

S&S PROFESSIONAL SERVICES, L.L.C

DRUG, INHALANT, AND ALCOHOL ABUSE POLICY

I. POLICY, PURPOSE, AND SCOPE-

This policy is intended as a general statement of corporate concerns and guide to its intentions regarding alcohol, inhalant, and illegal drug use in the workplace. The purpose of this policy is to help, in a positive manner, employees from becoming ineffective, both on and off the job, due to the use of drugs, inhalants, or alcohol. The Company recognizes its obligation to protect the health and safety of its employees, to provide safe and effective operations for the public, and to protect the assets and image of the Company. Therefore, the Company is committed to achieving a safe work environment free of substance abuse through education, intervention, and if appropriate, disciplinary measures.

This Policy will be subject to appropriate periodic revisions consistent with practical considerations and developing legal guidelines.

II. DEFINITION OF WORDS AND TERMS-

Alcohol - Any beverage that contains ethyl alcohol (ethanol), including, but not limited to beer, wine, and distilled spirits.

Biological Testing - The scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug, inhalant, or alcohol.

Chain of Custody - The procedures that govern collecting, handling, storing, and testing of specimens; disseminating results; and retaining specimens in a manner that ensures confidentiality and accuracy. The major purposes of the chain of custody is to absolutely, definitely, match three components: the specimen, the donor, and the results of the specimen, and to ensure that the specimen was not altered in any way from the moment it was collected until it **was** discarded.

Chemical Testing - See biological testing.

Collection Site-A place where individuals present themselves for the purpose of providing bodily fluid to be analyzed for specified controlled substances. A collection site will have all necessary personnel, materials, equipment, facility and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to the laboratory.

Collection Site Person-A person who instructs and assists individuals at the collection site and who receives and makes an initial examination of the urine specimen provided by those individuals.

The Company - S&S Professional Services L.L.C, your employer or potential employer

Commercial Motor Vehicle-Any self-propelled or towed vehicle used on public highways in interstate

commerce to transport passengers or property when the vehicle (1) has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; (2) is designed to transport more than 15 passengers, including the driver; or (3) is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Department of Transportation (D.O.T.) under the Hazardous Materials Transportation Act (49 USC App 1801-1813)

Company Facilities or Premises-Property of the Company, includes, but is not limited to:

1. Buildings and surrounding areas on Company-owned or leased property, parking lots, and storage areas.
2. Company-owned or leased vehicles and equipment wherever located
3. Property owned by other entities where the Company performs contract services.
4. Property owned by other entities where the employee is acknowledged to work or perceived to work for the Company by individuals at that site.

Company Vehicle - Any vehicle owned or leased by the Company and supplied to the employee for business or personal purposes.

Conference - A formal meeting of a number of people for discussion or consultation.

Confirmation Test - A second test by an alternate (different) and highly specific analytical method to identify a drug or metabolite. The principle purpose of confirmation testing is to eliminate any false-positive results obtained during screening (initial testing).

Contraband - Any article or drug, the possession of which on Company premises or while on Company business, causes an employee to be in violation of a Company work rule. Contraband includes illegal drugs, alcoholic beverages, inhalants, drug paraphernalia, firearms and other weapons.

Contractor & Subcontractor - A non-employee individual (or individuals) who has been engaged by the Company to work on a specific project for a specific period of time and is not under the control or direction of the Company. Contractors and subcontractors must comply with the Company's Drug, Inhalant, and Alcohol Abuse Policy.

Controlled Substances-Defined by 21 USC 802; includes all substances listed in Schedules I through V as they may be revised from time to time. Also included are inhalants.

Conventions - An assembly, often periodical, of members or delegates, of a political, social, or industry group.

Driver Subject to D.O.T. Testing - An employee driver or contract driver under contract for 90

days or more in any period of **365** days. A driver subject to Department of Transportation (D.O.T.) testing is a person who operates a commercial motor vehicle in interstate commerce and is subject to the driver qualification requirements of the Department of Transportation (D.O.T.).

Drug - Any substance (other than alcohol) that is a controlled substance or chemicals which may alter normal mind or body functions. For purposes of this policy, this includes inhalants.

Drug Testing - See Biological testing.

Employee - An employee, contractor, subcontractor, agent, officer, or representative of the Company.

Employer Testing Types - Includes, but not limited to, Follow-up, Periodic, Pre-Assignment, Pre-Employment, Pre-Promotion, Random, Reasonable Belief.

Firearms - Any weapon from which a shot is fired by the force of an explosion, i.e.; a rifle or pistol.

Illegal Drug - Any drug that is not legally obtainable; any drug that is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose or prescribed dosage; any over the counter drug or chemical being used at a dosage level different from that recommended by the manufacturer or being used for a purpose other than intended by the manufacturer (includes inhalants); any drug being used for a purpose not in accordance with good faith medical therapy; any drug not approved by the United States Food and Drug Administration (USFDA). Examples of illegal drugs are Cannabis substances (such as marijuana and hashish), cocaine, heroin, phencyclidine (PCP), and so-called designer and look-alike drugs, or any prescription drug used by someone other than the person to whom the prescription was originally prescribed.

Initial Test - An immunoassay screen used to eliminate negative urine specimens from further consideration.

Interstate Commerce - Trade, traffic, or transportation in the United States that is between a place in a state and a place outside of such state (including a place outside of the United States) or is between two places in a state through another state or a place outside of the United States.

Legal Drug - Any prescribed drug or over-the counter drug that has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

Medical Practitioner - A licensed doctor of medicine (M.D.) or osteopathy (O.D.) or a doctor of dental surgery (D.D.S.) authorized to practice by the state in which the person practices.

Medical Review Officer (M.R.O.) - A licensed doctor of medicine or osteopathy with extensive

knowledge of toxicology, pharmacology, (psychiatry) and drug abuse disorders. The M.R.O. has the knowledge and medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.

Meetings - An assembly, gathering of people, especially to discuss or decide on matters.

Possession - Custody, retention, or ownership; meant to also include the presence of any detectable amount of an illicit drug in the body system.

Prohibited Activities - Includes contamination or switching of urine specimen.

Random Testing - A testing process in which selection for testing is made by a method using objective, neutral criteria ensuring that every person subject to testing has a substantially equal statistical chance of being selected. The method does not permit subjective factors to play a role in selection- that is, no person may be selected as a result of discretion.

Reasonable Belief - Reasonable belief is based on a reasonable and articulable belief, in the sole discretion of management, that the individual has used a drug, controlled substance or alcohol based on direct observation of specific physical, behavioral or performance indicators of probable use.

Return To Work Testing - Drug testing after extended explained absenteeism, unexplained absenteeism, or drug rehabilitation. This type of test is to ensure that an employee does not inadvertently or purposely come back to work under the influence from a prescription or drug abuse.

Under The Influence - Any amount of detectable drugs or inhalants in the body. Any detectable amount of ethyl alcohol (ethanol) at a level of .04 or higher.

(A condition in which a person is affected by drugs, alcohol, or inhalants in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test such as urinalyses or blood analysis, or in some cases by the opinion of a layperson.)

Safety Sensitive Job Positions - Any job position where an employee may suffer bodily harm, injury, or property damage from unsafe activities or practices.

Substance Abuse Testing - See Biological Testing

Specimen Ownership - All specimens provided to the employer or the employer's agent and paid for by the employer shall be the unshared confidential property of the Employer.

Weapon - An instrument or device of any kind used for fighting, including, but not limited to firearms and knives.

III. PROHIBITED ACTIVITIES-

The responsibility of S&S PROFESSIONAL SERVICES, L.L.C is to provide a work environment free, of drugs and unauthorized alcohol. The use or possession of unauthorized alcohol, inhalants, drugs or other intoxicants creates a serious threat to the health and well being of the user as well as fellow employees. Employees have the right to perform the duties with unimpaired co-workers.

Prohibitions-

The use, distribution, sale, manufacture, transfer or possession of inhalants, illegal drugs, or unauthorized alcohol, by a S&S Professional Services, L.L.C employee, contractor, or subcontractor is strictly prohibited.

The use, distribution, sale, manufacture, transfer or possession of contraband, firearms, or other weapons by a S&S Professional Services, L.L.C employee, contractor, or subcontractor is strictly prohibited.

Any other use, possession, or trafficking of intoxicants or controlled substances in a manner which is detrimental to the interest of the Company.

The use in any way of Company property or the employee's position within the Company to make or traffic intoxicants, illegal drugs, or controlled substances.

Adulteration and/or switching of urine specimens in connection with a Company sponsored drug screen.

Possessing and/or using prescriptions or medication from another country without a current, accessible written prescription. In addition, prescription drugs must be carried in their original dispensing container. The prescription must be in the individual's name and must not be more than one year old.

Prohibitions apply to the following locations:

- **On Company's premises**
- **At any time while on Company business**
- **At any time while in a Company parking lot**
- **At another Company facility**
- **In any Company provided vehicle**
- **Employee's vehicle while the employee is at work**

Felony Conviction - Any employee convicted of a felony attributable to the use, possession,

manufacture, or sale of intoxicants, illegal drugs, or controlled substances on or off Company property will be subject to disciplinary action including immediate termination.

Alcohol - No employee may report to work under the influence of alcohol nor be under the influence of alcohol nor be under the influence of alcohol on company premises.

No employee may consume alcohol anywhere during rest breaks, lunches or other meals if the employee must work thereafter on the same day. However, it may be permissible to consume alcohol in moderation at management authorized conference, conventions, or meetings. Such consumption of alcohol is not encouraged by the Company and must be limited so that it does not affect the employee's safety, the safety of coworkers, members of the public or the employee's job performance.

The person suspected of engaging in a prohibited activity shall be subject to immediate drug and/or alcohol testing by one or more of these methods; breath, urine, saliva, and/or blood.

IV. AFFECTED EMPLOYEES

This Drug, Alcohol, and Inhalant Abuse Policy shall apply to all applicants for employment, current employees, contractors, and subcontractors. For drug policy purposes a contractor or subcontractor shall come under the same rules as an employee or applicant.

Employees engaged in the operation of vehicles, who as a part of their transportation duties, are required to be physically certified under Department Of Transportation regulations shall have an alcohol and drug screen as a mandatory part of such physical examination. A negative result is required as a condition of continued employment.

Subject to applicable state and federal laws, the Company will hold an employee who engages in illegal use of drugs or who is an alcoholic to the same qualifications standards for employment/job performance and behavior that the employer holds for other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

V. ENFORCEMENT ACTIONS

Subject to applicable state and federal laws, the actions that the Company will take to detect violations of the policy, may include, but not necessarily be limited to:

- Periodic Testing
- Random Testing
- Pre-employment Testing
- Pre-assignment Testing
- Post-accident Testing
- Return-to-Work Testing
- Unannounced General Searches
- Security Audits

- Law Enforcement Investigations
- Testing at Entrances and Exits of Company Property
- Employee vehicle searches

A. Current Employees

1. The Company may request that an employee submit to Random, Periodic, or Other type of drug test and/or a health/safety assessment which may include, but not be limited to, a blood test, urine test or other drug/alcohol type test. Some tests may be requested where the employee's behavior, performance and/or safety/accident record indicate that a health problem may exist including the probability of drug, inhalant and/or alcohol use prohibited above.

If the employee refuses to take a requested test, or refuses to sign the associated forms for the test, such refusal may together with other factors be considered in determining appropriate job assignment or disciplinary action including dismissal.

2. In the sole opinion of the Company, where safety, security or customers' requirements relating to a job or category of jobs justifies testing, the Company may request a urinalyses or other drug/alcohol testing of the employee assigned, or to be assigned, to such a job or as a condition of remaining on or being assigned to the job.
3. If the employee presents an actual safety or security risk, or displays unprofessionalism, the employee will not be allowed to continue their job until the risk has abated. This may involve suspending the employee, placing them on leave or termination.
4. Employees who are involved in accidents or near accidents where injury or property damage is threatened or occurs, will be taken to a drug screening facility for a drug test which may include alcohol, inhalant, or drug testing and/or a referral for a chemical dependency assessment. Threatened injury or property damage will be handled as incidents that actually resulted in injury or property damage.
5. Employees reporting to work or working who are suspected, in management's sole discretion, of being under the influence of alcohol or other drugs will be taken to a drug screening facility for a drug test which may include alcohol, inhalant, or drug testing and/or a referral for a chemical dependency assessment.
6. Employees shall be given an opportunity to inform the specimen collection person and/or the laboratory performing the testing of any prescription and/or over-the-counter medications they may be taking at the time of testing.
7. All employee drug screening tests that are initially positive will be followed by an additional confirmation test using the same sample used in the screening test. The employee may be suspended, without pay until the result of a Medical Review Officer

confirmation test is determined.

8. If the confirmation test is confirmed positive, the employee will be terminated and will not be reinstated. If the test results are negative, the employee may come back into our workplace, however, not necessarily in the same job position.
9. No testing will be conducted without the employee's concurrence. Request will be made in a manner calculated to preserve the employee's privacy and dignity. Thus, knowledge of the request and the result will be limited to those who have a need to know. Under no circumstances will it be made a matter of general information unless the employee chooses to make such communications. Where sale, manufacture, or possession of illegal drugs on Company premises is suspected, normal surveillance and investigative techniques including referral to law enforcement authorities will be used.

Due to legal views on "negligent hiring," and "negligent retention," employees who have been terminated for not complying with Company Policy will not be allowed to return to employment, continue employment, or reapply.

The Company cannot afford to return formerly dependent drug users to potentially hazardous positions and requiring drug-free employees to work alongside employees who have demonstrated a disregard for workplace rules and state or federal laws.

B. Applicants

1. Applicants refusing to take a test or failing a test will not be further considered for employment.
2. All applicant drug screening test that are positive will be followed by a confirmation test using the same blood and/or urine sample used in the screening test.

Applicant and Employee Searches - The Company has an obligation to provide a safe, healthful and productive work environment. To meet this obligation, the Company will not allow the following on their premises or property:

- Illegal drugs and the paraphernalia associated with them;
- Alcohol, except as may be specifically authorized for employer approved purposes;
- Weapons of any kind, including, but not limited to firearms and knives.

The search options consist of routine inspections, such as by a security officer at the entrances and exits of company property; intermittent inspections, such as by a supervisor at selected workstations; and unannounced full searches, such as by a team of trained professionals at an

entire job site. In addition, employee vehicles and lockers may be searched with the employee present.

IV. PENALTIES FOR VIOLATIONS-

When the Company, by use of its sole judgment and discretion, concludes that an employee has in their possession, or is under the influence of, inhalants, illegal drugs, or unauthorized alcohol, then the Company may take the following specific actions:

- A. The sale, manufacturing, or distribution of unauthorized alcohol, inhalants, or illegal drugs shall result in immediate termination of employment, following investigation. Any available evidence should be collected, i.e., beer cans, liquor bottles.
- B. Possession of, or confirmed witnessed use of, inhalants, illegal drugs, or unauthorized alcohol, shall result in immediate termination of the employee.
- C. A positive drug test result from alcohol, inhalants, or illegal drugs shall result in immediate termination of employment, following investigation.
- D. Employees whom the Company concludes, in its sole judgment and discretion, appear to be impaired while on company premises, pending investigation, shall be subject to immediate unpaid suspension and disciplinary action up to and including termination.
 - 1. An admission by an employee of being under the influence of alcohol, inhalants, or drugs, shall result in immediate termination of employment.

Refusal or Failure to submit to a drug test in these circumstances shall be construed as a voluntary termination on the part of the employee.

- 2. Employees who deny being under the influence of either alcohol or drugs, shall be given the opportunity to have a blood or urine test in support of their denial.

Refusal or Failure to submit to a drug test in these circumstances shall be construed as voluntary termination on the part of the employee.

- 3. Employees suspected of being under the influence, who voluntarily submit to an appropriate test, shall be treated in the following manner:
 - a. A negative test conclusion shall result in the employee being immediately returned to work with payment of any loss of wages or benefits incurred during this period of time.

- b. A positive test result shall result in immediate termination of employment.
- c. Employees disagreeing with test results, may at their own expense, choose to have the original sample retested using strict chain-of-custody procedures at a laboratory approved by the Company.
- d. Test results of a significant difference shall allow the reinstatement of such employee if accompanied by medical explanation of differing results and reviewed by our Medical Review Officer.
- e. Employees attempting to deceive the Company by switching or adulterating specimens will be subject to termination. (It is against the Texas state law to adulterate or switch an employment drug test specimen.) Failure to submit to a drug test in these circumstances shall be construed as a voluntary termination the part of the employee.

IN ALL CASES, the employee will be given an opportunity to explain why a test showed positive.

IN ALL CASES, similar violations will result in similar discipline up to and including termination.

VII. APPEAL PROCESS

IN ALL CASES, an employee who has tested positive for a prohibited substance shall:

- A. Have the opportunity to appear before a grievance committee made up of Company and employee representatives
- B. Have the opportunity to challenge the employers case.
 - 1. Employees shall have the right to retest the original specimen, at their own expense, for the purpose of challenging a positive drug test finding.
 - 2. In order to have the right to retest of the original specimen, the employee must make their request in writing within five (5) working days following notice of a positive drug test.
 - 3. Re-testing of positive specimens will be done only after the requesting employee pays for the re-testing in advance subject to reimbursement if the retest is negative.
 - 4. Re-testing of original specimen can be done at the original laboratory or transferred to another Company approved national laboratory of the employee's choice in a manner that maintains the chain-of-custody integrity of the specimen.

All specimens provided to the employer or the employer's agent and paid for by the employer shall be the property of the Employer.

VIII. CONFIDENTIALITY

All information relating to drug or alcohol testing or the identification of persons as users of drugs and alcohol will be protected by the Company as confidential unless otherwise required by law or overriding public health and safety concerns or authorized in writing by the employee; provided however, that the persons who the company (at its sole discretion) determine have a need to know test results, may be so informed. Additionally, positive test results may be used for purposes of determining eligibility for worker's compensation, unemployment compensation or, if needed, as a result of any federal, state, or local claim or investigation.

Test results that reveal medical use of a legal drug or information provided by the employee to permit informed interpretation of test results will be maintained confidentially and in a separate file and be secured from general access.

IX. REHABILITATION-

While the Company does not have an in-house Assistance or Rehabilitation Plan that offers benefits to employees seeking to resolve personal substance abuse problems, the Company will assist in guiding the employee to many of the out-of-Company rehabilitation or assistance plans. Rehabilitation and/or assistance expenses may qualify under the Company's group insurance plan. Any uninsured expenses associated with the employees rehabilitation or assistance plan will be at no cost to the Company.

X. TESTING PROCEDURES-

All substance abuse testing will be done by an approved laboratory who has, or is affiliated with; one or more Substance Abuse and Mental Health Services Administration (SAMHSA) Drug Abuse (N.I.D.A.) approved laboratories.

Collection procedures for urine or blood test will be under strict "Chain of Custody" Department of Transportation (D.O.T.) collection procedures by a Certified Forensic Collector. D.O.T. collection procedures are the most rigid and widely accepted procedures acknowledged by our legal system for the safety and integrity of the employees and employers rights.

The laboratory that will analyze the specimens will be a national laboratory which conforms to the standards of the Substance Abuse and Mental Health Services Administration (SAMHSA) and has at least one SAMHSA laboratory.

The initial screen will be done by the E.M.I.T. process will be rechecked and confirmed by the use of a second (and more expensive) test called Gas chromatography/Mass Spectrometry (G.C.M. S.) The G.C.M. S. procedure takes a photograph of the molecular structure of the drug in question and compares it to a laboratory “photograph” of the questioned drug. Testing procedures are subject to change without notice as more advanced forensically valid testing techniques become available.

Since no two different substances in the world are alike on molecular basis, a “match” means that the drug in the urine is an EXACT match with the drug in the lab. This test is deemed by forensic (legal) experts to be (10) times more accurate than the human fingerprint.

Applicants and employees subject to testing will be given the opportunity, prior to testing, to list all prescription and nonprescription drugs they have used in the last thirty days and to explain the circumstances surrounding the use of any such drug.

Applicants and employees subject to testing must sign a form consenting to the testing and release of the results to appropriate Company representatives.

XI. CONDITION OF EMPLOYMENT-

Compliance with the Company’s substance abuse policy is a condition of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit in any inspection or test, or follow any prescribed course or substance abuse treatment will be grounds for immediate termination.

XII. RESERVATION OF RIGHTS-

The Company reserves the right to interpret, change, rescind, or depart from this policy in whole or in part. Nothing in the policy alters an employee’s at will employment status. The Company hopes each employment relationship will be a happy and enduring one. Nevertheless, employees remain free to resign their employment at any time for any reason, without notice. Similarly, the Company retains the right to terminate any employee at any time, for any reason, without notice. No one can alter your status as an at will employee except the President of the Company in writing.

XIII. EMPLOYEE RESPONSIBILITY-

Each employee has the responsibility of reporting known use, sale, possession or distribution of controlled substances, inhalants, or alcohol on Company premises or in Company vehicles or equipment. Failure to notify a supervisor will be cause for disciplinary action.

XIV. CONCLUSION

S&S PROFESSIONAL SERVICES, L.L.C has an obligation to its employees, customers, and the public at large to take reasonable steps to assure safety in the workplace, safety and quality in the products it sells, and safety in their distribution. Additionally, the Company reputation, the health of all our employees and possible contractual obligations make it imperative that we have a drug-free workplace.

If you have any questions about our Drug, Inhalant, and Alcohol Abuse Policy, please contact: Julie Dixon, HR Manager (713)954-2012.