

Supplemental Policy

The following policy is Bayview's official position on Drug and Alcohol usage. This policy shall not be treated as a stand-alone document, but rather as an addendum in conjunction with Bayview's complete IIPP, Code of Safe Work Practices, and Employee Handbook.

Drug and Alcohol Use and Testing Policy

In compliance with the Drug-Free Workplace Act of 1988, Bayview Services, Inc. has a longstanding commitment to provide a safe, quality-oriented, and productive work environment. Alcohol and drug misuse poses a threat to the health and safety of Bayview's employees and to the security of the company's equipment and facilities. For these reasons, Bayview is committed to the elimination of drug and alcohol use and misuse in the workplace.

This policy applies to all employees and applicants for employment of Bayview Services, Inc.

Drug Use / Distribution / Possession / Impairment

All employees are prohibited from manufacturing, cultivating, distributing, dispensing, possessing, or using illegal drugs at any time. Included within this prohibition are lawful controlled substances that have been illegally or improperly obtained. This policy does not prohibit the possession and proper use of lawfully prescribed drugs taken in accordance with the prescription. Employees also are prohibited from having any such illegal or unauthorized controlled substances in their system while at work.

Alcohol Use / Distribution / Possession / Impairment

All employees are prohibited from distributing, dispensing, possessing, or using any beverage or medicine containing alcohol while at work or on duty and from coming onto Company premises, reporting to work, or working with alcohol in their system. Furthermore, lawful off-duty alcohol use, while generally not prohibited by this policy, must not interfere with an employee's job performance.

Prescription Drugs

The proper use of medication prescribed by your physician is not prohibited; however, we do prohibit the misuse of prescribed medication. Employees' drug use may affect their job performance (e.g., by causing dizziness or drowsiness). It is the employee's responsibility to determine from his or her physician whether a prescribed drug may impair safe job performance and to notify a supervisor of any job restrictions that should be observed as a result.

Counseling and Rehabilitation

Employees who voluntarily seek help for substance abuse (self-referral) by contacting the Company will be given an opportunity to pursue counseling and rehabilitation. We will give these employees information about counseling and rehabilitation services. An employee who is receiving counseling and/or treatment for substance abuse may use available vacation, sick leave, or, if eligible, family, and medical leave. Health insurance often covers the costs of such services, but costs not covered must be paid by the employee. The employee cannot return to work until released by a treatment provider to do so, and he or she must receive a negative result on a return-to-work drug and/or alcohol test (as appropriate for that individual). In addition, the employee may be asked to submit to follow-up testing for a period following the return to work.

An employee's decision to seek help voluntarily will not be used as a basis for disciplinary action, although the individual may be transferred, given work restrictions, or placed on leave, as appropriate. A request for help is considered voluntary only if it is made before the employee is asked to submit to a drug or alcohol test or is discovered to have otherwise violated this policy.

Fit for Duty

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

Work Rules

1. Whenever employees are working, are operating any Bayview Services, Inc. vehicle, are present on Bayview Services, Inc. premises or are conducting company-related work offsite, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
 - a. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - b. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance, or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.
3. Bayview will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.



4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Drug and Alcohol Testing

Pre-employment. Applicants being considered for hire must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion. Employees may be required to submit to drug/alcohol screening whenever the Company has a reasonable suspicion that they are under the influence of drugs or alcohol while working. Reasonable suspicion may arise from, among other factors, supervisory observation, coworker reports or complaints, performance decline, attendance or behavioral changes, results of drug searches or other detection methods, the employee's appearance or an odor of drugs or alcohol. Observations leading to reasonable suspicion determinations will be reasonably contemporaneous with the request for a test.

Employees asked to take a reasonable suspicion drug and/or alcohol test will be transported to the collection site for testing and then transported home pending receipt of the test results. Employees will be placed on administrative leave without pay pending the results of the test.

Post-accident. Bayview shall use management's discretion as to if, and when to implement post-incident drug testing. This discretion shall be made by the General Superintendent, Operations Manager, Personnel Director, or Safety Director during the initial response and notifications following an incident. Any incidents involving either an injury requiring professional medical attention, or an at-fault vehicle accident shall be automatic triggers for testing.

Random. Employees in safety-sensitive positions may be tested on an unannounced random basis. Employees will be selected for testing by a computerized random number program matched to employee numbers. Once selected for testing, an employee may not be excused from the testing process. Individuals subject to random testing will be notified at the time of hire or when the policy becomes applicable to them.

Collection and Testing Procedures

Employees subject to alcohol testing will be transported to a Concentra Occupational Clinic – designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee.

Applicants and employees subject to drug testing will be transported to a Concentra

Occupational Clinic – designated testing facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone, and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

Upon request, individuals will receive a copy of their positive or non-negative test results. An individual who tests positive for drugs may request, within three days of being notified of the positive result, that his or her sample be sent to an independent certified laboratory for a second confirmatory test, at his or her own expense, although we may suspend, transfer, or take other appropriate action pending the results of any such re-test.

Confidentiality

All records relating to positive test results, drug and alcohol treatment, and employee medical information shall be kept confidential and disseminated to and within the Company only on a need-to-know basis. Such records will be kept in secure files separate from personnel files. Test results will not be released outside the Company without the written consent of the tested individual, or as otherwise may be required by law or legal process.