

Drug Free Workplace Program

Purpose

In compliance with the Drug-Free Workplace Act of 1988, Federal and State (Maryland and Delaware) statutes and regulations, Blue Hen Staffing Inc., dba BesTemps and Diamond State Staffing Inc. (DSS), has a longstanding commitment to provide a safe, quality-oriented, and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of BesTemps/DSS employees, the security of the company, their client's equipment, and facilities. For these reasons, BesTemps/DSS is committed to the elimination of drug and alcohol use and abuse in the workplace.

State law decriminalizing and/or legalizing Cannabis for those with or without a prescription has no impact in the Company's policy prohibiting the possession or use of Cannabis at work, being under the influence of Cannabis at work or having a detectable level of Cannabis in an employee's system, unless applicable state law provides otherwise. State laws generally do not require the Company to accommodate the medical use of Cannabis and Cannabis is still illegal under federal law, with or without a prescription. If an employee has a medical condition for which they request an accommodation in order to perform the job, the Company will work with the employee to determine whether a reasonable accommodation can be provided as the Company does not unlawfully discriminate against employees or applicants on the basis of disability.

Scope

This policy applies to all employees and all applicants for employment of BesTemps/DSS. The Operations Manager is responsible for policy administration.

Medical / Recreational Cannabis and Alcohol

Blue Hen Staffing Inc., dba BesTemps and Diamond State Staffing Inc., and their clients, may in its discretion seek to accommodate legally recognized medical and recreational Cannabis users, when possible, depending on the job position.

Blue Hen Staffing Inc., dba BesTemps and Diamond State Staffing Inc., and their clients will not accommodate medical Cannabis usage, recreational Cannabis usage, or alcohol consumption, while an employee is on the clock including paid or unpaid lunch/dinner/break periods, while displaying symptoms of impairment based upon their behaviors, speech, or body orders, that prevent them from performing their duties in a safe manner.

Employee Assistance Resources

BesTemps/DSS will provide a list of resources/treatment centers and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other BesTemps/DSS policies. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this

policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and 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 will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of cannabis, 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.

Work Rules

1. Whenever employees are working, are operating any BesTemps/DSS vehicle, are present on BesTemps/DSS or their client's 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, illegal controlled substance, or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.
3. BesTemps/DSS will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container 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

Applicants being considered for hire and if requested as an Additional Service by a BesTemps/DSS client, must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion

Employees are subject to testing based on (but not limited to) observations by management. Specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, the employee will be required to undergo a drug and/or alcohol test. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment. An employee is responsible for notifying BesTemps/DSS if they are taking a prescription medication that will affect their alcohol/drug test.

Post-accident

Employees are subject to testing when accidents are reported and that result in an injury to themselves or another employee requiring offsite medical attention. 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, forklift, pickup truck, overhead crane or aerial/man-lift is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place immediately. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. Transportation for the employee will be arranged by BesTemps.

Collection and Testing Procedures

Employees subject to alcohol testing will be directed and/or transported to a 3rd party facility and directed to provide breath specimens. Breath specimens will 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 will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood, or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

Applicants and employees subject to drug testing are required to be tested in a BesTemps/DSS office and directed to provide urine specimens. Collected specimens will be reviewed by certified and authorized BesTemps/DSS employees, and tested for evidence of Cannabis (THC), Cocaine, Opiates, Amphetamines, Methamphetamines, Barbiturates, PCP, Oxycodone, Ecstasy, Benzodiazepines, Methadone, and Tricyclics use. (Specimens may be tested for some or all the above-mentioned drugs.) The Certified BesTemps/DSS employee will screen all specimens and confirm all positive screens.

Employees may be responsible for the cost of alcohol/drug testing. Employees will not be compensated for time spent alcohol/drug testing. Employees have the right to explain/contest a positive alcohol or drug test result.

Consequences

Employees who refuse to cooperate in required tests (suspicion or workers compensation) 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.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, BesTemps/DSS may 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 BesTemps/DSS 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 immediately discharged from employment with BesTemps/DSS.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies will 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

BesTemps/DSS reserves the right to inspect all portions of its premises, including client's premises, for drugs, alcohol, or other contraband. All employees, contract employees and visitors 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.

Communication of Drug Free Workplace Program Policy

The Policy is distributed to all employees via email and text blasts. Information related to this policy can also be found on our job application and any related documents are stored in an Office 365 SharePoint folder and can be obtained in any BesTemps office.

A "Drug Free Workplace" poster is visible and posted in BesTemps offices.

Drug Test Training-Certification

Staffing Coordinators, during their two-week new employee orientation-training period, are trained and certified via a webinar, provided to us by Micro Distributing, A Diagnostic Distribution Company, to perform in house/office drug testing. Authorized drug testers (as designated by the Operations Manager) hold certificates in their Professional Development in the Administration of Rapid Drug Testing Devices Stat Cup II and Stat Cup Integrated. This certificate is a qualification to perform Stat Swab Oral Fluid, and 5, 7, 10 and 12 panel drug tests. Certificates are stored in our accounting department and can be obtained/viewed upon request.

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

BesTemps/DSS employees represent and are required to attend on and off premise functions. Consumption of alcohol is permitted at on and off premise functions after normal business hours, provided you have arranged for a designated driver. Consumption of alcohol is strictly prohibited while operating a company vehicle.

BesTemps/DSS 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, BesTemps/DSS reserves the right to take appropriate disciplinary action for known drug use, sale or distribution while off company premises.

Definitions

"Company premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by BesTemps/DSS or any site on which the company 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.

"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).

Enforcement

The Board of Director’s are responsible for policy interpretation, administration, and enforcement.