

# DRUG AND ALCOHOL POLICY

Brighter Day is committed to providing a working environment that is safe, and which promotes creativity and productivity within its workforce. To this end, the Company endorses the philosophy that the workplace should be free from the detrimental effects of alcohol or illegal drugs. Herein, workplace is defined as any environment in which work is performed for or by HOH. Illegal drugs are defined as any illegal drug that has not been legally obtained or any drug or substance, even prescription or over-the counter drugs that are being abused and/or which are not being used for their intended purpose.

To ensure worker safety and workplace integrity, Brighter Day absolutely prohibits using illegal drugs and alcohol during working hours or working under the influence of alcohol or illegal drugs. The Company also prohibits the manufacture, possession, distribution or use of alcohol or illegal drugs in the workplace and/or while performing work for the Company, by all team members, participants, customers, and independent contractors.

Our Drug-Free and Alcohol-Free Workplace Policy's purpose is:

- to assure the safety of people who have selected Brighter Day as their service provider.
- to assure all supports are provided by employees who are not impaired by drugs or alcohol.
- to assure greater safety when operating equipment and vehicles.
- to reduce crime in the workplace.
- to reduce absenteeism and tardiness.
- to increase employee effectiveness, productivity and reliability.
- to secure a living environment that protects the property and well-being of people receiving supports and sustains the highest quality of services.

## ***Prescription or Over-The-Counter Medications***

Legal use of prescribed drugs is permitted on the job only if such use does not impair a team member's ability to safely and effectively perform his or her job. The use of prescribed drugs or over the counter medication that may affect a team member's ability to perform the essential functions of the position and/or which may cause the team member to be a direct threat to himself/herself or others must be reported to the supervisor before beginning work on the day in which the medication is taken.

All team members must discuss with their physician whether any prescribed medication will impair their ability to safely and properly fulfill their job duties and must avoid working while impaired. The failure of a team member to report to his or her supervisor the use of a prescribed drug or over-the-counter medication that may affect their ability to perform the essential functions of the position and/or which causes the team member to be a direct threat to himself/herself or others, may result in disciplinary action, up to and including termination.

## ***Off duty Use of Illegal Drugs and Alcohol***

The use, possession and/or distribution of any illegal drug (which includes prescription drugs that are illegally obtained or misused) or alcohol while off duty is prohibited to the extent that, in the opinion of the Company, such use impairs a team member's job performance or threatens the reputation or integrity of the Company.

## ***Voluntary Treatment***

The Company supports team members who voluntarily seek treatment for drug and/or alcohol related problems. Team members with drug and/or alcohol problems that have not resulted in, and are not the

immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the team member agrees to abstain from using the problem substance (drug or alcohol) and abides by all policies, rules and prohibitions relating to conduct in the workplace.

Depending on the circumstances, which will be evaluated on a case-by-case basis, team members who are asked to, and who voluntarily enter into a rehabilitation program may be required to provide proof that they successfully completed the program. Such team members will not be subject to adverse employment action so long as they comply with, and successfully complete the requirements of the rehabilitation program and successfully complete the rehabilitation. Also depending on the circumstances, team members who return to work after successful voluntary treatment may be subject to random drug testing for up to one (1) year following their return to work. A team member who tests positive for drugs and/or alcohol post rehabilitation may be subject to discipline, up to and including termination.

Furthermore, under certain conditions, a team member who tests positive on a confirmed alcohol test as a first-time violation of this policy may be entitled to engage in rehabilitation, and a portion of the costs of such rehabilitation may be paid by the Company.

Under these circumstances, if the team member complies with the requirements of rehabilitation and successfully completes the rehabilitation, the Company will not take adverse employment action against the team member.

#### ***Drug and/or Alcohol Testing***

The Company reserves the right to test for illegal drug or alcohol use to screen individuals for (1) following a work-related injury or (2) when prompted by reasonable suspicion. The following conditions establish who may be tested, and under what circumstances the drug and/or alcohol testing may occur.

#### ***Post-Accident Testing***

The Company may conduct drug and alcohol testing in investigating accidents that result in (1) an injury to a person for which injury, if suffered by a team member, a record or report could be required, or (2) damage to property, including equipment.

#### ***Reasonable Suspicion Testing***

The Company may conduct drug and/or alcohol testing upon reasonable suspicion of drug or alcohol use in violation of this policy. "Reasonable suspicion" means drug or alcohol testing based on evidence that a team member is using or has used alcohol or other drugs in violation of this policy drawn from specific, objective, and articulable facts and reasonable inferences drawn from those facts in light of experience. Such suspicion may include, but are not necessarily limited to, observing drug or alcohol use or the physical symptoms or manifestations of impairment due to alcohol or drugs; abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; a report of alcohol or drug use provided by a reliable and credible source; evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the Company; evidence that the team member has manufactured, sold, distributed, solicited, possessed, used or transferred drugs while working, while on company premises or while operating company vehicles, machinery or equipment.

If reasonable cause provides the basis for testing, the team member will be suspended until the results are received. In such cases, where the result is negative, the team member's suspension will be paid, and the team member will receive back wages and interest at 18 percent annum compounded annually.

The Company is not required to engage in drug or alcohol testing when there is reasonable cause to suspect a team member's violation of the Company's Drug and Alcohol Policy. Whether the Company conducts drug and/or alcohol testing prior to disciplining or terminating a team member who is reasonably suspected of violating the Company's Drug and Alcohol Policy is at the sole discretion of the Company.

If the Company asks a team member to submit to a drug or alcohol test, submitting to the test will be a condition of continued employment. If the team member refuses to be tested, the team member will be subject to termination.

Before testing, team members will be provided with a list of drugs to be tested. They also will be given an opportunity to provide information that may be considered relevant to the test, such as identification of prescription or over-the-counter medication currently or recently used, or other relevant medical information.

### ***Violation of This Policy***

If a team member tests positive on the initial test, the specimen will be sent for confirmation testing. The confirmation test shall use a portion of the same test sample withdrawn from the team member for use in the first test, and confirmation shall be by use of a different chemical process than was used in the initial screen for drugs or alcohol. A Medical Review Officer will review all confirmed positive test results and will also review "chain of custody" handling for all specimens. The alcohol concentration that will violate this policy will be .04 or higher as expressed in terms of grams of alcohol per two hundred ten liters of breath, or its equivalent.

If a confirmed positive test result is reported, the Company will notify the team member in writing by certified mail, return receipt requested, of the results of the test, the team member's right to request and obtain a confirmatory test of the second sample collected at an approved laboratory of the team member's choice, and the fee payable by the team member to the Company for reimbursement of expenses concerning the test. If the second test does not confirm the results of the initial confirmed test, the Company will reimburse the team member for the fee the team member paid for the second test, and the initial confirmed test shall not be considered a confirmed positive test result for purposes of taking disciplinary action against the team member.

### ***Disciplinary Action***

All team members, participants, and independent contractors must abide by the terms of this policy. Team members who violate any aspect of this policy, or who receive a confirmed positive test result after submitting to a drug and/or alcohol test pursuant to this policy, may be subject to disciplinary action, up to and including suspension and/or termination. In addition, the Company may, in its discretion, require team members who violate this policy to successfully complete future random testing and/or a drug abuse assistance or rehabilitation program as a condition of continued employment.

### ***Reporting Drug Convictions and Violations***

All team members, participants, and independent contractors must notify their supervisor or manager of any criminal drug statute conviction or a violation occurring away from or in the workplace no later than five (5) days after such conviction or violation.

Failure to report a criminal drug conviction or violation as provided above, or any other violation of this policy by any team member, participant, or contractor shall result in corrective action, including any or all the following:

- Corrective action as deemed necessary up to and including termination of employment.
- Requiring the team member, participant, or independent contractor to satisfactorily undergo evaluation and if warranted, participation in an alcohol or drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement or another appropriate agency.
- Notwithstanding any of the foregoing, violation of this policy by an independent contractor shall result in termination of the contract at the Company's option. Nothing herein shall be deemed to incorporate any other Company personnel policy applicable to team member termination or discipline into any agreement with an independent contractor.

Team members requesting assistance to help overcome any addiction to, dependence upon, or problem with alcohol or drugs, will be dealt with on a confidential basis and in accordance with the Employee Assistance Policy so long as the team member makes such request before being found in violation of this policy.

NOTE: No changes will be made to this policy, or any deviations authorized without the express written permission of the CEO. The Company reserves the right to change this policy at any time to adapt to changes in the law or for other reasons. Nothing in this policy should be construed as altering the at-will nature of an individual's employment.