



Drug Abuse Policy

Functional Industries, Inc. recognizes that safety and legal issues can arise when employees use or abuse illegal drugs and/or alcohol and/or prescription drugs. This applies to areas within the facilities and grounds of Functional Industries, Inc. and Wright Connection, Buffalo and Cokato, community businesses or places accessed by program participants and to the transportation of program participants whether within company vehicles or within vehicles owned by private individuals. Functional Industries, Inc. is committed to providing a safe work place for its employees, subcontractors, consultants, and volunteers with the goal of attaining and maintaining a drug and alcohol free work place. Therefore, Functional Industries, Inc. has established the following policy on drugs and alcohol with provisions as required by Minnesota Statute 221.0313, Minnesota Rules, part 9543.1020 and the Federal Motor Carrier Act, CFR49, 382.

Policy

The use, possession, sale, distribution, transportation, being under the influence of illegal drugs, a controlled substance under Minnesota Statutes, Chapter 152, or alcohol or abuse of prescription medications while at any Functional Industries, Inc. work site, operating Functional Industries Inc.'s equipment or vehicles, or while on duty performing assigned job duties, or while directly responsible for individuals served by the program in any manner that impairs, or could impair, the person's ability to provide care or services is strictly prohibited and will not be tolerated.

Discipline

Any person found to be in violation of this policy is subject to discipline up to, and including, termination of employment.

An employee that receives a confirmed positive test report for illegal drugs is subject to discipline up to, and including, termination of employment.

CIRCUMSTANCES UNDER WHICH DRUG TEST MAY BE REQUIRED OR REQUESTED

Reasonable suspicion. A drug test may be requested if Functional Industries, Inc. has a reasonable suspicion that any employee is under the influence of alcohol, illegal drugs, or taking excessive amounts of prescription medication.

Post Accident. A post accident drug test may be required at the discretion of the president.



If the driver receives a citation for a moving traffic violation arising from the accident, the driver must provide a urine sample within thirty-two (32) hours of the occurrence of the accident.

If the driver is injured and cannot provide a urine sample, he/she must provide authorization for obtaining hospital records and/or other documentation.

Random. Random drug testing may be conducted in accordance with Federal Highway Administration drug testing regulations.

Right of Refusal and Consequences of such Refusal

All persons subject to the drug testing provisions of this policy have the right to refuse to take a required or requested drug test.

Any employee subject to the drug testing provisions of this policy that refuses to take the required or requested drug test is subject to discipline up to and including termination of employment. Any person subject to the drug testing provision of this policy that alters or attempts to alter, or substitutes or attempts to substitute a urine sample, will be considered to have refused to take the drug test. In such a case, the employee is subject to immediate termination of employment.

Employee Rights

All employees subject to the drug testing provisions of this policy that receive a confirmed positive drug test report have the right to request, at employee or applicant expense, a confirming re-test or the original urine sample.

If the confirming re-test is negative, no adverse action will be taken against the employee.

Functional Industries, Inc. will not discharge an employee that for the first time, receives a confirmed positive drug test result unless:

1. The employee refuses to meet a qualified professional chemical use/abuse evaluator for the purpose of an evaluation for drug use/abuse and recommendations for an educational, counseling, or treatment program for drug use/abuse;
- Or
2. The employee fails to enter the recommended program;
- Or
3. The employee fails a return-to-work drug test at the successful completion of the recommended program.



Upon reinstatement, the employee is subject to unannounced follow-up drug testing for a period not to exceed sixty (60) months. In addition, the employee is subject to all other required drug tests.

A positive drug test on any subsequent drug test will result in disciplinary action up to, and including, termination of employment.

The cost of the evaluation and the recommended program for drug use/abuse is an employee expense if not pursuant to a health benefit plan.

Confidentiality of Drug Test Results

All drug test results are considered confidential information. Any information concerning an individual's drug test results will not be released without the written permission of the individual, except as provided for by regulation or law or as allowed as part of a formal proceeding such as a hearing or legal action.

Policy Modification

Functional Industries, Inc. has the right to modify this policy, as changes in regulation, law, or Functional Industries, Inc. conditions require change.