

Company Drug, Alcohol and Substance Abuse Policy and Program

I. Purpose

Dieudonne Enterprises (hereinafter referred to as the "Company") believes substance abuse to be a serious threat to the abusing employee, the Company's staff, the public and, more importantly, the Company's customers and guests. The Company values its customers, guests and employees and recognizes the need for a safe and healthy work environment. Furthermore, the Company recognizes the problem of drug, alcohol and substance abuse in our society and is aware that employees using drugs, alcohol or other substances are less productive and are often a risk to the safety, security and welfare of the Company, its employees, its customers and others.

Therefore, the Company is introducing a workplace drug and alcohol testing policy to ensure that the Company will have a drug and alcohol-free environment.

II. Company Policy

It is the policy of the Company to maintain a workplace and workforce free of drugs, alcohol and other such substances. The presence of illegal drugs, alcohol or other such substances in one's system, on one's person, on Company Premises, while conducting Company Business or while operating company vehicles, machinery or equipment is prohibited by this policy. Compliance with the policies and guidelines set forth herein below is a condition of beginning and continued employment with the Company. It supersedes any other Company policy or practice on this subject. At any time, the Company may, at its sole discretion, amend, supplement, modify or change any part of this policy without any prior notice whatsoever.

The policy does not represent or express an implied contract, and it does not affect an employee's status as an at-will employee under Louisiana law. If you have any questions about the policy, please immediately direct them to the Company administrator and/or his or her representatives.

The following policies, programs and guidelines with regard to the use, abuse, possession, presence of and sale of illegal drugs, alcohol or other such substances shall become effective immediately.

III. Definitions

For purposes of the Company's Drug and Alcohol Testing Program policies and guidelines (hereinafter referred to as the "Program"), the following definitions are applicable:

- 1.) "Company Premises" encompasses Company affiliates and subsidiaries and all their properties, offices, parking lots, facilities, lands, platforms, buildings, structures, fixtures, installations, boats, aircrafts, automobiles, trucks and all other vehicles, machinery and other equipment, whether owned, leased or used.
- 2.) "Company Business" shall encompass employees whenever on duty and under the Company's control, whether at other work sites or during transit to and from work sites or while in the course and scope of the Company's employment or pay status.

- 3.) "Employees" shall include all full-time, part-time, casual or contract employees and all employment applicants and candidates as well.
- 4.) "Illegal Drugs, Alcohol or Other Such Substances" includes illegal drugs, unauthorized controlled substances, look-a-likes, inhalants of abuse, designer and synthetic drugs and shall include any drug which is not legally obtainable or which is legally obtainable but has not been legally obtained or used. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or in excessive dosages. The terms include, but are not limited to, central nervous systems stimulates such as cocaine and amphetamines; hallucinogens; PCP or Phencyclidine; narcotics analgesics as found in opiates or opium (like morphine and codeine) and opium derivatives (heroin); inhalants from volatile solvents like glue, paint or gasoline or from aerosols like hair sprays, deodorants, insecticides or from anesthetic gases like Ether, chloroform or amyl nitrate; cannabinoids; cannabis such as found in marijuana, hashish or hash oil; Propoxyphene (Darvon); Barbiturates; Methadone; and Benzodiazepines (Valium).

IV. Prohibition of Illegal Drugs, Alcohol Or Other Such Substances

At any time while an Employee is on Company Premises or on Company Business, the following activities are strictly prohibited:

- 1.) The use of or abuse of any Illegal Drug, Alcohol or Other Such Substances;
- 2.) The possession, transport, transfer or purchase of Illegal Drugs, Alcohol or Other Such Substances;
- 3.) The presence in the body, presence on one's person or reporting to work under the influence of Illegal Drugs, Alcohol or Other Such Substances;
- 4.) The sale or marketing of Illegal Drugs, Alcohol or Other Such Substances or other drug related paraphernalia;
- 5.) The use, abuse, presence in one's system or possession of Illegal Drugs, Alcohol or Other Such Substances while utilizing, operating or in control or possession of Company property, including Company owned, leased or rented equipment and/or vehicles; and
- 6.) Using, consuming, transporting, distributing or attempting to distribute, manufacture, or dispense Illegal Drugs, Alcohol and Other Such Substances.

Any Employee involved in any of the foregoing activities at any time during a work shift or while working for, on behalf of or while representing the Company, whether or not on Company Business, Company Premises or Property is in violation of the Program and the Employee is subject to disciplinary action, including, but not limited to, immediate termination. Depending on the circumstances, other action, including, without limitation, (1) notification of the appropriate law enforcement, regulatory or licensing agencies and (2) denial, suspension or termination of workers' compensation benefits and unemployment compensation benefits may be taken against any Employee who violates these policies, mandates and prohibitions.

The Program equally applies to all Employees. Compliance with these policies mandates and prohibitions will be required as a condition of employment for all Employees. There shall be no exceptions.

V. Unauthorized Use of Intoxicating Beverages

An Employee whose blood alcohol level is over 0.04% (40 MG/DL blood) while on Company Premises, during working hours, or while conducting Company Business is in violation of this Company policy and subject to immediate discharge or termination.

VI. Prescription Drugs (Legally Controlled Substances and All Off-the-Shelf or Over-the-Counter Medicines)

All Employees must report the use of any medically prescribed or authorized drugs or substances (including over-the-counter or off-the-shelf medication) which can impair or lessen job performance (whether allowed to be dispensed with or without prescription) to their immediate supervisor and upon request by the Employee's supervisor or the Company's Drug Policy Administrator, must provide proper written medical authorization to the Company from a physician. This includes, without limitation, drugs such as tranquilizers, muscle relaxers, pain medication and anti-depressants. It is the Employee's responsibility to determine from a physician(s) whether prescribed, off-the-shelf or over-the-counter drugs, medicines or other such substances that may impair job performance. Failure to report the use of such drugs, medicines or other substances, failure to provide proper evidence of medical authorization or the use (as evidenced by presence in an Employee's body fluids or otherwise) of such drugs, medicines or other such substances in amounts in excess of the label recommendations for over-the-counter or off-the-shelf drugs, medicines or other such substances may result in disciplinary actions, up to, and, including, immediate termination.

Employees must not consume prescribed drugs or off-the-shelf or over-the-counter drugs, medicines or other such substances more often than prescribed by their doctor or as directed on the off-the-shelf or over-the-counter medication label(s). All prescribed, off-the-shelf or over-the-counter medication must be in its original container with the Employee's name, the doctor's name and prescription number on the label and each prescription must not be older than one year of the date issued. However, the Company at any time reserves the right to have a licensed physician determine whether the prescription drug use increases the risk of injury to the Employee, the Company's residents or guests while the Employee is working. If such a finding is made, the Company may limit, suspend or terminate the Employee's work activities during the period job safety may be adversely affected by the consumption of such medication.

Any Employee refusing to cooperate with submitting to questioning, medical or physical testing or examinations, when requested by the Company or its designee, is in violation of this Company policy and subject to disciplinary action, including, but not limited to, immediate termination.

VII. Drug and Alcohol Testing Procedures

In order to achieve the objectives of this Policy, the Company asserts and reserves its legal right to test any and all Employees for the presence of Illegal Drugs, Alcohol or Other Such Substances in their system or for the use or abuse of Illegal Drugs, Alcohol or Other Such Substances. Employees may be asked to submit to a medical examination and/or to submit urine, saliva, breath and blood samples for testing for the presence of Illegal Drugs, Alcohol or Other Such Substances. Any information obtained through such examinations and/or testing may be retained by the Company and is the property of the Company. The Company reserves the right, in its discretion and within the limits of federal and state laws, to examine, screen and/or test for the presence of Illegal Drugs, Alcohol or Other Such Substances as stated herein in the following situations:

- 1.) **Pre-Hire Employment Testing** All job applicants or newly hired employees may be required to undergo screening for the presence of Illegal Drugs, Alcohol or Other Such Substances as a condition of beginning employment with the Company. Applicants will be required to voluntarily submit to a urinalysis test conducted by a laboratory designated by the Company and by signing a Consent Agreement(s) in connection with such testing will release the Company and said laboratory from liability in connection therewith. Any Applicant with a positive test result may be denied employment with the Company. The Company will not and cannot tolerate the current abuse of Illegal Drugs, Alcohol or Other Such Substances.
- 2.) **For Cause/Post-Accident or Incident Testing** If an accident or incident occurs involving an Employee while on Company Business or on Company Premises, no matter how minor or insignificant, the Company will require a drug and/or alcohol test. A drug and/or alcohol test may also be required after any situation where there has been a "near miss" incident or accident, even though no injury or property damage occurs. When there is reasonable cause to suspect that an Employee's behavior, performance, error in judgment, or unsafe actions are related to the use or abuse of Illegal Drugs, Alcohol or Other Such Substances, the Company may require that the Employee submit to a drug and/or alcohol test. Failure by an employee and/or his supervisor to report any accident or incident which meets the post-accident or post-incident testing criteria is in violation of this Company Policy and subject to disciplinary action which includes, without limitation, immediate termination. An Employee's testing positive may make him or her ineligible for workers' compensation benefits and/or unemployment compensation benefits.
- 3.) **Random Testing** All Employees and/or specified Employees are subject to routine random drug and/or alcohol testing in order to detect the use, abuse, or presence in an Employee's system of Illegal Drugs, Alcohol or Other Such Substances without any advance notice or prior warning.
- 4.) **Post-Treatment, Counseling, Rehabilitation or Return to Work Testing** Employees who return to work following a (1) medical leave of absence, (2) a work related injury, (3) drug, alcohol or substance abuse counseling or (4) rehabilitation may be subject to drug and/or alcohol testing upon return to work and for up to one year following the Employee's return to work. A positive test result will constitute grounds for immediate termination. It is a condition of reinstatement of employment with the Company for an Employee, upon completion of a drug and/or alcohol counseling program, or any other return-to-work established procedure, to submit to an alcohol and/or drug screening test.

VIII. Searches

In order to achieve the objective of the Company's Policy, the Company reserves the right at all times to search Employees who are entering and departing the Company Premises, conducting Company Business or when circumstances warrant or when reasonable suspicion or cause exists to have properly authorized supervisors or search personnel (including drug detection dogs) conduct unannounced reasonable searches and inspections. These searches may extend to other Company Premises as described above as well as to the Employee's personal effects. Employee personal property subject to inspection includes, but is not limited to, lockers, baggage, briefcases, boxes, bags, parcels, lunch-boxes or bags, food/beverage containers, desks, tools, clothing and vehicles. The purpose of said search is to determine if Employees or others on Company Premises, or conducting Company Business, are in possession of, using, abusing, transporting or concealing any Illegal Drugs, Alcohol or Other Such Substances, or other items prohibited by this policy. Searches may be initiated without prior notice or advanced warning and conducted at times and locations as deemed appropriate by the Company. Any Employee found to have Illegal Drugs, Alcohol or Other Such Substances in their possession, on their person or in their personal area (desks, car, and lunch container) will be subject to immediate termination or discharge. The Company reserves the right to conduct any search it deems appropriate as set forth in this Company Policy.

IX. Drug Testing Procedures

Drug and alcohol testing under this Company Policy will be performed by (SAMHSA-formerly NIDA) certified, professional laboratories that will collect urine, blood, breath and/or skin specimens at a qualified collection site or on Company Premises. All testing will be conducted in a professional and sanitary manner with due regard to the Employee's privacy, dignity and confidentiality. A secure written chain of custody process is implemented from the time of collection of the specimen until the specimen is disposed of or secured in frozen, long-term storage. All Employee specimens will be analyzed by such (SAMHSA-formerly NIDA) certified professional laboratories for the presence of Illegal Drugs, Alcohol or Other Such Substances.

All specimens will undergo an initial screening test. Any positive test result will be confirmed through a Gas Chromatography with Mass Spectrometry (GC/MS) test. Any positive test result from this latter test will be reviewed by a Medical Review Officer as defined by Louisiana Law and the Medical Review Officer must provide an opportunity for an interview with the Employee as part of the verification process prior to the positive test result being communicated back to the Company. This will ensure that positive test results are not due to authorized prescription, off-the-shelf or over-the-counter medications appropriately used or other factors which the Medical Review Officer feel justifies the presence of the drugs, alcohol or other such substances.

An Employee who is suspected of being under the influence of Illegal Drugs, Alcohol or Other Such Substances may, at the option of the Company, be suspended from work until the results of the drug and/or alcohol test are received and reviewed by the Company's Administrator. Employees who are tested under this Company Policy will have the right, upon request, to receive the results of his/her test. Employees whose tests are verified positive by the Medical Review Officer will be notified by either the Company, the certified laboratories conducting the testing/screening and/or the Medical Review Officer.

X. Alcohol Testing

Testing Employees for the presence of alcohol will initially be performed through the use of breath, skin and/or other alcohol detector tests. If an Employee tests positive for alcohol in such a test, such positive result may, if challenged by the Employee, be confirmed through the use of a breath analyzer or blood alcohol test. A breath analyzer or blood alcohol test result (or breath scan/comparable alcohol detector test which is not challenged) showing a concentration of 0.04% or greater shall be grounds for appropriate disciplinary action, including, without limitation, immediate discharge and/or termination.

XI. Consequences of a Positive Drug or Alcohol Test

- 1.) In the event of a confirmed positive test result for the presence, use or abuse of Illegal Drugs, Alcohol or Other Such Substances during a pre-employment drug or alcohol screening, the applicant will not be hired.
- 2.) In the event of a confirmed positive test result for the presence, use or abuse of Illegal Drugs, Alcohol or Other Such Substances for current Employees during a drug/alcohol screen provided for by this Company Policy, the Employee (1) may be immediately terminated and discharged, for cause, (2) may be reported to state and federal authorities and agencies and (3) may be denied workers' compensation benefits or unemployment compensation benefits.

By Signing Herein Below:

- 1. I expressly confirm that I have read and understood the Company's Policy;**
- 2. I Understand that participation in the Company's policy is a mandatory condition on my employment; and**
- 3. I further agree and expressly consent to all terms, conditions, mandates and prohibitions set forth in the Company's policy.**

Company Name: _____ Dieudonne Enterprises, Inc. _____

Applicant or Employee Name (**Print**): _____

Applicant Last Four of Social Security Number: _____

Applicant or Employee's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____