

ASURION DRUG AND ALCOHOL POLICY

1. POLICY

1.1 Asurion has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer, manufacturing of, possession, or being under the influence of an illegal drug in the workplace, or on Company premises, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for safe, healthy, and efficient operations.

1.2 Asurion has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the organization's property, information, equipment, operations and reputation.

1.3 Asurion recognizes its obligations to its member companies for the provision of services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug-and alcohol-free services.

1.4 Asurion further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

1.5 As a condition of employment, all employees are required to abide by the terms of this policy.

2. PURPOSE

2.1 This policy outlines the goals and objectives of the Asurion drug and alcohol testing program.

3. SCOPE

3.1 This policy applies to all departments, all employees and all job applicants. Although contracted employees are not Company employees for other purposes, this policy is also applicable to contracted employees.

4. DEFINITIONS

4.1 **Alcohol** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

4.2 **Alcohol testing** means the scientific analysis of breath, saliva, or another specimen for the purpose of detecting alcohol. Currently, Asurion considers an alcohol test result of 0.04 or more to be a positive test result. Alcohol tests will be administered by qualified personnel using approved testing devices.

4.3 **Company premises or company facilities** means all property of Asurion including, but not limited to , the offices, facilities and surrounding areas on Asurion-owned or -leased property, parking lots, and storage areas. The term also includes Asurion-owned or -leased vehicles and equipment wherever located as well as member companies' premises and facilities.

4.4 **Contraband** means any article, the possession of which while on Asurion premises or while on Asurion business, causes an employee to be in violation of Asurion policies or law. Contraband

includes, but is not limited to, illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, and counterfeit money.

4.5 **Drug testing** means the scientific analysis of urine or another specimen for the purpose of detecting illegal drugs. Currently, Asurion utilizes a nine-panel drug screen, which includes testing for the following: amphetamines (including methamphetamine), cocaine, marijuana, phencyclidine (PCP), opiates (codeine, morphine, heroin), barbiturates, benzodiazepines, propoxyphene, and methadone. Drug test specimens will be collected by qualified personnel and analyzed by a SAMHSA certified laboratory.

4.6 **Illegal drug** means any drug which is not legally obtainable under federal, state, or local law; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained (i.e. a prescription medication prescribed to someone other than you); any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; any drug being used for a purpose not in accordance with bona fide medical therapy; and any synthetic drug that when smoked or ingested can produce pharmacological effects. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

4.7 **Legal drugs and substances** means any prescribed drug or over-the-counter drug that has been legally obtained and is being used at the recommended dosage and for the purpose which it is prescribed or manufactured.

4.8 **Reasonable suspicion** means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but is not limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices, and erratic conduct indicative of impairment are some examples of "reasonable suspicion" situations.

4.9 **Under the influence** means a condition in which a person is affected by a drug or by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance.

5. AWARENESS

5.1 Supervisors and other management personnel should be aware of ways to detect the signs and behavior of employees who may be using drugs or alcohol in violation of this policy.

5.2 Employees are to be informed of the provisions of this policy.

6. PROHIBITED ACTIVITIES

6.1 Legal Drugs and Alcohol

a. Asurion at all times reserves the right to judge the effect that a legal drug may have on job performance and to restrict the affected employee's work activity or presence at the workplace accordingly. Employees should not use legal drugs in a manner that will pose a

safety threat or in a manner that will significantly affect the employee's job performance.

b. The use, possession, or being under the influence of alcohol on Company premises is prohibited. Moreover, the use or abuse of alcohol off the job which impairs performance on the job may subject the employee to disciplinary action.

However, employees at or above legal drinking age may responsibly consume or possess alcohol provided by the company at authorized company functions or in certain legitimate business settings such as client entertainment. At all such times, employees are expected to act responsibly and not to drink to the point that they are impaired. Employees should not consume alcohol in such settings if it will pose a safety threat. The company may withdraw these privileges if an employee abuses them or if an employee violates this policy.

6.2 Illegal Drugs

The use, sale, attempted sale, purchase, transfer, manufacturing of, possession of, or being under the influence of an illegal drug by any employee or applicant at any time and in any place is prohibited.

7. DISCIPLINE

7.1 Any employee who uses, possesses, manufactures, purchases, distributes, sells, attempts to sell, or transfers illegal drugs at any time and in any place will be subject to discipline, up to and including discharge.

7.2 Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline, up to and including discharge.

7.3 Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline, up to and including discharge.

7.4 Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or a blood alcohol content of 0.04 or more will be subject to discipline, up to and including discharge.

7.5 An employee who refuses to submit to drug and/or alcohol testing is insubordinate and in violation of this policy and will be subject to adverse employment action, up to and including termination. Any attempt to tamper with, substitute, adulterate, dilute, or otherwise falsify a test sample is considered a refusal-to-test, as is failure to complete the testing process, failure to fully cooperate in the testing process, and any other intentional conduct which would prevent or compromise a valid test result.

8. DRUG TESTING OF JOB APPLICANTS

8.1 All applicants for employment, including applicants for part-time and seasonal positions and applicants who are former employees, are subject to drug testing.

8.2 An applicant must pass the drug test to be considered for employment.

8.3 An applicant will be notified of Asurion drug and alcohol testing policy prior to being tested; will be informed in writing of his or her right to refuse to undergo such testing; and will be informed that

the consequence of refusal is termination of the pre-employment process.

8.4 An applicant will be provided written notice of this policy and by signature will be required to acknowledge receipt and understanding of the policy.

8.5 If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

9. DRUG AND ALCOHOL TESTING OF EMPLOYEES

9.1 Asurion will notify employees of this policy by providing to each employee a copy of the policy, and obtaining a written acknowledgement from each employee that the policy has been received and read.

9.2 Asurion may perform drug or alcohol testing of employees in the following circumstances:

a. **Reasonable Suspicion** - When Company management observes an employee engaging in reasonable suspicion behavior as defined in this policy, the employee may be asked to submit to a reasonable suspicion drug and/or alcohol test.

b. **Post-Accident** - Employees involved in an accident which results, or could have resulted, in significant property damage (estimated at the time of the accident) or injury requiring medical attention may be asked to submit to a post-accident drug and/or alcohol test as part of the Company's investigation into the accident. Only those employees whose acts, or failures to act, could have caused or contributed to the accident will be asked to submit to post-accident tests.

c. **Legally Required** – Employees who are subject to drug and/or alcohol testing pursuant to federal or state law will be required to submit to such testing.

d. **Return to Work** - At its sole discretion, the Company may permit an individual who has abused drugs or alcohol in violation of this policy to return to work, provided he or she is first evaluated by a Company-approved substance-abuse treatment provider and successfully completes any course of treatment recommended. Before returning to work, the employee must take and pass a return-to-work drug and/or alcohol test. *Employees who test positive on a return-to-work test will be terminated.*

e. **Follow Up** - Unannounced, follow-up testing may be required as a condition of continued employment after an employee has participated in a treatment program for drug- or alcohol-abuse, as recommended by the employee's substance-abuse treatment provider and approved by the Company, for a period not to exceed two years. *Employees who test positive on a follow-up test will be terminated.*

10. TEST PROCEDURES

10.1 Consent – No drug or alcohol test sample will be collected or drug or alcohol test conducted on any sample without the written consent of the person being tested. However, a person's refusal to submit to a proper test will be viewed as insubordination and will subject the person to disciplinary action, up to and including termination.

10.2 Test Costs - The Company will pay the costs of all drug and/or alcohol tests it requires of

employees and applicants.

10.3 Collection and Chain-of-Custody – Persons being tested will be asked to provide a test specimen by the collection site person. Procedures for the collection of specimens will allow for reasonable individual privacy, unless there is a reason to believe the individual may alter or substitute the specimen to be provided. Urine specimens will be tested for temperature, and may be subject to other validation procedures as appropriate. The collection site person and the person being tested will maintain chain-of-custody procedures for specimens at all times.

10.4 Testing Methods – All drug test specimens will be screened using an immunoassay technique and all initial positive drug tests will be confirmed using gas chromatography/mass spectrometry (“GC/MS”). All drug tests will be confirmed by a laboratory certified by the federal Substance Abuse and Mental Health Services Administration to conduct federal workplace drug testing.

Breath and/or saliva tests may be used to detect the presence of alcohol. An alcohol test will be considered positive if it shows an alcohol concentration of .04 or more.

Tests will seek only information about the presence of drugs and alcohol in an individual’s specimen, and will not test for any medical condition or genetic information.

10.5 Notification & Report By MRO_ – Any individual who tests positive for drugs will be so notified by a Medical Review Officer (“MRO”) and given an opportunity to provide any legitimate reasons he or she may have that would explain the positive drug test (such as, for example, evidence that the individual holds a prescription for the substance detected). If the individual provides an explanation acceptable to the MRO that the positive drug-test result is due to factors other than the illegal consumption of drugs, the MRO will order the positive test result to be disregarded and will report the test as negative to the Company. Otherwise, the MRO will verify the test as positive.

10.6 Test Results - Individuals will be provided with a copy of their own positive test result.

10.7 Right to Request Re-Test - An individual who tests positive for drugs may request that his or her urine sample be sent to an independent certified laboratory for a second confirmatory test, at the individual’s expense, although the Company may suspend, transfer, or take other appropriate action pending the results of any such re-test.

11. REHABILITATION AND EMPLOYEE ASSISTANCE

11.1 The company encourages employees with drug and alcohol problems to seek help before they become subject to discipline for violating this or other company policies. The company will support, assist and accommodate such employees to the extent required by applicable law. The company will not discipline employees who make conscientious efforts to request assistance. Employees may not, however, escape discipline by requesting assistance after they violate the company’s policies. Employees who request assistance will not be excused from complying with the company’s policies, including its standards for employee performance and conduct.

11.2 Rehabilitation assistance in lieu of discharge may be offered:

- a. To any employee who has requested rehabilitation assistance, provided that the request is made prior to an identification of the employee as a violator of this policy.
- b. To any employee who has violated this policy, provided that the violation does not involve selling or transferring illegal drugs, or serious misconduct.

11.3 An employee who is in rehabilitation will be suspended, except that--when indicated by the circumstances of the case and the written recommendation of a licensed physician or recognized rehabilitation professional--an employee may be permitted to work while undergoing rehabilitation on an outside-of-work basis. The written recommendation must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-workers or others. The employee also must pass a return to work drug and/or alcohol test and sign a Return to Work Agreement.

11.4 An employee whose rehabilitative therapy involves drug maintenance, hospitalization or detoxification will not be considered for the exception from suspension described in 11.3.

11.5 An employee who is in rehabilitation or who has completed rehabilitation will be allowed to return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-worker or others. The employee also must pass a return to work drug and/or alcohol test and sign a Return to Work Agreement.

11.6 Rehabilitation assistance given by Asurion will be:

- a. Limited to those medical benefits that may be available in the employee's medical benefits plan.
- b. Obtained through a rehabilitation program that has been pre-approved by Asurion.
- c. Obtained by the employee during times that will not conflict with the employee's work time, except that the employee may use any applicable and available leave to be absent from the job with pay.

11.7 Asurion will provide to any employee, upon request and at no cost to the employee, information concerning local resources that are available for the treatment of drug and alcohol related problems.

11.8 Asurion's Employee Assistance Program (EAP) offers counseling services to employees to help deal with problems such as alcohol or drug abuse.

- a. Participation in the EAP is confidential. The information disclosed will remain private to the extent required by law.
- b. Asurion provides the EAP benefit at no cost to the employee. If the EAP counselor thinks that more counseling is needed, the counselor will tell the employee what other services are available and if the costs will be covered by his/her Health Plan. If the employee receives counseling from sources outside the EAP, they will be responsible for paying for any costs that are not covered by health insurance.
- c. Asurion encourages employees to talk with EAP counselors if they are having problems in their life Call the Asurion Employee Hotline (1-866-678-5821) to talk with an EAP counselor.
- d. Asurion reserves the right to amend, cancel or change participation in this program at any time at its sole discretion.

12. INSPECTIONS AND SEARCHES

12.1 Search of an employee and his or her personal property including, but not limited to, vehicles, desks, lockers, etc., may be conducted when there is reasonable suspicion to conclude that the employee is in violation of this policy.

12.2 An employee's consent to a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, up to and including discharge.

12.3 Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on Asurion property will be turned over to the appropriate law enforcement agency and full cooperation given in any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.

12.4 Other forms of contraband, such as firearms, explosives, and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on Asurion property or while on Asurion business will be subject to discipline, up to and including discharge.

12.5 If an employee is the subject of a drug-related investigation by Asurion or by a law enforcement agency, the employee may be suspended pending completion of the investigation.

13. CONFIDENTIALITY

13.1 To the extent possible, all information relating to drug or alcohol testing or the identification of persons as users of drugs and alcohol will be protected by Asurion as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

Please contact Human Resources if you have any additional questions regarding this policy or the Company's drug or alcohol testing procedures.