

## **Drug Free Workplace**

You have an obligation to report to work on time and in appropriate mental and physical condition. While on the job, including breaks, lunch, and travel to and from work sites; you may not, use, misuse, sell, purchase, possess, manufacture, distribute, or be under the influence of:

- Illegal drugs or other substances, which might alter sensory function
- Alcoholic beverages
- Prescription medicine<sup>1</sup>, which alter sensory abilities and functions (although reasonable accommodation is considered by Human Resources if they do not adversely affect the performance of essential job functions)

Adhering to this policy is a condition of your employment. You are also required to report, if convicted, any criminal drug offense(s) that occur while conducting Company business, or, on or off Company premises. In accordance with the Drug Free Workplace Act, the report must be made to Human Resources within five days of conviction. Finally, if you are convicted of a criminal drug offense or fail to comply with this policy, corrective action may be taken, up to and including termination.

The Company provides an assistance program for substance abuse counseling.

### **Substance Abuse**

In the interest of maintaining a safe and healthy working environment, the Company has adopted a Substance Abuse policy applicable to all of its employees. The use, possession, sale or distribution of illegal drugs, or being under the influence of illegal drugs or abuse/misuse of prescription or lawful drugs while on the job or during working time is a dischargeable offense. The use or possession of alcohol during work time or reporting to work under the influence is also a violation of this policy and subject to disciplinary action, up to and including termination. The Company prohibits the presence of employees and/or performance of work at any Company building, facility, or work area/site while under the influence of a controlled substance.

Off-the-job illegal drug use which could adversely affect an employee's job performance, or which could jeopardize the safety of others may result in disciplinary action, up to and including termination.

### **Active Employee Testing**

The Company conducts testing on active employees. Positive test results and/or providing an altered specimen may result in disciplinary action, up to and including termination. Employees may also be required to successfully participate in a drug/substance abuse assistance or rehabilitation program. The Company keeps the results of any tests confidential, and the results are distributed to management on a need-to-know basis only.

It will be a condition of employment for all employees to submit to testing under the following circumstances:

<sup>1</sup> Prescription medication is a drug or medicine obtained pursuant to a written, signed, or other legally authorized communication by a duly licensed practitioner licensed by the laws of a state to prescribe such drugs or medicinal supplies to be filled, compounded, or dispensed by another person licensed by the laws of the applicable state. Employees may engage in the appropriate use of medicine as legally prescribed. However, an employee undergoing prescribed medical treatment with any drug which may alter their physical or mental ability may be asked to report this treatment to the immediate supervisor and to the Company's Human Resources Department. The Human Resources Department, in conjunction with management, will determine whether a temporary change in the employee's job assignment is warranted during the period of treatment.

**Reasonable Suspicion:** Testing will be required when there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of Company policy drawn from specific, objective facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

- a. Observable behavior while at work such as direct observation of substance abuse or the physical symptoms or manifestations of being impaired due to abuse;
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- c. A report of substance abuse provided by a member of management;
- d. Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working, or while on the property of the Company or while operating its vehicles, tools or machinery;
- e. Following an accident or incident that may affect the employee's ability to safely perform his/her work duties.

**Workplace Injury:** Employees are required to submit to a substance abuse test with regard to any workplace injury that requires medical treatment. Drug testing related to an on-the-job injury should be conducted immediately following the accident or injury. All motor vehicle accidents, no matter how minor, require an employee drug test.

**Random Testing:** For those positions that the Company determines are appropriate, or if any employee has previously tested positive, or if required by law, an Employee may be required to submit to a random drug/alcohol test. Periodically, the Company will select a random sample of the population for a random drug test.

### **Inspections**

In enforcing the Company's Substance Abuse Policy, Point Broadband and its affiliates reserves the right at any time to inspect Company property, including desks, lockers or other suspected areas of concealment. It should be noted that all offices, desks, files, and so forth, are the property of the Company and no expectation of privacy of Company-issued furniture, property or equipment should exist. Furthermore, we reserve the right to question employees and other persons leaving our premises and to search personal effects, such as packages, upon entering or leaving the facility. Consent to inspection under these circumstances shall be a condition of continued employment. Any person who fails to cooperate in a property requested inspection is subject to disciplinary action including immediate discharge.

### **Positive Test Result**

If an employee returns a positive drug test result, he or she may be disciplined, up to and including termination, or required to attend rehabilitation in order to maintain employment with the Company. An employee who returns a confirmed positive drug test result 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. If an employee voluntarily comes forth to seek treatment for a drug-

related event and the employee has not previously tested positive for drug use, the Company may consider referring the employee to a drug abuse assistance, treatment, counseling, or rehabilitation program; discipline of employee remains available to Company. The Company will nonetheless take action to ensure the health and safety of all stakeholders. The Company shall also determine whether an employee, if referred for drug treatment and counseling, should be temporarily reassigned to another position. Employees referred to drug abuse assistance, treatment, counseling, or rehabilitation program by the Company must immediately cease any drug use, may be subject to periodic unannounced testing.

#### **Reporting Substance Abuse**

The Company encourages employee participation in facilitating the maintenance of a drug-free workplace. If an employee suspects a violation of this policy, he or she should immediately report this to his or her Supervisor. No conduct reprisals, punishment, or retaliatory action will be taken against an employee who registers a concern in good faith.

#### **No Waiver of Rights**

This policy is not intended to address all circumstances in which involvement with illegal drugs or alcohol warrants disciplinary action. Nothing in this policy shall be considered as limiting the right of the Company to take corrective action, up to and including termination, for involvement with illegal drugs or alcohol not specifically addressed. No provision of this policy intends to modify the Company's policy that employment remains "At Will" at the option of Point Broadband and/or its affiliates or any employee.