HACH COMPANY
DRUG AND ALCOHOL POLICY

I. Purpose

Hach Company is committed to a safe, healthy, and productive work environment for all Associates free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs Associate judgment, resulting in increased safety risks, injuries, and faulty decision-making. In accordance with the Drug-Free Workplace Act of 1988, the Company prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during Company time, on Company premises or other Work Sites, whether those Work Sites are owned by or controlled by the Company, its subsidiaries and/or affiliates or the Company’s customers or vendors.

II. Scope

This Policy applies to all Associates. All Associates have been issued upon initiation of this Policy or upon hire (whichever is later) a copy of the Company Policy, describing in detail the substances for which testing is required and the conditions under which tests will be performed.

III. Definitions

A. “Alcohol” includes alcohol, ethanol, isopropanol, and methanol.
B. “Associate” is an employee of Hach Company.
C. “Applicant” includes any person who has made an oral or written application to the Company to become an Associate and has received a conditional offer of employment.
D. “Company Property” and “Company Equipment, Machinery, or Vehicles” mean all real property, plant, equipment and motor vehicles that are owned, leased, rented, or used by the Company (hereafter referred to as “Company Property.”)
E. “Detectable levels of illegal drugs and the metabolites of illegal drugs” means any amount that is determined to be present using lawful, scientifically-valid testing methods.
F. “Detectable levels of alcohol” means an alcohol concentration of .02 or greater, expressed in terms of weight in grams of alcohol to volume in liters of breath.
G. “Associate” is a person currently employed by the Company, either full or part time.
H. “Illegal drugs” means any controlled substance, medication, or other chemical substance that (i) is not legally obtainable; or (ii) is legal obtainable, but is not legally obtained or is not being used for the purpose(s) for which it was prescribed or was intended; or (iii) is a substance included in Schedule I, II, III, IV, or V under the Federal Controlled Substances Act, 21 U.S.C. § 801, et. seq.
I. “Legal drug” means a drug for which the person using and/or possessing it has a valid prescription or has purchased as an over-the-counter medication.

Policy Date 2/19/03
J. “Medical Review Officer” ("MRO") means a licensed physician that has knowledge of substance abuse disorders and has the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information.

K. “Sample” means a sample taken from the body capable of revealing metabolites, such as urine, saliva, skin, or hair. “Sample” also includes a breath sample taken pursuant to the provisions of this Policy for alcohol testing. The term “sample” does not include blood, except when taken from an Associate involved in a workplace accident at the direction of the person providing the treatment and not taken at the request or the suggestion of the Company.

L. “Safety-Sensitive Position” means a job in which an accident could result in a loss of life, serious bodily injury, or significant property or environmental damage.

M. “Worksite(s)” means Company Property or the property of any of Company’s customers, vendors or others upon which premises the Associate is performing a job-related function.

IV. Statement of Policy

To ensure a safe and productive work environment the Company prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs, controlled substances, or drug paraphernalia on any Company Property or Worksites. This prohibition includes Company owned vehicles, or personal vehicles being used for Company business or parked on Company property.

No Associate shall report to work or be at work with alcohol or with any detectable amount of Illegal Drugs or Alcohol in the Associate’s system.

Prescription drugs are permitted on Company Property and Worksites if prescribed by a licensed healthcare professional for the Associate, the prescription was filled by a licensed pharmacist, and is taken in accordance with the prescriber’s instructions. If an Associate believes that the use of prescription or over-the-counter medication may pose a safety risk to any person or interfere with the Associate’s job performance, the legal drug use must be reported to a manager. Management will keep such information confidential. After appropriate consultation with healthcare professionals, management will determine whether any work restriction or other limitation is necessary. If it is determined that the Associate poses a safety risk, or that the Associate’s performance of essential job functions is adversely affected due to the use of a legal drug, the Associate may be required to take a leave of absence, transfer to another job, or comply with other appropriate action.

Any violation of this Policy may result in disciplinary action up to and including termination.

Policy Date 2/19/03
V. Categories of Associate Substance Testing

A. Pre-employment Testing:

1. All Applicants with Hach Company, (Applicants) shall undergo post-offer, pre-employment drug testing. Applicants will be informed that, as a condition of employment, they must pass a drug-screening test.

2. Applicants who test positive will be notified if they do not meet the standards for employment and of their right to request a re-test of the urine sample that can be reviewed by a medical review officer.

B. Reasonable Suspicion Testing:

An Associate will be asked to submit to tests for alcohol and/or illegal drugs when the Associate is reasonably suspected of being impaired in the performance of his or her job.

1. Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:

   a. Specific, personal and articulable observations concerning the appearance, behavior, speech or performance of the Associate; or

   b. Violation of a safety rule, or other unsafe work incident which, after further investigation of the Associate’s behavior, leads the supervisor(s) /manager(s) to believe that the Associate’s functioning is impaired; or

   c. Other contemporaneous physical or circumstantial indicators of impairment.

2. When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the Associate to the collection site, and will arrange for the Associate’s transport home.

3. The Associate will continue in a paid status pending the receipt of testing results by Hach Company.

C. Post Accident Testing:

Policy Date 2/19/03
An Associate must submit to a drug and/or alcohol test after an on the job accident.

1. An accident for purposes of this Policy is defined as an incident or occurrence in which:

   (a) a person dies or requires medical treatment or

   (b) property damage is estimated at greater than $50 or

   (c) it involves use of a Company vehicle or

   (d) it involves an Associate in a personal vehicle accident who as a regular condition of his/her employment is required to drive a non-Company vehicle.

   (e) it involves an Associate in a Safety-Sensitive position.

2. An Associate who is involved in an accident must immediately report the accident to his or her supervisor/manager.

3. Whenever a supervisor/manager observes or is notified of an accident as defined in C(1)(a) through (e) above, the supervisor/manager will initiate drug and alcohol testing. The supervisor/manager will order the Associate to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the Associate to the collection site and will arrange for the Associate’s transport home.

4. The Associate will continue in a paid status pending the receipt of drug testing results by Hach Company.

VI. **Substances for which tests may be performed include the following substances or their metabolites:**

   A. Marijuana
   B. Cocaine
   C. Opiates
   D. Phencyclidine (PCP)
   E. Amphetamines
   F. Alcohol

Policy Date 2/19/03
VII. Voluntary Treatment

The Company supports sound treatment efforts. Whenever practical, the Company will assist Associates in overcoming drug, alcohol, and other problems which may affect Associate job performance, as long as the Associate has not previously violated this Policy.

If an Associate seeks treatment for drug or alcohol use, the Associate may be eligible to go into a drug and/or alcohol treatment program either through Hach Company medical insurance program or at his or her own expense.

If the Associate elects to enter an appropriate treatment program, the Associate may be placed on unpaid status, but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program, so long as the Associate is complying with the conditions of treatment. Hach Company will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the Company’s medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

VIII. Safeguards/Confidentiality

The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing. Samples will be collected in a sanitary environment designed to maximize Associate’s privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The Company shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to
the MRO retained by the Company. The MRO or the testing laboratory reports the negative results to the Company. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the drugs tested or if the blood alcohol test comes back positive, a second confirmatory test shall be performed. The Associate is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the Associate personally, in the case of a positive test result. The MRO has the responsibility of reporting to Hach Company whether the test results are positive or negative.

An applicant or Associate who does not pass a drug test may request that the original sample be analyzed again at the individual’s expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result. In the event the drug and/or alcohol test results are not achieved due to a diluted sample, the applicant will be required to re-test.

Each applicant or Associate will have an opportunity to discuss the drug and/or alcohol test with a Medical Review Officer in a confidential setting. Each applicant or Associate upon his or her request may be provided with a written copy of the positive test result, upon written request. Upon written request within seven days of taking the test an Associate may access records relating to his drug and/or alcohol test.

IX. Consequences

A. Testing Positive for Illegal Drugs

Discipline for testing positive will be uniformly and consistently applied. Any action taken pursuant to a positive drug test will be based solely on the results of the test and will not be influenced by other factors. Associates who test positive for illegal drugs will be terminated. Applicants who test positive for illegal drugs will not be hired.

B. Refusal to comply

Associates who refuse to undergo testing pursuant to the Policy or who fail to cooperate with such testing procedures will have their employment terminated. Applicants who refuse to undergo testing pursuant to this Policy or who fail to cooperate with such testing procedures will not be hired.

Policy Date 2/19/03
C.  Interference with testing

Any Associate or applicant who obstructs the testing process in any way, including but not limited to adulterating or attempting to adulterate a sample, will be deemed to have failed to cooperate with the testing procedures. Refusal to undergo testing also includes failing to provide an adequate urine sample for testing without a valid medical explanation.

D.  Testing Positive for Alcohol

Discipline for testing positive will be uniformly and consistently applied. Any action taken pursuant to a positive alcohol test will be based solely on the results of the test and will not be influenced by other factors. Associates who test positive for alcohol in violation of the Policy will be terminated immediately.

D.  Any Associate who has been observed using or possessing illegal drugs or alcohol during work time (including rest periods or lunch breaks) or on Company Property is in violation of this Policy.

E.  Return to Duty After Follow-Up Testing. The Company is not obligated to reinstate or rehire any Associate who is terminated for the violation of Company prohibitions or other requirements concerning Illegal Drugs and/or Alcohol. Should the Company retain an Associate or decide to reinstate an Associate, he/she will be subject to follow-up Illegal Drug and Alcohol testing as required by the Company. The Associate must also seek counseling through the Employee Assistance Program and will be subject to random Illegal Drug and Alcohol tests for a period of twelve (12) months after such reinstatement. All follow-up testing will be unannounced and without prior notice to the Associate. The Associate will pay for any tests that are confirmed “positive.” An Associate whose return to duty/follow-up test is “positive” or who refuses or fails to submit to a test will be discharged or will not be reinstated.

X.  Criminal Convictions; Search and Seizure

An Associate’s conviction or arrest under any criminal drug and/or controlled substance statute requires company notification within five (5) days after the arrest or conviction. Failure to report an arrest or conviction relating to a criminal drug and/or controlled substance statute will result in disciplinary action by the Company.
Employees, their possessions, and Company-issued equipment and containers under employee control are subject to search and surveillance at all times while on Company premises or work sites or while conducting Company business.

XI. At Will Employment

Nothing in this Policy is to be construed to prohibit Hach Company from maintaining a safe and secure work environment or to limit its right to impose disciplinary action as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol or drugs. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by Hach Company or the Associate at any time, with or without notice and with or without cause.
ACKNOWLEDGMENT

I have received a copy of Hach Company Drug and Alcohol Policy and understand that in order to continue my employment with this employer I must abide by the terms of the Policy. I agree to notify the employer of any drug violation occurring in the workplace.

I understand that this Policy in no way modifies my status as an at-will employee and in no way implies, infers, or guarantees my continued employment for any definite term and that I may be dismissed at the discretion of the employer for other reasons than failing to follow the terms of the Policy.

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Associate Signature          Date