I. **Purpose and Scope.**

Hach Company believes that a working environment free of drug and alcohol abuse is safer, healthier, and more productive. Being under the influence of drugs or alcohol on the job, as well as the use, possession, and distribution of illegal drugs, poses serious safety and health risks both to the user and to other associates.

This Policy applies to all Hach Company associates in Iowa and all applicants for employment in Iowa. If any element of this Policy is inconsistent with Federal or Iowa law, now or in the future, the element of this Policy shall not be implemented or relied upon. This Policy should not be considered a contract of employment.

Every associate subject to testing will be provided with a copy of this policy. Also, all associates and applicants may review and receive a copy of this Policy upon request. Parents of associates who are minors will be provided a copy of this Policy by certified mail, return receipt requested.

II. **Associate Assistance and Awareness Program.**

Hach Company encourages associates with substance abuse problems to seek help before performance deficiencies, a positive test result, or violation of this Policy results in disciplinary action. Associates are encouraged to utilize Hach Company’s Associate Assistance Program to assist them with any substance abuse, personal or behavioral problems. Information on the Associate Assistance Program, including policies and procedures regarding access and utilization of the program are available from Human Resources.

III. **Definitions.**

For the purposes of this Policy, the following terms have the following meanings:

A. “**Alcohol**” includes alcohol, ethanol, isopropanol, and methanol.

B. “**Applicant**” includes any person who has made an oral or written application to the Company to become an Associate in Iowa and has received a conditional offer of employment.

C. “**Company property**” and “**Company equipment, machinery, or vehicles**” mean all real property, plant, equipment and motor vehicles that is owned, leased, rented, or used by the Company.

D. “**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.

E. “**Detectable levels of alcohol**” means an alcohol concentration of .04 or greater, expressed in terms of grams of alcohol per two hundred ten liters of breath, or its equivalent.

F. “**Associate**” - A person currently employed by the Company, either full or part time.

G. “**Illegal drugs**” means any controlled substance, medication, or other chemical substance that (i) is not legally obtainable in the United States; or (ii) is legally 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, or under Iowa Code Chapter 124.
H. “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.

I. “Sample” means a sample 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 a person providing treatment and not taken at the request or suggestion of the Company.

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

IV. Work Rules.

A. Use, Possession, and Distribution of Alcohol and Illegal Drugs

1. Associates may not work or report to work under the influence of alcohol or illegal drugs or with a detectable level of alcohol or illegal drugs, including the metabolites of illegal drugs, in their system.

2. Associates may not use, possess, manufacture, transfer, sell, or distribute alcohol or illegal drugs while on Company property, while operating Company equipment, machinery or vehicles, or while performing Company business. The consumption or purchase of alcohol, however, may be permitted at work-related business or social functions with the prior approval of management.

3. As a federal contractor and grantee Hach Company is compelled to comply with the Drug-Free Workplace Act of 1988. Associates must notify their manager in writing of any criminal drug statute conviction based upon conduct occurring in the workplace within five days of the conviction. Hach Company will then take all necessary action required by law.

4. Associates violating any of these provisions are subject to disciplinary action, up to and including termination of employment, even if it is the associate’s first offense. Suspected violation of these provisions may also subject the associate to drug and/or alcohol testing under the procedures of this Policy.

B. Use and Possession of Legal Drugs.

1. Prescription drugs are permitted on Company property 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.

2. 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.

3. Associates violating any of these provisions are subject to disciplinary action, up to and including termination of employment, even if it is the Associate’s first offense.
V. **Drug and Alcohol Testing.**

Hach Company may require associates and applicants to submit to drug and/or alcohol testing under the following circumstances:

A. **Pre-Employment Testing**  All applicants, upon receiving a conditional offer of employment from Hach Company, may be required to undergo a drug test as a condition of being considered for employment.

B. **Reasonable Suspicion Testing**  Hach Company may require that an associate undergo a drug and/or alcohol test if there is reasonable suspicion that the associate is using or has used alcohol and/or drugs in violation of this Policy. Evidence of reasonable suspicion will be drawn from specific objective and articulated facts and reasonable conclusions drawn from those facts in light of experience.

C. **Post-Accident Testing**  Associates may be required to submit to an alcohol and/or drug test in connection with Hach Company’s investigation of workplace accidents that result in personal injury (other than minor injuries), or result in property damage, including equipment, estimated at the time of accident to exceed $1,000.00.

D. **Rehabilitation Testing**  Associates may be required to submit to a drug and/or alcohol test during or following completion of drug or alcohol rehabilitation.

E. **Testing Pursuant to Federal Law or Regulation**  Hach Company will conduct alcohol and/or drug testing as required by federal law or regulation, or by law enforcement.

VI. **Testing Procedures**

A. Testing will normally occur during, or immediately before or after, an associate’s regular work period. Hach Company will pay for any drug and/or alcohol test that it requests pursuant to this Policy. Hach Company also will either transport the associate to and from the site where testing occurs or pay for reasonable transportation costs. For associates, the time required for testing, including transportation, shall be considered “work time” for purposes of compensation and benefits.

B. Persons required to submit to a drug test will be informed prior to the test of the specific drugs for which they are being tested. Samples for drug tests will be tested only for the presence of controlled substances and the metabolites of controlled substances. Persons required to submit to a drug test will be given an opportunity to provide any information they believe may affect the test result, such as use of prescription or over-the-counter medication.

C. Samples will be collected and tested in accordance with Iowa and Federal law. Testing personnel will supervise the collection of samples for testing, but will not directly observe the collection of a urine sample without receiving prior authorization from Hach Company management. Direct observation of the collection of urine, may not be authorized by management unless there is reasonable suspicion that the test subject has altered or substituted or will alter or substitute a urine sample. Persons of the opposite sex are never authorized to directly observe the collection of urine samples. Hach Company will comply with governing law concerning the chain of custody of samples, in order to ensure testing accuracy and reliability.
D. Samples taken for drug testing, will be tested only by laboratories that are approved for drug testing under governing law. Precautions will be taken to ensure that the testing only reveals the presence of the substances that are prohibited under the Policy.

E. Hach Company will conduct alcohol testing, including initial and confirmatory tests, pursuant to this written policy. Hach Company will use only evidential breath testing and alcohol screening devices that comply with United States Department of Transportation regulations. Only personnel who are qualified and properly trained pursuant to DOT regulations will administer and confirm the results of alcohol testing. All positive test results shall be confirmed using an evidential breath-testing device, in accordance with DOT regulations. Positive evidential breath tests shall be considered confirmed positive test results for purposes of this policy.

VII. Post-Testing Procedures.

A. Medical Review Officer (“MRO”).

A Medical Review Officer (“MRO”) will be designated by Hach Company to handle certain functions related to drug testing, including reviewing information provided by an applicant or Associate to determine if there is a legitimate, biomedical explanation (such as taking prescription medication) for a positive drug test result. The MRO will not disclose to Hach Company any legitimate, biomedical information provided by an applicant or Associate that explains a positive test result.

B. Confirmatory Tests.

When testing associates, Hach Company will rely only on test results that have been confirmed as positive by the methods of analysis established by governing law (“confirmatory test”). In the case of alcohol testing, confirmatory tests will be done in accordance with DOT regulations.

C. Suspensions Pending Test Results.

Following a drug or alcohol test, employees may be suspended from their jobs with or without pay pending the receipt of test results. If an employee is suspended and the result of the initial test or the second confirmatory test is negative, the employee will be reinstated and if applicable, will receive full back pay and interest.

D. Confidentiality of Test Result Reports.

Except as authorized by the associate or applicant or as permitted by law, test results and other medical information provided by test subjects will be kept confidential and will be maintained in the medical file that is separate from the individual’s personnel file. If the associate has a confirmed positive test result, such test results may be provided, however, to chemical dependency evaluators and treatment centers for the purpose of evaluation or treatment and may otherwise be disclosed as required by law.
E. Notification of Positive Test for Drugs.

1. Associates

Associates will be notified in writing by certified mail, return receipt requested, of a confirmed positive test result for drugs. The notice will explain the associate’s right to request a second confirmatory test as outlined below, the fee payable to Hach Company for the cost of the second confirmatory test, and the right to access test results and the MRO’s report.

Within seven days from the date notification of a positive test result for drugs is mailed to the associate, the associate may, in person or by certified mail, return receipt requested, request a second confirmatory test at an approved laboratory. If mailed, it must be addressed to:

   Human Resource Manager  
   Human Resource Department  
   Hach Company  
   100 Dayton Ave  
   Ames, IA  50010

The request must identify an approved lab to conduct the drug test and pay Hach Company the fee for the second drug test.

The results of the second confirmatory drug test will be reported to the same MRO who reviewed the first test results and the MRO will issue a report to Hach Company indicating whether the second test confirmed the initial positive result. If the results of the second drug test do not confirm the results of the initial test, Hach Company will reimburse the associate for the fee paid for the second drug test and the results of the initial drug test will not be grounds for discipline under the Policy.

2. Applicants

Applicants will be notified in writing by certified mail, return receipt requested, of the confirmed positive test result, the name and address of the MRO, and of the applicant’s right to request any records relating to the test. Requests for access to testing records must be made within fifteen days from the date written notice was mailed.

If the person tested is a minor, notice of a confirmed positive test request also will be reported by certified mail, return receipt requested, to the parent identified by the minor.

VIII. Consequences of Refusal to Submit to Drug and/or Alcohol Testing

   Associates who refuse to undergo testing pursuant to this 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.

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.
IX. **Consequences of 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.

X. **Consequences of 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 this Policy and do not qualify for rehabilitation, as discussed below or who refuse to undergo rehabilitation or treatment will be terminated immediately.

A. **Rehabilitation**

1. Associates who have been employed by Hach Company for at least twelve of the eighteen months preceding the date of the alcohol test and whose alcohol test results (“the test results”) reveal an alcohol concentration of .04 or above will be given the option of agreeing to complete a Hach Company-approved rehabilitation, treatment, or counseling program, provided that they have not previously violated this Policy. The program may include additional drug and/or alcohol testing. An associate who successfully completes such a program will not be subject to further discipline based on “the test results”.

2. The associate must agree to the rehabilitation and to his or her share of the costs as provided under the Associate’s health care plan.

3. Failure to successfully complete the treatment program will result in termination of employment.

4. Time lost by associates during participation in a treatment program that requires them to miss work will be governed by Hach Company’s applicable medical leave, sickness, disability, and/or leave-of-absence policy.

5. Associates may be required to submit to a drug and/or alcohol test during or following completion of drug or alcohol rehabilitation.

6. Hach Company will not take adverse employment action against an associate who is eligible and agrees to undergo rehabilitation under this Policy so long as the associate complies with the requirements of rehabilitation and successfully completes rehabilitation.
RECEIPT AND ACKNOWLEDGMENT FORM

I, ______________________, acknowledge that I received a copy of Hach Company’s Drug and Alcohol Policy. I further understand this Policy supersedes and revokes all previous practices, procedures, policies, and other statements of the Company, whether written or oral, that conflict with this Policy.

I further acknowledge that it is my obligation and responsibility to read this Policy and to comply with its terms. I understand this Policy applies to me and that it is not a contract of employment nor does it alter the at-will status of my employment.

______________________________  ________________________________
(Associate Signature)            (Date)

_________________________________
(Associate Name--please print)