

HVAC, Inc. Drug and Alcohol Policy

Effective October 1, 2000

(Revised April 2019)

HVAC, INC.

DRUG AND ALCOHOL TESTING POLICY

1.0 PURPOSE

HVAC, Inc. recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of HVAC to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency.

In order to provide a safe, healthy, productive, and drug-free working environment for its employees, HVAC has adopted this drug and alcohol testing policy effective December 1, 2000. This policy complies with the Drug-Free Workplace Act of 1988, and the Tennessee Drug-Free Workplace Act (T.C.A. 50-9-100, et seq.), as enacted by the Tennessee Workers Compensation Reform Act of 1996, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs.

The types of test required are: pre-employment, reasonable suspicion, post-accident/incident, return-to-duty, and random.

It is the policy of HVAC, Inc. that the use of drugs by employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action including termination of employment. Prohibited and/or illegal conduct includes, but is not limited to:

- Being on duty or performing work in or on HVAC, Inc. property or job sites while under the influence of drugs and/or alcohol;
- Engaging in the manufacture, sale, distribution, use or unauthorized possession of (illegal) drugs anytime and of alcohol while on duty or while in or on HVAC, Inc. property or job sites;
- Refusing or failing a drug and/or alcohol test administered under this policy;
- Providing an adulterated, altered, or substituted specimen for testing, and
- Use of alcohol or drugs within eight hours following an accident/incident if the employee's involvement has not been discounted as a contributing factor in the accident/incident or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties.

In order to educate the employees about the dangers of drug and/or alcohol abuse, HVAC shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, world and personal life; the HVAC policy regarding drugs and/or alcohol; and the availability of counseling. The Human Resource Manager, or his/her designee, has been designated to be responsible for answering questions regarding this policy and its implementation.

2.0 SCOPE

This policy shall apply to all HVAC, Inc. employees. The policy also applies to applicants for positions with HVAC, Inc.

3.0 CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), and Human Resource Manager, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of HVAC's drug and alcohol testing policy.

The consent form shall set forth the following information:

1. the consequences of a positive test result; and
2. the consequences of refusing to undergo a drug and/or alcohol test.

In the event an employee is seriously injured, cannot walk or think coherently, the consent form also provides authorization for certifies or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

See Appendix A for the HVAC, Inc. consent form.

4.0 COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own is adulterated shall be grounds for refusal to hire or for termination.

5.0 GENERAL RULES

The following general rules shall govern HVAC Inc.'s drug and alcohol testing program.

5.1 HVAC, Inc. personnel shall not take or be under the influence of any drugs unless prescribed by the employee's license physician. Employees who are required to take prescription medications that may affect their ability to perform essential job functions shall notify the proper supervisory personnel before he/she goes on duty. In addition, legally prescribed medications must be in a bottle with the employee's name on it, and the pharmacy dispensing date not over one year prior to the current date while on duty.

5.2 HVAC, Inc. employees are prohibited from engaging in the manufacture, sale, distribution, use or unauthorized possession of illegal drugs at any time, and alcohol, while on duty or while in or on HVAC property or jobsites.

5.3 All HVAC, Inc. property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. HVAC property includes, but is not limited to, company vehicles, desks, containers, files, lockers, and job sites.

5.4 An employee convicted of violating any criminal drug statute or felony alcohol statute shall inform the Human Resource Manager of such conviction (including pleas of guilty and *nolo contendere*). Any conviction of HVAC, Inc. personnel subjects the employee to disciplinary action up to and including termination for the first offense.

5.5 Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternatives - depending on the determination of the observed impairment - and accompanied by the supervisor or another employee if necessary. A drug or

alcohol test may be in order. An impaired employee will not be allowed to drive.

5.6 The confidentiality of any information received by HVAC, Inc. through a substance abuse testing program shall be maintained, except as otherwise provided by law.

6.0 DRUG TESTING

An applicant or employee must carry a current and recent photo ID for presentation to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under five separate conditions.

6.1 TYPES OF TESTS

6.1.1 Pre-employment

All applicants for employment who have received a conditional offer of employment from HVAC, Inc., must take a drug test before receiving a final offer of employment. Applicants are required to sign a Consent/Release Form before submitting to testing. Applicants will be disqualified for hire if they test positive, refuse to submit to a test or refuse to execute the required Consent/Release Form.

6.1.2 Post-Accident/Incident Testing

Post-accident/incident testing shall be required following any workplace accident/incident determined by the Human Resource Manager, or his/her designee, to have resulted in significant property or environmental damage or in personal injury. Each employee whose performance either contributed to the accident/incident or cannot be discounted as a contributing factor to the accident/incident shall be tested.

Post-accident/incident testing shall be carried out within 32 hours following the accident/incident. HVAC reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances in addition to those listed in Section 6.2.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

6.1.2.1 Post-Accident/Incident Testing for Employees Requiring Routine Medical Treatment

Following all workplace accidents/incidents when drug testing is to be performed, affected employees who can walk or think coherently will be taken by a supervisor or designated personnel of HVAC to the urine specimen collections site within 32 hours following the accident. No employee shall consume illegal drugs prior to completing the post-accident/incident testing procedures.

No employees shall delay his/her appearance at the designated collection site(s) for post-accident/incident testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of HVAC, Inc. and shall result in administrative action up to and including termination of employment.

6.1.2.2 Post-Accident/Incident Testing for Injured Employees

An affected employee who is seriously injured, cannot walk or think coherently, and/or under professional medical care following an accident/incident shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of HVAC appropriate and necessary information or records that would indicate whether or not specified

prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of HVAC, Inc., and hiring following the implementation date.

Post-accident/incident urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certifies or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident/incident testing within 32 hours must be fully documented by the attending medical personnel.

6.1.3 Testing Based on Reasonable Suspicion

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs.

"Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of HVAC's drug and alcohol testing policy drawn from specific objectives and articulate facts and reasonable inferences drawn from those facts in light of experience. Among other things, such acts and inferences may be based upon, but not limited to, the following:

6.1.3.1 Observable phenomena at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance;

6.1.3.2 Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

6.1.3.3 A report of substance abuse provided by a reliable and credible source;

6.1.3.4 Evidence that an individual has tampered with any substance abuse test during his or her employment with HVAC;

6.1.3.5 Information that an employee has caused or contributed to an accident while at work; or

6.1.3.6 Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on HVAC's premises or while operating HVAC's vehicle, machinery, or equipment.

Management personnel of HVAC Inc. making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Human Resources Manager within 24 hours of the possible test. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

6.1.4 Return-to-Duty and Follow-Up

6.1.4.1 Any employee of HVAC, Inc. who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Employees returning from an employee assistance program or a drug or alcohol rehabilitation program will be required to take a follow-up drug or alcohol test. This follow-up test will be administered to the returning employee at least once a year for a two-year period after the completion of the employee assistance program or rehabilitation program.

6.1.4.2 Testing will also be performed on any employee returning from leave or special assignment in excess of six months.

6.1.5 Random Testing

HVAC will conduct random unannounced testing of all our employees. HVAC will administer tests of employees in a number equal to or greater than 50 percent of the work force, without advance notice, in

the first 12 months of testing. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule. Subsequent testing will be conducted at levels equal to or greater than the initial testing level.

The random selection process will be determined with a random number generator by the Substance Abuse Committee. The list of employees in the random pool will be updated on a monthly basis. Employees will be notified in writing (see Appendix B) and required to report to HVAC's designated collections site for testing as soon as possible, but in no case shall it be later than 24 hours following notification.

Annually, random testing shall be spread reasonably over the 12-month period.

6.2 PROHIBITED DRUGS

All suspected drug results will be reported to the medical review officer (MRO). If verified by the MRO through additional testing, they will be reported to the Human Resources Manager. The following is a list of drugs (per the Federal Department of Transportation Guidelines) for which tests will be routinely conducted (see Appendix C for cutoff levels):

- Amphetamine
- Cannabinoids
- Cocaine
- Opiates
- Phencyclidine
- Barbituates
- Benzodiazepines
- Methadone
- Propoxyphene
- Alcohol

6.3 DRUG TESTING COLLECTION PROCEDURES

HVAC, Inc. reserves the right to utilize blood, hair, breath, saliva or urinalysis testing procedures. Only urinalysis will be utilized in pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

6.3.1 Collection Sites

HVAC, Inc. shall designate collection sites where individuals may provide specimens. The primary collection site will be:

Occupational Health Services
1230 Volunteer Parkway
Bristol, TN 37620

For out of state job sites, the Substance Abuse Committee shall determine an approved collection site near the job location.

6.3.2 Collection Process

HVAC, Inc., the collection site, and the laboratory shall develop and maintain a documented procedure for collecting, shipping, and accessing urine specimens. HVAC, the collection site, and the laboratory will utilize a standard urine custody and control form for all employee testing. A tamper-proof sealing system, identifying numbers, labels and sealed shipping containers shall also be used.

All employees shall also be required to execute a separate HVAC, Inc. consent prior to testing.

6.4 DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal

Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA), or College of American Pathologists-Forensic Urine Drug Testing (CAP-FUDT)(see Appendix D).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified. The MRO will notify the human resources manager of a positive test result only after the employee has had the opportunity to contest or explain the result to the MRO and the MRO determines that the explanation or challenge is unsatisfactory.

6.5 REPORTING AND REVIEWING

Post accident/incident testing, testing based on reasonable suspicion, and return-to-duty and follow-up testing shall result in the employee's removal from duty without pay for the duration pending test results.

HVAC, Inc. shall designate a medical review officer (MRO) to receive, report, and file-testing information transmitted by the laboratory. This person shall be licensed physician with knowledge of substance abuse disorders (see Appendix D).

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the HVAC.
2. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the Human Resources Manager and the employee.
4. Neither HVAC, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident/incident investigations, requested by court order, or required to be released to parties (i.e., the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the corporate attorney.
5. Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the MRO within five (5) working days after receiving written notification of the test results from the MRO; if an employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to HVAC; a person may contest a drug test result pursuant to the rules adopted by the Tennessee Department of Labor.

7.0 ALCOHOL TESTING

Employees may be required to submit to alcohol testing under three separate conditions:

7.1 TYPES OF TESTS

7.1.1 Post-Accident/Incident Testing

Post-accident/incident testing shall be required following any workplace accident/incident determined by the Human Resource Manager, or his/her designee, to have resulted in significant property or environmental damage or in personal injury. Each employee whose performance either contributed to the accident/incident or cannot be discounted as a contributing factor to the accident/incident shall be tested. Post-accident/incident testing shall be carried out within two (2) hours following the accident/incident.

7.1.1.1 Post-Accident/Incident Testing for Employees Requiring Routine Medical Treatment

Following all workplace accidents/incidents in which alcohol testing is required, affected employees who can walk or think coherently will be taken by a supervisor or designated personnel of HVAC to the designated alcohol test site for an alcohol test within two hours

following the accident. In the event of an accident/incident occurring after regular work hours, the employee(s) will be taken to the testing site within two hours. No employee shall consume alcohol prior to completing the post-accident/incident testing procedures.

No employees shall delay his/her appearance at the designated collection site(s) for post-accident/incident testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of HVAC, Inc. and shall result in administrative action up to and including termination of employment.

7.1.1.2 Post-Accident/Incident Testing for Injured Employees

An affected employee who is seriously injured, cannot walk or think coherently, and/or under professional medical care following an accident/incident shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel at the treatment facility, and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of HVAC appropriate and necessary information or records that would indicate whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of HVAC, Inc., or upon hiring following the implementation date.

Post-accident/incident alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident/incident testing within two hours must be fully documented by the attending medical personnel.

7.1.2 Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

"Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of HVAC's drug and alcohol testing policy drawn from specific objectives and articulate facts and reasonable inferences drawn from those facts in light of experience. Among other things, such acts and inferences may be based upon, but not limited to, the following:

- 7.1.2.1 Observable phenomena at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance;
- 7.1.2.2 Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- 7.1.2.3 A report of substance abuse provided by a reliable and credible source;
- 7.1.2.4 Evidence that an individual has tampered with any substance abuse test during his or her employment with HVAC;
- 7.1.2.5 Information that an employee has caused or contributed to an accident while at work; or
- 7.1.2.6 Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on HVAC's premises or while operating HVAC's vehicle, machinery, or equipment.

Management personnel of HVAC Inc. making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Human Resources Manager within 24 hours of the possible test.

7.1.3 Return-to-Duty and Follow-Up

- 7.1.3.1 Any employee of HVAC who has violated the prohibited alcohol conduct standards must

submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

7.1.3.2 Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation the employee will not be required to pay for the testing.

7.1.3.1 Employees returning from an employee assistance program or a drug or alcohol rehabilitation program will be required to take a follow-up drug or alcohol test. This follow-up test will be administered to the returning employee at least once a year for a two-year period after the completion of the employee assistance program or rehabilitation program.

7.2 ALCOHOL TESTING PROCEDURES

HVAC, Inc. reserves the right to utilize blood or breathe testing procedures. Testing shall be performed at a testing site in accordance with Section 6.3.1 of this policy. Employees must carry a current and recent photo ID for presentation to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

7.3 REPORTING AND REVIEWING

Testing shall result in the employee's removal from duty without pay for the duration pending test results.

The same reporting and reviewing procedures contained in Section 6.5 of this policy apply to testing alcohol testing also.

8.0 EDUCATION AND TRAINING

Training for supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

HVAC, Inc. will conduct a substance abuse awareness training covering HVAC, Inc.'s Drug and Alcohol Testing Policy for all employees.

9.0 CONSEQUENCES OF A VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants will be denied employment with HVAC, Inc. if they have a positive pre-employment drug test.

If a current employee tests positive on either the drug or alcohol test and the result has been confirmed, the employee shall be immediately disciplined and/or terminated. However, if an employee is terminated and wishes to reapply with HVAC, Inc. after 30 days, he/she may do so.

For testing, refusing to submit to an alcohol or controlled substances test means that an employee: (1) fails to provide adequate specimen for testing without a valid medical explanation after he or she has received notice of the requirement for testing in accordance with the provisions of this policy; or (2) engages in conduct clearly obstructs the testing process. For either case the physician or medical technician shall provide a written statement to HVAC, Inc. indicating a refusal to test.

Pursuant to T.C.A. 50-9-101(b), if an employee is required to submit to a drug or alcohol test under this policy and a drug or alcohol is found to be present in the employee's system at a level prescribed by statute or by rule adopted pursuant to the Tennessee Drug-Free Workplace Act, or if an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits edibility for workers compensation medical and indemnity benefits.

10.0 VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

HVAC, Inc. offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource, which is isolated in Appendix E.

In the event that an employee of HVAC is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the Human Resources Manager.

Such a voluntary desire for help with a substance abuse program will be honored by HVAC. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of HVAC may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

The employee must use all vacation, sick and compensatory time available.

In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment, up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference.

Voluntary disclosure must occur before an employee is notified of, or otherwise becomes subject to, a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the treatment facility. The treatment facility may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The Human Resources Manager will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or the subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of HVAC, Inc. Voluntary disclosure provisions do not apply to applicants.

Employees shall be required to pay for all return-to-duty and follow-up tests following voluntary disclosure.

11.0 IMPORTANT INFORMATION FOR JOB APPLICANTS AND EMPLOYEES

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of drug or alcohol tests. This form will also have a space for the donor to provide any information that he/she considers relevant to this test, including the identification of currently or recently used prescription or non-prescription medications or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, the MRO will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The MRO will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to HVAC. Employees and job applicants have the right to consult with the MRO for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action pursuant to T.C.A. 50-9-100 et seq., drug-free workplace programs.

12.0 MODIFICATIONS OF POLICY

This statement of policy may be revised by HVAC, Inc. management at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of HVAC, Inc.

This employee drug and alcohol testing policy has been approved and adopted by HVAC, Inc. effective December 1, 2000.

APPENDIX A

CONSENT FORMS

HVAC, Inc
Bristol, Tennessee
Policy Consent/ Release Form

I have read the above statement of policy and agree to abide by HVAC, Inc.'s drug and alcohol rules. I agree to submit to drug or alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to HVAC, Inc. and its medical review officer.

I expressly authorize HVAC, Inc. or its MRO to release any test related information, including positive results to my worker's compensation and/or other insurance carrier, to the unemployment compensation commission or to any other government agency investigating my employment or the termination thereof.

I understand that failure to comply with a drug and/or alcohol testing request or a positive confirmed result for the illegal use of drugs and/or alcohol may lead to discipline up to and including termination of employment and/or loss of workers compensation benefits pursuant to T.C.A. 50-9-100 ET. SEQ. I further understand that a drug test conducted and evaluated pursuant to standards adopted for drug testing by the U.S. department of transportation in 49 C.F.R. part 40 shall be used to establish presumption of impairment resulting from the use of illegal drugs or alcohol.

I release any legal claims I may have against HVAC, Inc. and their officers, agents, and employees for requiring the test, and any adverse employment action taken as a result of the test or results. I understand that this agreement in no way limits my or HVAC's right to terminate employment at any time for any reason.

Date

Employee Signature

Date

Superintendent/ Manager Signature

HVAC, Inc.
Applicant / Employee Consent Form

I, _____, do hereby give my consent to HVAC or its designated physician or clinic to collect a urine and/or blood sample from me on this date, and I further give my consent to HVAC to forward the sample(s) to the testing laboratory for its performance of appropriate tests thereon to identify the presence of drugs and/or alcohol.

I further give the laboratory my permission to release the results of such tests to the company's medical review officer.

I understand that the refusal to submit to testing or a positive test result will affect my initial or continued employment and result in a disciplinary action as described in HVAC's drug and alcohol policy.

I also understand that it is not the purpose of this test to identify any disability I may have; rather, I understand that it is the current illegal use of drugs and/or abuse of alcohol that prohibits me from being employed at this company.

I further agree to hold harmless HVAC and its agents (including this physician or clinic) from any liability arising in whole or in part out of the collection of specimens, testing, and use of the information from said testing in connection with HVAC's consideration of my continued employment or employment application.

I further agree that a reproduced copy of this consent or release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by any one.

Date

Employee Signature

Date

Superintendent/ Manager Signature

APPENDIX B

RANDOM TESTING NOTIFICATION FORM

To:

Date:

In accordance with our Drug Policy your name has been randomly selected to report to our specimen collection site within 24 hours of this notice. Failure to comply with this notice results in your being in violation of HVAC's Drug Policy and subject to the disciplinary action stated in the policy. Unless otherwise notified the test will be conducted by:

Occupational Health Services
1230 Volunteer Parkway
Bristol, TN 37620

Thank you for your cooperation.

Sincerely,

B. Keith Rhymer, President

APPENDIX C

TESTING CUTOFF LEVELS

*Confirmation analyses are performed using Gas Chromatography/Mass Spectrometry.

Drug	Initial	Confirmatory
Marijuana	50 ng/ml	15 ng/ml [THCA]
Cocaine	150 ng/ml	100 ng/ml [benzoylecognine]
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Amphetamine (includes Methamphetamines, MDA)	500 ng/ml	250 ng/ml
Codeine/Morphine	2000 ng/ml	2000 ng/ml
6-AM (Heroin)	10 ng/ml	10 ng/ml
Hydrocodone/Hydromorphone	300 ng/ml	300 ng/ml
Oxycodone/Oxymorphone	100 ng/ml	100 ng/ml
Alcohol*	.04	.04

APPENDIX D

CERTIFIED LABORATORIES USED BY HVAC, INC.

Clinical Reference Laboratory
Dr. Sanjeev Kakkar
8433 Quivira Road
Lenexa, KS 66215

Alere
Dr. Stephen Kracht
8140 Ward Parkway, Suite 275
Kansas City, MO 64114

CAP-FUDT Certification - CAP-41855-01 SAMHSA Certification - SAMHSA-0249

APPENDIX E

LOCAL COUNSELING AND REHABILITATION CENTERS

- **Alcohol and Drug Recover Program**
Indian Path Pavilion
2300 Pavilion Drive
Kingsport, TN 37660
423.857.7000
- **Bristol Crisis Center**
100 Oakview Ave.
Bristol, VA 24201
276.466.2312
- **Bristol Regional Counseling Center**
Chemical Dependency Treatment
26 Midway
Bristol, TN 37620
423.989.4500
- **Comprehensive Community Services OP Counseling Center**
2514-A1/2 Wesley Street, Suite 5
Johnson City, TN 37601
423.928.4357
- **Cross Roads Self Help Program**
413 West Elk Ave.
Elizabethton, TN 37643
423.543.7828
- **Frontier Health Magnolia Ridge Alcohol and Drug Treatment**
900 Buffalo Street
Johnson City, TN 37604
423.232.4130
- **Highlands Community Services**
610 Campus Drive
Abingdon, VA 24210
276.525.1550
- **Johnson County Counseling Center**
318 Donelly Street
Mountain City, TN 37683
423.727.2100
- **Ridgeview Psychiatric Unit**
103 North Street
Bristol, VA 24201
423.844.6000
- **Woodridge Hospital**
403 North State of Franklin Road
Johnson City, TN 37601
423.431.7111