

APPROVED POLICY AND PROCEDURE ON
SUBSTANCE ABUSE
(Policy No. 32)

POLICY:

The welfare and success of the company depends on the physical and psychological health of all its' employees. The abuse of drugs and alcohol poses a serious threat to both the company and the employees. It is the responsibility of both to maintain a safe, healthy, and efficient working environment.

SCOPE:

This policy applies to the following abused or improperly used drugs and substances including alcohol, pain killers, sedatives, stimulants, tranquilizers, marijuana, cocaine, heroin and other illegal drugs. The scope of this policy is not limited to the list above and will include any other substance, which impacts the safety and efficiency of the work environment. This policy applies to non-DOT (Department of Transportation) screenings only. DOT policy and procedures can be found under Policy 84, Substance Abuse –DOT positions only.

The possession, manufacture, dispensation, distribution, use, or sale of alcohol, unauthorized or illegal drugs or misuse of any legal drugs while on company premises or during company business is also prohibited and will constitute grounds for immediate termination of employment.

A positive drug/alcohol screen will confirm the use of the drugs and substances covered by this policy. (Iowa - alcohol concentration must exceed .04 to be considered a positive alcohol screen.)

POLICY COMPONENTS:

This policy has four main elements including Pre-Employment, Random, Post Accident, and For Cause. Current employee drug screens will take place during company time for which the employee will be paid his/her regular wage for the time necessary to complete the drug/alcohol screening.

The policy governing each type of drug/alcohol screen is listed below.

1. **Pre-Employment** - A pre-employment drug screening occurs upon an accepted new hire, returning employee, or rehire offer of employment or promotion with one of the following:
 - a. A temporary applicant is offered a position that requires a drug screen (see safety sensitive temporary job listing below).
 - b. All internship positions.
 - c. All newly hired regular full-time or status changes from temp to regular full-time positions.
 - d. A current employee is promoted, demoted or transferred into a safety sensitive job that requires a drug screen.
 - e. Regular full-time employees transferring to a non-safety sensitive job will not be required to complete a drug screen.

The company has a number of temporary positions, which present special safety considerations to employees. These include the operation of machinery/equipment, transportation of goods or persons, the handling of chemicals, maintenance work on buildings and equipment, and supervisory responsibilities.

Pre-employment drug screens will be required for the following temporary positions; however, additional positions may be added as directed by the Vice President of Human Resources. An individual must be at least eighteen (18) years of age to be considered for a position that requires a pre-employment drug screening for the following positions:

- | | |
|---|---|
| a. Forklift Operators/Forklift Trainers | j. Lead/Trainers |
| b. Drivers & Messengers | k. Machine Operators/Operators |
| c. Maintenance Workers/ Technician/
Electricians/ Groundskeepers | l. Internships |
| d. Sanitation Workers | m. Food and Non-Food Lab Technicians/Workers /
Equipment Operators |
| e. Bakers/Baker's Helpers I & II | n. Assistant Supervisors |

SUBSTANCE ABUSE

(Policy No. 32)

PAGE TWO

- f. Cutter/Cleaners
- g. Mixers/Mixer Helper
- h. Supervisors
- i. Leads
- o. Assistant Manager/Managers
- p. Individuals Regularly Using Company Vehicles
- q. Security Coordinator/Guard
- r. Samples Management Employees

2. **Non-DOT Random** – Employees, of any status, in the following positions will participate in random drug and alcohol testing:

- a. Forklift Drivers/Forklift Trainers
- b. Bakers/Baker's Helpers I & II
- c. Drivers & Messengers
- d. Cutter/Cleaners
- e. Machine Operators/Operators
- f. Mixers/Mixer Helper
- g. Maintenance Workers/ Technician/ Electricians/ Groundskeepers
- h. Sanitation Workers
- i. Food and Non-Food Lab Technicians/Workers/ Equipment Operators
- j. Interns (only if performing in safety sensitive or supervisor role)
- k. Leads, Asst Supervisor, Supervisors (only if performs in a safety sensitive role)
- l. Sample Management Employees

PROCEDURE:

- a. The program will randomly select a percentage of covered employees for a random drug and alcohol screenings. This percentage is determined by the Executive Director of Human Resources and can be modified at their discretion.
- b. The random selection will be performed monthly. The selection process removes discretion in selection from any supervisory personnel. This process will select covered employees through utilization of a randomizing feature on a computer-based report.
- c. Employees will submit to the screening on paid company time.
- d. Employees are required to return to work following the screening and may continue to perform their regular duties while the results are pending. The employee will be moved out of a safety sensitive role if the screening results are non-negative and need to be sent out for confirmation testing.

3. **Non-DOT Post Accident and/or Property/Product Damage as a Result of Employee Actions or Work**

Performance – Regardless of employment status or job position, any employee directly involved in an accident will be required to submit to a drug and alcohol test when:

- a. The accident results in medical attention (Iowa – accident must be OSHA Recordable) **and** the employee caused or contributed to the accident. Department Managers will need to assess at the time of the accident if being under the influence of drugs and/or alcohol could have been a contributing factor to the accident.
- b. The accident results in property or product damage in excess of \$1,000. This dollar limit can be reached with a single incident or combined with multiple property or product damage incidents over a twelve (12) month period. (Montana - the property or product damage must be in excess of \$1,500.)
- c. The employee causes an accident requiring the injured party to seek outside medical attention. The Department Manager will make this determination.
- d. The employee's actions or work performance (non-accident related) results in property or product damage in excess of \$1,000. (In Montana, the non-accident related property or product damage must be in excess of \$1,500)

If able, employees (regular & temporary) will return to work upon completion of the drug screening, reporting to their supervisor for job assignment. The employee will be moved out of a safety sensitive role if the screening results are non-negative and need to be sent out for confirmation testing. Employees performing in a non-safety sensitive position will receive the same rate of pay they were earning at the time of the accident while they are working and awaiting the result of their post accident drug screening.

4. **Non-DOT For Cause** - Any employee under the influence of drugs or alcohol, which impairs judgment, performance, or behavior while on company premises or while on company business will be required to submit to a drug screening. (Please refer to the “Supervisors Toolkit” or contact an HR Manager for guidance).

The Company reserves the right to send any employee for a drug screen based on an investigation or information resulting in reasonable suspicion the employee may be under the influence of a prohibited substance under the policy which includes abnormal conduct or significant deterioration in performance while on the job.

Managers/Supervisors Responsibilities:

Managers/supervisors are responsible for being fully aware of the company’s substance abuse policy. Within this policy, each element is described in detail. Managers/supervisors are responsible for taking appropriate action any time an employee’s behavior or performance raises any suspicion about the employee’s physical condition or ability to perform the job properly and safely. Managers/supervisors who ignore or avoid a performance problem, whatever the cause, will be subject to disciplinary actions up to and including termination.

Alcohol and Drug Testing Protocol:

Drug testing outlined in this policy will include a chain of custody urinalysis for the presence of drugs. Where available, testing facilities may use a rapid urinalysis with a laboratory confirmation for any non-negative results. A chain of custody breath alcohol test will be used to test for the presence of alcohol with a confirmation breath alcohol test if the first result is positive. If saliva alcohol is available at the testing site, the first test may be completed using this method with a confirmation breath alcohol test in the event of a positive. Alcohol test should be performed in accordance with state regulations and clinic availability. All samples must be collected according to the provider’s protocol as communicated in the authorization letters.

Results of Employee Drug Test:

The company seeks to maintain the highest level of confidentiality regarding the drug and alcohol testing process. Test results are held confidential by the designated Human Resource representatives. Other individuals who need to know the status of the employee’s ability to return to work but not the actual test result, will be the employee’s manager/supervisor and, in the case of post-accident testing, the Safety Manager.

Disciplinary Actions / Communication:

Negative Test Result (current employees):

The manager/supervisor and Safety Manager (in the case of post-accident testing) will be notified by the designated Human Resource representative of the employee’s clearance to return to work. The supervisor will contact the employee of their clearance to return to work.

Negative Test Result (applicant):

After a job offer, a designated Human Resource representative will inform the applicant of the test results. The drug screen will remain valid for thirty (30) calendar days and the applicant will be considered for any open position.

Positive Test Result (Regular Employees):

A letter reporting the test results will be sent by a Human Resources or Benefits Department representative to the employee. In addition, the Human Resources or Benefits Department representative will contact the supervisor to schedule a meeting with the employee. The employee will be informed of the positive test result and given the opportunity to seek assistance through Employee Assessment. The Human Resources Department representative, supervisor, and employee will discuss the steps necessary to return the employee to work as well as any necessary discipline. In the case of a post-accident investigation, the Safety Manager will also be contacted of the employee’s inability to return to employee’s safety sensitive position.

SUBSTANCE ABUSE

(Policy No. 32)

PAGE FOUR

All assessment and related treatments will be conducted at the employee's expense after any applicable health benefit coverage (Iowa – Employees with a positive alcohol screen may be eligible based on the state's criteria for up to \$2,000 of rehabilitation costs).

After an employee has agreed to participate in an assessment, the company will require the employee to submit to random drug and alcohol screenings for at least twelve (12) month period following the original assessment. Within this twelve (12) month timeframe, the employee will be required to provide a urinalysis, saliva, or breathalyzer test a minimum of six (6) times. The number of screenings and timeframe will depend on various safety factors involved in the employee's job and his/her assessment results. Annual screenings will continue at least up to five (5) years following the positive result. Any further positive screenings or other violations of the Substance Abuse policy will result in termination of employment.

Positive Test Result (Temporary Employees):

If a temporary employee tests positive for a pre-employment, for cause, post-accident, or a random screening, no assessment will be offered. A positive drug or alcohol screen will result in an automatic termination of employment. A Human Resource Manager will contact the employee to discuss the appropriate disciplinary action. (Iowa – Employees with a positive alcohol screen may be eligible for treatment based on the state's criteria for up to \$2,000 of rehabilitation costs).

Positive Test Result (Applicant):

Positive test results will disqualify the applicant for employment. The applicant will be contacted by a Human Resource representative and informed of the results. The applicant may re-apply after a six-month period. (Iowa - applicant will receive a certified letter, return receipt requested, indicating the results.)

Refusal to Submit for an Alcohol/Drug Test or Assessment:

Any employee, who refuses to participate in any required drug and alcohol test, will automatically be terminated from their employment. Also, Regular Full-Time employees who refuse to participate in a required Employee Assessment/Treatment Program will be terminated from their employment.

Confirmation Test as required by State Law:

In the event of a positive test for a non-DOT screening, certain states law allow the individual the right to request a testing of the split-sample. The individual working in these states must fill out a request for information form (obtainable from the Human Resource Department) indicating their desire for the second testing of the split-sample within seven (7) days after initial receipt of the results. The individual must select a federally approved testing site and agree to pay all expenses incurred. A check must be paid to the company prior to the test. In the event that the second test fails to confirm the initial test results, the individual will be reimbursed for the expense of the split-sample testing. (Iowa – The individual must notify the Human Resource Department of the intent to conduct a confirmation test via certified mail, return receipt requested or in person.)

Employee Assistance Program:

The company seeks to retain valuable employees and maintain productivity by identifying personal problems at early stages and motivating employees to seek help.

At any time in the above proceedings, the manager/supervisor may suggest that the employee take advantage of Employee Assistance Program. An employee's participation in this program is purely voluntary (unless a positive screening is a result of a company random, post-accident, or for cause). The manager/supervisor should present it as an opportunity to correct the employee's performance and behavioral problems. If the employee agrees to participate, the supervisor may defer any appropriate disciplinary action pending the outcome of the referral.

After an employee has agreed to participate in an Employee Assistance, the company reserves the right to require the employee to submit to random drug and alcohol screening for a minimum twelve (12) month period after the original assessment.

Referral Procedures:

Employee Assistance is intended for employee experiencing problems that are beyond their ability to cope, which may affect performance or behavior on the job. The employee's reputation, job security, or opportunities for promotion should not be jeopardized by the use of this program.

Self-Referral:

An employee, who is experiencing personal problems that affect job performance, may seek counseling and information by contacting a Human Resource representative or their supervisor. The company prefers that employees arrange for outside professional assistance during non-working hours. Employee Assistance facilities are available before and after work, during lunch, and Saturdays. Employees who need to seek assistance during working hours should request time off under Family Medical Leave Act (FMLA) by contacting the Benefits Department to confirm eligibility.

Referral by Supervisors/Human Resource Department:

Managers/supervisors and a Human Resource representative may refer employees to Employee Assistance can be offered when the supervisor believes personal problems may be affecting the employee's performance and/or behavior. Participation by the employee is strictly voluntary. If disciplinary action or other action is deemed necessary but is found to be a result of the employee's personal problems, the action can be suspended pending the outcome of the employee referral and assistance. The following procedures must be followed:

1. Discuss the performance problem with the employee. Describe that Employee Assistance services are available and suggest that the employee take advantage of it.
2. Attendance in the program is not a substitute for actual improvement in performance. Point out that the employee must remain responsible for making the required improvement, whether or not they agree to participate in Employee Assessment.
3. The manager/supervisor may receive a report of Employee's participation only in the case of a supervisory referral. This report will be limited to a confirmation that the employee has participated. With the employee's consent, it may also indicate whether the employee has made satisfactory progress.

Confidentiality:

Except for the assessment reports mentioned, all information must be treated in strict confidence. All records retained by participating agencies shall be for the exclusive use of those agencies. No employee of the company will have access to those files. Documentation regarding any screenings or treatment for substance abuse must be forwarded to the Benefits Department to be kept in a separate confidential file separate from the HR employee's file.

Training:

The company will take steps to communicate the dangers of drug and alcohol use in the workplace. These steps will include a presentation of this policy and any postings identifying Employee Assistance opportunities as well as the availability of resource files for more detailed information. The resource file will be maintained by the Benefits Department and will include information about substance abuse, counseling providers, and drug and alcohol abuse programs.

Managers and supervisory personnel will receive a two (2) hours initial training regarding the administration of this policy. (Iowa-- On an annual basis, a minimum of one (1) hour subsequent training will also be required.)

SUBSTANCE ABUSE
(Policy No. 32)
PAGE SIX

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