



Zero Tolerance Drug and Alcohol Testing Policy

I. PURPOSE

Michigan Gutter (the "Company"), Zero Tolerance Drug and Alcohol Testing Policy (the "Policy") was approved and adopted by Michigan Gutter and is established to maintain a safe, healthful and efficient working environment for our employees. Our mission is to ensure that our services are delivered safely, efficiently, and effectively by establishing a drug and alcohol -free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees. In keeping with this mission, Michigan Gutter declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

II.

The use and effects of controlled substances and alcohol pose very serious problems. Not only can the use and/ or abuse of controlled substances or alcohol jeopardize the health, safety and well-being of the individual user, and all of our employees, it can also endanger safety of the general public. In view of these problems, the Company wants to clearly state its policy to accurately detect and to deter the use of drugs and alcohol in our work environment, through testing and/or termination of employment.

Employees who engage in prohibited activity will be subject to disciplinary action up to, and including, discharge.

This policy supersedes all previous policies related to drugs and alcohol in the workplace.

This policy will take effect on June 1, 2018.

Michigan Gutter CEO, Steve Ball

Date: _____

DER - Designated Employer Representatives

HR Manager & HR Assistants

Michigan Gutter - Drug and Alcohol Policy

III. APPLICATION

The Policy applies to all Michigan Gutter employees (full-or part-time) when performing any company related business on Company premises or driving any company vehicles.

Definitions for purposes of this Policy:

- "Company Premises" includes, but is not limited to, all property, whether owned, leased or used by the Company. This policy also includes any other locations, or modes of transportation, to and from those locations, while in the course and scope of employment.
- "Designated Employer Representative" (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate action(s) to remove employees from duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the Company.
- "Monitored Urine Drug Collection" is defined as a urine drug collection, where both the donor and a collector of the same gender are present in the collection area during the collection process.

The collector must not watch the employee urinate into the collection container but is present to ensure that no tampering of the collection takes place.
- "Reasonable Suspicion" is the determination by a Supervisor or Company Official trained to recognize the effects and attributes of an impaired employee. The determination will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
- "Refusal to Submit" {to an alcohol or controlled substances test) means that an employee;
 1. Fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer;
 2. Fails to remain at the testing site until the testing process is complete;
 3. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 4. Fails or declines to take a second test the employer or collector has directed the employee to take;
 5. Fails to cooperate with any part of the testing process {e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
 6. Is reported by the MRO {Medical Review Officer) as having a verified adulterated or substituted test result;
 7. Fails to complete and sign the testing form;
 8. Fails to provide sufficient breath, or saliva; or
 9. Fails to remain available for post-accident alcohol testing until the test has been completed.
- 10. As the donor being tested, if you decline to permit a collection to be monitored, it is a refusal to test.

11. Possess or wear a prosthetic device that could be used to interfere with the collection process.
12. Admit to the collector, or MRO that you adulterated or substituted the specimen.

IV. PROHIBITIONS

Michigan Gutter Policy prohibits:

1. Use, possession or being under the influence of a controlled substance while on duty, or on Company premises, property or worksite.
2. To use Prescription and Non-Prescription medicine use that impairs an employee's ability to perform duties of his or her position. {See Section V}.
3. Consuming an intoxicating beverage, regardless of its alcohol content, within four (4) hours of reporting for work and for eight (8) hours following an incident or until a post-incident alcohol test is performed.
4. Possessing, consuming or being under the influence of an intoxicating beverage, regardless of its alcohol content while on duty, or on Company premises, property or worksite.
5. Refusing to submit to an alcohol or controlled substance test as required by this policy.

V. IMPLEMENTATION AND ENFORCEMENT OF POLICY

DRUG TESTING Employees are required to submit to urine analysis testing for prohibited substances under the following circumstances:

A. To be considered for employment.

Prospective employees will be required to submit to a pre-employment drug test per the instructions of the Human Resources Department. The test will only be ordered after a job offer, contingent on the results of the drug test. Candidates who refuse to submit to a drug test or who fail to show up for a drug test will no longer be considered for employment. Failure to receive an MRO verified negative result will cause the contingent job offer to be refused by the applicant.

B. When management or supervisory personnel has reasonable suspicion that an employee is under the influence of a prohibited substance while on duty.

Reasonable Suspicion testing will only be conducted when ordered by a supervisor or management person trained in the recognition of drug use in the workplace. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, that violations of the prohibited behavior has occurred. Rumor and/or hearsay are not valid reasons for Reasonable Suspicion determination.

C. Following an incident:

1) Incidents that would require testing:

- i. Any incident that involves medical treatment, or injury, of any involved person.
- ii. Any incident that involves verbal abuse.
- iii. Any incident that involves damage to property belonging to someone other

than the employer.

2) **Incidents that would require testing if a supervisor, or member of management, deems it appropriate, includes, but is not limited to:**

- i. Reckless driving of any vehicle on company property, including but not limited to personal vehicles in employee parking areas.
- ii. Large quantity of damage in one incident.
- iii. Any incident that involves substantial damage to company equipment.
- iv. Employees found sleeping while on duty.

3) **Incidents that would not require testing:**

- i. Minor incident, as determined by a supervisor, that involves a company vehicle or equipment that causes no injury or damage, i.e. scrape the railing with hi-lo.
- ii. Incident that involves a slip, bruise, strain, or cut etc., with no medical attention needed, as determined by a supervisor.

D. **Second Absenteeism Test:**

- Any employee who has a second unexcused absence from work within 30 days of the first absence will be required to submit to a urine drug test.

VI. Urine Drug Screen Protocols.

1) **10-panel instant drug test will be conducted.**

This panel includes: Amphetamines (including Methamphetamine, and Ecstasy); Cocaine: Opiates (including codeine, morphine and heroin); Phencyclidine; Marijuana; Benzodiazepines, Barbiturates; Methadone; Propoxyphene; and Methaqualone.

A MRO verified negative result is required.

A non-negative result of the instant drug test will cause the sample to be sent out to a qualified DHHS certified laboratory for confirmation and results are reported to the MRO to determine the positive or negative result.

If the result is reported as Negative-Dilute, a second collection will be conducted, and the results of the second collection will be the results of the record.

Employees who receive an MRO verified result other than negative, during the above testing requirements, may be subject to disciplinary action up to and including termination.

- 2) **Negative Dilute Procedure.** When Michigan Gutter receives an MRO (Medical Review Officer) verified negative-dilute test result; the employee will be required to submit to another collection, with minimal advance notice. The second collection result will be used as the result of record. If an employee declines to take another test, then the employee has refused to test for purpose of this policy.
- 3) **Collection Site Procedures.** The collection of your urine specimen will be conducted under the procedures required by the Mandatory Guidelines for Federal Workplace Drug Testing

Programs dated April 11, 1988. (Revised August 31, 2009) These procedures allow for individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The collection site person will take precautions to ensure that your specimen is not adulterated or diluted during the collection procedure. Your specimen collected must follow strict chain of custody and security procedures.

- 4) Medical marijuana; federal laws and policy do not recognize any legitimate medical use of marijuana. Even if marijuana is legally prescribed in a state, Department of Transportation (DOT) regulations treat its use the same as the use of any other illicit drug.

Therefore all covered employees are prohibited to use, possess or being under the influence of a prohibited substance as defined by the Substance Abuse Policy, including marijuana, while on duty or operating or in physical control of a motor vehicle and/or on company premises, property or worksite.

The Medical Review Officer (MRO) under 49 CFR part 40.151 is prohibited from verifying any test as negative for the use *of* medical marijuana.

Thus any covered employee who tests positive for marijuana or its metabolite will be subject to the companies' substance abuse disciplinary policy up to and including discharge.

VII. Alcohol Testing

- A. Testing. Employees are required to submit to a breath testing for alcohol under the following circumstances:
 1. Where management has reasonable suspicion that an employee is under the influence of alcohol while on duty.

Reasonable Suspicion testing will only be conducted when ordered by a supervisor or management person trained in the recognition of alcohol abuse in the workplace. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, that violations of the prohibited behavior has occurred. Rumor and/or hearsay are not valid reasons for Reasonable Suspicion determination.

2. Following an incident:
 - a. **Incidents that would require testing:**
 - i. Driving a company vehicle involved in an accident.
 - ii. Doing damage to company property.
 - iii. Post-accident when medical treatment is sought away from the scene.
 - iv. Causing an injury to another person with or without medical attention.
 - b. **Incidents that would require testing if a supervisor, or member of management, deems it appropriate, includes, but is not limited to:**
 - i. Reckless driving of any vehicle on company property, including but not limited to personal vehicles in employee parking areas.
 - ii. large quantity of damage in one incident.
 - iii. Any incident that involves substantial damage to company equipment.
 - iv. Employees found sleeping while on duty.

c. Incidents that would not require testing:

- i. Minor incident that involves a company vehicle or equipment that causes no injury or damage, i.e. scrape the railing with hi-lo.
- ii. Incident that involves a slip, bruise, strain, or cut etc., with no medical attention needed.

Post-Incident Testing. No employee required to take a post-incident test shall use alcohol for eight hours following the incident or until he/she undergoes a post incident alcohol test. The individual must remain readily available, which includes keeping management of Michigan Gutter informed as to your location, until testing is completed.

3. Prohibited Alcohol Use:

Alcohol is a legal substance; therefore, the rules define specific prohibited alcohol related conduct. Performance of safety-sensitive functions is prohibited:

- i. While using alcohol.
- ii. While having a breath alcohol concentration of .04 percent or greater as indicated by an alcohol breath test.
- iii. Within four hours after using alcohol.

Employees who receive an alcohol breath test with a verified result other than negative, during the above testing requirements, may be subject to disciplinary action up to and including termination.

VIII. Availability of Test Results

The results of any drug test and records connected with the testing procedure will be made available to the individual tested upon written request. The results of the tests themselves are reviewed by a licensed physician who has the knowledge of substance abuse disorders (MRO). If the tests are positive the individual tested will be advised of the results and the type of drug or drugs discovered. The MRO under 49 CFR part 40.151 is prohibited from verifying any test as negative for the use of medical marijuana. The individual tested will be given the opportunity to discuss the test results with the licensed physician prior to the time the test results are made available to the Employer.

The documentation of the results of the test will not be made available to other parties except upon written request of the individual tested, or when the MRO's reasonable judgment the information could result in the employee being medically unqualified to perform their duties, or if the information would cause a safety risk.

IX. PRESCRIPTION AND NON-PRESCRIPTION MEDICINE

Before any drug test is given, the employee or prospective employee may note the use of any prescription or non-prescription medications. The laboratory procedures may report the presence of all prescription and non-prescription drugs.

An employee may be suspended without pay for using a medication, until the employer is provided with a copy of the prescription, the name of the physician prescribing the medication and a

statement from the employee's physician describing the effects of the medication and indicating that the medication will not affect the employee's ability to safely operate a motor vehicle or otherwise perform the duties of his or her position without creating a risk of harm to himself or others.

For those employees working in a safety sensitive position, the Company's MRO may also review that employee's medication profile if a medication could potentially impair that employee. In this case, the employee would need to discuss with his/her prescribing provider any alternative therapies. If it is discontinued, then that employee who works in a safety sensitive position may return to work once he/she has passed a return-to-duty drug test with a verified negative result.

At the Company's prerogative, The Company may ensure that the employee remains free from all drugs by subjecting the employee to unannounced follow-up drug testing, as directed by the MRO (Medical Review Officer) or SAP (Substance Abuse Professional) over the next 6-12 months. Failure by the employee to either submit to a drug test under this part of have a verified positive test shall result in disciplinary action up to and including termination.

X. CONDITION OF EMPLOYMENT

Compliance with the Company's Drug and Alcohol Testing Policy is a condition of employment. Failure or refusal of an employee to cooperate fully or submit to any inspection, drug test, or alcohol test as provided in this policy will be grounds for termination of employment.

XI. RE-APPLICATION AND REHIRE

Michigan Gutter understands that individuals who are rehabilitated drug users or engaged in a supervised drug rehabilitation program and are no longer using drugs are protected under the Americans with Disabilities Act. Therefore Michigan Gutter will consider the applications of candidates who formerly tested positive for drugs if candidates can subsequently show evidence of rehabilitation.

XII. Employee Assistance Program

Michigan Gutter has established an Employee Assistance Program (EAP) with Catholic Human Services. Employees who need assistance in dealing with problems with either drugs or alcohol may be referred to the company's EAP for counseling or treatment.