that causes impairment.

Violation of this policy will result in reassignment, discipline, or discharge, or the Company, in its sole discretion, may allow an employee who tests positive for drugs (without a medical and/or legal justification) or alcohol a single opportunity to complete an approved rehabilitation program. At the Company's discretion, such opportunity may or may not be provided to employees in safety-sensitive positions. Eligible employees who fail to complete such a rehabilitation program or who test positive for drugs (without a medical and/or legal justification) or alcohol a second time will be discharged.

A drug and/or alcohol screening test can be an effective means by which to identify those in need of counseling, treatment, or disciplinary action. The Company's drug and alcohol testing program is intended to supplement, not replace, other means by which the use of drugs and alcohol can be detected. The Company and its clients reserve the right to engage in other means to detect the use or possession of controlled substances and/or alcohol such as workplace searches. See 5.4, Workplace Searches.

This policy is intended to comply with the requirements of Arizona Revised Statutes §§ 23-493 through 23-493.12, and 23-619.01. Except as otherwise permitted by law, no sample taken for testing shall be tested for any substance or condition except drugs and alcohol as defined herein.

1.1.1. *Definitions*

"Alcohol" means ethanol, isopropanol and/or methanol, which is/are contained in products such as beer, wine, and distilled spirits or liquor.

"Drugs" means any substance considered unlawful under the controlled substances act, 21 U.S.C. § 812, or the metabolite of the substance. "Drugs" specifically include, but are not limited to, amphetamines, barbiturates, benzodiazepines, cannabinoids (marijuana), cocaine, methadone, opiates, phencyclidine, and propoxyphene.

"Drug/Alcohol Test" means analysis of hair, urine, saliva, blood and/or breath sample provided by an employee for the presence of illegal drugs and/or controlled substance and /or alcohol.

“Employee” means DS employee covered by this Handbook. See 3.1, Employee Categories and Classification.

“Supervisor” means an employee who, as defined by job title and/or job description, is charged with supervisory and/or managerial responsibilities.

“Testing site” or “collection site” means a facility where drug and alcohol testing or specimen collection will be conducted. The collection site and/or the testing site will be determined at the sole discretion of the Company. Collection and testing facility security and specimen collection are solely the responsibility of the collection and testing facilities and its personnel. Unless the Company self-administers on-site tests, the Company assumes no responsibility for specimen collection or transmittal errors of the collection site, the laboratory, or their staffs.

1.1.2.Procedure

Tests of job applicants and all employees are required as outlined below.

All job applicants must undergo a drug test before their hiring is final. Unless prohibited by applicable law, an applicant who tests positive for the use of drugs (without medical and/or legal justification) will not be eligible for hire.

Drug/Alcohol testing of employees may be conducted under any of the following circumstances:

- When there is a reasonable suspicion that the employee is impaired or has used drugs or alcohol. “Reasonable suspicion” is based on articulable observations sufficient to lead a prudent person to suspect that the employee is impaired or under the influence of drugs and/or alcohol (including, but not limited to, symptoms of the employee’s speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, irrational or unusual behavior, negligence or carelessness in operating equipment, machinery, or production or manufacturing processes, disregard for the safety of the employee or others, involvement in an accident that results in serious damage to equipment, machinery, or property, disruption of a production or manufacturing process, any injury to the employee or others or other symptoms causing a reasonable suspicion of the use of drugs or alcohol).
- When an employee is found in possession of a suspected controlled substance or alcohol or when suspected illegal drugs are found in an area controlled or used exclusively by the employee, such as an employee’s locker, desk or workspace.
- Following an accident, provided that there is a good faith belief that the employee was impaired by drugs or alcohol and such impairment contributed to the accident.
- Following an incident in which safety precautions were violated or unusually careless acts were performed.
- As part of a routine testing program instituted as a result of prior disciplinary action against the employee or as part of a rehabilitation program related to the use of drugs and/or abuse of alcohol.
- When an employee is assigned to a customer work site where testing is required by law or agreement.
- When an employee is assigned to a safety sensitive position or which includes tasks or duties that the Company in good faith believes could affect the safety or health of the employee performing the task, or others, the Company may require the employee to be tested for drugs and/or alcohol.
- When required by state and/or federal law.

Employees sent to testing pursuant to the first four circumstances above (reasonable suspicion, possession, post-accident, and/or post-incident) may, at the Company’s sole discretion, be asked to not return to work until the test results are known and then, only if such results are negative. Employees awaiting results will not be paid for such wait time. A refusal to submit to testing procedures or a failure to cooperate with the implementation of this policy and the Company’s efforts to maintain a drug/alcohol free

workplace may result in discipline up to and including termination of employment.

Testing will be conducted at the Company's expense at a certified laboratory and/or other location as may be designated by the Company. Test samples will be collected with due regard for privacy and an initial enzyme multiplied immunoassay test (or comparable test) may be conducted on the sample. Initial positive results will be confirmed by gas chromatography mass spectrometry or an equally reliable testing method. Test results of the Company designated laboratory and/or other testing facility are considered final.

Tests may screen for the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, methadone, opiates, propoxyphene, phencyclidine, methaqualone, fentanyl, nicotine, mood or mind-altering substances, "look-alike" substances, designer and/or synthetic drugs, certain inhalants, and unauthorized prescription or registered drugs. Employees tested should notify laboratory or collection site personnel of information that could affect test results, including identification of currently or recently used prescription or nonprescription drugs.

Employees must participate in the reasonable suspicion, post-accident, or other designated drug/alcohol testing programs. Employees selected under any of these programs must report to the Company designated collection site within two hours of notification of selection under any of these testing programs. The employee will be required to provide a sample within eight hours of arrival at the Collection Site. A team member's inability to provide a sample within the eight hour limit may result in termination of employment.

As to each type of testing, the Company requires that the test results affirmatively indicate a negative result. A test will not be deemed adequate or determinative if the results are either "positive" or "inconclusive." When a test result is "positive," the employee must produce medical or legal justification for the test result and the Company, in its sole discretion, may authorize a re-test. When a result is deemed "inconclusive," the Company may, in its sole discretion, authorize a re-test.

Any alteration, adulteration or contamination of a drug/alcohol test sample or its identification, or tampering with such sample or its identification will result in termination of the employee's employment.

All sample collection and testing for drug and alcohol use will be performed according to the following conditions:

- The Company in its discretion will designate the company that will collect samples and arrange for testing. The Company may change this designation in its discretion at any time.
- Sample testing will comply with scientifically accepted analytical methods and procedures. Testing may be conducted at a laboratory approved or certified by the United States Department of Health and Human Services, the College of American Pathologists or the Department of Health Services, and/or at other locations.
- Sample collections will be documented and these documentation procedures must include the following:
 - Samples will be labeled in order to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided.
 - The person to be tested will have the opportunity to provide notification of any information that may be considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information to the laboratory and/or the Company's designated person.
 - The person being tested must present reliable individual identification to the person collecting samples.
 - Sample collection, storage, and transportation will be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration or misidentification.

Drug and alcohol-use testing will include confirmation of any positive test results for employees or

prospective employees. Confirmation of positive drug or alcohol test results for employees/prospective employees will use a different chemical process than was used in the initial drug and alcohol-use test. The second or confirmatory test will be by chromatographic technique, such as a gas chromatography-mass spectrometry, or another comparably reliable analytical method.

A drug and alcohol-use test shall be considered positive when the screening levels established by the laboratory are exceeded. Information regarding the screening cutoff levels for various drugs will be made available upon request.

1.1.3. Employee Responsibilities

Each employee shall report for drug/alcohol testing as instructed. Failure to report will be considered a refusal to submit to the test.

Employees must report, within five days, any conviction under a criminal drug statute or criminal alcohol statute, including driving under the influence of drugs or alcohol.

DS staffs safety sensitive positions, that involve the direct care of others. Employees who are required to use prescription drugs, medical marijuana, or over-the-counter medications are responsible for being aware of any effect such drug may have on the safe performances of their duties. Accordingly, the employee is responsible for asking his or her physician whether the prescribed or registered drug or medication may impair the employee's ability to perform his or her job in a safe manner. If the prescribed or registered drug may have such an impact, then the employee must report the use of such substances to the DS Office Manager prior to reporting for work. When an employee fails to comply with this requirement, a physician's prescription or certification will not be an acceptable excuse for the use or being under the influence of, or have an impairment related to, such drug or medication.

1.1.4. Consequences of a Positive Drug or Alcohol-Use Test

On receipt of a positive alcohol or drug-use test that is without medical and/or legal justification , Company may take disciplinary or rehabilitative actions including:

- The Company will take action on a confirmed positive test result only after receiving a report from its designated testing site or laboratory. Detection of controlled substances (without medical and/or legal justification) or alcohol is grounds for immediate dismissal of an employee. Detection of controlled substances (without medical and/or legal justification) is grounds for a withdrawal of an offer of employment. Upon request, the employee or applicant may be given an opportunity to explain, in a confidential setting, a positive test result, and to substantiate the explanation with medical evidence. The Company, however, reserves the right to impose discipline, including discharge, or withdrawal of an offer of employment to any employee/applicant who violates this policy. Any disciplinary decision will be communicated in writing to the employee and will be accompanied by a copy of the test results;
- The employee may be required to enroll in an approved rehabilitation, treatment or counseling program, at the employee's own expense, which may include additional drug testing and alcohol impairment testing, as a condition of continued employment;
- The employee may be subject to discipline, up to and including termination, in the discretion of Company;
- In the case of a job applicant, Company may exclude that person from further consideration for employment and/or withdraw any offer of employment; and/or
- An employee who has enrolled in an approved rehabilitation, treatment or counseling program and/or was subject to suspension or other adverse employment action based on having tested positive on an alcohol or drug-use test , may be immediately terminated if such employee subsequently tests positive on a drug or alcohol-use test.

1.1.5. Confidentiality of Results and Access to Records

The Company will provide results to only the individual(s) designated by the Company as authorized to receive test results. These individuals will notify the prospective or current employee and designated supervisor authorized to receive the test results. The Company will not release any information regarding the test results without the written consent of the individual tested, except as set forth in this policy or as required or permitted by law.

All communications received by the Company relevant to drug and alcohol-use test results and received through this testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, except in a proceeding related to an action taken by the Company or a prospective or current employee in connection with this policy and except disclosure to: the tested prospective or current employee or any other person designated in writing by that individual; individuals designated by the Company to receive and evaluate test results or hear the explanation of the prospective or current employee; and an arbitrator or mediator, a court, or governmental agency as authorized by state or federal law. The tested prospective or current employee has the right, upon request, to obtain the written test results of tests conducted on that individual. Prospective or current employees have the right, upon request, to explain the test result to the Company in a confidential setting.