

The federal Drug-Free Workplace Act requires employers with government procurement contracts, purchase orders, or grants of \$25,000 or more to certify that their workplaces are drug-free. In addition, a number of states have laws requiring certain employers to maintain a drug-free workplace.

However, some employers voluntarily establish and promote substance abuse policies and drug-free awareness programs even when not required to do so by law. A drug and alcohol abuse policy effectively communicated to all employees can help to reduce the harmful effect of substance abuse in the workplace.

The following is a sample policy only. Therefore, to ensure compliance with the various federal and state laws affecting substance abuse, consultation with legal counsel is recommended regarding the implementation of a drug and alcohol abuse policy.

Drug-Free Workplace Policy

INTRODUCTION

In response to federal requirements for drug-free workplaces, and in keeping with ENI Mechanical's concern for the health and safety of its workforce, the following Drug-Free Workplace Policy has been instituted.

This policy certifies the company's intent to maintain a drug-free workplace. The first section describes the prohibitions of this policy such as the manufacture, distribution, sale, possession or use of a controlled substance in the workplace.

In addition, this policy creates a Drug Awareness Program that provides information on the dangers of workplace drug use to all employees as well as information about available private and community treatment facilities. The last section of this policy lists the disciplinary actions that employees will face for any violation of ENI Mechanical's Drug-Free Workplace Policy. Finally, an employee acknowledgement must be signed and dated by each employee who receives a copy of this policy.

The Drug-Free Workplace Act specifically requires ENI Mechanical, Inc. to notify each employee that, as a condition of employment, each employee must:

- Comply with the company's Drug-Free Workplace Policy; and
- Notify ENI Mechanical, Inc. of any conviction for a drug-related offense committed in the workplace within five (5) days of the conviction.

Any employee who violates this company policy will be subject to disciplinary action up to and including termination of employment.

PROHIBITIONS

ENI Mechanical, Inc.'s Drug-Free Workplace Policy prohibits employees from engaging in any of the following activities:

1. Use, possession, manufacture, distribution, dispensation or sale of illegal drugs on company premises or company business, in company supplied vehicles, or during working hours.
2. Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of a controlled substance on company premises or while on company business or while in company supplied vehicles.
3. Storing in a locker, desk, automobile or other repository on company premises any controlled substance whose use is unauthorized.
4. Being under the influence of a controlled substance on company premises or while on company business, or while in company supplied vehicles.
5. Any possession, use, manufacture, distribution, dispensation or sale of illegal drugs off company premises that adversely affects the individual's work performance, their own or the safety of others at work, or the company's regard or reputation in the community.
6. Failure to adhere to the requirements of any drug treatment or counseling program in which the employee is enrolled.
7. Failure to notify ENI Mechanical, Inc. of any conviction under criminal drug statutes for a workplace offense within five (5) days of the conviction.
8. Refusal to sign a statement to abide by ENI Mechanical, Inc.'s Drug-Free Workplace Policy.

AUTHORIZED USE OF PRESCRIPTION MEDICINE

An employee undergoing prescribed medical treatment with any drug which may alter their physical or mental ability must report this treatment to Andrew Leonard or Rob Macaulay who will determine whether a temporary change in the employee's job assignment is warranted during the period of treatment.

DRUG AWARENESS PROGRAM

To assist employees and their families to understand and avoid the perils of drug abuse, ENI Mechanical, Inc. has developed a comprehensive Drug Awareness Program. The company uses this program in an educational effort to prevent and eliminate drug abuse that may affect the workplace.

The Drug Awareness Program will inform employees about:

- dangers of drug abuse in the workplace,
- ENI Mechanical, Inc.'s Drug-Free Workplace Policy,
- availability of treatment and counseling for employees who voluntarily seek such assistance, and
- disciplinary actions for violations of ENI Mechanical, Inc.'s Drug-Free Workplace Policy.

Employees of ENI Mechanical, Inc. are our most valuable resource and, for that reason, their health and safety is our number one concern. Any drug use which imperils the health and well being of our employees or threatens our business will not be tolerated. The use of illegal drugs and abuse of other controlled substances on or off duty is inconsistent with the law abiding behavior expected of citizens. Employees who use illegal drugs or abuse other controlled substances on or off duty tend to be less productive, less reliable, and prone to greater absenteeism. This, in turn, can result in increased costs, delays and risks to ENI Mechanical, Inc.'s business.

Drug use in the workplace puts the health and safety of the abuser and all other workers around them at increased risk. Employees have the right to work in a drug-free environment. In addition, drug abuse inflicts a terrible toll on the nation's productive resources and the health and well-being of American workers.

Early recognition and treatment of drug abuse is important for successful rehabilitation. Whenever feasible, ENI Mechanical, Inc. will assist employees in overcoming drug abuse by providing information on treatment opportunities and programs. However, the decision to seek diagnosis and accept treatment for drug abuse is primarily the individual employee's responsibility.

Employees with drug abuse problems should request assistance from management. ENI Mechanical, Inc. will treat all such requests confidentially and will refer the employee to the appropriate treatment and counseling services. Employees who voluntarily request ENI Mechanical, Inc.'s assistance in dealing with a drug abuse problem may do so without jeopardizing their continued employment, provided they strictly adhere to the terms of their treatment and counseling program. At a minimum, these terms include the immediate cessation of any use of drugs, and participation, where required by a program, in periodic unannounced testing for a twenty-four (24) month period following enrollment in the program.

Voluntary requests for assistance from employees will not, however, prevent disciplinary action for violation of ENI Mechanical, Inc.'s Drug-Free Workplace Policy.

ENI Mechanical, Inc. has instituted a zero tolerance level program. ENI Mechanical, Inc. is committed to maintaining a safe workplace free from the influence of drugs. All employees are hereby notified that ENI Mechanical, Inc. will comply with the requirements of the Drug-Free Workplace Act of 1988, and all applicable regulations issued thereunder, as well as, when applicable, any more stringent rules created by other federal agencies.

ENI Mechanical, Inc.'s Drug Awareness Program does not create an employment contract between the employer and employee. Furthermore, ENI Mechanical, Inc. has the sole right to modify the policy and program at any time.

DISCIPLINARY ACTIONS

1. A violation of ENI Mechanical, Inc.'s Drug-Free Workplace Policy is subject to disciplinary action, up to and including termination of employment, at the company's sole discretion.
2. In addition to any disciplinary action, the company may, in its sole discretion, refer the employee to a treatment and counseling program for drug abuse. Employees referred to such a program by the company must immediately cease any drug use, may be subject to periodic unannounced testing for a period of twenty-four (24) months, and must comply with all other conditions of the treatment and counseling program. ENI Mechanical, Inc. shall determine whether an employee it has referred for drug treatment and counseling should be temporarily reassigned to another position for safety reasons.
3. ENI Mechanical, Inc. will promptly terminate any employee who tests positive for drugs while undergoing treatment and counseling for drug abuse.

NOTICE TO ALL PERSONNEL OF DISCIPLINARY POLICY

This is a formal notice of ENI Mechanical, Inc.'s intent to take disciplinary action, up to and including termination of employment, against any employee who violates ENI Mechanical, Inc.'s Drug-Free Workplace Policy.

ENI Mechanical, Inc.'s Drug-Free Workplace Policy prohibits the use, sale, distribution, manufacture or possession of all controlled substances as listed in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812).

Company policy also prohibits the performance of work or presence at any company building, facility, equipment or work area/site while under the influence of a controlled substance.

DISCIPLINARY ACTION

1st Offense Suspension for 5 working days without pay to immediate termination

2nd Offense Immediate termination

ENI MECHANICAL, INC.

Drug-Free Workplace Policy Employee Acknowledgement

Read and Sign Immediately

I acknowledge, understand, and/or agree that:

- I have received a copy of the Drug-Free Workplace Policy for Employees of ENI Mechanical, Inc..
- I have carefully and thoroughly read the Drug-Free Workplace Policy for Employees of ENI Mechanical, Inc..
- I understand the requirements of the Drug-Free Workplace Policy for Employees of ENI Mechanical, Inc. and agree, without reservation, to follow this policy.

Employee's Name Printed _____

Location/Department _____

Employee's Signature _____

Date Signed _____

Authorized Witness _____

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File Copy