



SUBSTANCE ABUSE PROCEDURE MANUAL



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INTRODUCTION

This manual is intended to assist managers and supervisors at Treck Electric, LLC (TE). It should be considered as only an aid to understanding requirements associated with 49 CFR Part 40 (Federal regulated drug and alcohol testing procedures), for those employees subject to Federal Department of Transportation (DOT) requirements. This manual primarily addresses instead, similar substance abuse testing procedures for employees who are not subject to DOT requirements.

This TE written Drug Free Workplace and Substance Abuse Policy applies to all TE employees, and a similar written DOT Drug and Alcohol Policy applies specifically to those employees who are subject to Federal DOT requirements. In all respects, it is the intent of company management to treat every employee alike. For example, in no case will employee substance abuse be tolerated in the workplace. Consequences for drug and alcohol abuse are the same without regard to whether or not an employee is or is not covered by Federal DOT requirements. Disciplinary action may involve punitive punishment up to and including termination for violation of these policies.

Only the testing procedures differ for Federal DOT regulated tests versus non-Federal tests. Drug and alcohol testing of DOT covered employees, is to be performed only by Department of Health and Human Services (DHHS) certified laboratories and personnel. TE managers and supervisors who have received appropriate training for using field test kits, are authorized to perform field drug testing of employees who are not subject to Federal requirements. In either case when a positive test result is obtained by initial screening methods, confirmation testing will be performed using gas chromatograph/mass spectrometer (GC/MS) quantitative analysis and assay techniques. An exception to this requirement may occur associated with non-covered job applicants. Potential job applicants, who are not applying for a DOT covered position, will simply not be hired upon failing an initial drug test.

All drug and alcohol testing of employees who work in Federal covered positions shall be accompanied by completion of the approved Federal Custody and Control Form (CCF) at the collection facility or laboratory conducting the testing. All field drug testing of non-covered employees shall be accompanied by completion of the company Field Test Report Form. In the event a non-covered employee's initial screening results are positive, the sample will be sent or taken to the laboratory under standard laboratory chain-of-custody procedures and confirmed by GC/MS testing. The field test kits come packaged with laboratory chain-of-custody forms from the manufacturer.

In the case of new hire drug screening for non-covered positions, no confirmation testing will be performed because applicants will not be hired if they fail the initial screen. Hence no accompanying chain-of-custody form need be completed for a positive test in this case. Although all Federal required sample collections are conducted using split specimen procedures, there is no need to obtain split samples for non-covered employees when using the field test method.

DRUG FREE WORKPLACE & SUBSTANCE ABUSE POLICY

PURPOSE

Treck Electric, LLC (TE or the “Company”) strives to ensure a workplace that is free of substance abuse (either drugs or alcohol), and to eliminate substance abuse by all employees in the workplace. This document establishes the responsibilities, procedures, and guidelines for a comprehensive company wide Drug-Free Workplace Program. It provides direction, which should be used in conjunction with other statutory and regulatory requirements. The Company Substance Abuse Program Manager (SAPM) should be consulted for further information and guidance.

SCOPE

This policy applies to all employees of TE, except those covered by DOT requirements.

POLICY

It is a well-established fact that employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism, thereby impairing their ability to perform tasks that are critical to the company’s focus and resulting in the potential for accidents on duty and failures that can pose serious threats to health, safety, and the protection of property. Drug or alcohol abuse is detrimental to the operations and functioning of employees. Therefore, it is the policy of TE to ensure a workplace that is free of substance abuse and to eliminate substance abuse by all employees in the TE workplace, including, to the extent possible, contractor employees. To achieve this policy and as a deterrent to illegal drug use, TE established a comprehensive drug-prevention program that emphasizes the following:

- TE provides drug education and information about mandatory drug testing for all employees, and also where employees can obtain counseling and assistance for substance abuse problems.
- TE employees will be treated with personal dignity, and their privacy will be respected in reaching the goal of a drug-free workplace.
- TE assures that disciplinary action will not be taken against employees who voluntarily identify themselves as users of illegal drugs and remove themselves from the workplace, who seek treatment and counseling at their own expense, and who otherwise comply with the provisions of this Plan.
- While it is TE's intent to help employees overcome their drug-related problems, it must be clear to all that substance abuse by employees will not be tolerated.

It is the policy of TE that its workplace be free from the illegal use, possession of, or distribution of controlled substances, by the officers and employees of TE. The possession and distribution of controlled substances will be dealt with promptly in accordance with legal and administrative disciplinary procedures. However, the policy's primary goal is to ensure that illegal drug use is eliminated and that the workplace be safe, healthful, productive, and secure.

Alcohol

Employees are prohibited from the use, possession, purchase, sale, distribution, transportation, or dispensation of alcohol, or being under the influence of alcohol, while on Company property or performing Company business. Exception: The use of alcohol in moderation in connection with Company-sponsored social activities or the entertaining of business guests, such as customers, vendors, suppliers, and the like, is not prohibited.

Illegal Drugs

Employees are prohibited from the use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug, or being under the influence of any illegal drug, or having illegal drugs or their metabolites in their system while on Company property or performing Company business.

Legal or Prescription Drugs

Employees are prohibited from the use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any prescription or over-the-counter drug in a manner inconsistent with its proper and intended use, while on Company property or performing Company business. An employee who is using a legal drug may continue to perform his or her job so long as such use does not affect the safety of the employee or the safety of others, pose a risk of damage or loss to Company property or the property of others, or interfere with the employee's job performance or the safe or efficient operation of the Company's facility, job site, or equipment. If an employee believes that his or her use of a legal drug will or may affect his or her ability to perform his or her job, the employee is obligated to bring the matter to the attention of management. If necessary, the employee may be assigned to other appropriate work or, if no such work is available, the employee may be required to take a leave of absence.

NATURE, FREQUENCY, AND TYPE OF DRUG TESTING

The TE program requires the following types of drug testing:

- Pre-employment testing.
- Random testing of all employees.
- Reasonable-suspicion testing.

- Post-accident, near miss, or continued use of unsafe work practices testing.
- Testing as a part of return to duty, and/or as a follow-up to counseling or rehabilitation.

The frequency of testing will depend on the type of testing to be conducted. Generally, 25 percent of the employee pool shall be subject to random testing each year. However, TE management reserves the right to increase or decrease the frequency and testing percentage of any category of drug testing, consistent with the duty to achieve a drug-free workplace.

TYPES OF DRUGS TO BE TESTED

Employees are subject to testing for the following types of drugs:

- Marijuana (THC)
- Cocaine
- Amphetamine / Methamphetamine
- Opiates (Codeine, Morphine, Heroin, Barbiturate etc.)
- Phencyclidine (PCP)

RESPONSIBILITIES

Senior Management

- Ensuring the implementation of this program.
- Establishing the processes and procedures necessary to carry out this program.
- Designating the company Substance Abuse Program Manager (SAPM).

Substance Abuse Program Manager (SAPM)

- Report to senior management on the status of the Drug-Free Workplace Program.
- Overseeing implementation of this program on a company-wide basis.
- Coordinating all Drug-Free Workplace Program activities wherever possible to conserve resources and to accomplish reliable and accurate testing efficiently.
- Arrange for all testing authorized under this policy.

- Ensure that all employees, subject to random testing, receive individual notice and that such employees return a signed acknowledgment of receipt.
- Coordinate administrative actions with management when a finding of illegal drug use occurs under this policy.
- Provide for educational materials and training to managers, supervisors, and employees on illegal drugs in the workplace to include the recognition and documentation of facts and circumstances that support a reasonable suspicion that an employee may be using illegal drugs.
- Assist supervisors whose employees have performance and/or personal problems that may be related to illegal drug use.
- Monitor the progress of self-referred employees during and after the rehabilitation period.
- Maintain a list of rehabilitative and treatment organizations that provide counseling and rehabilitative programs.

Medical Review Officer (MRO)

- The MRO is responsible for receiving laboratory results generated from the TE Drug-Free Workplace Program and for consulting with the company SAPM, as needed.
- The MRO must be a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information. Centura Health provides the MRO utilized by TE. The MRO is responsible for the following:
 - 1) Reviewing laboratory test results of employees.
 - 2) Ensuring that an individual who has tested positive has been afforded an opportunity to justify the test result.
 - 3) Evaluating and determining if the positive test result is justified or unjustified, based on an assessment
 - 4) Consistent with confidentiality requirements, referring written determinations regarding all verified positive test results

Supervisors

- Supervisors will become familiar with the requirements of this program, especially the provisions concerning ensuring employees that their personal dignity and privacy will be respected.
- Except as modified by TE management to suit specific program responsibilities, all supervisors will attend a training session on substance abuse in the workplace.
- Supervisors may recommend a reasonable suspicion test, after first making appropriate factual observations, documenting those observations, and obtaining consensus with at least one more supervisor that a reasonable suspicion exists.
- Upon a confirmed positive test or other finding of illegal drug use, supervisors will initiate appropriate disciplinary action
- Supervisors will assist management and the SAPM in evaluating employee performance and/or personnel problems that may be related to the use of illegal drugs.

TRAINING AND EDUCATION

Supervisory Training

Since supervisors have a key role in establishing and monitoring a drug-free workplace, TE shall provide training to assist supervisors in recognizing and addressing substance abuse by TE employees. Supervisory training will be required of all supervisors and may be presented as a separate course or be included as part of an ongoing supervisory training program. Training will be provided as soon as possible after a person assumes supervisory responsibility; however, failure to receive such training will not invalidate otherwise proper management decisions relating to this program. The purpose of supervisory training is to provide the following information:

- TE policies relevant to work-performance problems, and substance abuse.
- The rights of employees.
- The ways that performance and behavioral changes should be recognized and documented.
- The roles of the medical staff, supervisors, personnel, and SAPM.
- How substance abuse relates to the disciplinary process.

- The process of reintegrating employees into the workforce who have successfully completed a rehabilitative program.

Employee Education

Drug education for all employees includes the following:

- Objectives of the program.
- Types and effects of drugs.
- The drugs to be tested for, and the means to accomplish such testing.
- Rights of the employee.
- Symptoms of substance abuse and the effects on performance and conduct.
- The requirements of a Drug-Free Workplace Program.
- Other relevant treatment, rehabilitative, and confidentiality issues.

MEANS OF EDUCATION

Drug education activities may include the following:

- Distribution of written materials.
- Videotapes.
- Lunchtime employee forums.
- Formal training sessions.
- Employee drug-awareness days.
- Posters placed in a conspicuous manner in areas where employees commonly have access.

PROCEDURES

Drug and alcohol testing may be conducted by urinalysis, blood test, evidential breath test (EBT), or other methods. Initial screening may be done through use of field drug test kits by trained Company supervisors (field test kits are used for this purpose). All other testing (including confirmatory GC/MS testing where field drug tests yield a positive result) will be performed by a Department of Health and Human Services-certified laboratory, consistent with its own standard procedures and safeguards.

When trained TE supervisors perform field-testing, in all cases a Field Test Report Form will be completed at the time of testing. If the field screen results in a positive test, an approved Chain-of-Custody form will be completed and the sample sent to an approved laboratory for confirmation testing by GC/MS analysis (except pre-employment testing). A copy of a Field Drug/Alcohol Test Report and an approved Chain-of-Custody form are found at Appendix B and C respectively, of this policy. Other procedures include:

- The results of an employee's drug and alcohol test will be kept confidential, meaning that the results will be disclosed only to the employee and Company personnel and representatives of the Company with a "need to know" such information.
- If an employee is required to leave work for a drug and alcohol test, the Company will pay the employee for time lost from scheduled work for that day, provided the employee's test results are negative.
- Employees will be required to sign consent, release, or other forms at the time of testing. Any refusal to be tested, refusal to execute such forms, or failure to cooperate with the testing in any way may result in disciplinary action, up to and including termination.
- This policy is intended to comply with all applicable federal and state laws and regulations. To the extent that law prohibits any testing called for under this policy, such testing will not be conducted in that jurisdiction.

SEARCHES

The Company may conduct searches for illegal drugs or alcohol of employees and their vehicles, lockers, desks, lunch boxes, coolers, purses, clothing, or other personal belongings while on Company property or performing Company business. Any refusal to be searched or failure to cooperate with a search in any way may result in disciplinary action, up to and including termination.

TESTING FOR ILLEGAL DRUGS

Technical Guidelines For Drug Testing

TE's Drug-Free Workplace Program shall have trained collection personnel, access to a Department of Health and Human Services (DHHS) certified laboratory with verifiable analytical standards and quality assurance requirements for confirmation of initial positive urinalysis findings determined by field screening procedures, and strict confidentiality requirements.

All laboratories designated for analyzing drug tests must be approved by the MRO and SAPM. All tested employees will receive written notification of their test results.

If the gas chromatograph / mass spectrometer (GC/MS) confirmation test conducted to verify an initial positive screening indicates the presence of an illegal drug, the MRO will contact the employee and provide him/her the opportunity to justify the positive test result. If the employee chooses to offer an explanation for the positive test result, he/she may present to the MRO any information and/or declare any condition he/she believes might have affected the test result (e.g., prescribed medication). The MRO will consider all information provided. If the MRO determines that the employee's justification for the positive test result is adequate, the employee will be so notified, in writing, by the SAPM, and the testing procedure is concluded at this point.

If the MRO determines that the employee's justification for the positive test result is not sufficient, the findings are forwarded to the SAPM for further action. Upon receipt of MRO findings the SAPM shall advise the employee that he/she may request a second test of the specimen and will arrange contact with the MRO, if desired. The second test will be conducted at the employee's expense. The employee can also request the second test be performed at another DHHS certified laboratory. In such instances, the contracted laboratory used by TE will send a portion of the original sample to the laboratory designated by the employee. The employee shall pay all costs related to this test.

Privacy Provision

Any individual, subject to testing under this program, shall be permitted to provide urine specimens in private and in a rest room stall or similar enclosure so that the employee is not observed while providing the sample, except in those cases where collection-site personnel, with the approval of the SAPM, have reason to believe the individual may alter or substitute the specimen to be provided. Such belief should be supported by one of the following:

- The individual's behavior suggests that he/she is under the influence of drugs at the time of the test.
- The individual has previously been found by TE to be an illegal-drug user.
- At the time of testing, the individual is found to possess the means of tampering or altering urine samples.
- The individual has previously tampered with a sample.

Every attempt will be made to assure the specimen cannot be tampered with or adulterated, for example by adding "blue-colored dye" (such as a toilet bowl cleaner) to toilet bowls to detect if toilet water was added to urine samples for the purpose of diluting the sample. Feed valves for faucets shall be turned off until the specimen has been collected, and only then will feed valves be turned back on to allow the employee or prospective new-hire to wash their hands.

Notice To Employees

A general notice announcing the TE Drug-Free Workplace Program is provided to all employees explaining:

- The purpose of the TE Drug-Free Workplace Program.
- That the Program includes mandatory testing.
- Those who are selected for random testing will receive only short-term notice prior to the commencement of testing.
- The circumstances under which testing may occur.
- That opportunity will be afforded to submit medical documentation of lawful use of an otherwise illegal drug.
- That the laboratory confirmation by GC/MS analysis is a series of tests which are highly accurate and reliable and that, as an added safeguard, laboratory results are reviewed by the MRO.
- That all medical and rehabilitative records will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, except for the conditions or situations required by law.
- That a verified positive test result may only be disclosed to:
 - a. The employee.
 - b. The company SAPM.
 - c. Any management employee whose duties necessitate review of the test result in order to process an adverse personnel action against the employee.
 - d. A court of competent jurisdiction, or where required by a government agency to defend against any adverse personnel action.

TYPES OF TESTING

Notice - In addition to the general notice, an individual notice will be distributed to all employees subject to random testing, explaining, in addition to the information provided in the general notice, the following:

- The employee has the opportunity to identify himself/herself voluntarily as a user of an illegal drug and to receive counseling or rehabilitation.

- It is TE policy that disciplinary action will normally not be taken against employees who are found to be using an illegal drug, if the employee accomplishes the following:
 - (a) Voluntarily identifies himself/herself as a user of an illegal drug, and removes him/herself from the workplace.
 - (b) Successfully completes counseling and rehabilitation.
 - (c) Thereafter refrains from using illegal drugs, and passes a return to work test.
- Each employee shall be required to acknowledge, in writing (use form found at Appendix A of this policy), that the employee has received and read the notice stating that all employees are subject to random drug testing, and that refusal to submit to testing will result in initiation of disciplinary action, up to and including termination.
- If the employee refuses to sign the acknowledgment, the employee's supervisor shall note on the acknowledgment form that the employee received the notice. This acknowledgment shall be collected and maintained by the SAPM for disciplinary action.
- An employee's failure to sign the notice shall not preclude testing that employee or otherwise affect the implementation of the program.

Notification of Selection

An individual selected for random testing, as well as the employee's first-level supervisor will be notified, preferably, on the same day that the test is scheduled and within 2 hours of the scheduled testing. All employees must have an equal chance of random selection by a scientifically valid method, such as selection by random number table or by computer program based random number selection. The supervisor will explain to the employee that the employee is under no suspicion of taking drugs, and that the employee's name was selected randomly.

Deferral of Testing

If the first-level supervisor and SAPM agree, an employee's test may be deferred, if a compelling need necessitates a deferral on the following grounds:

- (1) The employee is in an approved leave status (administrative, annual, sick, or leave-without-pay status);
- (2) The employee is in official travel status or is about to embark on official travel; or
- (3) The employee needs to perform a task or function that is time critical and for which no other employee can be substituted.

An employee whose test is deferred will be subject to an unannounced test within the 60 days following the deferral.

Employee Counseling and Assistance

While participating in a counseling or rehabilitative program, the employee may be exempted from the random testing for a period not to exceed 60 days or for a time period specified in a rehabilitative plan approved by TE management.

Upon successful completion of the counseling or rehabilitative program, the employee will immediately be returned to the random test pool and will be subject to follow-up testing.

Pre-Employment Testing

All applicants seeking employment with the Company will be required to take and pass a drug and alcohol test. All offers of employment are conditioned upon passing the test, and testing must be performed prior to initial assignment. If an applicant does not successfully pass the test, he or she will not be hired.

Reasonable-Suspicion Testing

Reasonable-suspicion testing will be required of any employee when there is a reasonable suspicion that the employee uses illegal drugs whether on or off duty, or is under the influence of alcohol during work hours. Reasonable-suspicion testing does not require certainty; however, undocumented "hunches" are not sufficient to warrant such testing. Among other things, reasonable-suspicion testing may be based upon the following:

- (1) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- (2) Arrest or conviction in the last year for a drug-related offense or the identification of an employee as the focus of a criminal investigation into illegal-drug possession, use, or trafficking (e.g., distribution of a controlled substance);
- (3) Information provided either by reliable and credible sources or by independent corroboration; or
- (4) Newly discovered evidence that the employee has tampered with a previous test result.

If an employee is suspected to be under the influence by a competent person (i.e. a trained supervisor), that supervisor will document in writing, the information, facts, and circumstances that form the basis to recommend reasonable-suspicion testing. The written report will include, at a minimum, the appropriate dates and times of the drug-related incidents, reliable (credible) sources of information, and the rationale leading to the recommendation for the test. If reasonable-suspicion testing is conducted, the documentation will be appended to include the findings of the field screen test and the action taken. Concurrence by a second trained supervisor is recommended (but not necessarily required), for reasonable-suspicion tests.

Upon determination of reasonable suspicion, and after approval from any appropriate management official, the supervisor will contact the SAPM, who will normally schedule the test within 2 hours of being notified. Any employee with a verified positive test result will be subject to the same disciplinary conditions and procedures as an employee found to use illegal drugs through any other means.

Post-Accident Testing

TE is committed to providing a safe and secure working environment. It also has a legitimate interest in determining the cause of serious accidents so that it can undertake appropriate corrective measures. Post-accident/incident drug and alcohol testing can provide invaluable information in furtherance of that interest. Accordingly all employees will be subject to testing when they are involved in an accident, and that accident that meets the following criteria:

- The accident results in a need to obtain medical assistance beyond first aid.
- Results in death or personal injury requiring immediate hospitalization, or
- The accident results in damage estimated to be in excess of \$500.00 to company or private property.

If an employee is involved in an accident meeting any or all of the above criteria, the appropriate supervisor will present the facts leading to this determination to the TE SAPM (or designee) for approval to test. Once approval has been obtained and arrangements have been made with the SAPM for testing, the supervisor will prepare a written report detailing the facts and circumstances that warranted the testing. A test should be scheduled as expeditiously as possible.

Return to Work and Follow-up Testing

The Company may require a drug and alcohol test of any employee who returns from an extended leave of absence (30 days or more) before allowing such employee to return to work.

All employees who have been referred through administrative channels and who successfully complete rehabilitation for illegal drug use will be subject to unannounced drug testing for a period of 1 year, at an increased frequency of no less than four times per year. Follow-up testing is distinct from testing that may be imposed as a component of the return to work program for that employee.

ILLEGAL DRUG USE AND DISCIPLINARY CONSEQUENCES

An employee may be found to use illegal drugs (whether on or off duty), or to be under the influence of alcohol during work hours on the basis of any appropriate evidence including, but not limited to, direct observation, evidence obtained from an arrest or criminal conviction, or a positive test result. Any employee that receives an unacceptable drug and/or alcohol test result will not be allowed to work on a Client/Host site or facility and will be subject to disciplinary action up to and including termination.

Mandatory Administrative Actions

If an employee found to use illegal drugs occupies a safety sensitive position, TE management will immediately take the employee out of that position.

At the discretion of the TE SAPM (or designee) and as part of a rehabilitation program, an employee may be permitted to return to duty if the employee's return would not endanger other employees, public health or safety.

Range of Consequences

The severity of the disciplinary action taken against an employee found to use illegal drugs will be consistent for all employees, and will include termination. TE shall initiate disciplinary action against any employee found to use illegal drugs, but normally will not discipline an employee who voluntarily admits to illegal drug use and asks for assistance.

- Disciplinary action, consistent with any employment laws and other statutes, TE requirements and regulations, will include removing and terminating the employee from employment with the company in the case of a positive test result that has been confirmed.

Voluntary Referral

Under the program, TE is required to initiate action to discipline any employee found to use illegal drugs in every circumstance, except one. If an employee (1) voluntarily admits his or her drug use; (2) completes a counseling or rehabilitation program; and (3) thereafter refrains from drug use, such discipline "is not required" but may still be initiated at the discretion of management.

A fundamental purpose of TE's Drug-Free Workplace Program is to assist employees who, themselves, are seeking treatment for drug use. For this reason, TE will not normally initiate disciplinary action against any employee who meets all three of the following conditions:

- Voluntarily identifies himself/herself as a user of illegal drugs, prior to being identified through other means.

- Successfully completes counseling or rehabilitation, including follow-up testing.
- Thereafter refrains from using illegal drugs.

This self-referral option allows any employee to step forward and identify himself/herself as an illegal drug user for the purpose of entering a drug-treatment program. Since the key to this provision's rehabilitative effectiveness is an employee's willingness to overcome "denial" by means of a voluntary self-identification (a decision on the employee's part to admit his or her problem to himself/herself and to others) this provision will not be available to an employee who is asked to provide a urine sample under random, reasonable suspicion, accident or unsafe practice testing, and who thereafter (i.e., just before or after the sample is collected) "admits" his or her drug use.

Initiation Of Mandatory Removal From Employment

TE will initiate action to remove and terminate an employee for the following:

- Having tested positive for illegal drugs following a first finding of illegal drug use that has been confirmed by GC/MS quantitative analysis assay techniques.
- Failure to appear for testing without justification acceptable to TE management will be considered refusal to participate in testing and will subject an employee to the full range of disciplinary actions, up to and including termination.
- If an individual fails to appear at the collection site at the assigned time, the collector will contact the SAPM who will initiate appropriate action.
- An employee who refuses to be tested when so required will be subject to the full range of disciplinary action, up to and including termination.
- Attempts to alter, substitute, or tamper with the collection of the specimen will be deemed a refusal to take the drug test, and will be subject to the full range of disciplinary action, up to and including termination.

Rehabilitation

The SAPM will assist supervisors who have employees with performance and/or conduct problems and make referrals to treatment and rehabilitative facilities.

Employees who at their own cost, voluntarily refer themselves for treatment as an illegal drug user, will have their progress monitored by the SAPM through the treatment/rehabilitation process.

Make available to all TE employees, education and training on the types and effects of drugs, symptoms of drug use, and impact of drugs on performance and conduct,

relationship of the counseling or rehabilitation program with the TE Drug-Free Workplace Program, and related treatment, rehabilitative, and confidentiality issues. The counseling or rehabilitation program is administered separately from the TE Drug-Free Workplace Program.

REFERRAL AND AVAILABILITY

In the event that the employee is not satisfied with the program of treatment or rehabilitation, such employee may seek review of the program referral by notifying the SAPM prior to completion of the program. The decision of the SAPM shall be final and shall not be subject to further administrative review. Regardless of the treatment program chosen, the employee remains responsible for successful completion of the treatment. Employee assertions that the counselor failed to consider one or more factors in making a decision concerning successful program completion, or a referral for additional treatment, shall constitute neither an excuse for continuing to use illegal drugs nor a defense against disciplinary action if the employee does not complete treatment.

Leave Allowance

During the assessment/referral phase of rehabilitation, an employee may be allowed up to one hour (or more as necessitated by travel time) of excused absence for each counseling session up to a maximum to be determined by the employee's supervisor and the SAPM according to workload requirements and leave-usage law, regulations, and TE policy.

Absences during duty hours for rehabilitation/treatment after the assessment/referral phase will be considered as leave without pay.

RECORDS AND REPORTS

Confidentiality Of Test Results

The laboratory may disclose confirmed laboratory test results only to the SAPM and MRO. Any positive result that the MRO justifies by appropriate medical or scientific documentation to account for the results as other than the intentional ingestion of an illegal drug, will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. Test results will be protected and may not be released to other persons. The MRO may maintain only those records necessary for compliance with the program. Any records of the MRO, including drug-test results, may be released by the SAPM to any supervisor or management official(s) having authority to take adverse personnel disciplinary actions. The results of a drug test of a TE employee may not be disclosed to other persons without the prior written consent of such employee, unless the disclosure would be to any of the following:

- A treatment administrator, when the employee is receiving counseling or treatment;

- Any supervisor or management official(s) within TE having authority to take or recommend adverse personnel action against such employee; or
- Pursuant to the order of a court of competent jurisdiction where required by a government agency to defend against any adverse personnel action.

Employee Access To Records

Any employee who is the subject of a drug test will, upon written request, have access to any records relating to the following:

- Such individual's drug test.
- The results of any relevant certification, review, or revocation of proceedings (such as findings of an MRO).

Confidentiality Of Records

All drug-testing information, specifically relating to individuals, is confidential and should be treated as such by anyone authorized to review or compile program records. In order to implement the program efficiently and to make information readily retrievable, the SAPM shall maintain all records relating to reasonable-suspicion testing, suspicion of tampering evidence, and any other authorized documentation necessary. All records and information of the personnel actions taken on employees with verified positive test results should be forwarded to the SAPM. Such information shall remain confidential, appropriately safeguarded, allowing access only to authorized individuals who have a "need-to-know."

Maintenance Of Records

TE has established a record keeping system to maintain the records of this program, consistent with TE requirements and all applicable Federal laws, rules, and regulations on confidentiality of records. If necessary, records may be maintained as required by subsequent administrative or judicial proceedings, or at the discretion of the TE SAPM. Other records include notices of verified positive test results referred by the MRO, written materials justifying reasonable-suspicion testing, or evidence that an individual may have altered or tampered with a specimen.

Other documents may be retained that the SAPM, MRO, or senior management deem necessary for compliance with this program.

Employee Assistance Records

The SAPM shall maintain only those records necessary to comply with this program. After an employee voluntarily refers him/her self to the SAPM for counseling or treatment, the SAPM will maintain all records necessary to comply with this program.

All medical and/or rehabilitative records concerning the employee's drug abuse, including records of the identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only as authorized by law. With written consent, the “patient” may authorize the disclosure of those records to the patient's employer for verification of treatment or for a general evaluation of treatment progress.

APPENDIX A

**DRUG FREE WORKPLACE POLICY
ACKNOWLEDGEMENT & CONSENT-TO-TEST
FORM**

DRUG FREE POLICY ACKNOWLEDGEMENT & CONSENT TO TEST FORM

This policy statement confirms that all Treck Electric, LLC (TE) workplaces are drug-free places of employment. My signature below acknowledges my agreement with and adherence to, this policy. Since being drug-free is a requirement for initial hire as well as continued and ongoing employment, my signature below also indicates my willingness to submit to pre-employment, post accident or post-incident, reasonable suspicion, return to work or follow up, and random drug testing at such times as the company should determine necessary to verify my drug-free status.

Reasonable suspicion testing may be performed if the employee's supervisor and at least one other company official believe that an employee is under the influence of alcohol or drugs. The basis for this determination will be specific and contemporaneous observations concerning the appearance, behavior, speech, or body odors of the employee. The employee's supervisor or another company official will immediately relieve the suspect employee from all responsibilities and job-related work functions, and make arrangements for the employee to be taken to a testing facility.

TE expressly prohibits its employees while working, while driving a company vehicle, or while driving any other vehicle on company business from:

1. Being under the influence of alcohol, an intoxicant, a legal drug (an over the counter or prescribed medication) that impairs ability to drive, operate machinery or otherwise safely perform work, or an illegal drug or narcotic; or having illegal drugs or their metabolites in their system.
2. Having, possessing, selling, giving or circulating drugs or sources of drugs, intoxicants, illegal drugs or narcotics to other employees or to anyone else; and
3. Using or possessing alcohol while on duty.

"Illegal drug" or "drugs" includes, but is not limited to, any of the following substances:

Marijuana; Cocaine; Opiates / Phencyclidine (PCP); Amphetamines; and Hallucinogens.

My signature below further indicates my understanding that failure to pass a drug screen, will subject me to disciplinary action and termination. Any refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a sample is considered conduct that obstructs the testing process, and will also be considered as a refusal to test.

Applicant's Printed Name: _____

Applicant's Signature: _____

Date: _____

APPENDIX B

FIELD DRUG / ALCOHOL TEST REPORT FORM AND INFORMATION ABOUT FIELD TESTING

FIELD DRUG / ALCOHOL TEST REPORT

DONOR'S NAME: _____

DONOR / EMPLOYEE SSN: _____

COLLECTION ADDRESS: _____

REASON FOR TEST: Pre-employment Random Post accident Follow-up
 Reasonable suspicion / cause Other
(specify) _____

SPECIMEN TEMPERATURE WITHIN RANGE: Yes- 90° - 100° F / 32.5° - 37.7° C
 No- Record specimen temperature here _____

DRUG TEST RESULTS: Negative – No other action required
 Positive – Donor / employee referred to local lab collection facility

ALCOHOL TEST RESULTS: Negative – No other action required
 Positive – Concentration detected _____
 Employee referred to local lab collection facility

COLLECTOR: I certify that the specimen identified on this form is the specimen presented to me by the donor, that it bears the last four numbers of the SSN as set forth above, and that it was collected, and interpreted in accordance with Drugcheck^R No Step Onsite^R assay procedures. Falsification of any drug screening procedures, and/or test results will result in disciplinary action, up to and including termination.

Collector's Name (Print): _____ Signature: _____

Position: _____ Date: _____

DONOR / EMPLOYEE: I certify that I provided my urine specimen to the collector, and that I have not adulterated it in any manner. At that time, a screening test was conducted in my presence, and the results were shown to me. Falsification of any drug screening procedures, and/or results will result in disciplinary action, up to and including termination.

Donor's Name (Print): _____ Signature: _____

Position: _____ Date: _____

Original – Company

Photocopy – Donor

TE

Field Drug Testing Information

Treck Electric, LLC (TE) is providing field drug testing kits, and procedures for your use. The kits are a products of a nationally recognized leader in drug testing technology. This is a five-panel test that screens for Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). This 5-panel field test is consistent with our current screening requirements. The test kits MUST NEVER be used to test Federal DOT covered employees, who can legally be tested only by Department of Health and Human Services (DHHS) certified laboratories and personnel.

This should help reduce the time wasted both in travel to, and from a clinic, and waiting for lab results. The procedure is very cost effective, and easy to administer as follows:

- The kits must be stored in a secure (locked) location in a controlled environment to prevent tampering, unauthorized use, and deterioration from the elements.
- Our safety consultant (Enhanced Performance Solutions, LP) will provide training for supervisory personnel in the use of the drug test kits. This training is mandatory, and must be received prior to performing any field-testing.
- Only trained supervisory personnel are authorized to perform field-testing, and all training instructions received must be strictly followed.
- Privacy during the testing process must always be provided for the donor. Security measures are to be implemented at the collection location (blue dye added to toilet bowl, faucet water valves turned off etc., if applicable) and confidentiality regarding all positive results must be strictly maintained. Sanitary facilities to wash hands must also be provided for the collector, and donor at the time of collection.
- The “FIELD TEST REPORT” must be completed for every test conducted, and distributed as indicated on the bottom of the form.
- The field test is only considered a screening tool. It can only be used as a final determination for negative results, and must never be used as a final determination regarding positive results (except in the case of new-hire applicants). In the event of a positive result, the sample must be provided to a DHHS/SAMHSA certified laboratory for GC/MS confirmation testing along with a completed Chain-of-Custody form. The laboratory will notify the company Substance Abuse Program Manager of the results.
- Any donor providing a sample that yields a positive field test result must not be allowed to work until a confirmed negative report is received from the laboratory.

APPENDIX C

LABORATORY CHAIN-OF-CUSTODY FORM