

SAMPLE DRUG AND ALCOHOL POLICY

—
(ARKANSAS)

DRUG AND ALCOHOL POLICY DISCLAIMER WARNING !!!

The attached Drug and Alcohol Policy is being furnished to you as a courtesy. Stonetrust Management Services highly recommends that you consult legal counsel before implementing the enclosed document for use in your operations. The enclosed is a sample document; Stonetrust Management Services is not able to provide any warranties, express or implied, in regard to this documentation.

[EMPLOYER]
DRUG AND ALCOHOL POLICY

I. PURPOSE OF THE POLICY

[EMPLOYER] (hereinafter “the Company”) has established this Drug and Alcohol Policy (hereinafter “Policy”) to assist us in providing a safe and healthy working environment for our employees; to protect our property and the property of our clients; and to cooperate with our clients in their efforts to provide safe and efficient operations.

- A. The purpose of this program is to promote a drug-free workplace, in order that we may be afforded the opportunity to maximize our levels of productivity, enhance our competitive positions in the marketplace and reach our desired levels of success without experiencing the costs, delays and tragedies associated with work-related accidents resulting from drug or alcohol abuse by employees. It is also the purpose of this program that drug or alcohol abuse be discouraged and that employees who choose to engage in drug or alcohol abuse face the risk of unemployment and being precluded from receiving workers’ compensation medical and indemnity benefits.
- B. We are implementing a drug-free workplace program pursuant to Arkansas Workers’ Compensation Rule 099.36. In accordance with Section 1 of Rule 36, the program includes:
 - 1. Notice to employees,
 - 2. Education of employees, and
 - 3. Requirements for drug and/or alcohol testing in accordance with Rule 36.
- C. If a drug or alcohol is found to be present in the employee’s system, or if an employee refuses to submit to a test for drugs or alcohol, the employee may be terminated and be precluded from receiving workers’ compensation medical and indemnity benefits.
- D. If a drug or alcohol is found to be present in a job applicant’s system, or if a job applicant refuses to submit to a test for drugs or alcohol, we may refuse to hire the applicant.
- E. Our drug free workplace may qualify us for a workers’ compensation premium credit as described in Section XV of Arkansas rule 36.

NOTICE TO JOB APPLICANTS AND EMPLOYEES:

It is a condition of employment that employees abide by this Policy. Violators are subject to disciplinary action up to and including termination.

Requirements of our drug-free workplace program include that an employee must refrain from reporting to work or working with the presence of drugs or alcohol in the

employee's body; an employee or job applicant may be required to submit to drug and/or alcohol testing; and we will take legally allowed actions against an employee or job applicant on the basis of a positive, confirmed, verified drug or alcohol test result.

Our drug-free workplace program is hereby being implemented and the effective date of the program is effective immediately.

A notice of our drug and alcohol testing policy will be posted in an appropriate and conspicuous location on our premises. Copies of this policy are available for inspection by employees or job applicants during regular business hours in the personnel office.

II. SCOPE OF THE POLICY

This Policy will apply to all regular, part-time, casual or contract employees, and to applicants for employment, except those employees engaged in functions covered by drug testing regulations promulgated by the United States Department of Transportation, 49 C.F.R., Parts 40 and 199. Compliance with this Policy is required as a condition of original or continued employment.

Our testing program shall comply with the requirements of any applicable federal statute or regulation.

Nothing in our drug free program shall in any manner be inconsistent with federal constitutional or statutory requirements, including those imposed by the Americans with Disabilities Act and the National Labor Relations Act.

Nothing in this program shall be construed to require us to test, or create a legal obligation to request an employee or job applicant to undergo drug or alcohol testing.

Our drug free program does not bar us from conducting more extensive testing (including random testing) provided the employee/job applicant's constitutional rights are not infringed.

Nothing in this program shall be construed to amend or affect the employment-at-will doctrine.

III. DEFINITIONS

A. "Alcohol" shall have the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation as currently compiled in 49 Code of Federal Regulations (C.F.R.) Part 40.

B. "Alcohol test" means an analysis of breath or blood, or any other analysis which determines the presence and level or absence of alcohol as authorized by the United

States Department of Transportation in its rules and guidelines concerning alcohol testing and drug testing.

- C. “Certified laboratory” means a laboratory licensed and approved as outlined in Arkansas Rule 36, (Section VII).
- D. “Chain of custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances, and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
- E. “Confirmation test”, “confirmed test,” or “confirmed drug or alcohol test” means a second analytical procedure used to identify the presence of a specific drug or alcohol or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
- F. “Rule 36” means the State of Arkansas drug-free workplace statute.
- G. “Director” means the director of the Health and Safety Division of the Workers’ Compensation Commission.
- H. “Division” means the Health and Safety Division of the Workers’ Compensation Commission.
- I. “Drug” means any controlled substance subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation.
- J. “Drug or alcohol rehabilitation program” means a service provider that provides confidential, timely, and expert identification, assessment and resolution of employee drug or alcohol abuse.
- K. “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation.
- L. “Employee” means any person who works for a salary, wage, or other remuneration.
- M. “Employee assistance program (EAP)” means an established program of Substance Abuse Professional (SAP) capable of providing:
 - 1. Expert assessment of employee personal concerns;

2. Confidential and timely identification services with regard to employee drug or alcohol abuse;
 3. Referrals of employees for appropriate diagnosis, treatment and assistance; and
 4. Follow-up services for employees who participate in the program or require monitoring after returning to work.
- N. “Employer” means a person or entity that employs a person and is covered by the workers’ compensation laws.
- O. “First aid treatment” means treatment as defined by U.S. Department of Labor, Occupational Safety and Health Administration in 29 CFR 1904.
- P. “Initial drug or alcohol test” means a procedure that qualifies as a “screening test” or “initial test” pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation.
- Q. “Injury” means any work-related accident requiring more than first-aid treatment.
- R. “Job applicant” means a person who has applied for a position and has been offered employment conditioned upon successfully passing a drug or alcohol test, and may have begun work pending the results of the drug or alcohol test.
- S. “Medical Review Officer” or “MRO” means a licensed physician, pharmacist, pharmacologist or similarly qualified individual, employed with or contracted with us, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.
- T. “Presence of drugs or alcohol” means levels of drugs, alcohol or metabolites in the body at or above the cutoff levels established by Department of Transportation (DOT) as published in 49 CFR Part 40 and elsewhere.
- U. “Reasonable suspicion drug testing” means drug or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of our policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.
- V. “Safety-sensitive position” means a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety in which a momentary lapse in attention could result in injury or death to another person.
- W. “Specimen” means tissue, fluid, or a product of the human body capable of revealing the presence of alcohol, drugs or their metabolites.

X. "49 CFR Part 40" means the most current version of 49 CFR Part 40.

IV. STATEMENT OF THE POLICY

- A. It is a standard of conduct that employees of the Company shall not use illegal drugs or abuse alcohol. In order to maintain this standard, the Company shall establish and maintain the programs and rules set forth in this Policy.
- B. The use, possession, concealment, transportation, and promotion or sale of the following items or substances by any employee of the Company, is strictly prohibited on all company premises:
- Illegal drugs
 - Alcoholic beverages
 - Drug paraphernalia
 - Unauthorized prescription drugs
- C. Employees may not be at work, or report to work, under the influence of alcohol, narcotics, illegal drugs, or unauthorized prescription drugs.
- D. Employees are permitted to take legally prescribed and/or over-the-counter medications consistent with appropriate medical treatment plans while working for the Company. When such medications negatively affect an employee's job performance, safety, or the efficient operation of the Company, the employee's supervisor or the Company will determine if the employee is capable of performing his/her job.
- E. No prescription drug shall be brought onto the Company's premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed. Any employee who is using a prescription drug under a doctor's orders must notify his supervisor of the identity and dosage of such prescription drug prior to beginning work if the prescribed medication negatively impacts the employee's ability to safely perform the essential functions of his/her position.
- F. The employee shall also authorize the Company to contact his treating physician to determine if the prescription drug or medication produces side effects that may be hazardous to the employee's work activity. The Company also reserves the right to have an independent physician determine if a prescription drug or medication produces such hazardous effects so that its use should be restricted on the Company's premises or while the employee is performing certain activities. Failure of the employee to inform the Company that he/she is taking a prescription medication that negatively impacts his/her ability to safely perform the essential functions of his/her job may result in disciplinary action, including termination.

V. **TESTING**

A. **Testing Situations**

The Company may require a drug and alcohol screen, including blood, urine, hair, saliva or breath tests for drugs and/or alcohol. The Company will require blood and urine tests where required by federal regulation. Tests for drugs other than marijuana, opioids, cocaine, amphetamines, and phencyclidine will be administered at the discretion of the Company in accordance with the following conditions:

- 1) Pre-employment. Drug testing will be conducted on all vacancy announcements.
- 2) Re-hire or return to duty.
- 3) At the discretion of the Company in all cases of employee absence deemed excessive by the Company.
- 4) At the discretion of the Company in all cases involving a person associated with on-the-job injury.
- 5) In any circumstances where representatives of the Company reasonably believe that an employee may be under the influence of intoxicants, alcohol, narcotics or drugs.
- 6) With respect to all employees who complete a drug/alcohol rehabilitation program before returning to work.
- 7) Random testing of affected employees as may from time to time be required at the discretion of the Company.
- 8) Random testing for security- or safety-sensitive positions.
- 9) Transfer into a security- or safety-sensitive position.
- 10) Routine fitness-for-duty testing.
- 11) Follow-up testing.

B. Drug Testing Procedures

All sample collection and testing for marijuana, opioids, cocaine, amphetamines, and phencyclidine will be performed under the following procedures and conditions:

- 1) Collection procedures will comply with SAMHSA guidelines.
- 2) The collection of samples shall be performed under sanitary conditions by a laboratory certified by SAMHSA or CAP-FUDT and designated by the Company.
- 3) Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples. However, under the following circumstances, direct observation will be permitted by a collection site person of the same sex as the tested employee:
 - a. When there is reason to believe that the employee may alter or substitute the specimen to be provided;
 - b. When the employee has provided a urine specimen that falls outside of the acceptable temperature range as listed in the SAMHSA guidelines;
 - c. When the collection site person observes conduct indicating an attempt to substitute or adulterate the sample, etc.;
- 4) Sample collections shall be documented in accordance with SAMHSA guidelines.
- 5) Sample collections, storage, and transportation to the place of testing shall be performed so as reasonably to preclude the probability of sample contamination or adulteration; and,
- 6) Sample testing shall conform to scientifically tested analytical methods and procedures. Testing shall include verification or confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method, before the result of any test may be used as basis of disqualification from employment. Cut-off levels will be consistent with those adopted by the SAMHSA or by Arkansas law. The cut-off level for a positive result on a drug screen for marijuana is 50 nanograms per milliliter.
- 7) All affected employees will be required to sign an Employee Drug and Alcohol Test Consent form.

C. **Reporting Drug Test Results**

- 1) The Company will contract with a licensed physician as its “Medical Review Officer” (“MRO”), who will perform all necessary duties of that designated position as required by applicable law.
- 2) All drug test results will be reported directly from the laboratory to the MRO.
- 3) The MRO will review all confirmed positive results on drug tests.
- 4) Negative drug test results will be reported to a designated representative of the Company. Negative test results will be reported to the tested employee by the designated representative of the Company.
- 5) Confirmed positive drug test results will be reported to the tested employee by the MRO. The results will also be reported to the designated representative of the Company by the MRO.

D. **Alcohol Testing**

In the event an employee is suspected of being under the influence of alcohol, he shall be required to take a blood or breathalyzer test conducted by a person so educated and authorized in testing. Employees who test positive for intoxication due to alcohol (showing a blood alcohol concentration of .10 percent or more by weight) shall be subject to immediate discipline, as per part VI of this Policy.

E. **Record Keeping**

- 1) All information, interviews, reports, statements, memoranda, or test results received by the Company through its drug testing program are confidential. Such information will not be disclosed as evidence, in discovery, or disclosed in any public or private proceeding, except in a proceeding related to an action in a claim for unemployment compensation; in a claim for workers’ compensation; or in any other civil litigation or arbitration where drug use by the tested employee may be relevant.
- 2) An employee who is reported as having a confirmed positive drug test result, upon his written request, may be permitted access within seven (7) working days to records relating to his drug tests and any records relating to the results of any relevant certification, review, or suspension or revocation-of-certification proceedings.
- 3) All drug screen results and medical examination records will be kept in an employee medical folder maintained for each employee.

- 4) All records and drug and/or alcohol test results are the property of the Company.

F. **Cost of Testing**

The Company will pay the cost of all drug and/or alcohol tests, initial and confirmation, which are required of employees. An employee or job applicant shall pay the costs of any additional testing not required by the Company.

G. **Employee Protection**

- 1) Employees must report the use of prescription or nonprescription medications, but only if the testing process has revealed a positive result for presence of drugs or alcohol.
- 2) An employee or job applicant who receives a positive confirmed test result may contest or explain the result within five (5) working days after receiving written notification of the test result.
- 3) Employees and job applicants must be given a reasonable opportunity to consult with a medical review officer for technical information regarding prescription and nonprescription medicine.
- 4) We will not discharge, discipline, refuse to hire, discriminate against or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been confirmed and verified by a medical review officer.
- 5) We will not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment for a drug-related or alcohol-related problems if the employee has not previously tested positive for drug or alcohol use, entered an employee assistance program for drug-related or alcohol-related problems or entered a drug or alcohol rehabilitation program. We reserve the right to select the employee assistance program or drug or alcohol rehabilitation program if we pay the cost of the employee's participation in the program.
- 6) Within 30 days of termination, an employee shall be entitled to contest the test results before the Arkansas Department of Labor by filing written notice with the Arkansas Department of Labor.
- 7) It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to Act 1552 of 1999 Section 5a. The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal as described in AWCC Rule 099.36, Section XIV.

H. **Employer Protection**

- 1) An employee or job applicant whose drug or alcohol test result is confirmed as positive shall not, by virtue of the result alone, be deemed to have a “handicap” or “disability” as defined under federal, state or local handicap and disability discrimination laws.
- 2) When we discharge or discipline an employee or refuse to hire a job applicant in compliance with this policy, it is considered that we have discharged, disciplined or refused to hire for cause. Nothing in this policy shall be construed to amend or affect the employment-at-will doctrine.
- 3) No physician-patient relationship is created between an employee or job applicant and a any person performing or evaluating a drug or alcohol test, solely by the establishment, implementation or administration of a drug or alcohol testing program. This section in no way relieves the person performing the test from responsibility for acts of negligence in performing the tests.
- 4) Nothing in this policy rule shall be construed to prevent us from establishing reasonable work rules related to employee possession, use, sale or solicitation of drugs or alcohol, including convictions for offenses relating to drugs or alcohol, and taking action based upon a violation of any of those rules.
- 5) This policy does not operate retroactively.
- 6) If an employee or job applicant refuses to submit to a drug or alcohol test, we are not barred from discharging or disciplining the employee or from refusing to hire the job applicant.
- 7) This policy does not prohibit us from conducting medical screening or other tests required, permitted or not disallowed by any statute, rule or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities.

VI. **PROHIBITIONS AND VIOLATIONS OF THIS POLICY**

A. **The following are strictly prohibited:**

- 1) Reporting to work or working under the influence or in possession of alcohol, narcotics or illegal or unauthorized prescription drugs.
- 2) Use, possession, manufacture, distribution, dispensation or trafficking of narcotics or illegal drugs or drug paraphernalia in any manner on or off the Company’s premises before, during, or after working hours.

- 3) Use or possession of alcohol in any manner on or off the Company's property during working hours.
 - 4) Use of the Company's property or an employee's position with the Company, directly or indirectly, to manufacture, dispense, distribute or traffic intoxicants, narcotics or drugs.
 - 5) Adulteration, substitution, dilution, or contamination of an alcohol or drug testing sample under this Policy. A sample will be considered adulterated if the temperature of the sample does not meet with state or federal regulations; if the sample does not meet the weight, density or other requirements established by state or federal law; if, after testing, the sample produces an inconsistent or indecipherable result; or, after testing, is determined to be adulterated, substituted, diluted or otherwise contaminated.
- B. An employee will be subject to discipline, including and up to immediate discharge, or in the case of pre-employment drug testing, the applicant will not be eligible for employment, for the following reasons:
- 1) Refusal to timely submit to or participate in the drug and/or alcohol testing program when requested to do so, pursuant to this Policy.
 - 2) Substituting, adulterating or contaminating a urine or blood sample.
 - 3) Testing positive for prohibited measures of alcohol or prohibited drugs in a breath, urine, hair, saliva or blood test.
 - 4) Refusal to submit to a search under the terms of this Policy.
 - 5) Any specimen reported to Company as "diluted."
- C. Refusal to Test
- 1) If an employee or job applicant refuses to submit to a drug or alcohol test, we may discharge or discipline the employee or refuse to hire the job applicant.
 - 2) Attempting to defraud a drug test (substitution, adulteration, dilution, etc.) is a Class B misdemeanor under Arkansas law punishable by up to 90 days in jail and/or a \$500 fine.

VII. EMPLOYEE ASSISTANCE PROGRAM

The Company maintains an Employee Assistance Program (EAP) which provides information, help and assistance programs to employees who suffer from alcohol or drug abuse and other personal/emotional problems.

However, it is the responsibility of each employee to seek assistance from the EAP before alcohol and drug problems lead to disciplinary action, which can include termination for a first offense. Once a violation of this Policy occurs, subsequently using the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

An employee’s decision to seek prior assistance from the EAP will not be used against him/her in a disciplinary action. Yet, using the EAP will not prevent disciplinary action where facts proving violation of this Policy are obtained. Further, the use by an employee of EAP does not guarantee any continued employment or create a contract of employment either express or implied.

The EAP will make available to all employees informational materials, a copy of this Policy, and certain hot-line telephone numbers for their assistance. Training will be available, under the EAP, for supervisory personnel who are required to determine whether an employee must be drug tested based on a reasonable cause.

OR IF NO EAP IS PROVIDED:

The Company does not maintain a formal Employee Assistance Program (EAP). If you have a drug and/or alcohol problem, please refer to the below directory of community resources that employees may contact for assistance.

However, it is the responsibility of each employee to seek assistance before alcohol and drug problems lead to disciplinary action, which can include termination for a first offense. Once a violation of this Policy occurs, subsequently using community resources on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

An employee’s decision to seek prior assistance from these resources will not be used against him/her in a disciplinary action. Yet, it will not prevent disciplinary action where facts proving violation of this Policy are obtained. Further, the use by an employee of these resources does not guarantee any continued employment or create a contract of employment either express or implied.

DIRECTORY OF NATIONAL, STATE, & LOCAL RESOURCES

National Technical Assistance

Agency	Telephone	Website
Center for Substance Abuse Prevention Helpline	800-967-5752	www.drugfreeworkplace.gov
National Clearinghouse for Alcohol and Drug Information	800-729-6686	http://ncadi.samhsa.gov
Substance Abuse and Mental Health Services Administration (SAMSHA) Health	877-726-4727	www.samhsa.gov/shin

Information Network		
Department of Transportation's Anti-Drug Information Center	800-225-3784	
Partnership for a Drug-Free America (PDFA)	212-922-1560	www.drugfree.org
Al-Anon/Alateen Family Group Headquarters	800-356-9996	www.al-anon.alateen.org
Alcoholics Anonymous World Service	212-870-3400	www.alcoholics-anonymous.org
Narcotics Anonymous	818-773-9999	www.na.org
National Council on Alcoholism and Drug Dependence Helpline	800-622-2255	www.ncadd.org
Substance Abuse Program Administrators Association (SAPAA)	800-672-7229	www.sapaa.com

State Resources

Agency	Telephone	Website
Arkansas Department of Human Services, Division of Alcohol and Drug Abuse Prevention	501-686-9866	www.arkansas.gov/dhs/dmhs

VIII. SUBSTANCE ABUSE EDUCATION/AWARENESS

A. Employee Education/Awareness

- 1) We will provide educational materials to all employees which explain our drug/alcohol free workplace.
- 2) Each employee is required to sign a statement certifying that he or she has received a copy of this program. We will maintain the original signed certificate and may provide a copy of the certificate to the employee.

B. Training for Supervisors

- 1) All persons designated to supervise employees will receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on drug use.
- 2) The training will include how to determine whether reasonable suspicion exists.
- 3) The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs.

IX. CONFIDENTIALITY

- A. All information, interviews, reports, statements, memoranda and drug or alcohol test results, written or otherwise, received through our drug or alcohol testing

program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section of in determining compensability under Ark. Ann. Code §11-14-109 or Ark. Ann. Code §11-9-409

- B. All laboratories, medical review officers, employee assistance programs, drug or alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug or alcohol test results shall keep all information confidential. Release of such information under any other circumstance is authorized solely pursuant to written consent form signed voluntarily by the person tested.
- C. Information on drug or alcohol test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section is inadmissible as evidence in any such criminal proceeding.
- D. These rules do not prohibit us, our agent or laboratory conducting a drug or alcohol test from having access to employee drug or alcohol test information or using such information when consulting with legal counsel in connection with actions brought under or related to employment, or when the information is relevant to its defense in a civil or administrative matter. Neither is this section intended to prohibit disclosure among management as is reasonable necessary for making disciplinary decisions relating to violations of drug or alcohol standards of conduct adopted by us.

X. EFFECTIVE DATE

The provisions set forth in this Policy guide are effective immediately upon notice to employees. Each current employee will be furnished a copy of this Policy and will sign a receipt for same. All applicants for employment will be furnished a copy of the Policy before hiring.

DRUG, ALCOHOL AND CONTRABAND POLICY AGREEMENT

READ BEFORE SIGNING

I have received and read the [EMPLOYER] Drug and Alcohol Policy and have had the drug-free workplace program explained to me.

I understand that compliance with the Policy is a condition of employment and that if I violate the Policy or refuse to timely cooperate with the testing procedures, I am subject to discipline up to and including discharge.

I hereby formally waive and give up any expectation of privacy in any of my personal effects brought onto the Company's property or maintained on the Company's property such as desks, lockers, lunch boxes, purses, clothing, brief cases and automobiles.

I understand that I hereby consent to the release of any drug testing results to the Company, and these results may be used as evidence in any proceedings that I may institute against the Company including, but not limited to, workers compensation or unemployment claims.

I understand that failure to comply with a drug and/or alcohol testing request or a positive, confirmed result for the illegal use of drugs and/or alcohol may lead to discipline up to and including termination of employment and/or loss of workers' compensation benefits, pursuant to Arkansas Workers' Compensation Commission Rule 099.36.

I acknowledge that I have been given a personal copy of the [EMPLOYER] Drug and Alcohol Policy.

I AGREE TO FOLLOW THE [EMPLOYER] DRUG AND ALCOHOL POLICY.

DO NOT SIGN IF YOU HAVE NOT READ THIS AGREEMENT.

EMPLOYEE

DATE

EMPLOYEE DRUG AND ALCOHOL TEST CONSENT

READ BEFORE SIGNING

I hereby agree and acknowledge that as a condition of my employment with [EMPLOYER], I must submit to a drug and/or alcohol test by breath analysis, urinalysis, hair, saliva or blood testing. I understand that a negative test does not mean that my employment with [EMPLOYER] will continue. I hereby waive any and all objections to a drug and/or alcohol test by breath analysis, urinalysis, hair, saliva or blood testing by [EMPLOYER] or its designee. I also waive any expectation of privacy relative to my submission to the drug and/or alcohol test procedures. Specifically, I understand that I am waiving any rights to privacy relative to the testing and procedures, and I hereby consent to the release of any positive results to the Company.

This substance test is being conducted for the presence of _____ (drugs/alcohol) under the following circumstances:

- _____ Pre-employment
- _____ Post-Accident
- _____ Return to Duty
- _____ Random
- _____ Suspicion

Position _____

Further, I hereby certify and affirm that I am not now nor have I within the last thirty (30) days used any illegal or unauthorized prescription drugs. I have no reason to believe that the drug screen by breath analysis, urinalysis, hair, saliva or blood testing would detect any sign of illegal or unauthorized prescription drugs in my body. I am voluntarily submitting to this drug test of my own free will. I understand and consent that any positive results will be released to the Company, and these results may be used as evidence in any proceedings that I may institute against the Company including, but not limited to, unemployment or workers' compensation claims.

DO NOT SIGN IF YOU HAVE NOT READ THIS WAIVER.

EMPLOYEE

WITNESS

DATE

DATE