

Drug Free Workplace Program



**Tim Messer Construction, Inc.
32111 Rockhill Ln.
Auberry, CA 93602
559-855-3100**

Drug Free Workplace Program

In a commitment to safeguard the health of our employees, and to provide a safe working environment for everyone, a Drug-Free Workplace Program has been established by Tim Messer Construction, Inc.. This program is implemented pursuant to the Drug-Free Workplace Program requirements, the applicable rules of the agency for Health Care Administration, the Department of Labor and Employment Security and the U.S. Department of Transportation Regulations.

1. General Policy:

a. Tim Messer Construction, Inc. prohibits its employees from illegally or improperly using, possessing, selling, manufacturing, or distributing drugs on its property, or while its employees are at work. It is also Tim Messer Construction, Inc. policy to report to work or to work under the influence of drugs. It is a condition of employment to refrain from using illegal drugs or alcohol on the job, or abusing legal drugs on or off the job such that it affects the job. If an injured worker refuses to submit to a test for drugs or alcohol authorized under the program and addendum thereto, he may forfeit his eligibility for medical and indemnity benefits. The drug use prohibitions and the testing procedures provided for under this Program may involve the following drugs or metabolites:

- Alcohol
- Phencyclidine (PCP)
- Benzodiazophines (Valium)
- Amphetamines (Desoxyn)
- Methaqualone Methadone (Dolophine)
- Cannabinoids (marijuana)
- Opiates (opium)
- Propoxyphene (Darvocet)
- Cocaine (coke, crack)
- Barbiturates (Phenobarbital)

b. To ensure that drugs and alcohol do not enter or affect the workplace, Tim Messer Construction, Inc. the right to conduct reasonable searches of all vehicles, containers, lockers, or other items on Tim Messer Construction, Inc. property or Tim Messer Construction, Inc. worksites in furtherance of this program. Individuals may be requested to display personal property for visual inspection upon the Tim Messer Construction, Inc.'s request. All personal property searches will take place only in the employee's presence. All searches under this program will occur with the utmost discretion and consideration for the employees involved. Searches for the purposes

described herein will be conducted when Tim Messer Construction, Inc. has reasonable suspicion that the employee has violated Tim Messer Construction, Inc.'s Drug-Free Workplace Program, and that evidence of such misconduct may be found during the search.

2. Job Applicant Drug Testing:

- a. All applicants will be tested for the presence of drugs prior to hiring.
- b. Any job applicant who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with the test, or fails to pass the pre-employment confirmatory drug test will not be hired and, unless otherwise required by law, will be ineligible for hire for a period of at least two (2) years.

3. Employee Drug Testing:

- a. Reasonable Suspicion Testing: All employees will be tested when there is a reasonable suspicion that the employee is using or has used drugs in violation of the program.
- b. Random Testing: To the extent allowed by law, employees in safety sensitive or special risk positions will be required to submit to drug testing on a random basis. Those positions designated as safety-sensitive are described on a list maintained on file in the Human Resources Department.
- c. Routine Fitness for Duty Testing: Employees will be subject to drug testing if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination applicable to all similarly situated employees.
- d. Return to Duty Testing: Any employee who does not pass a test (and has not been fired) may not return to work until meeting the Return to Duty requirements established by this program.
- e. Follow-up Testing: All employees who have entered drug rehabilitation programs while employed by Tim Messer Construction, Inc. may be subject to periodic follow-up tests as may be required.
- f. Position Change Testing: To the extent allowed by law, employees moving from a non-safety sensitive/special risk position to one designated as safety-sensitive or special risk, as a result of a formal personnel action, shall be required to successfully pass a drug test within 48 hours of receiving notification that they have been selected to fill the safety sensitive position.
- g. Additional Testing: Additional testing may also be conducted as required by applicable state or federal laws, or regulations or as deemed necessary by Tim Messer Construction, Inc..

4. Disciplinary Action:

- a. Any employee using, selling, purchasing, possessing, distributing, or dispensing drugs on duty or on Tim Messer Construction, Inc. property, reporting to work or working under the influence of drugs, or having a positive drug test result, except first time

violations found through Random Testing, will be subject to dismissal.

b. In the case of a first-time violation of Tim Messer Construction, Inc.'s policy, based on Random Testing only, an employee may be offered an opportunity to enter into an approved and supervised rehabilitation program as an alternative to dismissal.

c. Any employee who refuses to submit to a drug test will be dismissed from employment or otherwise disciplined by Tim Messer Construction, Inc..

d. An employee injured while at work who refuses to submit to a drug test, or has a positive confirmation test, may be dismissed from employment or otherwise disciplined by Tim Messer Construction, Inc. and may forfeit his eligibility for all Tim Messer Construction, Inc. workers' compensation medical and indemnity benefits.

e. Failure to consent to a reasonable search of vehicles, containers, lockers, or other items on Tim Messer Construction, Inc. property, will be grounds for dismissal or reason for denial to Tim Messer Construction, Inc. premises.

5. Confidentiality

a. All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by Tim Messer Construction, Inc. through a drug 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 as may otherwise be provided by statute or regulation. Similarly, Medical Review Officers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents and employees who receive or have access to information concerning drug test results obtained pursuant to this program shall keep all such information confidential except

as provided above, or when its release is authorized pursuant to a written consent form, Signed voluntarily by the person tested.

b. Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding.

6. Affect of Other Medication

Each employee or job applicant may provide any information he or she considers relevant to a drug test including identification of currently or recently used prescription or non-prescription medication or other relevant information. The employee or applicant may provide this information both before and after testing to the Medical Review Officer. The information provided shall be confidential. Employees and job applicants may consult the Medical Review Officer for technical information regarding prescription and non-prescription medication.

7. Explanation of Test Results

An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer within five (5) working days after

receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer will report a positive test result back to Tim Messer Construction, Inc.. The employee or job applicant may contest the drug result. An employee or job applicant is responsible for notifying the laboratory in the event he/she initiates any administrative or civil action, in order to ensure that the laboratory retains the specimen. Employees covered by a collective bargaining agreement or a "last chance agreement" may challenge actions taken under this program if such challenge(s) is authorized by their collective bargaining agreement, or the last chance agreement as applicable.

8. Employee Assistance Programs

In the case of a first-time violation of Tim Messer Construction, Inc.'s policy, based on Random Testing only, an employee may be offered an opportunity to enter into an approved and supervised rehabilitation program as an alternative to dismissal. A partial listing of local EAP and/or Drug Rehabilitation Program providers are as follows:

Please see the list of EAP providers within Fresno County. The list is on hand at our office. Contact Stephen Ferguson for further information. (559) 855-3100.

Over-The Counter And Prescription Drugs Which Could Alter Or Affect The Outcome Of A Drug Test

The following is a list of over-the-counter or prescription drugs which could alter or affect a test result. Due to the large number of obscure brand names and the constant marketing of new products, this list cannot be and is not intended to be all inclusive:

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES

Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex

CANNABINOIDS

Marinol (Dronabinol, THC)

COCAINE

Cocaine HCl topical solution (Roxanne)

PHENCYCLIDINE

Not legal by prescription.

METHAQUALONE

Not legal by prescription.

OPIATES

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricer, Esgic, Butisol, Mebaral, Burabarbital, Butabital, Phrenilin, Triad, etc.

BENZODIAZEPHINES

Ativan, Azene, Clonopin, Dalmane, Diazepan, Librium, XanaX, Serax, Tranxene, Valium, Verstran, Halcion, PaXipam, Restoril, Centrax.

METHADONE

Dolophine, Methadose

PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

DRUG-FREE WORKPLACE PROGRAM

Job Applicant Acknowledgment of Receipt and Understanding

I hereby acknowledge that I have received and read the Notice to Applicants and Employees about Tim Messer Construction, Inc.'s Drug-free Workplace policy, a summary of the drugs which may alter or affect a drug test and a list of local Employee Assistance Programs and drug and alcohol treatment programs. I have had an opportunity to have all aspects of this material fully explained. I understand that the full text of the Drug-free Workplace policy is available upon request.

I HEREBY ACKNOWLEDGE RECEIPT OF "THE NOTICE TO APPLICANTS AND EMPLOYEES ABOUT TIM MESSER CONSTRUCTION, INC.'S DRUG-FREE WORKPLACE PROGRAM", DRUG AND ALCOHOL TREATMENT PROGRAMS AND EMPLOYEE ASSISTANCE PROGRAMS", AND A LISTING OF THE OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST. I ALSO UNDERSTAND THAT THE DRUG-FREE WORKPLACE POLICY AND RELATED DOCUMENTS ARE NOT INTENDED TO CONSTITUTE A CONTRACT BETWEEN TIM MESSER CONSTRUCTION, INC. AND ME. THE UNDERSIGNED FURTHER STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGMENT AND KNOWS THE CONTENTS THEREOF AND SIGNS THE SAME OF HIS OR HER OWN FREE WILL.

Employee

NAME: _____

SIGNATURE _____ Date: _____

Employer Representative:

NAME: _____

SIGNATURE _____ Date: _____