



DRUGS DON'T WORK IN ARIZONA!

I. PURPOSE OF POLICY.

Clean Cut Lawns L.L.C. believes that it is important to promote a drug-free community, to maintain safe, healthy, and efficient operations, and to protect the safety and security of the employees, facilities, and property of the company. Drugs or alcohol may pose serious risks to the user and all those who work with the user. In addition, the use, possession, sale, transfer, manufacture, distribution, and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a safe and healthy workplace and to the security of Clean Cut Lawns L.L.C.'s employees, facilities, and property. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the company. For all of those reasons, the company has established this Substance Abuse Policy.

This Policy [and acknowledgment] is not intended to and does not constitute a contract of employment with Clean Cut Lawns L.L.C.. [Your employment with the company is "at will," and either you or Clean Cut Lawns L.L.C. may terminate your employment with the company at any time, and for any or no reason. No supervisor or manager has any authority to make any statements or representations to you that change or conflict with the at-will status of your employment with the company, or that change or conflict with any of the provisions of this Policy. The at-will status of your employment with Clean Cut Lawns L.L.C. can be modified only by an express written agreement signed by the managing member of the company.]

This Policy supersedes and revokes all previous practices, procedures, policies, and other statements of the company, whether written or oral, that modify, supplement, or conflict with the Policy. This Policy may be amended at any time.

II. SCOPE OF POLICY.

This Policy applies to all Clean Cut Lawns L.L.C. employees, including management, administration, and temporary employees, and to all applicants who have received conditional offers of employment with the company. Depending upon their specific job duties, certain employees may be subject to additional requirements under client requirements or state or federal regulations, including additional restrictions on drug or alcohol use, and additional provisions for drug and/or alcohol testing.

III. DISSEMINATION OF POLICY.

- A. All employees will receive a copy of this Policy, and will be required to sign an appropriate acknowledgment and receipt.
- B. All applicants who have received conditional offers of employment with Clean Cut Lawns L.L.C. will be required to read this Policy and sign an appropriate acknowledgment and receipt.

IV. DEFINITIONS.

A. Illegal Drugs.

"Illegal drugs" means any controlled substance, medication, or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Thus, "illegal drugs" may include even over-the-counter medications, if they are not being used for the purpose(s) for which they were intended by the manufacturer.

B. Legal Drugs.

"Legal Drugs" means prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose(s) for which they were intended by the manufacturer.

C. company Property.

"company property" and "company equipment, machinery, and vehicles" means all property, equipment, machinery, and vehicles owned, leased, rented, or used by Clean Cut Lawns L.L.C.

D. On Duty.

"On duty" means all working hours, as well as meal periods and break periods, regardless of whether on company property, and all hours when an employee represents the company in any capacity.

V. WORK RULES.

A. Substance Abuse by Employees.

1. Alcohol.

Employees may not use, possess, sell, or transfer alcohol while on duty, while working, while on company property, or while operating company equipment, machinery, or vehicles.

Employees may not work or report to work with detectable levels of alcohol in their systems.

Employees who violate either of these rules will be subject to discipline, up to and including immediate discharge.

2. Illegal Drugs.

Employees may not possess illegal drugs or engage in the illegal use of drugs while on duty, while working, while on company property, or while operating company equipment, machinery, or vehicles.

Employees may not work or report to work with detectable levels of illegal drugs or the metabolites of illegal drugs in their systems.

Employees may not manufacture, distribute, dispense, transfer, or sell illegal drugs.

Employees who violate any of these rules will be subject to discipline, up to and including immediate discharge.

3. Legal Drugs/Medication.

Any employee who has reason to believe that the legal use of drugs, such as a prescribed medication, may pose a safety risk to any person or interfere with the employee's performance of his or her job must report such legal drug use to his or her supervisor. The company shall then determine whether any work restriction or limitation is indicated. Failure to report the legal use of a drug that may pose a safety risk could result in disciplinary action.

B. Criminal Drug Convictions

Any employee who is convicted of violating any criminal drug statute while in the workplace will be subject to discipline up to and including immediate discharge.

Employees are required to report any criminal drug statute conviction occurring in the workplace to their immediate supervisor within five days.

C. Inspection Of Property, Equipment, And Vehicles.

All persons on company property or who are performing services on a company project, and all property, equipment, and vehicles on company property or being used in connection with the performance of work on a company project (including without limitation all vehicles, containers, desks, and file cabinets), are subject to unannounced inspection by the company. You should not expect that any property or items that you bring to work with you or that you use at work are private. If you do not want any property or items inspected, do not bring them to work.

Employees who refuse to permit inspections under this Policy or who fail to cooperate with inspections under this Policy will be subject to discipline, up to and including immediate discharge.

VI. DRUG AND ALCOHOL TESTING.

Clean Cut Lawns L.L.C. may require that employees and applicants provide urine, blood, breath, and/or other samples for drug and alcohol testing under any of the following circumstances:

1. Pre-Employment Testing .

All applicants who have received conditional offers of employment with Clean Cut Lawns L.L.C. may be required to undergo drug testing.

2. Reasonable Suspicion Testing .

Clean Cut Lawns L.L.C. may require any employee to undergo drug and alcohol testing if management has a reasonable suspicion that the employee:

- a. Has violated the company's written work rules prohibiting the use, possession, sale, or transfer of alcohol and/or illegal drugs while on duty, while working, while on company property, or while operating company equipment, machinery, or vehicles;
- b. Is under the influence of alcohol and/or illegal drugs while on duty, while working, while on company property, or while operating company equipment, machinery, or vehicles;
- c. Is impaired by alcohol and/or illegal drugs; or
- d. May be affected by the use of alcohol and/or illegal drugs and that the use may adversely affect job performance or the work environment.

3. **Post-Accident Testing .**

Clean Cut Lawns L.L.C. may require any employee to undergo drug and alcohol testing as soon as practicable after a work-related accident, if the company reasonably believes that the employee may have contributed to the accident.

4. **Post-Injury Testing.**

Clean Cut Lawns L.L.C. may require any employee who has sustained a work-related injury to undergo drug and alcohol testing.

5. **Random Testing.**

All employees are subject to periodic unannounced drug and alcohol testing on a random selection basis.

6. **Treatment Program Testing .**

Any employee who has been referred by the company for chemical dependency treatment or evaluation or who is participating in a chemical dependency treatment program under an employee benefit plan may be required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for up to two (2) years following the employee's return to work.

7. **Additional Testing .**

The company also may require employees to undergo drug and alcohol testing when, in the judgment of management, such testing is appropriate for the maintenance of safety for employees, customers, clients, or the public at large, or for the maintenance of productivity, quality, or security of property or information.

VII. SPECIMEN COLLECTION AND TESTING PROCEDURES.

A. Specimen Collection Procedures.

1. **Test Subject Privacy.**

Appropriate professional personnel will supervise the collection of urine and blood specimens for testing. In the absence of a reasonable suspicion that the test subject will alter or substitute a urine specimen, the collection personnel will not directly observe the collection of the urine specimen.

2. **Chain of Custody Procedures.**

The company will take steps to preserve the chain of custody of specimens, in order to ensure testing accuracy.

B. Specimen Testing Procedures.

Specimens will be tested only by laboratories that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists.

Specimens will be tested only for the presence of alcohol, illegal drugs, and their metabolites.

The company will rely only on positive initial screening test results that also have been confirmed by gas chromatography/mass spectrometry or other methods of confirmatory analysis provided for by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists ("confirmatory test").

C. Cost of Testing

Clean Cut Lawns L.L.C. will pay for any drug and alcohol test that it requests or requires.

D. Suspensions Pending Test Results

Pending receipt of test results and written explanations and requests for retests of positive confirmatory test results, employees may be temporarily suspended. If an employee is suspended and the final confirmatory test result is negative, the employee will be reinstated immediately.

E. Test Result Reports

Clean Cut Lawns L.L.C. will promptly communicate test results to test subjects. Any test subject may request a copy of his or her test result report.

VIII. CONFIDENTIALITY OF TEST RESULTS

Clean Cut Lawns L.L.C. will not disclose test results except as authorized by the test subject or as authorized, permitted, or required by applicable law.

IX. CONSEQUENCES OF REFUSAL

Employees and applicants may refuse to undergo drug and alcohol testing. However, employees who refuse to undergo testing or who fail to cooperate with the testing procedures will be subject to discipline, up to and including immediate discharge. Applicants who refuse to undergo testing or who fail to cooperate with the testing procedures will not be hired and will not be reconsidered for employment for one year.

X. RIGHT TO EXPLAIN TEST RESULTS

Any test subject who tests positive on a confirmatory test on any drug and alcohol test required by the company may:

- A. Submit additional information to the company in a confidential setting, to try to explain the confirmed positive test result; and
- B. Request in writing a confirmatory retest of the original sample, at his or her own expense, provided that the company must receive the request within five (5) working days after the test subject has been informed of the confirmed positive test result.

Confirmatory retests requested and paid for by the test subject may be conducted only by laboratories that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists.

XI. CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS

A. Applicants

Any applicant who tests positive on a confirmatory test on any drug and alcohol test required by Clean Cut Lawns L.L.C. and who does not timely and successfully refute the test results by explanation or retesting will not be hired and will not be reconsidered for employment for one year.

B. Employees

Any employee who tests positive on a confirmatory test on any drug and alcohol test required by the company and who does not timely and successfully refute the test results by explanation or retesting will be subject to discipline, up to and including immediate discharge.

C. Unemployment Compensation Benefits/Workers' Compensation Benefits

Any employee who refuses to take, or who tests positive on a confirmatory test on any drug and alcohol test required by the company and who does not timely and successfully refute the test results by explanation or re-testing and who is discharged may be subject to loss of unemployment insurance benefits.

Any employee who refuses to take, to cooperate with, or who tests positive on a confirmatory test on any drug and alcohol test required by the company after a workplace accident or injury and who does not timely and successfully refute the test results by explanation or re-testing may be subject to loss of workers' compensation benefits.

XII. EMPLOYEE DRUG-AWARENESS PROGRAM

A. Clean Cut Lawns L.L.C. will conduct drug-free awareness programs periodically. These programs will inform employees about the following:

- The dangers of drug and alcohol abuse in the workplace;
- The company's policy of maintaining a drug and alcohol-free workplace;
- Available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
- The sanctions that may be imposed for drug and alcohol abuse violations.

B. Employees are encouraged to approach their supervisor at any time with any questions they have about the company's Substance Abuse Policy.