



DRUG FREE WORKPLACE POLICY

A significant number of U.S. workers use illegal drugs and many people who take drugs on a regular basis are likely to come to work impaired. The cost to employers includes mistakes on the job, reduced capacity to work and increased accidents, absenteeism and use of health care benefits.

As a result, many employers are expanding their efforts to identify drug problems in the workplace by implementing a Drug Free Workplace Program.

Drug Free Workplace Programs may encompass several different areas, depending on the desires of Hawk Oilfield Service, Inc. and what they feel their potential problem areas are. Testing may be conducted at the pre-placement stage, with employment being contingent on passing the drug screen. There may also be testing conducted at time of injury, upon reasonable suspicion, and at the time of any injury.

There are several types of drug testing methods. The most common is using urine. Other types include blood, hair, and saliva. In addition to types of testing, there are options on what drugs the lab will test for. These areas should be carefully addressed with the testing facility, as well as their procedures for procuring and analyzing the samples. NIDA approved laboratories generally are the best labs to use, as they must meet the minimum standards for laboratories that may test in the federal sector.

In addition to enforcement and testing, the program should address its stance on rehabilitation, generally done via the Employee Assistance Program (EAP).

Legal counsel should be consulted before and while implementing any Drug Free Workplace Policy. The sample policy provided in this section is to be used merely as a guide.

It is important that all employees be treated fairly in regards to Hawk Oilfield Service, Inc. program. Each should receive a copy of the policy and sign a statement regarding the receipt. All supervisors should be fully trained on the content of the policy and their responsibilities regarding enforcement.

In summary, an effective Drug Free Workplace Program can benefit Hawk Oilfield Service, Inc., lives of the workers, their families, and the community. A company tailored program, including a written policy outlining the details, is essential in the success of this endeavor.

The following represents our policy regarding employee substance abuse. The policy will be enforced uniformly with respect to all employees.

The purposes of the Policy are:

- To establish and maintain a safe, healthy working environment for all employees, visitors, and guests.
- To ensure the positive reputation of Hawk Oilfield Service, Inc within the community.
- To reduce the number of accidental injuries to persons and/or property.
- To reduce absenteeism and tardiness and improve productivity.
- To provide rehabilitation assistance for any employee who seeks such help.
- To eliminate the liability, cost and expense of Hawk Oilfield Service, Inc for injuries to persons or damages to property caused by employees who are impaired by the improper use of legal drugs or alcohol or the use of illegal drugs/inhalants or controlled substances.

Policy Enforcement

The specific elements of the policy are as follows:

- All employees are prohibited from being under the influence of illegal drugs/inhalants or controlled substances during working hours.
- The sale, use, possession, distribution, transfer or purchase of illegal drugs/inhalants or controlled substances on company or client property or while performing company business (whether on or off company property) is strictly prohibited. Such action will be reported to appropriate law enforcement officials.
- No alcoholic beverages will be consumed on Hawk Oilfield Service, Inc or client property without Senior Management authorization; intoxication on property or while performing business (whether on or off company property) is expressly prohibited and cause for termination.
- If it is suspected that drugs and/or alcohol are affecting the employee's work ability, impairing the employee's decision making ability, or endangering the safety of others, the employee's supervisor is to take immediate corrective action. The employee is to cease contact with all other employees, submit to drug testing, and Hawk Oilfield Service, Inc will provide transportation home.
- No prescription drug will be brought on company property by any employee other than the employee for whom it is prescribed, such drugs will be used by said employee, only in the manner, combination, and quantity prescribed. When any prescription or over-

the-counter drugs might affect behavior and performance, an employee is encouraged to advise his/her supervisor that such drugs are being taken for medical reasons. When such use of drugs adversely affects job performance, medical evaluation may be required and the employee may be temporarily relieved of his/her duties. While on such leave, the employee may be entitled to any unused and earned paid time off.

- Any employee whose abuse of alcohol, illegal drugs/inhalants, controlled substances or prescription drugs results in excessive absenteeism or tardiness or is the cause of on-the-job accidents or poor or unsatisfactory performance of work related duties may be requested to enter an appropriate alcohol, drug/controlled substance abuse program for rehabilitation. Failure to enter and complete such a program is cause for termination of employment.
- Any employee who is convicted of an illegal drug or alcohol related violation, whether under city, county, state or federal criminal law, or who pleads guilty or nolo contendere such to such charges must inform Hawk Oilfield Service, Inc. within two (2) days of such conviction or plea. Failure by an employee to report criminal convictions as provided in this paragraph will result in disciplinary action and is cause for termination of employment.
- For purposes of this Policy, an alcoholic beverage is any beverage that has any alcoholic content.
- Drug means substance, other than alcohol, capable of altering an individual's mood, perception, pain level or judgment; a prescribed drug is any substance prescribed for individual consumption by a licensed medical practitioner. An illegal drug is any drug or controlled substance the sale or consumption of which is illegal. "Controlled substance" is defined to mean those drugs in Schedules I through V of Section 202 of the Federal Controlled substances Act, 21 U.S.C. Section 812, and includes, but is not limited to, marijuana, hashish, cocaine (including "crack", "ice", and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates.
- Notwithstanding any provision of this policy to the contrary, it will be within discretion to determine the disciplinary measures to be taken when an employee violates this policy. Each employee should be aware and always keep in mind that one of the disciplinary measures Hawk Oilfield Service, Inc will consider and may impose in each case of a violation of this policy is the termination of employment of the employee who has violated this policy.

Policy Compliance Measures

In order for Hawk Oilfield Service, Inc to monitor and implement this policy, Hawk Oilfield Service, Inc intends and will perform and request that employees undergo drug testing from time to time. An employee may undergo a drug/alcohol test under the following

circumstances: 1) condition of initial employment; 2) following a work related accident; 3) being observed using a prohibited substance on the job; 4) when exhibiting a severe and prolonged reduction in productivity; or 5) if Hawk Oilfield Service, Inc has other reasonable suspicion as grounds for testing such employee. Further, an employee may be required, if has other reasonable suspicion, to submit to a search of any Hawk Oilfield Service, Inc vehicle used for company business, and to submit to a search of a desk, file, locker, clothing or other equipment or material provided by Hawk Oilfield Service, Inc. An employee may also be randomly selected from a pool of all current employees for a periodic drug/alcohol test.

An employee who fails or refuses to submit to alcohol and drug testing or a search as provided above, will be subjected to disciplinary action and refusal is cause for termination of employment.

Alcohol and Drug Rehabilitation

Any employee who feels that he/she has developed an addiction or dependency on alcohol or drugs is encouraged to seek assistance. Requests for assistance will be maintained confidentially. To obtain treatment assistance, an employee may write in confidence to or call Mary Jane Urrutia at (888) 465-1171 for further assistance.

Notwithstanding any provision of this Policy to the contrary, rehabilitation itself is the responsibility of the employee; an employee seeking medical attention for alcoholism or drug addiction may be entitled to benefits under Hawk Oilfield Service, Inc's group medical insurance plans if he/she is a participant under such plans.

An employee who voluntarily seeks alcohol or drug rehabilitation prior to the point in time that he/she violates the Policy, or in situations where Hawk Oilfield Service, Inc has determined that rehabilitation is in the best interests of Hawk Oilfield Service, Inc may be granted rehabilitation leave in accordance with company medical leave of absence policy. To be eligible for continuation in employment on a rehabilitation basis, the employee must have been employed for at least one year and must otherwise qualify for Family and Medical Leave benefits and maintain regular predetermined contact with his/her supervisor. He/she must also provide certification that he/she is continuously enrolled in the treatment program.

Failure on the part of an employee to complete a treatment program prior to proper discharge is cause for termination of the employee.

Upon successful completion of the rehabilitation program, the employee may return to active status, without reduction of pay or seniority, subject to and conditioned upon company medical leave of absence policy. For the employee's benefit, a statement from the rehabilitation organization may be required assuring that returning to the job will not endanger the employee's well-being or create employee, visitor or guest risks.

Hawk Oilfield Service, Inc will have no liability or obligation to guarantee the compensation or benefits of any employee except as expressly provided in this policy.

Random Testing

The positions that will be subject to random drug testing include:

- Every position at our company
- No position will be exempted from random testing.

Implementing Random Testing

In implementing the program of random testing Human Resources will:

- Ensure that the means of random selection remains consistent in the manner or methodology used to determine random testees.
- Evaluate periodically whether the numbers of employees tested and the frequency with which those tests will be administered, satisfy Hawk Oilfield Service, Inc to achieve a drug-free work force.
- Use a third party to randomly select employees for testing.

Random Testing Methodology

All current employees of Hawk Oilfield Service, Inc will be subject to random testing on each random testing occasion.

A periodic random testing drawing will occur each month in order to determine if:

- Testing is to occur that month.
- How many tests are to occur that month.
- In each month a percentage value, ranging from 0% to 5% will be drawn to determine the total number of employees subject to testing during that month.
- The drug testing date will be randomly chosen from a random drawing of all Monday through Friday workdays in the month the test is to occur.
- Employees selected for random drug testing will be identified either by social security number or employee ID number and submitted, confidentially, to the Manager of Employment/Employee Relations by the third party.

Notification of Selection

An individual selected for random testing, and the individual's first-line supervisor, will be notified the same day the test is scheduled, preferably, within four hours of the scheduled testing. The supervisor will explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly.

Testing Coordinator

- All drug/alcohol tests will be conducted by _____.
- A Medical Review Officer will review all drug/alcohol tests.

Deferral of Testing

An employee selected for random drug testing may obtain a deferral of testing if the employee's first-line and higher-level supervisors concur that a compelling need necessitates a

deferral on the grounds that the employee is: 1) in a leave status (sick, vacation, medical or leave without pay); or 2) in official travel status away from our company.

An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

Positive Test Results

In the event that the results of the employee's drug test are positive, indicating use of drugs or controlled substances, the sample will be sent for additional tests to confirm and verify the initial test results. Should the second test results also be positive, the employee will be subject to disciplinary procedures as described in this policy.

Reasonable Suspicion Testing

Grounds

Reasonable suspicion testing may be based upon, among other things:

- Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior;
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
- Information provided either by reliable and credible sources or independently corroborated; or
- Newly discovered evidence that the employee has tampered with a previous drug test.
- Subsequent to any accidents resulting in injury or property damages.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

Procedures

If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion.

When Human Resources concurrence of a reasonable suspicion determination has been made, the employee's supervisor will promptly prepare a written report detailing the circumstances, which formed the basis to warrant the testing. This report should include the appropriate

dates and times of reported drug related incidents, reliable/credible sources of information, rationale leading to the test, and the action taken.

Positive Test Results

In the event that the results of the employee's drug test are positive, the sample will be sent for an additional test to confirm and verify the initial test results. Should the second test results also be positive, the employee will be subject to disciplinary procedures as described in this policy.

**Drug Free Workplace Policy
Acknowledgment**

Applicant/Employee's Name: _____ SS# _____
(print)

I acknowledge that I have been provided a copy of the eEmployers Solutions, Inc. Drug Free Workplace Policy. I understand that a violation of this Policy may subject me to disciplinary action up to and including separation from employment or will make me ineligible for employment at our company.

I understand that I may be required to submit to a blood, urine, breath or other diagnostic test after the occurrence of any work related accident while on or off company property during the course of work.

I authorize the healthcare provider and their respective employees and agents administering the prohibited substance screen to release the results to eEmployer Solutions, Inc., or any person or firm acting on behalf of our company.

Furthermore, I release Hawk Oilfield Service, Inc.'s healthcare provider and their respective employees and agents from any and all claims that I may now, or in the future, have arising from or relating to the drug free workplace policy and/or any action taken by Hawk Oilfield Service, Inc. based on a failed test result.

I acknowledge or affirm that I have received a copy of the Drug Free Workplace Policy and have been told to read it. If I cannot read and understand it, I will have it read to me. I have been instructed to direct any questions about the policy to my manager/supervisor.

Applicant/Employee's Signature: _____ Date: _____