Ozark Action, Inc.
Drug and Alcohol Policy
For
Drivers and Non-Driver Testing

“OAI is an Equal Opportunity Employer”
OAI Board Approved 7/26/2016
Table of Contents

Section I: Drug Testing: Drug and Alcohol Policy (all employees) Pages 1 – 7
Section II: Drug Testing: Drug and Alcohol Policy (for drivers) Pages 1 – 7
Section III: Consent to Drug and Alcohol Testing
Section I: Drug Testing: Drug and Alcohol Policy (all employees)

Pages 1 – 7
DRUG TESTING: DRUG AND ALCOHOL POLICY

Purpose

In compliance with the Drug-Free Workplace Act of 1988, Ozark Action, Inc. has a longstanding commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which the agency operates. Alcohol and drug abuse poses a threat to the health and safety of Ozark Action, Inc.’s employees and to the security of the agency’s equipment and facilities. For these reasons, Ozark Action, Inc. is committed to the elimination of drug and alcohol use and abuse in the workplace.

Scope

This policy outlines the practice and procedure designed to correct instances of identified alcohol and drug use in the workplace.

This policy applies to all employees and applicants for employment of Ozark Action, Inc. The human resource/corporate services (HR/CSD) department is responsible for policy administration.

Substance Abuse Awareness

Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the HR/CSD department, which has been trained to make referrals to assist employees with drug or alcohol problems.

Employee Assistance

Ozark Action, Inc. will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Ozark Action, Inc. policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests, or if they have violated this policy previously. Once a drug test has been scheduled, unless otherwise required by the Family Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be unavoidable.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their
doctors about the medications’ effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to Ozark Action, Inc. underlying medical conditions unless directed to do so.

Work Rules

1. Whenever employees are working, operating any Ozark Action, Inc. vehicle, are present on Ozark Action, Inc. premises or are conducting company-related work offsite, they are prohibited from:
   a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
   b. Being under the influence of alcohol or an illegal drug as defined in this policy.
   c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee’s body system, while performing company business or while in a company facility, is prohibited.
3. Ozark Action, Inc. will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication while at work must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

All applicants must pass a drug test before beginning work. A conditional job offer will be extended subject to the applicant taking and passing a drug test. If the applicant fails the test, the conditional offer will be revoked and the individual will not commence employment for the agency. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion

All employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. HR/CSD, the Corporate Services Director or Executive Director or should be consulted before sending an employee for reasonable suspicion testing. All persons making this decision must document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. If the observation indicates further action is justified, the manager or supervisor should confront the employee and inquire about whether the employee is under the influence of drugs or alcohol. Under no
circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

Random

All employees are subject to random testing at any time, pursuant to a method implemented by the Agency to select employees for testing on a random basis. Employees who are selected for testing must immediately proceed to the collection center. Any refusal, failure or material delay in proceeding to the collection site will be grounds for immediate discipline up to and including discharge from employment, and may be deemed to be the equivalent of a positive test result. The Agency may increase or decrease the percentage or number of employees’ subject to random testing each year.

Post-accident

All employees are subject to testing when they cause or contribute to accidents that seriously damage an Ozark Action, Inc. vehicle, machinery, equipment or property or result in an injury to themselves or another. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including an Ozark Action, Inc. forklift, pickup truck, bus or other motorized equipment) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place promptly following the accident. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Follow-up

All employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and employee’s work history/record, Ozark Action, Inc. may (but shall not be required to) offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by Ozark Action, Inc., for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

Collection and Testing Procedures

All sample collection, testing and reporting of drug and alcohol test results shall be conducted and performed in accordance with the Guidelines of the Substance Abuse and
Mental Health Services Administration (SAMHSA) at 73 Federal Register 71858 (Nov. 25, 2008), as amended.

Employees subject to alcohol testing should be driven to an Ozark Action, Inc. designated facility and directed to provide breath or blood specimens. Breath specimens should be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee’s breath alcohol concentration is .04 or more, a second breath specimen should be tested approximately 20 minutes later. The results of the second test should be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the Agencies discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the Agency as work rule violations.

Applicants and employees subject to drug testing should be driven to an Ozark Action, Inc. designated medical facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory should screen all specimens and confirm all positive screens. There must be chain of custody from the time specimens are collected through testing and storage.

The laboratory should transmit all positive drug test results to a medical review officer (MRO) retained by Ozark Action, Inc., who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant’s or employee’s own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or appliance will be treated as passing the test. In no event should a positive test result be communicated to Ozark Action, Inc. until such time that the MRO has confirmed the test to be positive.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.
Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervision, and HR/CSD.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

Ozark Action, Inc. reserves the right to inspect all portions of its premises for drugs, alcohol and other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

Ozark Action, Inc. prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Ozark Action, Inc. employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

Ozark Action, Inc. does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Ozark Action, Inc. reserves the right to take appropriate disciplinary action for drug use, sale or distribution, while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR/CSD within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with Ozark Action, Inc.
Definitions

"Agency premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Ozark Action, Inc. or on any site on which the agency is conducting business.

"Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

Reasonable Suspicion and Post-Accident Testing Protocol

1. The employee will be advised that Ozark Action, Inc. believes that there is a reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported any one of the company’s contracted testing facilities (e.g., health services, prompt care or the emergency department). One member of management or a designated attendant will accompany the employee. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.
3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from Ozark Action, Inc. will be arriving and will need a drug or alcohol test completed.
4. The employee should be provided water to drink prior to leaving the agency premises.
5. The employee to be tested must present a photo ID (i.e. a driver’s license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure
that the employee brings the photo ID with him or her when leaving Ozark Action, Inc. premises.

6. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the “Consequences” section of this document.

7. An Ozark Action, Inc. representative must sign as a witness to the collection procedure along with the tested employee.

8. After returning to the agency or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will an employee that test positive be allowed to drive himself or herself home.

**Enforcement**

The HR/CSD department is responsible for policy interpretation, administration and enforcement.
Section II: Drug Testing: Drug and Alcohol Policy (for drivers)

Pages 1 - 7
Ozark Action, Inc.
Substance Abuse Policy

DRUG TESTING: DRUG AND ALCOHOL POLICY for Drivers

Purpose

Ozark Action, Inc. Substance Abuse Policy is established to comply with the United States Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) regulations, specially 49 C.F.R. Parts 40, 382 and 392 as amended from time to time to maintain a safe, healthful and efficient working environment for our employees, to protect citizens and citizens property, equipment and operations, and to protect the motoring public from illegal drugs or drugs taken for non-medical purposes.

The DOT requires an employer conduct drug and alcohol testing of its drivers at the times and under the conditions described in this policy. The regulations apply to every person who operates a commercial motor vehicle (CMV) in interstate, foreign, or intrastate commerce and to all employers of such persons in all states. It is the intention and the policy of Ozark Action, Inc. to comply fully with these regulations, as they are promulgated and amended from time to time. Ozark Action, Inc. reserves the right to apply all amended or revised requirements of these regulations immediately without giving prior notice to the affected employees unless DOT regulations or law requires such notice.

The use and effects of controlled substances and alcohol pose very serious problems. Not only can the use and/or abuse of drugs or alcohol jeopardize the health, safety, and well-being of the individual user and all of our employees, it can also endanger the safety of the public, jeopardize the safety of our roads and highways, and cause serious accidents and casualties. In view of these problems, Ozark Action, Inc. wants to state unequivocally its policy to detect and to deter the use of drugs and alcohol in our transportation and work environment, either through testing, cessation of use, or termination of employment. Our policy is as follows:

Application
The Policy applies to all employees required to maintain a Commercial Driver's License (CDL) and who are subject to federal regulations regarding drug and alcohol testing.

For purposes of this Policy:

1. "Driver" means an employee who is required by Ozark Action, Inc. to operate a CMV which requires the employee to possess and maintain a CDL.

2. "On-Premises" includes but is not limited to all property, whether owned or leased or in any way used by Ozark Action, Inc. This policy also includes any
other locations or modes of work or transportation to and from those locations while in the course and scope of employment.

3. “Prohibited substances” has the meaning defined by federal regulations, 21 U.S.C. section 802 and includes all substances listed Schedule I (21 C.F.R. Part 1308) or identified in Appendix D of the Federal Motor Carrier Safety Regulations; an amphetamine or any formulation thereof, a narcotic drug or any derivative thereof; and any other substance which renders an employee incapable of safely operating a motor vehicle.

4. “Under the influence” of any prohibited substance (illegal drug) means any detectable level of a prohibited substance in an employee’s system above the NIDA cut-off levels.

5. “Under the influence” of alcohol means a blood alcohol level of .04% or greater. A positive alcohol test means a blood alcohol level of .02% or greater.

6. “Reasonable Suspicion” is the observance of aberrant or unusual on-duty behavior of an individual employee which:

   a. Is observed on-duty by the employee’s immediate supervisor or higher ranking employee and confirmed by the observation of another supervisory employee, managerial employee or guard trained to recognize the symptoms of drug abuse, impairment or intoxication (which observations shall be documented by the observers); and
   b. Is the type of behavior which is a recognized and accepted symptom of intoxication or impairment caused by controlled substances or alcohol or addiction to or dependence upon said controlled substances; and
   c. Is no reasonably explained as resulting from causes other than the use of controlled substances (such as, but not by way of limitation, fatigue, lack of sleep, side effect of prescription or over-the-counter medications, reaction to noxious fumes or smoke, etc.)

Reports of drug use or aberrant behavior which are not confirmed by supervisory observations shall not constitute reasonable suspicion.

7. “Reportable accident” means an accident involving death, or where the driver of the vehicle was issued a moving traffic violation as a result of the accident.

PROHIBITIONS
The Policy prohibits the:

1. Use, possession or being under the influence of a prohibited substance while on duty, property or worksite or operating or in physical control of Ozark Action, Inc. vehicles or equipment.
2. Consuming or being under the influence of an intoxicating beverage, regardless of its alcohol content, within four (4) hours of reporting for work and/or operating or having physical control of an agency vehicle.

3. Possessing, consuming or being under the influence of an intoxicating beverage, regardless of its alcohol content while on duty, property or worksite or operating or in physical control of Ozark Action, Inc. vehicles or equipment.

4. Refusing to sign consent or release forms authorizing the collection of a specimen, analysis of the specimen for designated prohibited substances, and release of the results to Ozark Action, Inc. when required by this policy.

IMPLEMENTATION AND ENFORCEMENT OF POLICY
The following procedures will be employed to assure compliance with this Policy.

1. Testing—Employees and applicants for employment are required to submit to drug and/or alcohol testing under any of the following circumstances:

   a. For persons being considered for employment with Ozark Action, Inc. If an applicant for employment fails, the pre-employment drug and/or alcohol test the applicant will not be offered employment with the agency or under one of the agency employment programs.

   b. When Ozark Action, Inc. has reasonable suspicion to believe that an employee is under the influence of alcohol or a prohibited substance while on duty.

   c. If an employee is transferred or promoted to a position which requires possession of a Commercial Driver’s License.

   d. If an employee is selected for random testing.

   e. Prior to an employee returning to duty following a confirmed positive drug and/or alcohol test or if the employee refuses a test or violates other provisions of Ozark Action, Inc. testing regulations.

      If an employee has a confirmed positive drug and/or alcohol test the employee shall submit to random drug and alcohol testing for a period of time specified by the substance abuse counselor and the Medical Review Officier (MRO) and pursuant to Federal Regulations. The employee is responsible for the cost of such drug and/or alcohol testing;

   f. For employees involved in a “reportable accident” while on duty.

2. Post-Accident Testing—As soon as possible but not later than eight (8) hours following a DOT “reportable accident” if the driver receives a citation for a moving traffic violation arising from the accident. If the eight (8) hour time limit is exceeded, the collection of an alcohol specimen is suspended; the drug
specimen will be collected as soon as possible not to exceed thirty-two (32) hours after the accident. The driver is solely responsible for assuring Ozark Action, Inc. that the required specimen is provided as soon as possible.

3. **Use of Alcohol Following An Accident**—No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident test, whichever occurs first.

4. **Employee Privacy**—Testing will be conducted with concern for the personal privacy of each employee. Results of urine and blood tests performed hereunder will be considered medical records and held confidential to the extent permitted by law. Tests shall only be performed for substances subject to Federal Regulations including alcohol, marijuana (THC), cocaine, opiates, amphetamines (including methamphetamines), and phencyclidine (PCP) and the laboratory shall only report on the presence or absence of these substances. Tests for other drugs shall not be performed and, if such tests are performed, the results of such other tests shall not be reported to Ozark Action, Inc.

5. **Testing Procedure**—All tests will be conducted in accordance with applicable regulations published by the Department of Transportation in a manner allowing individual privacy unless there is a reason to believe that a particular individual may/or has altered or substituted the specimen provided. All tests will be collected at designated collection sites under the supervision of trained collectors and as follows:

   a. If an employee is tested at a location other than on premises, such urine and blood specimens shall be drawn or collected at the laboratory, hospital or medical facility at which the specimen is to be tested or prepared for testing. No employee shall have blood drawn unless under direct order of a law enforcement agency. The employee shall not be observed when the urine specimen is given.

   b. The testing shall be done by a laboratory certified as a medical and forensic laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories Engages in Urine Drug Testing for Federal Agencies issued by the Alcohol, Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services.

6. **Availability of Test Results**—The results of any drug test and records connected with the testing procedure will be made available to the individual tested upon written request. The results of the tests themselves are reviewed by a licensed physician who has the knowledge of substance abuse disorders. If the tests are positive the individual tested will be advised of the results and the type of drug or drugs discovered. The individual tested will be given the
opportunity to discuss the test results with the licensed physician prior to the
time the test results are made available to Ozark Action, Inc. After
notification of the MRO’s final positive determination, the employee has
seventy-two (72) hours to request a test of the “split specimen at another
DHHS certified laboratory.

The documentation of results of the test will not be made available to other
parties except upon the written request of the individual, or when an
applicable DOT regulation requires such disclosure, or if in the MRO’s
reasonable judgment, the information could result in the employee being
medically unqualified to perform their duties, or if the information would
cause a safety risk.

7. Retesting of Original Split Specimen—The employee may request of the
MRO in writing, to have the “split specimen” of a positive test retested at
another DHHS certified laboratory selected by the employee. The employee
will be required to pay for the retest in advance, and a check must accompany
the written request.

Should the results of such retest be negative, Ozark Action, Inc. shall
reimburse the employee for all costs related to such retesting of the “split
specimen”. Further, the employee shall not suffer any discipline as a result of
the initial positive test and will be made whole for any lost time or benefits
suffered as a result of preliminary actions taken by Ozark Action, Inc. based
on the initial positive test results.

8. Voluntary Disclosure—Employees who seek voluntary assistance for alcohol
and substance abuse may not be disciplined for seeking such assistance.
Requests from employees for such assistance shall remain confidential and
shall not be revealed to other employees or management personnel without the
employee’s consent. Employees enrolled in substance abuse programs shall
be subject to all employer rules, regulations and job performance standards
with the understanding that an employee enrolled in such a program is
receiving treatment for an illness.

PRESCRIPTION AND NON-PRESCRIPTION MEDICINE
Before any drug test is administered, the employee or prospective employee may note the
use of any prescription or non-prescription medications. The laboratory procedures will
report the significant presence of all prescription and non-prescription drugs.

Any employee using a medication which their physician has advised the employee the
use of such medication may affect the employee’s ability to safely operate a motor
vehicle, or the employee’s ability to otherwise perform the duties of their position, shall
promptly notify Ozark Action, Inc. that they are currently using such medication.

CONSEQUENCES FOR VIOLATION OF THIS POLICY
1. Driver disqualification penalties under the Department of Transportation regulations include but are not limited to:

   a. Drivers shall not be permitted to perform safety-sensitive functions.
   b. Drivers will be advised by Ozark Action, Inc. of resources available to them in evaluating and resolving problems associated with misuse of alcohol or controlled substances.
   c. Drivers will be evaluated by a substance abuse professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use.
   d. Before a driver returns to duty requiring performance of a safety sensitive function he/she shall undergo a return to duty alcohol test with a result indicating a breath alcohol level of less than .02% if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
   e. In addition, each driver identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a SAP to determine the driver has followed the rehabilitation program prescribed.
   f. The driver shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.
   g. A person who refuses to be tested or does not cooperate fully with the collection site personnel shall be treated as having a positive test result and, therefore, medically unqualified to perform his or her normal work tasks.
   h. Failure to give a urine and breath sample when the employee is involved in a fatal accident will result in disqualification for one (1) year.
   i. A driver who tests positive for use of a controlled substance or alcohol when the driver has been involved in a fatal accident shall be disqualified for one (1) year.
   j. Any driver who tests positive for alcohol between .02% - .039% will be required to stand down from driving a commercial motor vehicle for twenty-four (24) hours.

2. In addition to the penalties mandated by the Department of Transportation, if an employee tests positive (.02% - .039%) for alcohol, the following are minimum disciplinary steps that shall be taken:

   First Offense:
   Twenty-four (24) hour stand down, referenced above shall be considered a one-day disciplinary suspension without pay. Ozark Action, Inc. may impose more severe discipline as it deems appropriate for the circumstances.

   Subsequent Offenses:
   Employee is subject to discipline up to and including immediate discharge.
3. If an employee test positive for illegal drugs, and/or controlled substances or is under the influence (.04% or greater) of alcohol, the following are minimum disciplinary steps that shall be taken:

First Offense:
Employee is subject to discipline up to and including immediate discharge.

Second Offense:
Immediate Discharge.

ASSISTANCE TO EMPLOYEE IN UNDERSTANDING ALCOHOL OR DRUG ABUSE
Ozark Action, Inc. will make informational materials available to assist employees in understanding the effects and consequences of alcohol and drug use and abuse and materials that explain the United States Department of Transportation requirements related to drug and alcohol testing.

EMPLOYEE ASSISTANCE PROGRAM
Ozark Action, Inc. encourages all of its employees to seek appropriate help when dealing with drug and alcohol related problems that may be affecting the employee’s work and/or personal lives. Ozark Action, Inc. will provide employees with information about community resources that are available to assist employees in dealing with drug and alcohol related problems.

CONDITIONS OF EMPLOYMENT
Compliance with the Policy is a condition of employment. Employees who violate the Policy are subject to discipline up to and including discharge.

Questions regarding this policy should be directed to the HR/Corporate Services Department.
Section III: Consent to Drug and Alcohol Testing
CONSENT TO DRUG AND ALCOHOL TESTING

I, __________________, acknowledge receipt of Ozark Action, Inc.’s Drug and Alcohol Testing Policy. I understand that I am subject to drug and alcohol testing under this policy as an applicant for employment; when Ozark Action has reasonable suspicion to believe that I am in violation of the Policy; following certain accidents; on a random basis; on a follow up/return to duty basis and when I transfer to a position requiring a commercial driver’s license (CDL). The circumstances when testing will be performed are described in the Policy.

I hereby consent to the drug and alcohol testing as described in the Policy. I release and discharge Ozark Action, and its officers and employees, from any claims or liabilities in connection with the collection of samples, testing and disciplinary action based on the test results, and from any search or investigation arising from a suspected violation of this Policy.

I understand that if I test positive for drugs or alcohol in violation of the Policy, I will be subject to disciplinary action, and if I am an applicant that I will be disqualified from employment with Ozark Action.

I understand that I am employed at will. I have the right to leave employment with Ozark Action at any time and for any reason, and Ozark Action has the right to terminate my employment at any time and for any reason. Neither this Consent, nor the Policy, alters my status as an at will employee.

__________________________  _________________________  
Employee/Applicant          Date

__________________________  _________________________  
HR/CSD Administrator        Date