

**HOLMES EXPRESS CAR SERVICE  
ALCOHOL, DRUG AND CONTROLLED  
SUBSTANCE TESTING PROGRAM**

# HOLMES EXPRESS CAR SERVICE

## ALCOHOL, DRUG & CONTROLLED SUBSTANCE POLICY

**HOLMES EXPRESS CAR SERVICE** is committed to safeguarding the health and safety of its employees and to supplying its customers with the highest quality products and services possible. This policy establishes the Company's position on the use of illegal drugs or other controlled substances or misuse of alcohol by its employees. It applies to all applicants and employees and is designed to detect and remove users of illegal drugs or other controlled substances or misusers of alcohol from the work force through employee drug and alcohol testing programs; and, to prevent the use or presence of these substances in the workplace.

Because the use of prescription or over-the-counter drugs and medications may also affect safety or job performance in the workplace, employees will be required to report any use of prescription or over-the-counter drugs and medications to the Company on the first occasion that the employee reports for work after use is to begin. The employee will not be allowed to perform any job duties until authorization to do so is provided by the Company.

No employee shall use any Scheduled drug included in the Schedule of Controlled Substance of the Drug Enforcement Agency or any narcotic or habit-forming drug except as prescribed by a licensed physician. The Schedule of Controlled Substance includes the following drugs and classes of drugs:

1. Amphetamines
2. Barbiturates
3. Benzodiazepines
4. Cannabinoids (Marijuana)
5. Cocaine
6. Methadone
7. Methaqualone
8. Opiates
9. Phencyclidine (PCP)

No employee may use any of these drugs whether on duty or off duty. Any violation of this policy will result in disciplinary action which may include discharge. No employee will report for duty while impaired or under the influence of alcohol, any drug or controlled substance. No employee shall report for duty within four hours of consuming alcohol. An employee may only use a drug or a controlled substance if it has been prescribed or administered by a physician.

All applicants and employees will be required to sign a Substance Abuse Testing Consent and Release Form, submit to controlled substances and/or alcohol testing as required by the Company, submit to any requested searches, and comply with all other terms of this policy. Other Company policies may be applicable to the extent they do not conflict with this policy.

**Drug and Alcohol Testing Circumstances:**

The Company will utilize alcohol, drug and controlled substance testing in the following circumstances to help administer this policy:

- \* ALL applicants for employment will be subject to Pre-Employment Testing for the use of alcohol, drugs and controlled substances.
- \* ALL incumbent Employees will be subject to Periodic Testing, Random Testing, Reasonable Suspicion Testing, and Post-Accident Testing following work-related accidents and/or illnesses where the employee is treated or seen by a physician or other medical person.

Periodic Testing - Employees may be required to submit to unannounced alcohol, drug and controlled substance testing during the course of their employment.

Random Testing - Employees may be required to submit to unannounced alcohol, drug and controlled substance testing at any time on a random basis as a condition of their continued employment.

Reasonable Suspicion Testing - Employees may be asked to submit to a test if reasonable suspicion exists to indicate that their health or ability to perform work may be impaired as a result of the use of alcohol, drugs or controlled substances.

Factors which could establish reasonable suspicion include, but are not limited to:

- a. Sudden changes in work performance;
- b. Repeated failure to follow instructions or operating procedures;
- c. Violation of Company safety policies;
- d. Involvement in an accident, or near-accident;
- e. Discovery or presence of substances in an employee's possession or near the employee's workplace;
- f. Odor of alcohol and/or residual odor peculiar to some chemical or controlled substances;
- g. Unexplained and/or frequent absenteeism;
- h. Personality changes or disorientation;
- i. Arrest or conviction for violation of criminal drug statutes.

Reasonable Suspicion testing may also apply to employees who have had an accident without injury and regardless of property damage.

Post-Accident Testing - **ALL** employees involved in any accident involving an injury, death, or any property damage will be drug tested for the use of alcohol, drugs and controlled substances, as soon as possible after the accident or within 24 hours after the accident occurs. Any employee who is seriously injured and cannot provide a urine or blood specimen at the time of the accident shall be required to provide any necessary authorization for obtaining hospital records and other documents that would indicate whether there were any controlled substances in the employee's system.

In any of the testing situations described in this policy, prescription drugs are detected and the applicant or employee is able to prove medical or professional authorization for the prescription, **HOLMES EXPRESS CAR SERVICE** reserves the right to have its physician (MRO) contact the individual's physician/professional, or the Company officials may send the individual to the Company physician for verification and review of the situation.

Employees with a confirmed positive drug test result may, at their option and expense, have a second confirmation test made on the same specimen. An employee will not be allowed to submit another specimen to replace the original specimen for retesting.

Any specimen indicating adulteration or tampering will be treated as a positive and may result in termination.

An employee awaiting pending test results may be placed on probationary status and sent home without pay during the time required for a specimen to be evaluated.

The refusal to submit to periodic, random, reasonable cause or post-accident alcohol, drug and controlled substance testing will result in termination.

## **The Company will maintain confidentiality for all testing.**

### **Disciplinary Provisions:**

#### **Applicant**

If any applicant refuses to sign the Substance Abuse Testing Consent and Release Form, when knowingly able, or to submit to testing when requested, his or her application **WILL NOT** be considered any further for employment.

#### **Employee**

**If any employee refuses to sign the Substance Abuse Testing Consent and Release Form, when knowingly able, or to submit to testing when requested, he or she will be terminated.**

If any employee fails to report any use of prescription or over-the-counter drugs and medications on the first occasion after use is to begin, the employee will be subject to disciplinary action up to and including discharge.

Any employee who has a confirmed positive drug test result, including any alcohol test with an alcohol concentration level equal to or greater than .04, will be subject to:

**A. Resignation,**

or

B. The employee will seek rehabilitation at an alcohol/drug rehabilitation center **at the employee's expense** and will submit, after the designated rehabilitation period, a negative drug/alcohol test performed by the employer's drug testing facility **at the employee's expense**. The employee will also submit to a drug/alcohol test at the employer's discretion for a period of one year. If during this period of one year the employee tests positive for alcohol or any illegal or controlled substance, immediate termination will result. If after one year this employee's tests are negative, he/she will return to the normal policy and procedures set forth by this company.

or

**C. Termination of employment**

Any employee who engages in the unlawful manufacture, distribution, dispensation, presence, use, or being under the influence of drugs, other controlled substances or alcohol while on Company business, on its property, or at its work sites, will be disciplined up to and including termination. (Note: This does not apply to approved alcohol use during specified company sponsored events or activities.) The term "work site" means any motor vehicle, office building, terminal, yard or other property owned by Holmes Express Car Service, or any other location at which the employee is to perform work.

Any employee who engages in the unlawful possession, manufacture, distribution, dispensation, sale, or use of drugs, or other controlled substance while off duty and off Company property, will be disciplined up to and including termination.

Any employee who is arrested or convicted for driving under the influence, or for violating a criminal drug statute, will be subject to an investigation by the company to determine whether cause exists for drug or alcohol testing.

Any violation or failure to comply with the terms of this policy by any employee may result in disciplinary action up to and including termination.

**General Provisions:**

The Substance Abuse Program in no way creates an obligation or contract of employment. The Company reserves the right to alter or amend the program at any time at its sole discretion.

If any part of this policy is determined to be void or unenforceable under state or federal law, the remainder, to the extent possible, will remain in full force and effect.

# **HOLMES EXPRESS CAR SERVICE**

## **RECEIPT OF THE ALCOHOL, DRUG & CONTROLLED SUBSTANCE TESTING PROGRAM ACKNOWLEDGEMENT**

I, the undersigned, certify that I have read, understand, and will comply with Holmes Express Car Service's Statement of Policy on Alcohol, Drugs and Controlled Substances and have received a copy of that policy. By accepting employment or being currently employed with Holmes Express Car Service, I consent to submit to testing for alcohol, drugs, and controlled substances and I agree to comply with all of the requirements of Holmes Express Car Service, state or local laws and rules governing the use of alcohol, drugs and controlled substances. I understand that my failure to honor the terms of this agreement will be grounds for the termination of my employment or the consideration of any application for employment with Holmes Express Car Service.

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**Employee Signature**

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**Employee Printed Name**

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**Date**