



# **INNOVATIVE PRODUCT ACHIEVEMENTS, LLC SUBSTANCE ABUSE PREVENTION POLICY FOR APPLICANTS AND EMPLOYEES**

## **I. Objectives**

Innovative Product Achievements, LLC (“Company”) is committed to protecting the safety, health, and well-being of our employees, our customers, and all people who come into contact with our employees and/or who use our products and services. The Company recognizes that drug and alcohol abuse pose a direct and significant threat to this goal, and to the goal of a productive and efficient working environment in which all employees have an opportunity to reach their full potential. The Company believes that illegal drug use and alcohol abuse have no place in the workplace.

The Company is committed to ensuring a substance-abuse free working environment for all of our employees through implementation and enforcement of this Substance Abuse Prevention Policy (“Policy”).

## **II. Scope**

This Policy sets forth the Company’s policies and procedures regarding: 1) the illegal use, sale, possession, or handling of drugs; 2) the misuse of legal drugs; 3) alcohol use and misuse; and 4) drug and alcohol testing.

## **III. Applicability**

This Policy applies to all applicants and employees.

## **IV. Prohibited Activities**

Drugs - The Company strictly prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation, and/or transfer of illegal drugs or other unlawful intoxicants at any time, and in any amount or any manner, regardless of occasion. “Illegal drugs” means all drugs the use or possession of which is regulated or prohibited by federal, state, or local law, and includes prescription medication which is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription. The Company treats medical marijuana and recreational marijuana the same as any other illegal drug, unless accommodation is required by state law.

Alcohol - The Company strictly prohibits the use of alcohol while working, while operating a Company-provided vehicle, while representing the Company, or when present on the Company's premises (defined as all land, property, buildings, structures, installations, and parking areas owned or leased by the Company or its affiliates and all places where the Company conducts business, including customer premises). The possession of alcohol while working or while present on Company premises also is prohibited.

If your job duties for the Company include entertaining clients/customers, this Policy does not prohibit you from consuming alcohol while performing those job duties. However, if you choose to consume alcohol, you are expected to do so responsibly and in moderation and to adhere to appropriate standards of safety, decorum, and professionalism, and you will be subject to discipline for any misconduct on such occasions.

Employees are prohibited from working or coming onto Company premises with alcohol in their systems. Moreover, the use or abuse of alcohol off the job which impairs performance on the job may subject the employee to disciplinary action.

Prescription and Over-the-Counter Medications - The Company recognizes that many employees use prescription and over-the-counter medications. Medications brought to the workplace should be carried in their original containers. This Policy does not prohibit employees from the lawful use and possession of prescription or over-the-counter medications. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to a supervisor or Human Resources representative. The Company reserves the right to transfer, reassign, place on leave of absence, or take other appropriate action regarding any employee during the time the employee uses medication that may affect the employee's ability to perform safely. Prescription and over-the-counter medications may cause a positive drug test result.

## **V. Drug & Alcohol Testing Requirements**

The Company may test for the presence of the following substances, or their metabolites: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepines, methadone, propoxyphene, and alcohol in the following circumstances:

Pre-Employment – Individuals may be offered employment conditioned on taking and passing a drug test before commencing work. Employment offers will be withdrawn whenever an applicant receives a verified positive test result or refuses to participate in the testing process. Any employee who has left the Company and is rehired may be required to take a pre-employment test.

Reasonable Suspicion – When Company management has reason to believe that any employee has violated this Policy, the employee may be asked to submit to a reasonable suspicion drug and/or alcohol test. Requests for reasonable suspicion tests will be based upon reasonably contemporaneous observations of the individual's behavior or performance, or other indication that this Policy may have been violated. Examples of what may trigger a request to submit to a reasonable suspicion test include, but are not limited to, one or more of the following:

- observed drug or alcohol use or abuse;
- physical symptoms or manifestations of being impaired due to alcohol or other drug use;
- abnormal conduct or erratic behavior;
- significant deterioration in work performance;
- report of alcohol or other drug use provided by a reliable and credible source;
- evidence that an individual has tampered with any drug or alcohol test;
- evidence that an employee has caused an accident which caused significant personal injury or significant equipment or property damage; or
- evidence that an employee has manufactured, sold, distributed, solicited, possessed, used, or transferred drugs.

Employees asked to take a reasonable suspicion drug and/or alcohol test will be transported to the collection site for testing. Employees will then be transported home pending receipt of test results.

Post-Accident Testing – Employees involved in an accident which results in property or equipment damage estimated at the time of the accident to be greater than \$1,000 or in a personal injury that is considered an OSHA recordable injury may be asked to submit to a post-accident drug and/or alcohol test as part of the Company’s investigation into the accident. Only those employees whose acts, or failures to act, could have caused or contributed to the accident will be asked to submit to post-accident tests.

Employees asked to take a post-accident drug and/or alcohol test will be transported to the collection site for testing. Employees will then be transported home pending receipt of test results.

Return-To-Work Testing – At its sole discretion, the Company may permit an individual who has abused drugs or alcohol in violation of this Policy to return to work, provided he or she is first evaluated by a Company-approved substance-abuse treatment provider and successfully completes any course of treatment recommended. Before returning to work, the employee must take and pass a return-to-work drug and/or alcohol test. *Employees who test positive on a return-to-work test will be terminated.*

Follow-Up Testing – Unannounced, follow-up testing may be required as a condition of continued employment after an employee has participated in a treatment program for drug- or alcohol-abuse, as recommended by the employee’s substance-abuse treatment provider and approved by the Company, for a period not to exceed two years. *Employees who test positive on a follow-up test will be terminated.*

## **VI. Procedures for Drug & Alcohol Testing**

Consent – No drug or alcohol test sample will be collected or drug or alcohol test conducted on any sample without the written consent of the person being tested. However, a person’s refusal to submit to a proper test will be viewed as insubordination and will subject the person to disciplinary action, up to and including termination.

Test Costs, Time, and Transportation - The Company will pay the costs of all drug and/or alcohol tests it requires of employees and applicants. Testing time is compensable work time for employees. Transportation or transportation costs will be provided to employees when tests are conducted off site.

Collection and Chain-of-Custody – Persons being tested will be asked to provide a test specimen by the collector. Procedures for the collection of specimens will allow for reasonable individual privacy, unless there is a reason to believe the individual may alter or substitute the specimen to be provided. If the collection of a urine specimen is observed, the observer will be of the same gender as the person being tested. Urine specimens collected from employees will be split in the employee’s presence. Urine specimens will be tested for temperature, and may be subject to other validation procedures as appropriate. The collector and the person being tested will maintain chain-of-custody procedures for specimens at all times.

Testing Methods – Urine or saliva tests may be used to detect the presence of drugs. All drug test specimens will be screened using an immunoassay technique and all initial positive drug tests will be confirmed using gas chromatography/mass spectrometry (“GC/MS”). All drug tests will be confirmed by a laboratory certified by the federal Substance Abuse and Mental Health Services Administration (“SAMHSA”).

Saliva, breath, or urine tests may be used to detect the presence of alcohol. All initial positive alcohol tests will be confirmed. All initial positive urine alcohol tests will be confirmed by a laboratory certified by SAMHSA. All alcohol screening devices (“ASD”) used for initial alcohol tests must be approved by the National Highway Traffic Safety Administration (“NHTSA”) and be on the conforming products list (“CPL”) for such devices. All evidential breath testing (“EBT”) devices used for initial and/or confirmation alcohol tests must be approved by the NHTSA and be on the CPL for such devices. Persons administering alcohol tests by ASD or EBT must be trained pursuant to the requirements set forth in 49 CFR Part 40.213. An alcohol test will be considered positive if it shows an alcohol concentration of 0.04 or more.

Notification & Report By MRO – Any individual who tests positive for drugs or positive for alcohol on a urine test will be so notified by a Medical Review Officer (“MRO”) and given an opportunity to provide any legitimate reasons he or she may have that would explain the positive test (such as evidence that the individual holds a prescription for the substance detected). If the individual provides an explanation acceptable to the MRO that the positive test result is due to factors other than consumption of drugs or alcohol in violation of this Policy, the MRO will order the positive test result to be disregarded and will report the test as negative to the Company. Otherwise, the MRO will verify the test as positive.

Notification By Company Of Positive Test Result – Any employee who tests positive for drugs or alcohol will be notified by the Company in writing of the test result, his right to request a retest of the original specimen at his own cost, and the cost of the retest. Such notice will be provided by certified mail, return receipt requested. The employee may request a retest by identifying an appropriate laboratory to conduct the retest and paying the retest fee. The employee must make such a request in person or by certified mail, return receipt requested, within seven days of receiving notice of the positive test result. The results of the retest will be reported to the MRO who will report to the Company. If the retest does not confirm the result of the original test, the Company will reimburse the employee for the cost of the retest and rescind any discipline taken based on the result of the original test.

Any applicant who tests positive for drugs will be notified by the Company in writing of the test result, the name and address of the MRO, and his right to access records related to the test. If an applicant wants to access records related to the test, he must make a request to the Company in writing within 15 days of receiving notice of the positive test result.

## **VII. Consequences of a Policy Violation**

An employee whose alcohol and/or drug test is positive is considered to be in violation of this Policy and, except as described below, will be subject to adverse employment action, up to and including termination. An employee who refuses to submit to drug and/or alcohol testing is insubordinate and in violation of this Policy and will be subject to adverse employment action, up to and including termination.

An employee who tests positive for alcohol, has not violated this Policy in the past, and has been employed by the Company for at least 12 of the preceding 18 months will be offered the opportunity to pursue rehabilitation in lieu of termination. The employee must comply with all of the requirements of the rehabilitation in order to avoid termination.

An applicant whose drug test is positive is considered to be in violation of this Policy and will have any job offer rescinded and employment denied. An applicant who refuses to submit to drug testing is considered to be in violation of this Policy and will have any job offer rescinded and employment denied.

Any attempt to tamper with, substitute, adulterate, dilute, or otherwise falsify a test sample is considered a refusal-to-test, as is failure to complete the testing process, failure to fully cooperate in the testing process, and any other intentional conduct which would prevent or compromise a valid test result.

Any other violation of this Policy will result in the employee(s) involved being subject to adverse employment action, up to and including termination. Other actions, such as notification of law enforcement agencies, may be taken at the Company's discretion as appropriate.

### **VIII. Assistance with Substance Abuse**

The Company encourages employees who believe they have a problem with alcohol or drugs – legal or illegal – to seek assistance before this Policy is violated. Employees may contact the Employee Assistance Program (EAP) to request assistance. The EAP will make available to such employees information about counseling and rehabilitation services. Employees may be eligible to use vacation or sick leave and/or to take a leave of absence to pursue rehabilitation. Health insurance often covers the cost of such services, but costs not covered shall be the employee’s responsibility.

Each request for assistance will be treated confidentially, and only those persons with a need to know will be informed of an employee’s request. An employee’s decision to seek help voluntarily will not be used as the basis for disciplinary action against the employee. However, in some circumstances, the employee may be transferred, given work restrictions, or placed on leave, as the Company deems appropriate, while the employee seeks assistance and/or until the employee is drug- and alcohol-free.

Please note that an employee’s decision to seek assistance under this Policy will be considered voluntary only if the employee seeks assistance prior to a violation of this Policy or being asked to take a drug and/or alcohol test. Entering a drug- and/or alcohol-assistance program will not absolve or protect employees from any adverse employment action to which the employee would otherwise be subject, including for substandard work performance or attendance, or for other workplace policy violations. Therefore, it is the responsibility of each employee to seek assistance before the employee’s alcohol- and/or drug-abuse problem leads to a violation of this Policy or another Company workplace policy.

### **IX. Employee Awareness**

The Company will establish an employee awareness program to inform employees of:

- a. The dangers of drug and alcohol abuse on health and in the workplace;
- b. The Company’s policy of maintaining a drug- and alcohol-free workplace as set forth herein and which will be acknowledged by all employees;
- c. The extent of available drug and alcohol counseling rehabilitation and other employee assistance measures; and
- d. The penalties which may be imposed for drug and alcohol abuse violations.

### **X. Compliance with Federal Drug-Free Workplace Act**

The Company strictly prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace.

As a condition of employment, employees must report any conviction under a criminal drug statute for violations occurring on Company premises or while conducting Company business. A report of a conviction must be made to the Human Resources Department within five (5) days of the conviction.

Within 30 days of the date the Company learns of an employee's conviction, it will discipline such employee, up to and including termination. An employee who is not terminated will be required to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program.

As a condition of employment, each employee shall sign an Acknowledgment confirming that the employee will abide by this Policy.

#### **XI. Confidentiality**

All records relating to positive test results, drug and alcohol dependencies, and employee medical information shall generally be kept confidential. Such records will be kept in secure files separate from personnel files. Employees may access their records upon written request. Applicants may access their records upon written request if the request is made within 15 days of the applicant learning of his positive test result. Test results will not be released outside the Company without the written consent of the tested individual, except as may be required or permitted by law.

#### **XII. Compliance With All Applicable Laws**

The Company will implement its Substance Abuse Prevention Policy, including the drug- and alcohol-testing portions, in a manner that complies with relevant federal, state, and local law.

**ACKNOWLEDGMENT OF SUBSTANCE ABUSE PREVENTION POLICY  
AND CONSENT TO SUBMIT TO DRUG AND/OR ALCOHOL TESTING**

I, \_\_\_\_\_ [print name], acknowledge that I have received a copy of Innovative Product Achievements, LLC (“Company”) Substance Abuse Prevention Policy for Applicants and Employees; that I have read and understand the Policy; and that I agree to abide by the Policy. I also understand that this Policy is not intended to, and does not, create a contract of employment.

I hereby consent and agree to drug and/or alcohol testing as a condition of consideration for employment and continued employment by the Company.

I understand that information regarding the test results will be released to the Company and that such information may be used as grounds for adverse employment action, including a withdrawal of any conditional offer of employment, or termination of my employment with the Company.

I further understand and acknowledge that:

1. The Company will pay the cost of all drug and/or alcohol tests required or requested by the Company; and
2. I have the right to refuse to submit to such testing; however, refusal by me to submit to or to cooperate at any stage in such testing shall be considered insubordination and, if I am an applicant, a voluntary withdrawal of my employment application.

With full knowledge of the foregoing, I hereby agree to submit to drug and/or alcohol testing conducted by the clinics and/or laboratories selected by the Company.

I have read the above consent to submit to drug and/or alcohol testing and certify that I have signed this document of my own free will and accord, fully understand the contents of this document, and stipulate that my consent is knowing and voluntary.

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee/Applicant Signature

\_\_\_\_\_  
Employee/Applicant Printed Name