	Neon Energy
	2.1
	Alcohol Misuse and Drug Abuse Policy

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Regulatory References

49 CFR Part 40

I. Company Policy Statement

- A. Neon Energy is committed to a safe, healthy and productive workplace for all employees. The company recognizes that alcohol, drug or other substance abuse by employees will impair their ability to perform properly and would have serious adverse effects on the safety, efficiency and productivity of other employees and the company as a whole.
- B. The misuse of legitimate drugs, or the use, possession, distribution, purchase or sale of illegal or unprescribed controlled drugs, during company business time or on company premises, is strictly prohibited and is grounds for termination. Possession, use, distribution or sale of alcoholic beverages on company premises is not allowed without prior approval of appropriate senior management.
- C. Being unfit for work because of the use of drugs or alcohol is strictly prohibited and is grounds for termination from employment. While this policy refers specifically to drugs and alcohol, it is intended to apply to inhalants and all other forms of substance.
- D. Refusing consent to testing or refusing to submit a designated sample for testing when required by a provision of this policy is prohibited and is grounds for termination of employment.
- E. **Neon Energy Drug and Alcohol Testing Policy will be in effect starting June 15, 2008.** Company employees will be subject to testing for the following reasons:
 - a. Pre-Employment
 - b. Post Accident
 - c. Reasonable Suspicion
- F. The Company has reserved the right to:
 - a. Search and/or screen employees before entering upon Company premises, engaging in Company business or operating equipment owned or under contract to the Company.
 - b. Conduct or require a drug or alcohol screen for reasonable cause on any person on Company premises or engaged in Company business.
 - c. Conduct or require a drug or alcohol screen post accident on any person involved in, or who may have contributed to, an incident on Company premises or engaged in Company business.

II. Program Administrator

- A. The Designated Employer Representative (DER) for the drug and alcohol program is Greg Wagner or his designee. The DER is authorized by Neon Energy to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and



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evaluation processes. The DER also receives test results and other communications for the employer.

- B. The Consortium/Third-party administrator (C/TPA) is MedWorks, 350 Posada Lane, Templeton, CA. The C/TPA provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs.

III. Employee Responsibility

- A. In order to fully protect employees, the policy also makes it the employee's responsibility to inform their supervisor immediately if they are taking any medication. This would include any prescribed medication or over the counter medication, which could interfere with the safe performance of their job duties or create a "false positive" during random drug and alcohol testing.
- B. All employees are personally responsible for complying with this policy for their own safety, the safety of others and the protection of the Company's property. Any questions regarding this policy should be referred to your supervisor.
- C. All employees are encouraged to take an active role in keeping drug and alcohol abuse from intruding into their work environment. Passively accepting drug or alcohol abuse by coworkers is irresponsible. Support of this policy will increase the health and safety of our workplace and ensure that the employees who need help receive it.
- D. Violation of this policy by any person will be cause for disciplinary action up to and including termination. Testing positive for drugs or alcohol or refusing to submit to required screening will be considered violations.

IV. Testing Pool

- A. The following employees are subject to testing for drugs and alcohol:
 - 1. All Field Operations employees
 - 2. All Other Company employees

Note: - the Board of Directors is not covered by this policy. However, if they were to be called upon to assist in an emergency they may be subject to drug and alcohol testing.

V. Drug and Alcohol Abuse Testing Definitions

- A. Pre-employment Tests - Employers who conduct pre-employment tests make offers of employment contingent on a negative drug test result. Pre-employment tests clearly decrease the chance of hiring a current substance abuser and they also have a strong "sentinel effect" in that such tests may discourage current users from seeking employment in workplaces where pre-employment tests are done.
- B. Reasonable Suspicion Tests - Employers who test on the basis of a reasonable suspicion that an employee is abusing substances typically rely on such evidence as direct observation of use or possession, physical symptoms of being under the influence,



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patterns of abnormal or erratic behavior, or arrests or convictions for drug-related offenses.

- C. Post-accident / Post Injury Tests - Employees involved in accidents or injuries will take a drug and alcohol test directly after an incident to determine if alcohol or drug use was a factor. Even if the accident does not appear to be drug or alcohol related, these tests may be necessary for legal or insurance purposes.

VI. Test Results

Neon Energy will periodically review and modify this policy as appropriate.


- A. Pre-employment Testing – Individuals testing positive for illegal drugs will not be extended an offer of employment.
- B. Reasonable Suspicion Testing- Employees testing positive for either illegal drugs or alcohol will face disciplinary actions up to and including termination.
- C. Post Accident/Post Injury Testing – Employees testing positive for either illegal drugs or alcohol will face disciplinary actions up to and including termination.

VII. Testing Procedure

- A. Employees will follow testing procedures as established by standard Non-DOT testing methods.
- B. A Medical Review Officer will be used to ensure the integrity of the drug test result and to communicate the employee any positive test results and follow-up protocol.
- C. Certified laboratories will be used for all test samples.

VIII. Rehabilitation of Employees

- A. Rehabilitation of employees involved in drug or alcohol abuse is at the time and expense of the abusing employee.
- B. Neon Energy does not hold their position nor guarantee employment after completion of rehabilitation.

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IX. Statement of Receipt of Policy

I, _____ have received a copy of the Neon Energy Alcohol Misuse and Drug Abuse Testing Policy and have read and understood it.

(Signature)

(Date)