



## Substance Abuse and Drug-Free Workplace

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TruGreen intends to provide a safe, healthy, and productive work environment for all associates. The company recognizes that the illegal, unauthorized, and/or excessive use of drugs and/or alcohol is not conducive to safe working conditions. The company is committed to having a work force that is free from the influence of controlled substances (illegal drugs as well as mis-use of prescription or non-prescription medications) and also from the abuse of alcohol.

Consistent with these goals, TruGreen, in accordance with applicable laws, prohibits the illegal use, possession, distribution, manufacturing and/or sale of controlled substance by associates. The possession of drug paraphernalia at the work place also is prohibited.

Further, the use, possession, distribution, manufacturing and sale of alcohol is prohibited on company premises or during work time. Associates are also prohibited from reporting for duty or being on the job while under the influence of drugs and/or alcohol.

### Scope

This policy applies to all associates.

### Definitions

**Accident** – a mishap or incident involving an associate in which injury to person(s) or damage to property has occurred.

**Applicant** – a person who has applied for a position with the company and has been offered a job contingent upon receiving a negative drug test result.

**Chain of Custody** – a form used by the clinic and branch that is filled out by the collection site and used for tracking and labeling of a specimen.

**Collection Site** – The place where individuals go for the purpose of providing their urine, breathe, saliva, hair, or other appropriate specimen to be analyzed for specific substances.

**Commercial Driver's License (CDL)** – a driver's license required in order to operate/drive a vehicle in interstate commerce meeting any of the following criteria:

- Any combination of vehicles with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds provided that the GVWR of the vehicle being towed is in excess of 10,000 pounds.
- Any single unit vehicle with a GVWR of 26,001 or more pounds.





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- Any single unit vehicle or combination of vehicles that does not meet the criteria outlined above, but is designed to transport 16 or more passengers including the driver or is placarded for hazardous materials.

**Company** – all TruGreen owned companies

**Company premises** – includes all property, facilities, land, buildings, structures, automobiles, trucks, all other vehicles, whether owned, leased or used by TruGreen, or personal vehicles used for company purposes.

**Company property** – includes, but is not limited to, lockers, desks, storage areas, cabinets, company vehicles, and any other company property.

**Drug** – any substance, for which TruGreen or its third party contractor may require testing. Includes, but is not limited to, marijuana, PCP, cocaine, amphetamines, opiates (codeine and morphine), barbiturates and benzodiazepines. Alcohol is a drug but it is treated separately under this policy.

**Dilution** – a form of adulteration of a urine specimen where creatinine and specific gravity levels indicate that the specimen has been diluted.

- Negative Dilute – a diluted specimen that is not over the threshold limit for drugs. Except where prohibited by law, it is company policy to retest any associate with a drug test of “negative dilute”.
- Positive Dilute – a diluted specimen that nevertheless contains sufficient drug or metabolites of drugs to be deemed positive. A result of Positive Dilute will be treated as a Positive.

**Department of Transportation (DOT)** – the government entity that regulates the operation of qualifying company vehicles.

**Controlled Substance** – includes narcotics, hallucinogens, depressants, stimulants, inhalants and other substances listed in the Federal Controlled Substances Act, including both prescription medicines and drugs not legally available by prescription.

**Drug Paraphernalia** – any object used in the use, storage or sale of drugs, as defined above.

**Illegal Drugs** – drugs for which the use, sale or possession is prohibited by law.

**Improper Test** – including positive results and/or failure to produce a valid specimen for screening within three hours from the beginning of the testing process within the required temperature range of 90 to 100 degrees and/or failure to supply adequate amount of urine





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for testing or leaving the testing facility once the testing process has begun will render a refusal to test result which is a failing test result.

**Injury to Person(s)** – the need for immediate treatment away from the scene of the accident and is not considered routine first aid.

**Legal Use of a Drug** – over the counter medicine or medication prescribed by a licensed physician in the course of treating a medical condition. Use of an over the counter medication must be in compliance with manufacturer's directions and/or as directed by the physician. Prescription medication must be prescribed to the applicant/associate and must be used in accordance with physician direction. An associate legally using over the counter and/or prescription medication may continue to work provided that they do not pose a direct threat to his/her own health or safety, or that of other associates and members of the general public. Associates must be able to perform the essential functions of their jobs with or without reasonable accommodation.

**Medical Review Officer (MRO)** – a licensed physician with knowledge of toxicology who provides oversight of the testing process to ensure accuracy.

**Possession** – presence on an associate's person, in an associate's personal effects, in an associate's vehicle or in a company vehicle or other area under an associate's control.

**Reasonable Cause** – a belief based on specific, objective facts that an applicant/associate is currently under the influence of drugs or alcohol.

**Under the influence** – a condition in which any of the body's sensory, cognitive or motor functions or capabilities are altered, impaired, diminished or affected due to drugs or alcohol. A positive drug test will be considered evidence that an individual was under the influence of drugs at the time the sample was produce.

### **Guidelines**

The unlawful possession, manufacturing, distribution, dispensation, or use of any controlled substance is inconsistent with TruGreen's objective of operating in a safe and efficient manner and is strictly prohibited. Accordingly, no associate shall engage in the unlawful possession, manufacture, distribution, dispensation, or use of any controlled substance (illegal drug) at any time regardless of occasion. No associate shall report to work or continue to work while in possession of any drug whose manufacture, sale, dispensation, distribution, use, or possession is unlawful. Similarly, no associate shall solicit; use or have in his or her possession on company premises any prescription medication other than medications currently prescribed by a physician for the associate. Drug paraphernalia also should not be brought to work or on company premises. A





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positive drug test will be considered proof of a violation of this policy. Violation of this policy may result in disciplinary action up to and including termination, subject to local laws.

Use of a legal substance or medication that interferes with safe work performance or creates a potential hazard to people or property is prohibited. Associates taking physician-prescribed or over-the-counter medications which might impair their safe job performance should not report to work and should present a statement from the prescribing physician to the associate's manager indicating the duration of the possible impairment. This policy does not require or request the prescribing physician or the associate to identify any medication or the medical condition for which it is prescribed unless specifically asked to do so as part of an individualized inquiry into the associate's ability to perform the job with or without a reasonable accommodation.

The use of alcoholic beverages by associates is inconsistent with the objective of operating in a safe and efficient manner. Accordingly, no associate shall report to work or continue to work with alcohol in his or her system. A positive alcohol test will be considered proof that this policy has been violated and no associate shall use or possess alcoholic beverages on company premises or during working hours.

### **Searches**

All company property and work areas must be kept clean and are to be used for work-related purposes. TruGreen reserves the right, at all times and without further notice, to have company representatives conduct searches and inspections of any and all associate desks, cabinets, lockers, storage areas, company vehicles and personal vehicles used in company business, and other company property for the purpose of determining if this or another TruGreen policy has been violated.

All vehicles and containers, including but not limited to, bags, boxes, purses or lunch pails brought onto company premises are subject to company inspection at any time a company representative has a reasonable suspicion that a company rule, policy, or regulation has been violated and such an inspection is reasonably necessary in the investigation of such violation(s).

Such inspections will be conducted, to the extent reasonably possible, in a manner designed to preserve the dignity of the associate.

Any associate who is convicted of a violation of any criminal drug statute related to the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace must inform the company no later than three (3) days after such conviction of the fact of the conviction. Any associate who is so convicted shall be subject to disciplinary action, up to and including termination.





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Evidence obtained by the company of the unlawful use, possession, manufacture, distribution, dispensation, sale or transfer of drugs or controlled substances will be turned over to law enforcement authorities, if appropriate within the sole discretion of the company.

### **Drug and Alcohol Testing**

#### **Post-Offer/Pre-Employment**

A pre-employment drug test is mandatory and will take place within forty eight (48) hours after a conditional offer of employment has been made to an applicant. Employment is contingent upon satisfactorily passing the drug test. Refusal to submit to testing disqualifies the applicant from being hired. If an applicant is not hired within sixty (60) days of completing post-off/pre-employment tests, the applicant will have to successfully pass all post-offer/pre-employment tests again. An improper test result renders an applicant ineligible for employment for one (1) year from the date results are received.

The company will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing associates from performing their jobs and safely, that the company will not tolerate.

#### **DOT – Covered Positions**

Associates whose job duties require driving vehicles covered by the Department of Transportation (“DOT”) regulations will be subject to those regulations regarding alcohol misuse and drug use prevention and testing. Covered associates will be provided with a copy of TruGreen’s drug and alcohol policy for regulated drivers at the time of hire or when the policy becomes applicable to them.

In accordance with relevant federal, state or local laws, a regulated driver may be directed to submit to drug and/or alcohol testing: (1) before commencing regulated work (2) when there is reasonable suspicion that an associate is intoxicated or under the influence of drugs or alcohol or has used drugs or alcohol on company premises or during working time; (3) when the associate is involved in an accident that involved a death, or an accident that involves serious injury or property damage and the associate is issued a citation in connection with the incident; or (4) on an unannounced random basis; (5) on a return-to-work basis, following a violation of DOT drug and alcohol rules; and (6) follow-up testing, as may be prescribed for that individual by a substance abuse professional.





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Drivers should be aware that they must comply with both this policy and the DOT rules, and may be tested under either policy as circumstances may dictate.

### **Reasonable Suspicion**

If the company has a reasonable suspicion that an associate is (1) intoxicated or under the influence of drugs or (2) has used drugs or alcohol on company premises or during working time, the associate may be directed and escorted by a member of management to submit to drug and/or alcohol testing to determine his/her fitness for duty. A reasonable suspicion may be based upon the associate's appearance or behavior or upon other factors constituting reasonable suspicion in the opinion of the company. Human Resources approval is required before sending associates to be tested for reasonable suspicion.

### **Post-Accident**

An associate will also be directed to submit to drug test within twenty four (24) hours and/or alcohol test within two (2) hours when the associate is involved in any incident which occurs on company premises or during working hours that results in personal injury or property damage and the associate acts, or failure to act, cannot be discounted as a contributing factor in the incident. Refusal to cooperate fully in drug and/or alcohol testing procedures will constitute insubordination and will not be tolerated.

### **Testing Procedures**

#### **General**

The company will contract with one or more testing companies, physicians, nurses or other medical practitioners (the "Collection Agent") to collect samples pursuant to this policy. All drug tests will be conducted by certified laboratories and the laboratories will follow the guidelines adopted by the United States Department of Health and Human Services for Workplace Drug and Alcohol testing where applicable unless state or local law requires otherwise.

#### **Collection**

No sample will be collected or test performed without the consent of the applicant or associate. However, a refusal to consent to a proper test will be considered insubordination, or, if the individual is an applicant, a voluntary rejection of the job offer. Tests will seek information only about the presence of drugs and/or alcohol individual's system and not any medical condition.

Applicants and associates who test positive will have the opportunity to provide the MRO any information believed by the person undergoing testing to be relevant to testing or that





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may affect the results of testing, such as, but not limited, to his or her use of over-the-counter drugs or prescription drugs.

Upon request of the tested associate or applicant the collection agent shall provide to the tested associate or applicant the name and address of the laboratory that will test the sample.

### **Testing Techniques**

Urine testing procedures authorized by the company shall involve an initial test and, if results are positive, an automatic confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test.

Breath and blood testing procedures shall involve an initial and confirming test.

### **Medical Review Officer (MRO)**

An associate or applicant with a confirmed positive/positive-dilute laboratory result will be given the opportunity to consult with the MRO. Unless otherwise provided by applicable state or local law, the following procedure will apply to this opportunity.

- 1) The MRO will request a meeting or conference with the associate or applicant, which request may be relayed directly to the associate or applicant or, in the case of an associate, through the manager of the division or facility for which the associate is assigned or, in the case of an applicant, through a member of the household where the applicant resides.
- 2) The meeting or conference requested must occur within a time period not to exceed two (2) days after the request (which may be oral). The associate or applicant must make every effort not to delay the meeting or consultation.
- 3) If the associate or applicant does not take the opportunity to meet or confer with the MRO, the MRO shall make the assumption that the associate or applicant does not wish to meet or consult with the MRO and the MRO will proceed with a final determination without any information that the associate or applicant might have provided in the consultation.

### **Notice of Positive Test Report**

After receiving a positive test report from the MRO, the vendor shall provide the associate or applicant, as the case may be, with:

- 1) Where required by law, a copy of the laboratory test indicating the test results, and/or if requested by associate/applicant or appropriate as required by law;





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- 2) A notice of the applicant or associate's right to request an independent re-test of the original test sample;
- 3) Where required by law or upon request, a copy of TruGreen's Substance Abuse Policy;
- 4) Where required by law, a written notice of the company's intent to take disciplinary action, terminate employment or change the conditions of continued employment; and
- 5) In compliance with state laws as required, a statement or copy of any applicable statute.

Where required by law, the foregoing material shall be delivered to the associate or applicant either in person or by mail within the required time frame as required.

### **Confidentiality**

In order to maximize confidentiality, the results of testing shall only be reported by the MRO to the vice president of human resources or his/her designee and shared within the company only on a need-to-know basis. In that regard, testing results of associates with positive/positive-dilute test reports shall be separately maintained and the associate will be advised that he/she failed the drug test. Any medical information obtained through testing will be held in strict confidence by the MRO and not released to the company.

### **Disciplinary Action**

Associates who violate this policy may be subject to disciplinary action, up to and including termination. Such violations include, but are not limited to, a positive test for drug and/or alcohol use; interference with or refusal to submit to drug and/or alcohol testing or search procedures; possession of drugs, alcohol or drug paraphernalia; selling or distributing drugs or alcohol; tampering with samples; or being under the influence of drugs and/or alcohol while on company property.

In the case of post-offer/pre-employment testing, refusal to provide a sample or tampering with samples will be considered as an automatic fail, voluntary withdrawal of the application for employment and refusal of the employment offer. Any prospective associate who fails to complete a drug/alcohol test successfully will not be reconsidered for employment for a period of one (1) year from the date of the test failure.

### **Compliance with Law**

In the event that any provision of this policy conflicts with any applicable local, municipal, state or federal law or regulation, the company will comply with all such laws or regulations.





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This policy has been instituted in order to ensure the maximum safety and well being of all associates, our customers, and the public. Associate assistance and cooperation toward the achievement of this goal is vitally important.

### **Responsibilities**

#### **Managers**

1. Consult with human resources in the event of reasonable suspicion of associate drug use or an associate being under the influence of illegal drugs or alcohol, or if unsure whether a post-accident test is appropriate in the circumstances.

#### **Associates**

1. Complete drug and alcohol testing as requested by manager and human resources.
2. Inform manager if taking a physician-prescribed drug or over-the-counter medicine that may impair the associate's ability to perform the job.
3. Provide a statement from physician regarding the duration of the treatment and the fact that the treatment will impair the associate's job performance.