

Policy Against Illegal Drug and Alcohol Use

This Company is committed to providing a safe, comfortable and productive work environment for its employees. We recognize that employees who abuse drugs or alcohol at work—or who appear at work under the influence of illegal drugs or alcohol—harm both themselves and the work environment.

As a result, we prohibit employees from doing the following:

- 1 appearing at work under the influence of illegal drugs or alcohol
- 2 conducting Company business while under the influence of illegal drugs or alcohol (whether or not the employee is actually on work premises at the time)
- 3 using illegal drugs or alcohol on the worksite
- 4 using illegal drugs or alcohol while conducting Company business (whether or not the employee is actually on work premises at the time)
- 5 possessing, buying, selling or distributing illegal drugs or alcohol on the worksite
- 6 possessing, buying, selling or distributing illegal drugs or alcohol while conducting Company business (whether or not the employee is actually on work premises at the time).

Illegal drug use includes more than just outlawed drugs such as marijuana, cocaine or heroin. It also includes the misuse of otherwise legal prescription and over-the-counter drugs.

This policy covers times when employees are on call but not working and times when employees are driving Company vehicles, rental vehicles or using Company equipment.

Employees who violate this policy may face disciplinary action, up to and including termination.

Inspections to Enforce Drug and Alcohol Policy

This Company reserves the right to inspect employees, their possessions and their workspaces to enforce our policy against illegal drug and alcohol use.

Drug and Alcohol Testing

From time to time, we may ask employees or applicants to undergo drug and/or alcohol testing pursuant to the Company's applicable Drug and Alcohol Testing Policy, discussed below. The applicable policy contains all the employee's or applicant's rights, responsibilities and potential consequences associated with drug and/or alcohol tests.

**STROM ENGINEERING CORPORATION
DRUG AND ALCOHOL TESTING POLICY**

Employees or Job Applicants Subject to Testing under this Policy

Any employee or job applicant at Strom Engineering may be required to undergo drug and/or alcohol testing if that person meets one or more of the criteria for testing enumerated below. Each person to be tested will complete, sign and date the Acknowledgement and Consent to Drug and/or Alcohol Testing form supplied by Strom Engineering.

Circumstances under which Testing may be Required under this Policy

Job Applicants. Strom Engineering may require a job applicant to undergo drug and alcohol testing after an offer of employment has been made contingent upon the applicant's successful completion of the testing. The test will be required only if the same test is required of all job applicants conditionally offered employment for that specific position. Any job applicant who had previously failed or refused to take a required test under this policy must provide evidence of successful completion of a recognized chemical dependency treatment program.

Employees. Strom Engineering may require an employee to undergo drug and alcohol testing under the following conditions:

1. *Routine physical examination testing.* Such testing will not be required more than once annually. If such testing is required, the employee will be given at least two weeks' written notice that a drug or alcohol test may be required as part of the physical examination.
2. *Random testing.* Such testing will occur at Strom Engineering's discretion, only if that employee is, in the opinion of Strom Engineering, employed in a health or safety-sensitive position.
3. *Reasonable suspicion testing.* If the Company has a reasonable suspicion that the employee:
 - 3.1 is under the influence of drugs or alcohol;
 - 3.2 has violated the Company's written work rules (contained in Handbook section 17:1 and incorporated herein by reference) prohibiting the use, possession, sale, or transfer of drugs or alcohol;
 - 3.3 has sustained a personal injury arising out of and in the course of employment, or has caused another employee to sustain a personal injury; or
 - 3.4 has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
4. *Treatment program testing.* An employee who: i) has previously failed a Strom drug test, we have referred for chemical dependency treatment, or iii) was evaluated for or participated in a chemical dependency treatment program under an employee benefit plan, may be required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

Right of Employee or Job Applicant to Refuse Testing

Every employee or job applicant has the right to refuse to be tested under this Drug and Alcohol Testing Policy. However, failure to comply with the testing requirements of this policy may result in withdrawal of a job applicant's conditional job offer or termination or other discipline of an employee, at Strom Engineering's discretion.

Test Results; Disciplinary Action, Right to Examine, Privacy

Initial Screening Test. Each tested employee or job applicant who takes an initial screening test shall:

1. if testing positive, be subject to a confirmatory test by the testing laboratory to verify the initial screening's positive test result before the results are reported to the employee or applicant;
2. if testing negative, have results reported to the employee or applicant in writing within three (3) working days of the receipt of the results by Strom Engineering, subject to item 1.;
3. if in a health or safety-sensitive position, may be suspended or transferred pending the outcome of the confirmatory test and, if applicable, retest results.

Confirmatory Test. Any employee or job applicant who requires a confirmatory test shall:

1. be informed in writing of the results of the test, whether negative or positive, within three working days of Strom receipt of the results;
2. have the right to explain the positive test result or request, within five (5) working days of receipt of the retest results, and pay for a confirmatory retest of the original sample;
3. have the right to request and receive from the Company a copy of the test result report;
4. if the positive confirmatory test result is the first such result for the employee, that *employee* shall have the opportunity to participate in a rehabilitation program prior to discharge or discipline and must inform Company of the decision in writing;
5. if the positive confirmatory test result is not the first such result for that employee, be subject to disciplinary action for a positive result, including, but not limited to, termination of employment;
6. if the positive confirmatory test result is for an job applicant, be subject to withdrawal of conditional job offer, and be informed of the reason for its action.

Test Result Privacy. Test result reports and other information acquired in the drug or alcohol testing process are private and confidential information and will not be disclosed by the Company or the test laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

Notwithstanding the preceding paragraph, evidence of a positive test result on a confirmatory test may be: (1) used in an administrative hearing under applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

Information about Employee Assistance Programs

Strom Engineering maintains a resource file of providers of other employee assistance, including drug and alcohol abuse programs, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems. A listing of providers of employee assistance in the area is available upon request.

Appeal Procedures for Disciplinary Actions Taken Pursuant to this Policy

An employee or job applicant who is aggrieved as a result of a disciplinary action taken pursuant to this Drug and Alcohol Testing Policy may only appeal if:

1. After examination of a positive confirmatory test result that employee can establish to the satisfaction of that the result is inaccurate, or;
2. The result of an employee or job applicant paid-for confirmatory retest, performed by qualified laboratory, is negative.

If an appeal is successfully undertaken, the disciplinary action taken against the applicable employee or job applicant shall be reversed; however, depending upon the circumstances of the initial testing and appeal, the affected employee or job applicant may be subject to an additional confirmatory test.

Federal Preemption

Except as otherwise provided, the employee and job applicant protections provided hereunder do not apply to employees and job applicants where the specific work performed requires those employees and job applicants to be subject to drug and alcohol testing pursuant to:

- i. federal regulations that specifically preempt state regulation of drug and alcohol testing with respect to those employees and job applicants;
- ii. federal regulations or requirements necessary to operate federally regulated facilities;
- iii. federal contracts where the drug and alcohol testing is conducted for security, safety, or protection of sensitive or proprietary data; or

Federal Preemption Limit

Strom Engineering Drug and Alcohol Policy is not preempted to the extent that it is not inconsistent with or specifically preempted by the federal regulations, contract, or requirements applicable to drug and alcohol testing.

ACKNOWLEDGEMENT AND CONSENT TO DRUG AND/OR ALCOHOL TESTING

I hereby agree, upon a request made under the drug/alcohol testing policy of Strom Engineering Corporation (the "Company"), to submit to a drug or alcohol test and to furnish a sample of my urine, breath, blood and/or other reasonable sample for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under company policy, or if I otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination. I further authorize and give full permission to have the Company test or send the specimen or specimens so collected to a laboratory to test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the Company and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize the Company to disclose any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I will hold harmless the Company, and any testing laboratory the Company might use, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if a Company or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results. I will further hold harmless the Company and any testing laboratory the Company might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

I have read the Company's drug and alcohol testing policy and this consent form (or had them explained to me in a language I understand), and I have been allowed to ask any questions about the test, the policy or this form. By signing this form, I acknowledge that I understand both the policy and the nature of my consent.

I UNDERSTAND THAT THE COMPANY WILL REQUIRE A DRUG TEST UNDER THIS POLICY WHENEVER I AM INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS OR ALCOHOL IN THE ACCIDENT OR INJURY EVENT.

Signature of Employee or Applicant

Date

Employee's or Applicant's Name - Printed

NOTICE TO EMPLOYEE OR JOB APPLICANT OF DRUG AND/OR ALCOHOL TEST RESULT

This document is to notify you, _____, of the results of the recent drug and/or alcohol test you took pursuant to Strom Engineering Corporation's Drug and Alcohol Testing Policy (the "Policy").
Employee or Applicant's Name

You are hereby notified of your _____ negative initial screening test
_____ negative confirmatory test
_____ positive confirmatory test

Under the Policy, you have the right to request and receive from the Company a copy of the test result report.

If you have tested positive on a confirmatory test, you also have the right to:

1. notify the Company in writing within three (3) working days of this notice of any additional information you consider relevant to explain a positive test for drug use, including by indicating any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result;
2. notify the Company in writing within five (5) working days of this notice that you, at your expense, intend to obtain a confirmatory retest of the original sample—if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant;
3. avoid discharge based on the test result if you are an employee and this was your first positive confirmatory test result under the Company's policy; provided, however, that to avoid discharge you must inform the Company in writing within five (5) working days of this notice that you are willing to enter a Company-designated drug or alcohol counseling or rehabilitation program, and then, at your expense, enter and successfully complete that program—failure to "successfully complete" the program can be determined by early withdrawal from the program or a post-completion positive test result on a confirmatory test;

If the confirmatory test was positive, the Company strongly recommends that you seek chemical dependency treatment. If you wish, the Company can refer you to a qualified program. Be advised that the Company may prohibit you from consideration for any future employment until you provide evidence of successful completion of a recognized chemical dependency treatment program.