

GMF Industries, Inc.

DRUG FREE WORKPLACE POLICY

GMF Industries, Inc. (GMF) strives to provide a safe, healthful and productive work environment for its employees by supporting maintenance of a Drug Free Workplace. It is the policy of GMF Industries to the extent practical to provide its employees with a working environment, which is free of problems associated with the abuse of controlled substances including narcotics, drugs, and alcohol. The use of controlled substances and the abuse of alcohol are inconsistent with the behavior expected of employees and subjects GMF Industries, employees and the public to unacceptable risks of workplace accidents and other events, which undermine GMF Industries' ability to operate effectively and safely.

This Policy prohibits the non-prescriptive use, sale, distribution, manufacture or possession of alcohol, drugs, or related paraphernalia or being under the influence of alcohol and/or drugs just prior to beginning work duties, while in uniform, while on duty, immediately following a shift, while on Company premises/work sites or anytime while operating Company vehicles, whether resulting from usage on or off the job, unless prescribed by a licensed physician.

Prohibited Substances:

Amphetamines	Methadone
Barbiturates/Sedatives	Methaqualone
Benzodiazepine	Opiates (Heroin, Morphine, Codeine)
Cocaine	Phencyclidine (PCP)
Cannabinoids (Marijuana)	Propoxyphene

Other prohibited substances include both illegal drugs and otherwise legal but illicitly used substances. Otherwise legal but illicitly used substances include prescription drugs and over the counter drugs not being used for their intended purpose or in accordance with the terms of the prescription.

Alcohol includes beer, wine and all liquors, regardless of quantity, which are defined and controlled under state and/or federal liquor laws.

Types of Testing:

Post Offer: To facilitate enforcement of this Policy, following an offer of employment by GMF Industries, all job applicants, without exception, will be required to take and pass a substance abuse screening. A positive test result for a controlled substance will terminate the employment offer. Refusal to submit to a post offer screening will be considered a positive test and will also terminate the employment offer.

Reasonable Suspicion: All employees will be tested for drugs and/or alcohol under reasonable suspicion/cause as defined by 440.102 Florida Worker's Compensation Law. Reasonable suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of GMF Industries' policy, drawn from specific, objective and articulable facts. These include:

- 1) Observable phenomena at work, such as direct observation of drug use or of physical symptoms of manifestations of being under the influence of a drug;
- 2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- 3) A report of drug use, provided by a reliable and credible source;
- 4) Evidence that an individual has tampered with a drug test during his employment with GMF Industries;
- 5) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on GMF Industries' premises or while operating GMF Industries' vehicles, machinery or equipment.

To discourage use and/or distribution of illegal drugs or alcoholic beverages in the workplace, upon reasonable suspicion searches for alcohol, drugs paraphernalia may be conducted of Company property or work sites or area(s) accessible to employees, including, but not limited to Company-owned vehicles, equipment, tool boxes, lockers, desks, etc. Discovered illegal items will be referred to law enforcement authorities for disposition.

Random: All safety sensitive employees and those required to possess a Commercial Driver's License will be subject to random drug screens. A quarterly selection of employees shall be based on a scientifically valid method, such as a random number table or a computer based random number generator. Under the selection process, all employees shall have an equal chance of being tested *each time* selections are made. Employees are not removed from the potential pool of numbers unless their employment has been terminated.

Post-accident/injury: Employees will be subject to a substance abuse screening post-accident/injury under the following circumstances. The employee caused, contributed to, or was involved in, an accident while working for GMF Industries or on Company premises that:

- 1) Resulted in a fatality or loss of human life
- 2) Resulted in bodily injury to a person who receives medical care, other than first aid on the scene.
- 3) Resulted in property damage to GMF Industries in excess of \$100.
- 4) Or when onsite supervisors can document reasonable suspicion related to the accident.

Post-accident/injury substance abuse screenings will be conducted within 8 hours of the incident.

Return to duty: Any employee who tests positive for substances prohibited by this Policy will be referred to the Employee Assistance Program for evaluation and referral to an appropriately qualified substance abuse education or treatment program. Following the EAP evaluation, at the discretion of GMF Industries, an employee may be allowed to return to duty after successfully passing a drug/alcohol test.

Follow-up Testing: After returning to duty following participation in a substance abuse treatment program, employees will be subject to unannounced follow up testing for a minimum of 12 months but not more than 60 months. The twelve-month period begins on the day the individual returns to work, after having passed the return to duty test.

Routine Fitness for Duty Examination: Any employee required by GMF Industries to submit to an annual routine fitness for duty examination shall also be required to pass a substance abuse screening as part of that exam.

Refusal to submit to testing upon request, for any of the reasons authorized by the Rules, shall subject the employee to the same disciplinary consequences as would result from a positive test result including termination for cause, denial of Unemployment and Workers' Compensation medical and indemnity benefits.

Testing Procedures & Results:

Analysis of specimens will be performed only by laboratories licensed or certified by the State of Florida Agency for Health Care Administration (AHCA) or the Federal Substance Abuse and Mental Health Services Administration (SAMHSA) utilizing qualified sites and employing collectors trained to follow authorized collection protocols and properly maintain legal specimen chain-of-custody. An experienced physician/Medical Review Officer (MRO) will review all negative and confirmed positive laboratory reports. Positive results shall only be reported to GMF Industries after the MRO has personally discussed the results with the sample donor and has ascertained that personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include, as appropriate, telephone contact with the employee and any prescribing physician(s).

Within five (5) working days of receiving written notice of a confirmed positive test result, which has been verified by the MRO, employees may submit any information to GMF Industries and/or MRO explaining or contesting the test results. If GMF Industries disagrees with the employee's position, within fifteen (15) days of receipt of a formal challenge of test results, GMF Industries must respond. If the employee wishes to maintain the challenge, within thirty (30) days of receipt of GMF Industries' written response, the employee may appeal to a Court of competent jurisdiction and/or a Judge of Compensation Claims (if a workplace injury has occurred). Upon initiating a challenge, it shall also be the employee's responsibility to notify the testing lab, which must retain the specimen until the case is settled.

Confidentiality:

All information, including interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by GMF, laboratories, Medical Review Officer, Employee Assistance Programs, drug and alcohol rehabilitation providers, and their agents who receive or have access to information concerning drug test results originating from testing performed in conjunction with this Policy, is to be treated as confidential communications. Such information may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings unless a release, including consultation with legal counsel, is required to defend related civil or administrative matters such as determining compensability under Chapter 440, Florida Statutes, or unless such release is compelled by a hearing officer or court of competent jurisdiction pursuant to an appeal taken under this section, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. Release of such information under any circumstances other than as set forth herein above, shall be pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released for use in any criminal proceeding against the employee or job applicant and if released contrary to this section, the information shall be inadmissible as evidence in any such criminal proceeding.

Prescribed Medications:

Nothing in this Drug-Free Workplace Policy is intended to prohibit the prescribed use of legally obtained medications, many containing otherwise illegal substances. Because of potentially impairing side effects, which could endanger the employee, coworkers, or the public, upon being prescribed such medications all employees are encouraged to call the GMF Industries appointed MRO, Stathis Pantouris, M.D. or Arnold Schulte, M.D. (863) 291-6090. If warranted and requested by the employee, the Medical Review Officer, without disclosing medication names or their specific purpose, will ask GMF to temporarily reassign the affected employee to less safety-sensitive duties until treatment is completed. If the contents or impairing effects of prescribed medications are not known, a current listing of tested for narcotic-containing drugs detailed by brand or common names will be given to each employee and also posted by GMF for reference.

Disciplinary Consequences:

Disciplinary consequences for violating this Drug-Free Workplace Policy may include termination of employment for cause and denial of Unemployment Compensation. An employee injured and subsequently confirmed positive for drug or alcohol abuse based upon post-accident testing may also lose medical and indemnity benefits under the Workers' Comp Act.

Following confirmed drug or alcohol abuse and exhaustion of appeal rights, an employee may be retained at GMF's discretion only if all of the following criteria are satisfied:

- 1) the employee was employed by GMF for at least ninety (90) days prior to the infraction,
- 2) the employee was not engaged in the sale of drugs to others or engaged in any other criminal activity, such as theft, coincident with said drug and/or alcohol abuse,
- 3) it is the employee's first offense while in the employ of GMF
- 4) work is available to which the employee can be assigned at an appropriate pay scale, which in the sole judgment of management, does not, by virtue of the employees confirmed drug and/or alcohol abuse, endanger the safety of co-workers of the general public, or pose an unreasonable security risk to Company products or property, or requires additional supervision to assure required standards of productivity of work quality, at least until such time as the employee is proved by subsequent testing to no longer be abusing drugs or alcohol;
- 5) the employee has enrolled in GMF Industries' EAP treatment and/or counseling programs (at the employee's own expense unless employer-provided insurance, if any, covers costs) and is progress in satisfactorily, and the employee has a negative drug test result on file before returning to work; and
- 6) the employee makes weekly contact with their Department Supervisor while in treatment and satisfactory participation and completion of the program is documented.

After an employee has been employed by GMF for more than one year, a one-time exemption from this policy's disciplinary provisions may be granted, if the employee voluntarily pursues treatment or counseling for drug or alcohol abuse /dependence and is progressing satisfactorily in treatment. The employee may utilize his/her Employee Assistance Program in order to seek evaluation, recommendations and referral to treatment.

Mid-Florida Employee Assistance Program
 291-6036
After Hours Call 293-1121 & Ask for On Call EAP Counselor

Any employee who meets the above criteria and tests positive for substances prohibited by this policy will be offered the opportunity to participate through the Employee Assistance Program (EAP) in a qualified rehabilitative or therapeutic substance abuse program. Any employee refusing this assistance will be terminated. Additionally, any employee who has completed a qualified treatment program and is subsequently found in violation of this Policy will be terminated.

By signing below, the employee acknowledges having received, understood, and agreed to this GMF Drug-Free Workplace Policy. This signature (or a facsimile thereof) also authorizes all health care providers to release information requested by the Medical Review Officer to corroborate legal prescription use following a positive drug and/or alcohol test result. This signature also authorizes FirstCare/Healthworks to release to GMF Industries any and all drug and alcohol screening records performed while in their employ.

PRINT EMPLOYEE NAME

DATE

EMPLOYEE SIGNATURE