

Acushnet Company

Drug-Free Workplace Policy & Procedures

July 23, 2019

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POLICY

POLICY PARAMETERS

Purpose

Acushnet Company (Acushnet) is committed to providing a safe, healthy, and productive work environment. Therefore, to meet this objective, as well as our obligations under applicable federal and state laws, Acushnet has a drug-free workplace policy and program that seeks to take reasonable measures to ensure that drug or alcohol use does not jeopardize the successful operation of our business, or otherwise negatively affect Acushnet, our associates, or the general public.

While the Company respects the privacy of its associates, Acushnet expects associates to report to work in a condition fit to perform their duties, and a drug-free workplace will benefit all associates.

Who is Covered

The drug-free workplace policy covers all Acushnet associates including, but not limited to, temporary associates, part-time associates, full-time associates, as well as interns and co-ops.

Associates who are covered under the DOT/FMCSA regulations must comply with the DOT/FMCSA regulated rules (available from a member of the Human Resources Department) as well as Acushnet's company policy.

Associates to whom driving is an essential requirement of the job must adhere to additional requirements outlined in Acushnet Company's Driver Safety Policy.

When The Policy Applies

The drug-free workplace policy applies to any associate while he/she is on or using Company Property and/or conducting Company Business. For purposes of this policy, the following are definitions of Company Property and Company Business.

Company Property. *Company Property includes buildings, offices, warehouses, plants, facilities, land, parking lots, and equipment. Company Property also includes vehicles which are owned, leased, or rented by Acushnet and personally owned vehicles used for Company Business where a company vehicle allowance is provided.*

Company Business. *Company Business is any activity performed by an associate on behalf of Acushnet. Company Business includes any activities on or using Company Property. Company Business also includes, but is not limited to: (i) maintaining business relationships and transactions (including selling, entertaining and traveling) on behalf of Acushnet; and (ii) driving in an Acushnet owned, leased or rented vehicle or a personal vehicle being used for Acushnet related business activities.*

Information and Training

Acushnet assists associates in understanding the problems associated with drug and alcohol use, and in an ongoing effort to prevent and eliminate prohibited drug and alcohol use in the workplace, by providing information and referral resources for its associates regarding substance abuse and the drug-free workplace program. In addition, supervisors and managers (“managers” for the purposes of Acushnet’s policy and procedures) receive training regarding their role in the drug-free workplace program.

Availability of Treatment

Should there be a need for treatment, coverage is based on the parameters set forth in the associate’s medical benefits plan. Associates who participate in another provider’s plan should refer to that plan to determine what coverage is available. Associates are responsible for all costs of treatment that are not covered by their applicable medical benefits plan.

HELP & INTERVENTION

Support for Voluntarily Seeking Help

Acushnet encourages early diagnosis and sound treatment for drug- and alcohol-related problems and encourages associates and/or their family members to voluntarily and confidentially seek help.

In an effort to assist in obtaining treatment, Acushnet offers the services of an Employee Assistance Program (EAP). This service provides assessment, counseling, and referral services for associates and/or their family members with drug- and alcohol-related problems or other personal problems. This service should be accessed directly and is available 24 hours a day, 365 days a year. Anonymity and confidentiality are assured. The EAP telephone number is 1-800-451-1834.

In some circumstances, Acushnet believes that associates with drug- or alcohol-related problems can be treated while continuing in their positions. In situations where an associate requests leave for treatment, Acushnet will do its best to accommodate such requests, as required by state and federal laws.

Associates who undergo voluntary counseling or treatment and who continue to work are subject to the same job performance and behavior standards as other associates and those seeking voluntary counseling or treatment who fail to meet performance standards are subject to disciplinary action. Although Acushnet strongly encourages associates who have drug- or alcohol-related problems to voluntarily seek counseling or treatment, associates who seek counseling or treatment only after violating this policy or any other Acushnet policy are still subject to disciplinary action for such violations.

Intervention When Not Voluntarily Seeking Help

Substance abuse often involves denial of the problem, and many abusers do not voluntarily seek treatment. In such cases, Acushnet may seek to intervene.

Intervention by a Manager: Whenever a manager believes a fellow associate or manager's behavior and/or action(s) may be related to the use of drugs or alcohol, the manager will take appropriate action, which may include a drug and/or alcohol test, as described in the attached Procedures. A manager who does not take action when he/she believes an associate's or manager's behavior and/or action(s) may be related to the use of drugs or alcohol may face disciplinary action up to and including termination.

Intervention by an Associate: Whenever an associate has reasonable suspicion, as defined in the Appendix, that the behavior and/or action(s) of a fellow associate or manager may be related to the use of drugs or alcohol, the associate should contact his/her direct manager or a member of the Human Resources Department. The information provided to the manager or the member of Human Resources is confidential. He/she will pursue the situation based on appropriate procedures.

PROHIBITED CONDUCT

Prohibited Conduct

To facilitate a safe, healthy, and productive work environment for all associates, Acushnet has determined that the following associate conduct is prohibited anytime and anywhere for any reason on Company Property and/or on Company Business, inclusive of meals and breaks. Engaging in any of the following prohibited conduct is considered a violation of the policy.

- Being under the influence of a controlled substance, illegally used drug, or alcohol.
 - Being under the influence of alcohol is defined as a positive alcohol test result yielding a blood alcohol concentration (BAC) of .02 or higher, unless otherwise specified in the Permitted Conduct section of this policy.
 - Being under the influence of a controlled substance or illegally used drug is defined as having a confirmed positive drug test result.
- Use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, cultivation, or storage (including in a desk, locker, automobile, or other repository) of a controlled substance, illegally used drug, or drug paraphernalia.
- Use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or being under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.
- Consumption, possession, manufacture, distribution, dispensation, sale, or storage (including in a desk, locker, automobile, or other repository) of alcohol unless otherwise defined in Permitted Conduct Section.

Acushnet prohibits associates who leave Company Property during work hours to consume alcohol if they will return to work (e.g. meals, breaks, between sales or service calls), unless otherwise specified in the Permitted Conduct section of this policy.

- Refusing to consent to or tampering with drug and/or alcohol testing or refusing to submit a breath, blood, saliva, or urine sample for testing. Conduct that clearly obstructs the testing process, including but not limited to the following will be treated as a refusal to submit to testing.
 - Failure to remain readily available for a post-accident test
 - Failure to cooperate with transportation assistance to and from the collection site
 - Failure to report to the collection site without any stops on the way
 - Failure to report to the collection site in the time allocated
 - Failure to provide accurate information to the collection site
 - Failure to cooperate with collection site personnel, including failure to remain at the collection site when requested to do so
 - Failure to sign the chain-of-custody form or other required documents
 - Failure to provide an adequate sample for testing without a valid medical explanation
 - Failing to take a second test as directed by the employer or collector
 - Failing to permit or participate or follow observed instructions in a required observed collection

- Failing to undergo a medical examination or evaluation as directed by the MRO
 - Admitting to the collector that he/she adulterated or substituted their specimen
 - Switching, adulterating, or committing any other misconduct pertaining to any breath, blood, saliva or urine sample collected for drug or alcohol testing
 - Possessing or wearing a prosthetic or other device used to interfere with the collection process
- Disclosure of any information to individuals related to the following (other than in accordance with this policy, or as required by law):
 - Drug or alcohol testing referrals
 - The results of such testing
 - Treatment referrals
 - Refusing to submit to an inspection when required, as outlined in the policy
 - Conviction under any criminal drug or alcohol statute occurring on Company Property or while conducting Company Business (including while driving a company owned or leased or rented vehicle or a personal vehicle being used for Company Business)
 - Failure to notify Acushnet of any conviction, arrest, or citation under any criminal/civil drug or alcohol statute within 24 hours or the next working day from the time of the conviction, arrest, or citation for a violation occurring on Company Property or while conducting Company Business (including while driving a company owned, leased, rented vehicle or a personal vehicle being used for Company Business or driving a personally owned vehicle where a company vehicle allowance is provided.)
 - Failure by an associate to immediately report any change in driver's license status to his/her manager, if his/her job function may include driving a vehicle for Company Business.
 - For those associates in safety-sensitive positions, as identified in the Appendix, failure to notify a manager of the use of a prescription or over-the-counter drug that may alter the associate's physical or mental ability to perform his/her safety-sensitive functions.

In addition, an associate who reports the use of a prescription drug that may alter the associate's physical or mental ability to perform his/her safety-sensitive function must provide a note from the prescribing licensed physician describing the extent of the associate's ability to continue to perform his/her safety-sensitive job function for the term of the prescription, including any specified restrictions. The type of drug being taken and the purpose for taking the drug need not be reported.

Further, associates must follow all physician, manufacturer, or package insert directions when taking a prescription or over-the-counter drug. This includes only taking the prescription drug during the term for which it was prescribed and not taking another individual's prescription. All prescription and over-the-counter drugs are to be kept in their original containers when on Company Property or on Company Business.

Acushnet may temporarily place a Safety-Sensitive associate in a non- safety-sensitive position during the course of the associate's treatment. The associate's manager and a member of the Human Resources Department or a member of the Health Services Department will determine whether the associate's job assignment should be temporarily changed while the prescription is being administered. A member of the Health Services Department reserves the option to contact the prescribing licensed physician directly for guidance as to the associate's ability to continue performing his/her safety-sensitive job functions. The associate shall be present during the contact with the physician whenever possible.

If not already aware, a member of the Human Resources Department should be notified immediately of any temporary change in job assignments due to an associate's prescription drug use.

- Refusing, when required under Acushnet's policy, to sign the Drug-Free Workplace Policy Acknowledgment & Consent Form.
- For on-call associates who are contacted to report for duty, and the work request has not been previously scheduled, failure to notify the associate's designated manager when the associate believes that he/she may be under the influence of drugs and/or alcohol, as defined in the Appendix. The manager contacted by the associate shall determine if the associate shall report to work.
- For associates engaging in the following conduct, either off Company Property or during off-duty hours, the following is prohibited and will constitute a violation of this policy:
 - Possession, use, manufacture, distribution, dispensation, or sale of controlled substances, illegally used drugs, or alcohol off Company Property that may adversely affect the company, the associate's work performance, or the associate's safety or others' safety on Company Property or while conducting Company Business.
 - Illegal use of legal substances off Company Property or during off-duty hours that may adversely affect the company, the associate's work performance, the associate's safety or others' safety on Company Property or while conducting Company Business.

PERMITTED CONDUCT

Permitted Conduct

Acushnet permits the consumption, possession and storage of alcohol, in the context of Company Business, under the following exceptions set forth in this “Permitted Conduct” section.

IMPORTANT: It is the responsibility of each associate who consumes alcohol under the situations defined below to act in a professional and responsible manner at all times.

Consumption of alcohol will be seen as a violation of the policy unless expressly permitted below.

- Consumption of alcohol is permitted while attending a mandatory or non-mandatory company-sponsored function, if consumption is authorized in advance by a member of Acushnet’s Corporate Management Committee.

At any mandatory or non-mandatory company-sponsored function, alcohol is to be served by a professional bartender, unless waived by a member of Acushnet’s Corporate Management Committee.

- Consumption of alcohol is permitted while attending professional events, including professional association meetings where such consumption is permitted by the sponsor of the event or meeting.
- Consumption of alcohol is permitted while conducting business-related entertainment with non-company personnel, including sales functions, or while traveling on business, provided that the associate does not return to Company Property, does not continue to conduct Company Business or does not drive a vehicle defined as Company Property.
- Consumption of alcohol is permitted while conducting business-related entertainment with company personnel, provided that the associate does not return to Company Property, does not continue to conduct Company Business or does not drive a vehicle defined as Company Property.

In general, one drink equals a 1.5-ounces of 80-proof alcohol, a 5-ounce glass of wine, or a 12-ounce beer. As a guideline, an individual weighing 180 pounds who consumes two (2) drinks in one hour will have an approximate alcohol level of .04 BAC. A 120 pound individual consuming two (2) drinks in one hour will have an approximate alcohol level of .06 BAC.

If a situation occurs where an associate believes that he/she may be “under the influence” of alcohol in the situations described above, or when a designated member of management believes an associate may be “under the influence” of alcohol, the associate is not permitted to drive a vehicle. If an associate drives a vehicle against the direction of management, it will be considered a violation of this policy. If necessary for the associate to take a taxicab or to stay in a local hotel to comply with these provisions, the reasonable costs shall be reimbursed by Acushnet.

Possession and storage of alcohol containers on Company Property will be seen as a violation of the policy unless expressly permitted below.

- Storage of unopened, sealed alcohol containers which are not visible and are locked in an associate’s vehicle, or company-supplied vehicle authorized for personal use, while the vehicle is on Company Property, being used for Company Business, or during working hours is permitted.

Storage of unsealed containers of alcohol will be seen as a violation of the policy.

NOTE: The storage exceptions above, do not apply to company-owned vehicles with company insignias. No containers of alcohol, including those that are unopened and sealed, are to be placed or stored in vehicles with company insignias.

DRUG & ALCOHOL TESTING

Testing is the only way to know with certainty whether someone has used drugs or alcohol in violation of the policy. Accordingly, testing for drugs and/or alcohol under certain circumstances is part of Acushnet's Drug-Free Workplace Policy. The methods used to determine the presence of alcohol or drugs in the system under this policy include urine, saliva, blood, and/or breath tests.

Kinds of Tests

For the safety of our associates, Acushnet may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing.

Employment applicants are required to take to a drug test, once offered a position. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer (unless otherwise authorized by a member of the Human Resources Department) or a verified positive drug test result will disqualify an applicant from consideration.

Applicants having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned to work for the Company. In addition, an individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one unannounced drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing.

Acushnet shall test its associates for drugs and alcohol when a manager has reasonable suspicion of drug and/or alcohol use, as defined in the Appendix. Reasonable suspicion will be documented and will not be based on rumor, speculation, or unsubstantiated information of third parties. Referrals for reasonable-suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing.

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. Refusal to take the test will be treated as a positive test and will result in withdrawal of the transfer offer and termination.

Post-Accident Drug and Alcohol Testing.

All associates in safety-sensitive positions who may have caused or contributed to an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$1,000
- Non-vehicular property damage in excess of \$1,000

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates must immediately notify their manager of an accident. In cases of a motor vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing after an accident. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or Acushnet and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government-Required (Federally Mandated) Drug and/or Alcohol Testing.

Acushnet shall comply with and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT) for the Federal Motor Carrier Safety Administration (FMCSA).

Return After Lay-Off Drug Testing.

Associates who return to work in safety-sensitive positions following a lay-off of sixty (60) days or more will be required to take drug tests prior to their return to work.

Random Drug Testing.

Associates in safety-sensitive positions are subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Notice of Policy

Acushnet shall provide notice of the Drug-Free Workplace Policy to every associate subject to testing by posting the policy in a place accessible to associates.

Timing of a Test

Any drug or alcohol testing shall occur during or immediately before or after, any work period. The period shall be deemed a work period for the purposes of compensation and benefits for current associates.

Cost of Testing

The company will pay for any drug and/or alcohol test that it requests or requires. Should an associate request a retest, the cost is to be assumed by the associate unless otherwise stated.

Written Test Results

An associate may request, in writing, a copy of a drug and/or alcohol test result. Acushnet will provide written test results to the associate within seven working (7) days after the written request has been provided by the associate.

Opportunity to Rebut

An associate may immediately request, at the collection site, confirmation of breath-testing result with a blood sample.

Right to a Retest

An associate who tests positive on a confirmatory drug test required by the company may consult with the Medical Review Officer (MRO) to identify possible legitimate, biomedical explanations for the positive result. In addition, the associate may request in writing a retest of the original specimen (at his/her expense) within five (5) working days after the associate has been informed of the confirmed positive test result. An associate who tests positive for alcohol by breath is automatically given a retest, at the time of the original collection, as a confirmation.

RIGHTS

Inspections

The privacy of individuals shall be respected, but in cases where Acushnet has reasonable suspicion to believe that an associate may be in possession of alcohol, drugs, or drug paraphernalia on Company Property or on Company Business, Acushnet may inspect all Company Property (including individual offices, desks, and lockers).

In addition, Acushnet may request that an associate reveal the contents of his/her personal effects (such as lunch boxes, handbags, briefcases, packages, or outer clothing) or personal vehicle on Company Property or on Company Business. Such an inspection may be requested and performed by a manager with a member of the Human Resources Department or his/her designee. Whenever reasonably possible, the associate involved will be present during the inspection.

Consequences for Policy Violations

A violation of the policy, even a first offense, will serve as the basis for discipline, up to and including termination, depending on the circumstances of each case. Certain offenses, including but not limited to possession, sale, or use of controlled substances or illegally used drugs on Acushnet premises, will normally result in immediate termination.

Consequences for a Positive Drug or Alcohol Test

Associates should also be aware of the following consequences of a positive drug or alcohol test.

- A positive pre-employment drug test will result in a no hire determination.
- A positive drug or alcohol test during employment will result in immediate termination.
- A refusal to submit to, tampering with or a failure to report for a test will result in immediate termination.

Consequences for Providing Adulterated, Substituted, Diluted, or Inadequate Specimens

Drug users who attempt to frustrate the testing process by switching, substituting, adulterating, or diluting a urine sample collected for drug testing or committing any other prohibited conduct aimed at undermining the integrity of Acushnet's drug testing program represent a serious threat to the safety of our workplace. Acushnet detects such misconduct by requiring specimen validity testing on all urine samples collected with tests including but not limited to those for nitrite concentration, creatinine concentration, specific gravity, and pH. Associates who attempt to frustrate the testing process will be subject to the following consequences:

- **Adulterated/Substituted Specimen.** At the time a specimen is provided, the collection site personnel will immediately check the specimen for signs of contamination, tampering, or adulteration. If there are any signs of such activity, the collection site person will require the associate to provide a second specimen under direct observation. Both specimens will be sent to the lab for testing. Providing an adulterated or substituted urine sample for drug testing constitutes a refusal to submit to testing and will normally result in termination of employment. (Further information concerning direct observation is available in the Procedures Section of this document.)
- **Diluted Specimen.** If Acushnet receives a test result indicating that an associate provided a specimen that was diluted, Acushnet will take action to obtain an undiluted specimen for testing. Acushnet will immediately escort the associate to the collection site to provide a new urine sample. Failures and/or refusals to cooperate with this requirement will result in termination.
- **Inadequate Specimen Volume (Shy Bladder).** If an associate cannot produce sufficient specimen volume for testing (45 ml), the specimen will be thrown out. The associate will be given fluids over the next twenty (20) minutes. If the associate is still unable to produce sufficient specimen volume for testing, he/she will be taken by taxi with a manager to a collection site where he/she will be provided up to 40 ounces of fluid over a three-hour period until the associate can produce a specimen of 45 ml. The associate may not leave the collection site during the three-hour period or until the associate can produce the specimen, whichever occurs first. Refusing to remain at the collection site, drink fluids, or provide a new specimen constitutes a refusal to submit to testing and will normally result in termination for an associate, and withdrawal of the offer for an applicant.

If, after three (3) hours, the associate still has not produced an adequate specimen, the collection will end and Acushnet will refer the associate to a licensed physician for a medical evaluation to determine whether there is a medical explanation for the inability to produce an adequate specimen. If no medical explanation is determined, the associate's failure to produce an adequate specimen will constitute a refusal to submit to testing and will normally result in termination.

Additional Consequences

In addition to any disciplinary action for a violation of the policy, or while such actions are held in abeyance, Acushnet may, in its sole discretion, refer the associate for assessment, counseling, and/or a treatment program, as applicable. However, Acushnet shall make the final decision relative to discipline.

Associates referred for a reasonable suspicion drug or alcohol test will be placed on leave from work until Acushnet receives confirmed test results. An associate who has a negative test result on a reasonable-suspicion drug or alcohol test will be compensated for any regularly scheduled hours he/she would have worked during that leave period, except where disciplined for other acts. An associate who has a positive test result on a reasonable suspicion drug or alcohol test will not be compensated for any regularly scheduled hours he/she would have worked during that leave period.

Associates who are referred for a post-accident drug or alcohol test may return to work only at the discretion of Acushnet. If an associate is placed on leave and has a negative test result on a post-accident drug or alcohol test, he/she will be compensated for any regularly scheduled hours he/she would have worked during the leave period. An associate who has a positive result on a post-accident drug or alcohol test will not be compensated for any regularly scheduled hours he/she would have worked during a leave period.

For the purposes of Worker's Compensation, should an associate produce a positive drug or alcohol test result or refuse to submit to a drug or alcohol test as required under this policy, his/her eligibility for compensation and benefits may be affected.

Confidentiality

All information, interviews, reports, statements, memoranda, and drug or alcohol test results, written or otherwise, are confidential. Any written agreements, reports, statements, memoranda, and drug or alcohol test results shall not be maintained in the associate's personnel file, but rather in a secured medical records file unless personnel files have a high level of security. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws. This includes occasions when various managers within Acushnet will have a "need to know" and this will not be considered a breach of confidentiality.

Acushnet, the laboratory, the Medical Review Officer, Employee Assistance Programs, treatment providers, and their agents who receive or have access to information concerning test results shall keep all information confidential and may not release any of the information without the written consent of the associate unless the release is required by law, is in accordance with this policy, or is relevant to a legal claim asserted by the associate.

Reservation of Rights

Acushnet Company reserves the right to interpret, change, or rescind the policy in whole or in part, with or without notice. In addition, changes to applicable federal or state laws or regulations may require Acushnet to modify or supplement the policy. This policy does not create a binding employment contract.

PROCEDURES

REFERRAL PROCEDURES FOR REASONABLE SUSPICION TESTING

Acushnet's managers must be alert to declining job performance, erratic behavior, and other symptoms of possible drug or alcohol use. Whenever such conduct and/or performance is recognized, and a manager is concerned about an associate, the manager shall take the following steps to establish reasonable suspicion of drug and/or alcohol use, as defined in the glossary portion of this Appendix, and refer the associate for a drug and alcohol test.

Step 1: Observe & Document

Sometimes, a reasonable suspicion test referral may be based on a single significant event. If a significant event occurs by which the associate's actions or behavior causes a potential threat of harm to himself/herself or others, the associate will be promptly removed from the immediate work site.

When there is reasonable suspicion to believe that drugs or alcohol may be involved in the significant event, the manager will refer the associate for drug and alcohol testing, as outlined below. However, immediate medical attention should never be delayed due to testing.

Depending on the specific circumstances of this significant event, documentation (described below) may occur before or after the referral for testing. However, documentation should occur when reasonably possible.

Most often, a reasonable suspicion test will occur after a period of observation and documentation. The documentation will include appropriate dates and times of questionable conduct or behavior, declining job performance, reliable and credible sources of information, and rationale leading to referral for testing and the action(s) taken.

Once a manager's written documentation suggests possible drug and/or alcohol use in violation of this policy, he/she will follow these procedures.

Step 2: Make a Referral

To assist you in deciding if your documentation supports reasonable suspicion:

- The manager, once having made the decision to proceed, shall contact a designated member of the Human Resources Department to discuss the situation and to receive authorization for a reasonable suspicion referral.
- If the designated member of the Human Resources Department is not available onsite, contact him/her by telephone to discuss the situation and to receive authorization for a reasonable suspicion referral.

- If the designated member of the Human Resources Department is not available either on site or by telephone, confer with another manager and together determine whether reasonable suspicion exists for a reasonable suspicion referral.

Step 3: Notify the Associate

Once a determination has been made that reasonable suspicion exists, the following shall take place:

- The manager shall notify the associate that the decision has been made to refer him or her for a drug and/or alcohol test.
- From this time on, the manager must maintain visual contact with the associate at all times until the associate reaches the collection site or enters the taxi for transportation to the collection site.
- The member of the Human Resources Department who was contacted in Step 2 above shall serve as witness to the discussion.
- If he/she is not onsite, he/she will come onsite or designate an individual to serve as witness.
- The manager and witness shall discuss the situation with the associate in a private location.
- No accusation of substance abuse will be made. Instead, the manager will inform the associate that the circumstances of the significant event or the documented instances of questionable behavior resulted in the referral.
- Inform the associate that he/she is on leave from work pending receipt by Acushnet of the test results. Explain that a 'negative' test result will make it paid leave, but a 'positive' test result will make it unpaid leave.

Step 4: Prepare the Associate for the Drug and Alcohol Collection Process

To prepare the associate for specimen collection, the manager and/or witness shall:

- Fill out the Drug/Alcohol Testing Information Referral Form for the associate to take to the collection site.
- Notify the collection facility that the associate is being sent for testing.
- Verify that the associate has a valid photo identification to present at the collection site.
- Have the associate transported via taxi to get to the collection site for the drug and/or alcohol test and make arrangements for the associate to get home following the collection process.
- A designated company representative shall go in the taxi or shall follow the taxi in a separate vehicle to the collection site.
- Document the time of departure from Company Property and submit that information to a member of the Human Resources Department.

- The designated company representative shall remain at the collection site to ensure that the collection procedures were completed.
- Contact a member of the Human Resources Department immediately if the Human Resources Department has not yet been contacted about the drug and/or alcohol testing referral.
- Place the associate on leave from work, pending receipt by Acushnet of the test results. The associate will be out of work for the duration of the shift and return at the discretion of management with the concurrence of a member of the Human Resources Department.

Step 5:
Confiscate when Necessary

Whenever a manager discovers an associate is in possession of what appears to be a controlled substance or illegally used drug, the manager shall perform the following steps:

- Contact a member of the Human Resources Department and the appropriate authorities or instruct a designee to contact the Human Resources Department and the appropriate authorities.
- Immediately confiscate the substance and all equipment or paraphernalia directly related to the substance.
- If possible, take a photograph of the substance and any/all equipment or paraphernalia identified at the time of the confiscation.
- Wrap the substance and related equipment or paraphernalia in any available clean material—e.g., paper towel, copier paper, or handkerchief—and keep the package with the manager or where the manager can be sure it cannot be tampered with.
- The manager shall put the still-wrapped materials into a large envelope, seal the envelope completely, and write his/her initials over the seal of the envelope in several places.
- Write the associate's name, the manager's name, and the date at the top of the envelope, and turn it over as soon as possible to a member of the Human Resources Department, who shall turn it over to local law enforcement officials.
- The above parties shall witness the signing and dating of the envelope by the person to whom he/she turns it over.

REFERRAL PROCEDURES FOR POST-ACCIDENT TESTING

Acushnet's managers are responsible for coordinating post-accident drug and alcohol tests. A drug and alcohol test should occur after every accident that fits the policy definition. The goal of these referral procedures is to ensure that the medical needs of each associate are met and then that the associates proceed to the collection site as soon as possible.

An accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$1,000
- Non-vehicular property damage in excess of \$1,000

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Formal estimates as to amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates must immediately notify their manager of an accident. In cases of a motor vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Timing of Post-Accident Tests

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident. A post-accident drug test must occur immediately or no later than 32 hours following the accident. If the test is not administered within this timeframe, the manager must perform these three steps:

- Cease attempts to test;
- Call the Human Resources Department; and
- Document why the test did not occur

Leaving the Scene of an Accident

An associate is responsible for remaining available for testing after an accident. However, an associate may leave the scene of an accident for the period necessary to obtain assistance in responding to the accident, materials to secure the accident site, or necessary emergency medical care.

The manager should make every effort under the circumstances to ensure that the associate, even one who has been permitted to leave—or who had to leave—the accident site, is available for a post-accident test.

Step 1:
Determine Whether the Emergency is Over

Following Acushnet's safety procedures:

- Determine whether any safety hazard continues.
- Take all necessary precautions to stabilize the situation.
- Ensure that all associates involved in the accident safely cease performing their jobs.
- Call the proper authorities at the company and at the local community level.
- Report the accident to the appropriate Acushnet company manager(s)

Step 2:
**Determine Who Needs Immediate Medical Attention
& Who May Have Caused or Contributed to the Accident**

Determine who, if anyone, needs medical attention. Call the proper local authorities.

- The manager can make the decision to proceed, to send the safety-sensitive associate for a post-accident test.
- **OPTIONAL:** Contact a member of the Human Resources Department either on site or by telephone to discuss the situation and to receive support for a post-accident referral.
- Notify a member of the Human Resources Department to the pending referral process as soon as possible.

Step 3:
Notify the Associate of the Pending Test

Once a determination has been made that the associate may have caused or contributed to the accident, the manager shall notify the associate(s) that the decision has been made to refer him or her for a drug and alcohol test.

From this time on, the manager must maintain visual contact with the associate at all times until the associate reaches the collection site or enters the taxi for transportation to the collection site.

Step 4:
Prepare the Associate for the Drug & Alcohol Collection Process

To prepare the associate for specimen collection, the manager and/or witness shall:

- Fill out the Drug/Alcohol Testing Information Referral Form for the associate to take to the collection site.
- Notify the collection facility that the associate is being sent for testing.
- Escort or make arrangements for the associate to be escorted to get to the collection site for the drug and/or alcohol test and make arrangements for the associate to get home following the collection process and medical attention, as appropriate.
- If the escort does not remain with the associate at the collection site, after a reasonable time has passed (generally one to two hours, depending on the distance to the collection facility), call the collection facility to determine whether the collection procedures were completed.
- When unescorted by a designated company representative, verify that the associate has a valid, photo identification to present at the collection site.
- Document the time of departure from Company Property and submit that information to a member of the Human Resources Department.
- Contact a member of the Human Resources Department immediately if he/she has not yet been contacted about the drug and/or alcohol testing referral.
- Associates who are referred for a post-accident drug and alcohol test will be returned to work only at the discretion of the associate's manager(s) and/or a member of the Human Resources Department.

APPENDIX

GLOSSARY

For the purposes of this policy, the following definitions shall apply:

Accident. An unplanned, unexpected, or unintended event which occurs on Company Property, on Company Business, or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in at least one of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$1,000
- Non-vehicular property damage in excess of \$1,000

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates must immediately notify their manager of an accident. In cases of a motor vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Associates in safety-sensitive positions who may have caused or contributed to an accident, as defined above, will be subject to a drug and/or alcohol test as soon as possible following the accident.

Unless medical attention is needed, an associate must remain available for testing after an accident. An associate who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the associate must leave the scene of the accident, the associate must make every effort to be tested or to contact his/her manager or Acushnet and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur within eight (8) hours following the accident. A post-accident drug test must occur within thirty-two (32) hours following the accident. If the test is not administered within this timeframe, the manager must do the following:

- Cease attempts to test;
- Call the Human Resources Department; and
- Document why the test did not occur.

Adulterated Specimen. A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol. Ethyl alcohol, a colorless, volatile and flammable liquid that is the intoxicating agent in fermented and distilled liquors. It includes but is not limited to beer, wine, and liquor. It does not include ethyl alcohol containing methanol used in chemical processing, cleaning, or testing.

Alcohol Test. an alcohol test is defined as any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol.

Assessment. See Treatment.

Blood Alcohol Test. A method of testing for the presence of alcohol by analyzing a blood sample.

Breath Alcohol Concentration (BAC). The amount of alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath, as indicated by an evidential breath test.

Breath Alcohol Technician (BAT). An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

Breath Alcohol Test. A method of testing for the presence of alcohol in an individual's system by using an Evidential Breath Testing (EBT) device to analyze a sample of the individual's breath.

Chain-of-custody. The procedure and subsequent documentation by which the specimens are handled from collection through testing and includes the date, purpose of each time a specimen or aliquot is handled or transferred and identification of each individual in the link.

Collection Site. The location that is designated by management to conduct the specimen collection for testing.

Collection Site Personnel (Collector). The individuals who administer the specimen collection for drug and/or alcohol testing.

Company Property. *Company Property includes buildings, offices, warehouses, plants, facilities, land, parking lots, and equipment. Company Property also includes vehicles which are owned, leased, or rented by Acushnet and personally owned vehicles used for Company Business where a company vehicle allowance is provided.*

Company Business. *Company Business is any activity performed by an associate on behalf of Acushnet. Company Business includes any activities on or using Company Property. Company Business also includes, but is not limited to: (i) maintaining business relationships and transactions (including selling, entertaining and traveling) on behalf of Acushnet; and (ii) driving in an Acushnet owned, leased or rented vehicle or a personal vehicle being used for Acushnet related business activities.*

Concentration. The amount of drug present in a unit volume of biological fluid, expressed as weight/volume.

Confirmation Test. In alcohol testing, a second test using an evidential breath test (EBT) device, following a screening test result which indicates a BAC of .02 or higher. In drug testing, a second analytical procedure, which identifies the presence of specific drugs or metabolites, is independent of the screening test, and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy, generally a Gas Chromatography/Mass Spectrometry (GS/MS).

Controlled Substance. Any drug included in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code [21 USC 802(6)], e.g., cocaine, marijuana, morphine, synthetic drugs (those simulating the effects of illegal drugs) the possession of which is unlawful under Chapter 13 of that title. The term does not include the use of prescribed drugs that have been legally obtained and are being used in the manner and for the purpose for which they were prescribed.

Co-op Associate. Individuals who are associates of Acushnet, but are hired by Acushnet to complete a specific project for a specific period of time.

Designer Drug. A manmade drug or combination of drugs similar in basic scientific properties to a controlled substance and produced in a clandestine laboratory.

Dilute Specimen. A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Direct Observation. Observation or monitoring of the provision of a urine specimen. Direct observation is conducted as required by law.

DOT/FMCSA. Department of Transportation/Federal Motor Carrier Safety Administration.

Driving as an Essential Function of Job. An associate in these roles must be able to drive or they cannot perform the job. Positions include field sales, field sales support, field sales management, and delivery drivers.

Drug Paraphernalia. Any item that is primarily intended or designed for use in the administering, transferring, manufacturing, or storing of a controlled substance or illegally used drug.

Drug Test. Any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol. Both a screening test and a confirmation test must be used to establish a positive test result.

Evidentiary Breath Testing Device (EBT). A device that uses a sample of an individual's breath to detect the level of alcohol present in the individual's system. An EBT is a device approved by the National Highway Traffic Safety Administration (NHTSA) and other federal agencies, such as the Department of Transportation (DOT), for both alcohol screening and confirmation testing.

GC/MS gas chromatography/mass spectrometry. The only confirmation method authorized by NIDA and is the combination of the two identifies compounds on the basis of molecular structure.

Illegal Drug. Any of the substances specified in Schedule I or Schedule II of the Controlled Substances Act.

Illegally Used Drug. Any prescribed drug which is legally obtainable but has not been legally obtained or is not being used in the manner or for the purpose for which it was prescribed. All designer drugs and any other over-the-counter or non-drug substances, such as airplane glue, used for other than their intended purpose or in a manner that is not consistent with package inserts or the manufacturer's instructions. This includes over-the-counter drugs purchased in a foreign country that require a prescription in the United States.

Intern Associate. Individuals who are associates of Acushnet, but are hired by Acushnet to complete a specific project for a specific period of time.

Invalid Drug Test. The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Laboratory. Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of HHS Mandatory Guidelines.

Layoff. A work slowdown or lack of demand; this does not include a leave of absence for any reason, including disability or other medical leave.

Medical Review Officer (MRO). An independent, licensed physician responsible for receiving laboratory drug testing results. The MRO has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a positive test as it relates to the individual donor's medical history and other biomedical information.

Negative. Test result indicating drug/metabolite is not present above the designated threshold of the test.

Non-contact Positive Drug Test Result. A confirmed positive test result which is reported as positive to Acushnet, despite the fact that the MRO was unable to contact the donor to conduct an interview and determine if there is an alternative medical explanation for the positive result. If the MRO cannot reach the donor within three (3) days after receiving a positive result, Acushnet is given the lab result from the MRO. Acushnet may choose to take action with this result. The MRO will advise Acushnet that the donor may still contact the MRO for an interview, at which point the MRO may reopen the investigation.

Oral Fluid Test. A method of screening for the presence of drugs of abuse by analyzing a sample of an individual's oral fluid. This method of drug testing must be confirmed by using a different method of testing, such as a Gas Chromatography/Mass Spectrometry (GC/MS).

On-Site Collection and Alcohol Testing. Technology that is FDA cleared utilizing a device on Company Property for the collection of a saliva specimen for the detection of alcohol.

On-Site Collection and Drug Testing. Technology that is DOT approved and FDA cleared utilizing a device on Company Property for the collection of an oral specimen for the detection of drugs of abuse.

Positive. Test result indicating drug/metabolite is present above the designated threshold of the test.

Presumptive Positive. A specimen which has been screened as positive, but not confirmed by an alternate chemical method.

Qualitative Test. Chemical analysis used to identify the components of a mixture.

Quantitative Test. Chemical analysis used to identify the proportional amounts of proportions of a mixture.

Reasonable Suspicion of Drug and/or Alcohol Use. Suspicion that an associate is using or has used drugs or alcohol in violation of Acushnet's drug-free workplace policy based upon specific, objective, articulable, documented facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences may be based upon any of the following:

1. Observable phenomena, such as direct observation of drug or alcohol use, possession, or distribution and/or the physical symptoms of being under the influence of drugs and/or alcohol
2. A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance, including but not limited to frequent absenteeism, excessive tardiness, and recurrent accidents, which appears to be related to drug and alcohol use and do not appear to be attributable to other factors
3. Indications that an associate has tampered with a drug or alcohol test
4. Repeated or flagrant violations of Acushnet's safety or work rules, which are determined by a manager to pose a substantial risk of physical injury or property damage and which appear to be related to drug and alcohol use and do not appear to be attributable to other factors
5. Reckless or risky behavior on the part of an associate which, in the opinion of a manager, could have resulted in an accident, as defined in this policy
6. A report of substance abuse provided by a reliable and credible source.
7. Indications that an associate has used, possessed, sold, solicited, or transferred drugs while working or while on Company Property or operating the company's vehicle, machinery, or equipment
8. Conviction of any drug- or alcohol-related offense, or an arrest occurring in the workplace or while conducting Company Business when coupled with other conduct indicative of potential drug or alcohol use, such as the items listed within this definition

9. Involvement in an accident when the associate may have caused or contributed to the accident

The above examples of reasonable suspicion of drug or alcohol use are illustrative and not all-inclusive. The symptoms of being affected by drugs or alcohol are confined neither to those consistent with misbehavior nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. Reasonable suspicion does not require certainty, but suspicion based upon mere rumor, speculation, or unsubstantiated information of third parties shall not be sufficient to meet the standard of reasonable suspicion. Further, reasonable suspicion will be based only on *documented* facts and inferences.

Refusal to be Tested. Refusing to consent to testing or refusing to submit to a breath, blood, saliva, or urine sample for testing. The following conduct will be treated as a refusal to submit to testing. It consists of engaging in conduct that clearly obstructs the testing process, including but not limited to:

1. Failing to remain readily available for a post-accident test
2. Failing to cooperate with transportation assistance to and from the collection site
3. Failing to report to the collection site in the time allocated
4. Failing to provide accurate information to the collection site
5. Failing to cooperate with collection site personnel, including failure to remain at the collection site when requested to do so
6. Failing to sign the chain-of-custody form or other required documents or other required documents
7. Failing to provide an adequate sample for testing without a valid medical explanation
8. Failing to take a second test as directed by the employer or collector
9. Failing to permit or participate or follow observed instructions in a required observed collection
10. Failing to undergo a medical examination or evaluation as directed by the MRO
11. Admitting to the collector that he/she adulterated or substituted their specimen
12. Switching, adulterating, or committing any other misconduct pertaining to any breath, blood, saliva or urine sample collected for drug or alcohol testing
13. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process

Safety-Sensitive Position. Any job position determined by Acushnet which by the nature of the work involved is accompanied by such risk, that even a momentary lapse of attention could have serious consequences to the safety of the associate, coworkers, customers, the company, or the general public (see applicable portions of this Appendix).

Screening Test. In alcohol testing, an analytical procedure to determine whether an individual may have a prohibited concentration of alcohol in his/her system. An alcohol-screening test may be conducted using either a breath or saliva test. In drug testing, an immunoassay screen used to eliminate “negative” urine specimens from further consideration.

Screening Test Technician (STT). A trained individual who instructs and assists individuals in the alcohol-testing process and operates an alcohol-screening device.

Shy Bladder (for random testing conducted on Acushnet premises). A verifiable medical condition which interferes with a donor's ability to produce 45 ml of urine for urinalysis during testing. During testing, if an associate cannot produce an adequate urine specimen, he/she will be given fluids over the next twenty (20) minutes. If the associate is still unable to produce sufficient specimen volume for testing, the manager shall fill out the Testing Referral Form for Random testing. Then the associate will take the form and go by taxi with a manager to a collection site where he/she will be provided up to 40 ounces of fluid over a three-hour period until the associate can produce a specimen of 45 ml.

During testing, if a donor cannot produce an adequate urine specimen, the donor will be given up to 40 ounces of fluid over a three-hour period. If this is unsuccessful, then the test will end, and the donor may be referred to a physician for examination.

Substituted Specimen. A specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Synthetic Drug. A man-made drug which simulates the effects of cannabinoid, cocaine, amphetamine or other illegal drugs.

Temporary Associate. Individuals who are not associates of Acushnet, but are hired through an employment agency or directly by Acushnet to complete a specific project for a specific period of time.

Testing: For the forms and definitions of each form of testing to be conducted by Acushnet, please refer to the "Drug and Alcohol Testing" Section in this policy under "Kinds of Tests".

Threshold. Defined concentration of a drug in the urine which determines presence or absence of drug/metabolite.

Treatment, Rehabilitation, or Assessment. An established program capable of providing expert identification, assessment, and resolution of associate drug or alcohol abuse in a confidential manner. The services shall be delivered by persons licensed or appropriately certified as health professionals to provide drug or alcohol rehabilitative services.

Under the Influence of a Controlled Substance, Illegally Used Drug, or Alcohol. The presence of a measurable amount of alcohol which is .02 BAC or higher, unless otherwise specified in the Permitted Conduct section of the policy, expressed in terms of grams of alcohol per two hundred ten liters of breath or its equivalent, or a verified positive drug test result at levels specified by the Department of Health and Human Services (DHHS), for a controlled substance or an illegally used drug.

Urinalysis Test. A method of testing for the presence of a drug or its metabolites by analyzing a sample of the individual's urine.

SAFETY-SENSITIVE & NON-SENSITIVE POSITIONS

The following positions are currently designated as safety-sensitive or non-safety sensitive positions. Acushnet reserves the right to identify additional positions as safety-sensitive at any time.

SAFETY SENSITIVE POSITIONS

- Maintenance personnel
- Facilities personnel
- Machinists
- All associates licensed to drive industrial powered trucks
- Field sales representatives and field sales support roles
- DOT Drivers
- Mail room delivery drivers
- Test facility turf equipment operators
- Boiler operators

NON-SAFETY SENSITIVE POSITIONS

Any Position Not Listed Above, Including But Not Limited To, Secretaries, Clerical Workers, And Accountants

DRUG-FREE WORKPLACE POLICY ACKNOWLEDGMENT AND CONSENT FORM

I have received the summary of the Drug-Free Workplace Policy of Acushnet Company. In addition, I have been provided the opportunity to read the Drug-Free Workplace Policy in its entirety. I understand that I am required to follow that policy. I also understand that failure to comply with this policy is the basis for discipline, up to and including termination.

I understand the Drug-Free Workplace Policy of Acushnet Company establishes conditions under which I may be required to provide a breath, blood, saliva, or urine sample for drug and/or alcohol testing. The forms of testing to be conducted by Acushnet include: pre-employment, new hire evaluation period (safety-sensitive positions only), reasonable suspicion, transfer to a safety-sensitive position, post-accident, government required (DOT/FMCSA), return after lay-off (safety-sensitive positions only), and random (safety-sensitive positions only). If this occurs, I hereby consent to such testing. I authorize the testing laboratory to release my test results to the Medical Review Officer (MRO) and/or to designated managers on a need-to-know basis.

If there is a positive test result, I understand that the MRO may ask me to provide, and I agree to provide, information about any legal nonprescription drugs and other drugs for which I have a prescription that I take routinely or have taken within the last thirty days.

I understand that any communication I may have with the collection site personnel, testing laboratories, or MRO does not create or imply a doctor/patient relationship.

Date

Applicant/Associate's Signature

Date

Applicant/Associate's Name (Printed)

Date

Parent or Guardian's Signature (Required for Minor Associates)

Note: A determination of the definition of a minor is to be ascertained on a state-by-state basis.

DRUG / ALCOHOL TESTING INFORMATION REFERRAL FORM

Referring manager: Complete this form when sending an applicant/associate for drug and/or alcohol testing. Have the applicant/associate deliver the form to the collection site personnel. Please print all information.

Applicant/associate: Present this form, the laboratory's chain-of-custody form and/or the drug testing collection kit, as applicable, and a valid picture identification to collection site personnel at the time of your arrival at the designated collection site.

_____	_____
<i>Date</i>	<i>Name of Individual to be Tested</i>
_____	_____
<i>Time</i>	<i>Primary Telephone Number</i>

	<i>Secondary Telephone Number</i>

	<i>Name of Referring Manager</i>

	<i>Referring Manager's Work Phone Number</i>

TYPE OF TEST REQUESTED

- | | |
|--|------------------|
| <input type="checkbox"/> Pre-Employment | Drug |
| <input type="checkbox"/> New-Hire Evaluation Period (safety-sensitive position only) | Drug |
| <input type="checkbox"/> Post-Accident (safety-sensitive position only) | Drug and Alcohol |
| <input type="checkbox"/> Random (safety-sensitive position only) | Drug |
| <input type="checkbox"/> Reasonable Suspicion | Drug and Alcohol |
| <input type="checkbox"/> Return After Lay-off (safety-sensitive position only) | Drug |
| <input type="checkbox"/> Transfer to a Safety-Sensitive Position | Drug |

STATE AMENDMENT

Alabama	Mississippi
Alaska	Missouri
Arizona	Montana
Arkansas	Nebraska
California	Nevada
California, San Francisco	New Hampshire
Colorado	New Jersey
Colorado, Boulder	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
	Wyoming

ALABAMA STATE AMENDMENT

Procedural Requirements

Policy Notice

A sixty (60) day one time advance written notice is required to associates and applicants and the written policy is to be posted. Changes to the policy must be posted in “appropriate and conspicuous location.”

Notification of Test Results in Writing

Test results are to be provided within 5 days after receiving a positive result from the lab and upon request for the negative results. The associate may request a copy of the test results.

Specimens Specified

Specified specimens are tissue, blood, breath, urine, or other product of the human body capable of revealing the presence of drugs or their metabolites or of alcohol.

Follow-up Drug and Alcohol Testing

Follow-up testing is permitted only of workers who enter an Employee Assistance Program (EAP) or rehab program as a result of a positive test result. If the associate voluntarily entered rehab, prior to being requested to have a test conducted and prior to a positive test result, no follow up testing may be required. The follow-up testing is based on at least one test per year for 2 years.

Cost of Tests

Employers must pay the costs of all required drug or alcohol tests. Associates pay for all additional tests not required by the employer. All testing time considered work time.

Supervisor Training and Associate Education

is required to provide two (2) hours of education on substance abuse to associates and an additional two (2) hours of training to supervisory personal and one (1) one each year thereafter.

Worker's Compensation

A positive drug or alcohol test conducted and evaluated pursuant to standards adopted for drug testing by the U.S. Department of Transportation shall be a conclusive presumption of impairment resulting from the use of illegal drugs or alcohol. Benefits are denied when an accident is due to the claimant's intoxication from alcohol or impairment of illegal drugs. No compensation shall be allowed if the associate refuses to submit to or cooperate with a blood, saliva or urine test as set forth above after the accident after being warned in writing by the employer that such refusal would forfeit the associate's right to recover benefits under this chapter.

Unemployment Compensation – Disqualification from Benefits

A confirmed positive drug test that is conducted and evaluated according to standards set forth for the conduct and evaluation of such tests by the U.S. Department of Transportation in or standards shown by the employer to be otherwise reliable shall be a conclusive presumption of impairment by illegal drugs. Employer programs shall be deemed reasonable and applied equitably (all associates or articulable rationale for a classification) with notification prior to testing. A refusal to test or tampering with a specimen also will disqualify claimants from eligibility for unemployment benefits.

ALASKA STATE AMENDMENT

Procedural Requirements

Voluntary Law Affecting Drug & Alcohol Testing – Employer Benefit of Compliance

No cause of action may be brought against any employer that has established an alcohol- or drug- testing program in accordance with the law for adverse employment actions taken in good faith based on a positive drug or alcohol test. Compliance with the law creates a rebuttable presumption that the test result is valid. No cause of action may be taken against any employer unless the employer's action was based on a false positive, and the employer knew or clearly should have known that the result was in error, but ignored the truth because of reckless or malicious disregard for the truth or a willful intent to deceive or be deceived. No cause of action may be taken against an employer for defamation, libel, slander, or damage to reputation unless the following four conditions are met 1) the test results were disclosed to a non-privileged person; 2) the information was a false positive test result; 3) the information was disclosed negligently; and 4) all elements of an action for defamation of character. Libel, slander, or damage to reputation is met. Employers cannot be held liable for false negatives, failures to test, or termination of a testing or prevention policy.

Notice of Policy & Implementation

AC will provide 30-day notice to implementation to current associates of the policy. Such notice will be provided by distributing a copy of the policy, including this amendment or posting the policy and this amendment in a place accessible to associates. The policy must include:

1. Purpose of the policy;
2. Define which associates are to be tested;
3. Circumstance under which testing may be required;
4. Substances tested for;
5. Testing methodologies and collection procedures;
6. Consequences of a refusal;
7. Any adverse personnel action due to a violation of the policy;
8. Right of the associate to request and obtain written test results within six (6) months of the test and the Employer's responsibility to provide this information within 5 working days;
9. Associate's right to explain a positive test result in a confidential setting; and
10. A statement of the employer's policy regarding confidentiality of the test results.

Timing of Tests

Any drug or alcohol testing shall occur during or immediately before or after, a regular work period. The period shall be deemed a work period for the purposes of compensation and benefits for current associates.

Costs of Tests

AC shall pay all actual costs for drug testing and alcohol impairment testing required for associates and applicants. AC shall also pay reasonable transportation costs to a current associate if applicable.

Testing of Associates

AC shall test all or part of the workforce based on consideration of safety for associates, clients, or the public at large.

Samples to be Tested

AC may require a urine or breath or oral fluids sample to detect the presence of drugs or alcohol, as long as the products are approved by the FDA. For urine and oral fluids, the law requires the use of detection cut-off levels adopted by SAMHSA.

Collection

All collections are to be done under reasonable and sanitary conditions and in a manner that provides privacy. The person collecting the sample must document and label the sample to prevent misidentification. The associate must be given the opportunity to provide any relevant medical information, such as current or recently used prescription and non-prescription medication to the MRO.

Confirmatory Test

All positive drug test results, whether conducted onsite, at a collection site or in a laboratory, must be confirmed using GC/MS or its equivalency.

Laboratory

All tests not performed onsite must be conducted in a laboratory approved or certified by SAMHSA, CAP, or the American Association of Clinical Chemists. Samples testing must comply with scientifically accepted analytical methods and procedures.

MRO Review

All confirmed positive drug test results will be reviewed by a licensed physician or doctor of osteopathy who shall contact the individual within 48 hours and offer an opportunity to discuss the confirming test result, interpret and evaluate the positive drug test results for legal use, and report test results that have been caused by prescription medication as negative.

Written Test Results

An associate, on the associate's request, may obtain the written test results. AC will provide written test results to the associate within five working days after a written request to do so, so long as the written request is made within six months after the date of the test.

Opportunity to Explain Positive Test Results

An associate, on the associate's request, may explain in a confidential setting, a positive test result. The associate's request must be in writing and must be submitted within 10 working days after the associate is notified of the test result. If these requirements are met, AC will provide an associate with an opportunity to explain a positive test result, in a confidential setting, within 72 hours after receiving the associate's written notice, or before taking adverse employment action.

Training for Reasonable Suspicion Test Referrals

At least one (1) designated AC associate will receive at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on the use of controlled substances. The training will be used by the designee to determine whether reasonable suspicion exists to require an associate to undergo testing.

Consequences for a Violation of the Policy and Procedures.

Adverse employment action under (a) of this section may include

- A requirement that the associate enroll in an employer provided or employer approved rehabilitation, treatment, or
- counseling program; the program may include additional drug testing and alcohol impairment testing; the employer may
- require participation in the program as a condition of employment; costs of participating in the program may or may not
- be covered by the employer's health plan or policies;
- Suspension of the associate, with or without pay, for a designated period of time;
- Termination of employment;
- In case of drug testing, refusal to hire a prospective associate; and
- Other adverse employment action.

Confidentiality

A communication received by AC relevant to drug test or alcohol impairment test results is a confidential and privileged communication and may not be disclosed except:

- To the tested associate or prospective associate or another person designated in writing by the associate or prospective associate;
- To individuals designated by an employer to receive and evaluate test results or hear the explanation of the associate or prospective associate; or
- As ordered by a court or governmental agency.

Civil Remedies - Judicial

An associate may bring a civil action for damages only if the employer's action was based on a false positive result which the employer knew or should have known was in error but ignored the true test result because of reckless or malicious disregard for the truth or a willful intent to deceive or be deceived.

Medical Marijuana

A patient, primary caregiver, or alternate caregiver has an affirmative defense to a criminal prosecution involving marijuana, if the patient, at the time of the activity, was registered with the state Department of Health and Human Services as required by the Medical Uses of Marijuana for Persons Suffering from Debilitating Medical Conditions Act; the activity complied with the requirements of the Act; and if the caregiver is the defendant, the caregiver was the defendant, or the caregiver was in physical possession of a caregiver registry identification card at the time of the activity. Approved illnesses include Cachexia, cancer, chronic pain, epilepsy and other disorders characterized by seizures, glaucoma, HIV or AIDS, multiple sclerosis and other disorders characterized by muscle spasticity, and nausea. Other conditions are subject to approval by the Alaska Department of Health and Social Services.

The Act places limits on the quantity of marijuana that patients and caregivers may possess, and does not require accommodation of the medical use or marijuana as a drug with no proven medical benefit and a high risk of abuse. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse.) Medical Marijuana Law does not protect any associate who is a registered patient—the same being true for housing situations. Nothing in this law shall require any accommodation of any medical use of marijuana:

- in any place of employment;
- in any correctional facility, medical facility, or facility monitored
- by the department or the Department of Administration;
- on or within 500 feet of school grounds;
- at or within 500 feet of a recreation or youth center; or
- on a school bus."

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Injuries proximately caused by the intoxication of the injured associate or proximately caused by the associate's drug use are not compensable (except where the drugs are taken pursuant to a valid prescription). However, a presumption exists that an associate's injury was not proximately caused by the associate's intoxication or illegal use of drugs; employers must present substantial evidence to overcome this presumption.

Unemployment Compensation

An insured worker is disqualified for waiting-week credit or benefits for the first week in which the insured worker is unemployed and for the next five weeks of unemployment following that week if the insured worker

- Left the insured worker's last suitable work voluntarily without good cause; or
- Was discharged for **misconduct** connected with the insured worker's last work

Civil Remedies-Judicial

An associate may bring a civil action for damages only if the employer's action was based on a false positive results which the employer knew or clearly should have known was in error but ignored the true test result because of reckless or malicious disregard for the truth or a willful intent to deceive or be deceived.

ARIZONA STATE AMENDMENT

Procedural Requirements

Arizona Private-Sector Workplace Drug Testing and Alcohol Impairment Act

Employer Benefit of Compliance – No cause of action may be brought against any employer who has established an alcohol and/or drug testing program in accordance with the law, for adverse employment actions taken in good faith based on a positive drug or alcohol impairment test. Compliance with the law creates a rebuttable presumption that the test result is valid. No cause of action may be brought against the employer unless the employer’s action was based on a false positive, the employer “knew or clearly should have known that the result was in error,” *and* the employer demonstrated a “reckless or malicious disregard for the truth or the willful intent to deceive. No cause of action may be brought against an employer for defamation, libel, slander, or damage to reputation unless the following four conditions are met: the test results were disclosed to a non-privileged person; the information was a false positive test result; the information was disclosed negligently; and all elements of an action for defamation of character, libel, slander, or damage to reputation are met. There is no employer liability for false negatives, failure to test, termination of a testing or prevention policy.

Policy

Testing or retesting for the presence of drugs or alcohol by an employer shall be carried out within the terms of a written policy that has been distributed to every associate subject to testing or that has been made available to associates in the same manner as the employer informs its associates of other personnel practices, including inclusion in a personnel handbook or manual or posting in a place accessible to associates. The employer shall inform prospective associates that they must undergo drug testing. The written policy shall include at least the following:

1. A statement of the employer's policy respecting drug and alcohol use by associates.
2. A description of those associates or prospective associates who are subject to testing.
3. The circumstances under which testing may be required.
4. The substances as to which testing may be required.
5. A description of the testing methods and collection procedures to be used.
6. The consequences of a refusal to participate in the testing.
7. Any adverse personnel action that may be taken based on the testing procedure or results.
8. The right of an associate, on request, to obtain the written test results.
9. The right of an associate, on request, to explain in a confidential setting, a positive test result.

10. A statement of the employer's policy regarding the confidentiality of the test results.

Notice of Policy

AC shall provide notice of the drug-free workplace policy to every associate subject to testing by distributing a copy of the policy, including this amendment to all such associates or by posting the policy and this amendment in a place accessible to associates. The information provided is to include the general policy statement, who is to be tested and under what circumstances the applicant/associate may be tested, the methodology and procedures for testing, the drugs being tested for; the associate right for a written copy of the test results, and a confidentiality statement.

Supervisor Training and Associate Education

It is recommended that AC provide two (2) hours of education on substance abuse to associates and an additional two (2) hours of training to supervisory personal and one (1) one each year thereafter.

Timing of Tests

Any drug or alcohol testing shall occur during or immediately before or after, a regular work period. The period shall be deemed a work period for the purposes of compensation and benefits for current associates.

Costs of Tests

AC shall pay all actual costs for drug testing and alcohol impairment testing required for associates, including reasonable transportation costs. Applicants may be required to pay for drug testing.

Testing of Management

All compensated associates including officers, directors and managers shall be uniformly included in AC's testing policy.

Collection and Information To be Provided

All collections must be conducted under reasonable and sanitary conditions. Chain-of-custody procedures must be maintained. An individual is permitted to provide any information that may be considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant information.

Laboratory

Drug testing must be conducted at laboratories certified by HHS, CAP, or the Arizona Department of Health Services.

Appropriate Specimens

Testing of urine, blood, breath, saliva, hair or other body specimens are permitted.

Confirmatory Test

All positive initial test results for *associates* must be confirmed by GC/MS or another comparable reliable method. Employers are not required to confirm pre-employment drug screens.

Disciplinary Procedures

An employer may take adverse employment action based on a positive drug test or alcohol impairment test. On receipt of a positive drug test or alcohol impairment test result that indicates a violation of the employer's written policy, on the refusal of an associate or prospective associate to provide a drug testing sample or on the refusal of an associate to provide an alcohol impairment testing sample, an employer may use that test result or test refusal as a basis for disciplinary or rehabilitative actions that may include any of the following:

- A requirement that the associate enroll in an employer provided or employer approved rehabilitation, treatment or counseling program, which may include additional drug testing and alcohol impairment testing, participation in which may be a condition of continued employment and the costs of which may or may not be covered by the employer's health plan or policies.
- Suspension of the associate, with or without pay, for a designated period of time.
- Termination of employment.
- In the case of drug testing, refusal to hire a prospective associate.
- Other adverse employment action.

Right to Obtain Written Test Results

An associate has the right, upon request, to obtain the written test results that pertain to that individual, subject to the maintenance of confidentiality for other individuals.

Right to Explain Positive Test Result

Likewise, an associate has a right, upon request, to explain in a confidential setting, a positive test result.

Confidentiality

All communications received by AC related to drug or alcohol testing results and received through AC's testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, except in a proceeding related to an action taken by AC or an associate under the Arizona Private Sector Workplace Drug Testing and Alcohol Impairment Act or except disclosure to:

- The tested associate or applicant or any other person designated in writing by that associate or applicant
- Individuals designated by AC to receive and evaluate test results or to hear the explanation of the associate or applicant
- An arbitrator or mediator, or a court or governmental agency as authorized by state or federal law

Medical Marijuana

As of November 2010, any medical doctor licensed to practice in Arizona may prescribe a Schedule I controlled substance such as heroin, LSD, or marijuana to treat a disease or to treat pain and suffering of a seriously ill patient or terminally ill patient. The doctor must obtain the written opinion of a second doctor that prescribing the controlled substance is appropriate to treat the disease or to relieve the pain and suffering, and the opinion must be kept in the patient’s medical file. The doctor must obtain the patient’s written permission prior to prescribing the controlled substance. (This law is inconsistent with federal law, which characterizes Schedule I drugs as those that are illegal and have no proven medical benefit and a high risk of abuse.)

Employers are prohibited from:

- (1) Discriminating against a person registered under the Act (i.e., a medical-marijuana “cardholder”) in hiring, terminating, or imposing employment conditions – unless failing to do so would result in the employer losing a monetary or licensing benefit under federal law (DOT certification, for example); and/or
- (2) Penalizing a qualifying patient/cardholder for a positive drug test for marijuana – unless the “patient” used, possessed, or was impaired by marijuana on the employment premises or during hours of employment.

Employers *are* allowed to prohibit use or possession at work. Moreover, they can prohibit *impairment* at work – which, of course, often is a difficult burden to meet. Unlike alcohol, there is no universal legal standard for what constitutes marijuana impairment. A drug test positive will *not* likely be enough – the burden on the employer is to demonstrate impairment.

Under Proposition 203, a “cardholder” is entitled to 2.5 ounces of marijuana every two weeks amounting to 140 marijuana joints (10 joints per day). These large amounts of unmonitored and unregulated marijuana are grown, harvested, and consumed in the community” (emphasis added).

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Injury or death substantially caused by the associate's use of alcohol or unlawful use of a controlled substance is not compensable under the law, unless the employer had actual knowledge of and permitted or condoned the associate's use. Injury or death is not compensable under the law if the associate fails to pass, refuses to cooperate with, or refuses to take a drug or alcohol test *and* the employer is in compliance with the state Private-Sector Workplace Drug Testing and Alcohol Impairment Act. "Refusing to cooperate" is defined as any act or omission that impedes obtaining an accurate result on a drug and/or alcohol test. Any alcohol test must be administered or requested within 24 hours after the employer receives notice of the accident.

The employer must have failed a written certification that it has a drug and alcohol testing program in compliance with the state Private-Sector Workplace Drug Testing and Alcohol Impairment Act with the state Industrial Commission prior to the date of the accident. The associate must be entitled to benefits if he can prove that: the use of alcohol or illegal drugs was not a contributing cause of the injury; the alcohol concentration was lower than 0.01 percent; or the drug or alcohol test used drug or alcohol cut-off levels that were lower than the federal Department of Transportation (DOT) cut-off levels.

Unemployment Compensation

Benefits are denied to an associate who is discharged for willful misconduct, which includes failure to pass or refusal to take a drug or alcohol test administered or requested pursuant to the state Private-Sector Workplace Drug Testing and Alcohol Impairment Act. Willful misconduct also includes repeated intoxication, whether from the use of alcohol or illegal drugs, and any of its effects or aftereffects on job performance.

Disability Defined

A qualified disability does not include an impairment caused by the current or recent use of drugs or alcohol.

ARKANSAS STATE AMENDMENT

Procedural Requirements

Disability Discrimination

“Disability” does not include current use of illegal drugs, psychoactive substance use disorders resulting from illegal use of drugs, or alcoholism.

Payment of Medical Examination

An employer must pay for any physical or medical examination required of an applicant or associate as a condition of employment or continued employment.

Drug Test Falsification

It is unlawful for a person to: (1) sell, give away, distribute, market, or transport urine with the intent of using the urine to defraud a drug or alcohol test; (2) attempt to defraud a drug or alcohol test by substituting or spiking a urine sample, or advertising substitute urine samples or other spiking devices or measures; (3) adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol test; (4) possess, sell, or market adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol test. Individuals convicted of this offense are guilty of a class B misdemeanor. Intention to defraud or cause deceitful results in a drug or alcohol screening test is presumed if: a heating element or any other device used to thwart a drug screening test accompanies the sale distribution, giving, or marketing of urine; or instructions that provide a method for thwarting a drug screening test accompanying the sale, giving, distribution, or marketing of urine.

Drug Dealer Act

Employers and others may bring a civil action for damages caused by an individual’s use of an illegal drug. Damages may include: economic damages, including costs of treatment and rehabilitation, lost productivity, accidents and absenteeism; non-economic damages, including pain and suffering; punitive damages; attorney’s fees; and costs to bring suit.

Policy

There is to be a written policy provided to each applicant and associate stating the following:

- General statement identifying the types of tests to be conducted;
- The consequences of a policy violation;
- General Statement concerning confidentiality;
- All initial test results are to be confirmed using GC/MS or equivalency;
- Advise to associates concerning the EAP or resources available for assistance/treatment programs;

- Right for contest and explain the results within five (5) working days of receiving notice of a positive test result;
- Reference to federal Drug-Free Workplace Act requirements as applicable;
- Required testing to include pre-employment, reasonable suspicion, post-accident, part of fitness for duty physical as applicable and if associate enters associate assistance or rehabilitation;
- The potential loss of worker's compensation benefits; and
- The associate's right to consult with the Medical Review Officer.

Notice of Policy

Notice is to be provided sixty (60) days prior to its first implementation; copy of policy must be shared with associates prior to implementing testing; specific content requirements must be met, see statute for details.

Associate Education

Associates shall receive materials explaining the basic components of the policy and then a signed statement that they have received the material.

Manager Training

Each manager shall receive sixty (60) minutes of alcohol misuse and sixty (60) minutes of drug abuse training for reasonable suspicion including the physical, behavioral, speech and performance indicators.

Cost of Testing

AC must pay for all tests required by AC, but associates/applicants may pay for additional tests, including a request for a retest. In addition, testing time is considered work time.

Reasonable Suspicion Drug and Alcohol Testing

Documentation must be submitted within 24 hours of observation or before test results are released, whichever is earlier; alcohol testing for reasonable suspicion permitted, otherwise limited to safety-sensitive positions.

Definition of a Safety-Sensitive Position

"Safety-Sensitive Position" means a position involving a safety-sensitive function pursuant to regulations governing drug and alcohol testing adopted by the United States Department of Transportation. "Safety-sensitive position" means, with respect to any employer, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the associate to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to another person.

Medical Review Officers

Medical Review Officers are required by Arkansas law to report a positive drug test result to the database for commercial drivers. Medical Review Officers must also report drivers to the database that refuse to submit to a drug test or provide an altered specimen.

Associate Discipline

Employers complying with the legal requirements may terminate an associate or refuse to hire an applicant who tests positive for drugs or who refuses to submit to testing. An employer may not discharge, discipline, or discriminate against an associate for voluntarily seeking drug or alcohol related treatment while the employed, if the associate has not already tested positive, entered into an EAP for drug or alcohol treatment, or entered into a drug or alcohol rehabilitation program. In addition, associates who test positive will be disqualified from receiving worker's compensation benefits.

Employee Assistance Program (EAP)

An EAP is not required, however, an employer's policy must contain a representative sampling of names, addresses and telephone numbers of associate assistance programs and local drug or alcohol rehabilitation programs.

Specimen Specified

Specimen means "tissue, fluid, or a product of the human body capable of revealing the presence of alcohol, drugs or their metabolites."

Treatment

Any associate may voluntarily seek assistance for a substance abuse problem and the employer may not discipline that associate. If the employer pays for the treatment, the employer can select the treatment provider.

Voluntary Law Affecting Worker's Compensation

Benefits will be denied when an accident is substantially occasioned by the use of alcohol, illegal drugs, or prescription drugs used in contravention of physician's orders. The presence of alcohol, illegal drugs, or prescription drugs used in contravention of physician's orders in a claimant's system creates a rebuttable presumption that the accident was substantially occasioned by the use of such substances. All associates are deemed to have consented to alcohol and drug testing by performing services for an employer; however, tests must be reasonable and responsible and performed by properly trained personnel. An associate may be entitled to benefits if it is proven by a preponderance of the evidence that the alcohol, illegal drugs, or prescription drugs used in contravention of physician's orders did not substantially cause the accident.

Unemployment Compensation

Benefits are denied to an associate discharged for drinking alcohol on the job, or reporting to work while intoxicated, which includes being under the influence of controlled substances. Benefits are also denied to an associate discharged for testing positive for illegal drugs when the drug test is performed in accordance with federal DOT procedures and the employer's written drug policy.

Civil Remedies-Administrative

Any associate who is terminated for a positive drug or alcohol test result may contest the test result before the Department of Labor within thirty (30) days of termination.

CALIFORNIA STATE AMENDMENT

Procedural Requirements

Privacy

The California Constitution guarantees the right to privacy.

Distribution of Drug-free Workplace Policy to Associates

AC is required to have a Drug-free Workplace Policy and is to provide a copy of the policy at the time of hire.

Advance Notice of Random Drug Testing Policy

Due to AC's substantial safety concerns for workplace safety and based on the safety-sensitive nature of work conducted at AC, the company will implement random drug testing as a component of its drug-free workplace policy and program. The company will provide six (6) months advance notice to all affected associates prior to implementing random drug testing program. During this six (6) month grace period, affected associates shall be allowed to seek help if needed and will not be subject to random drug testing.

Reasonable Accommodation of Associate Entering Rehabilitation Program

Every private employer regularly employing 25 or more associates shall reasonably accommodate any associate who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on the employer. The law does not entitle the associate to take time off with pay, except that associate may use sick leave to which he/she is entitled. Employers must make reasonable efforts to safeguard the privacy of associates as to the fact of their decision to enter rehabilitation. Associates who believe they have been denied a reasonable accommodation may file a complaint with the state Labor Commissioner.

Confidentiality

Test results will not be released except as authorized by the person tested, and the test information shall be provided only to those associates of AC with a reasonable business "need to know," or as required by a court of law.

Disability Discrimination

A psychoactive substance use disorder resulting from current unlawful use of controlled substances or other drugs is not considered, in and of itself, a mental or physical disability for employment discrimination purposes.

Payment for Medical Examination

An associate or applicant may not be required to pay the cost of a medical examination required as a condition of employment or by law.

Payment for Application Process

AC may not require payment of a fee from an applicant for processing an application for employment.

Medical Marijuana

On September 30, 2010, Gov. Arnold Schwarzenegger signed into law CA State Senate Bill 1449, effectively reducing the charge of possession of up to one ounce of cannabis from a misdemeanor to an infraction, similar to a traffic violation, with a \$100 fine and no mandatory court appearance or criminal record. The law became effective January 1, 2011.

The approved illnesses include Cancer; glaucoma; HIV/AIDS; HIV/AIDS treatments; a chronic or debilitating disease or medical condition or treatment for such that produces two or more of the following: cachexia, severe pain, migraine, severe nausea, seizures (including epilepsy), persistent muscle spasms (including multiple sclerosis); any other medical condition or treatment for such approved by state health agency.

Accommodation of medical marijuana use is not required on the property or premises of any place of employment or during the hours of employment.

A patient or caregiver may possess up to 8 ounces of usable marijuana or 6 mature plants or 12 immature plants. However, S.B. 420 allows patients to possess larger amounts of marijuana when recommended by a physician. The legislation also allows counties and municipalities to approve and/or maintain local ordinances permitting patients to possess larger quantities of medicinal pot than allowed under the new state guidelines. A patient must have parent/guardian consent for patient under 18 and must register with the state and hold a Medical Marijuana Registry identification card. Registration fee: \$66 for non Medi-Cal/ \$33 for Medi-Cal, plus additional county fees (varies depending on county).

A voluntary California medical cannabis registry that issues ID cards through each county's health department. A state-issued ID card is not required to be a legal patient, but it offers protection from arrest for patients in possession of no more than eight ounces of useable cannabis or cultivating no more than six mature or twelve immature plants. Patients and their designated caregivers without a state ID card or those in possession of larger quantities are afforded an affirmative defense, if charged. Patients may cultivate or possess any quantity reasonably necessary for managing their medical condition. Qualified patients on probation or parole may legally use medical cannabis with the consent of their probation or parole officer.

Patients may form not-for-profit collectives and coops to cultivate and distribute medical cannabis. These coops and collectives may operate dispensaries that provide cannabis for sale to qualified patients, but municipalities may restrict or ban the operation of dispensaries in their jurisdiction.

IMPORTANT: AC does NOT permit the use, possession, distribution, cultivation, or being under the influence of marijuana at work for any reason including medicinal purposes. This practice is considered

prohibited conduct under AC's Drug-free Workplace Policy, even if the employee or applicant possesses a State issued "Medical Marijuana Card", "Doctor Authorization" or claims "State Legalization". The State law is inconsistent with federal law, which characterizes Schedule I drugs, of which marijuana is one, as those that are illegal and have no proven medical benefit and a high risk of abuse. Therefore, AC will comply with Federal law.

In addition, in accordance with State & Federal law, AC does not allow any employee to use, possess, consume, distribute, store or be under the influence of any synthetic simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Drug-free Workplace Act

This requires state contractors and grantees to certify that they have: published and distributed to all associates a policy stating that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and stating the consequences of a violation; established an associate drug awareness program to educate associates about the employer's drug-free workplace policy, the dangers of drug abuse, the availability of counseling programs; and the penalties for violating the policy. The Act does not address drug testing.

Unemployment Benefits

An individual is disqualified for unemployment compensation benefits if either AC finds that the associate was discharged from his/her most recent work for chronic absenteeism due to intoxication or reporting to work while intoxicated or using intoxicants on the job, or gross neglect of duty while intoxicated, when any of these incidents is caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages, or when the associate left his/her most recent employment for reasons caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages.

Worker's Compensation Benefits

Benefits shall, without regard to negligence, exist against an employer for any injury sustained by his or her associates arising out of and in the course of the employment and for the death of any associate if the injury proximately causes death, in those cases where the following conditions of compensation concur where:

- at the time of the injury, both the employer and the associate are subject to the compensation provisions:
- at the time of the injury, the associate is performing service growing out of and incidental to his or her employment and is acting within the course of his or her employment:
- the injury is proximately caused by the employment, either with or without negligence;
- the injury is not caused by the intoxication, by alcohol or the unlawful use of a controlled substance, of the injured associate; or
- the injury is not intentionally self-inflicted.

CALIFORNIA, SAN FRANCISCO CITY AMENDMENT

Drug & Alcohol Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test its associates for drugs and alcohol when a manager reasonably believes the individual's faculties are impaired and there is a present danger to the physical safety of an associate or others. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the process set forth in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Procedural Requirements

Privacy

The California Constitution guarantees the right to privacy.

Confidentiality

Test results will not be released except as authorized by the person tested, and the test information shall be provided only to those associates of AC with a reasonable business “need to know,” or as required by a court of law.

Disability Discrimination

A psychoactive substance use disorder resulting from current unlawful use of controlled substances or other drugs is not considered, in and of itself, a mental or physical disability for employment discrimination purposes.

Distribution of Drug-free Workplace Policy to Associates

AC is required to have a Drug-free Workplace Policy and is to provide a copy of the policy at the time of hire.

Collection

Collection is limited to testing for substances likely to affect the ability of an associate to perform the job safely or to perform duties while on the job.

Laboratory

An associate must be given the opportunity to have a sample tested at a state-licensed, independent laboratory. Testing is limited to substances that are likely to affect an associate’s ability to perform the job safely or to perform duties while on the job.

Opportunity to Rebut

AC must provide associates with a reasonable opportunity to explain the test result.

Cost of Testing

The associate may have his or her urine test evaluated by a state-licensed independent laboratory testing facility at AC’s expense.

Cost of a Retest

Should an associate request a retest, it is to be at the employer’s expense.

Civil Remedies – Judicial

Private actions may be brought by individuals for special and general damages, attorney's fees, and costs for violation of city ordinance requirements. The District or City Attorney, aggrieved individual, or appropriate class representative may also bring action for injunctive relief.

Medical Marijuana

See California.

Unemployment Benefits

An individual is disqualified for unemployment compensation benefits if either AC finds that the associate was discharged from his/her most recent work for chronic absenteeism due to intoxication or reporting to work while intoxicated or using intoxicants on the job, or gross neglect of duty while intoxicated, when any of these incidents is caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages, or when the associate left his/her most recent employment for reasons caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages.

Worker's Compensation Benefits

Benefits shall, without regard to negligence, exist against an employer for any injury sustained by his or her associates arising out of and in the course of the employment and for the death of any associate if the injury proximately causes death, in those cases where the following conditions of compensation concur where:

- at the time of the injury, both the employer and the associate are subject to the compensation provisions:
- at the time of the injury, the associate is performing service growing out of and incidental to his or her employment and is acting within the course of his or her employment:
- the injury is proximately caused by the employment, either with or without negligence;
- the injury is not caused by the intoxication, by alcohol or the unlawful use of a controlled substance, of the injured associate; or
- the injury is not intentionally self-inflicted.

COLORADO STATE AMENDMENT

Procedural Requirements

Disability Discrimination

“Disability” includes mental impairments, but any person currently involved in the illegal use of or addicted to a controlled substance will not be considered disabled under the law.

Payment for Medical Examination

AC shall pay or reimburse an associate or applicant for the costs of all medical examinations or the cost of furnishing any records when the examination is requested by the employer as a condition of employment, except those records necessary to support the applicant’s statements in the application for employment.

Recreational Marijuana

The Colorado Marijuana Legalization Act legalizes marijuana in the state. The Act permits: a person twenty-one years of age or older to consume or possess limited amounts of marijuana; provides for the licensing of cultivation facilities, product manufacturing facilities, testing facilities, and retail stores; permits local governments to regulate or prohibit such facilities; establishes an excise tax levied upon wholesale sales of marijuana; and requires the first \$40 million in revenue raised annually by such tax be credited to the public school capital construction assistance fund.

Nothing in the amendment requires employers to accommodate marijuana use at the workplace. Additionally, it doesn’t restrict employers from implementing workplace policies that restrict associate marijuana use.

Medical Marijuana

A patient has an affirmative defense to a criminal prosecution involving marijuana, if the patient: has written documentation that the individual has been diagnosed with a debilitating medical condition; the physician has explained the risks and benefits of use; and is not in possession of more marijuana than permitted by the law; and has registered with the state and received a registry identification card. The law also protects a physician who: after diagnosing the patient with a debilitating medical condition, advises about the risks and benefits of medical use of marijuana, and that the patient may benefit from the medical use of marijuana; or has provided written documentation that the patient has a debilitating medical condition and might benefit from the medical use of marijuana. Approved illnesses include: cancer; glaucoma; HIV/AIDS; HIV/AIDS treatments; a chronic or debilitating disease or medical condition or treatment for such that produces two or more of the following: cachexia, severe pain, severe nausea, seizures (including epilepsy), persistent muscle spasms (including multiple sclerosis); any other medical condition or treatment for such approved by state health agency. A patient or caregiver may possess up to

two (2) ounces of usable marijuana or 6 plants, with three (3) or fewer being mature (producing usable marijuana).

The law does not require employers to accommodate the medical use of marijuana in the workplace. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse.)

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Compensation is reduced by 50% when an associate's injury results from the presence in the associate's system during working hours of non-prescribed controlled substances or alcohol at a level of 0.10 percent or greater, or at or above a lower level set by the federal statute or regulation or the company's policy. The presence of controlled substances or alcohol must be shown by a drug or alcohol test conducted by a medical facility or a laboratory certified to conduct such tests. A positive test created a presumption that the associate was intoxicated and that the associate's injury was due to such intoxication. This presumption may be overcome by clear and convincing evidence. The associate may request a re-test at his/her own expense. In addition, the employer must verify that the associate has received a copy of the policy and/or policy summary including what the policy under the influence levels are for drugs and alcohol.

Unemployment Compensation

Benefits are denied to an associate who is discharged for: off-the-job use of non-medically prescribed intoxicating beverages or controlled substances to a degree resulting in interference with job performance; on-the-job use or distribution of non-medically prescribed intoxicating beverages or controlled substances; or testing positive for the presence of non-medically prescribed controlled substances, or for alcohol at or above 0.04 percent, or at or above a lower level as set forth in federal statute or regulation. Tests must be administered pursuant to statutory or regulatory requirements, or an employer's previously established written drug or alcohol policy, and conducted by a medical facility or laboratory licensed or certified to conduct such tests. However, an associate may qualify for benefits if he/she admits to being an alcoholic or drug addict, and provides a doctor's note substantiating the addiction and written proof of enrollment in or completion of a Rehabilitation Agreement. Failure to participate in or complete the program will result in a denial of benefits unless the associate establishes certain extenuating circumstances. The associate may take advantage of this opportunity only once every ten (10) years and the cost of those benefits are then charged to the Colorado state unemployment compensation fund, and not to the employer.

COLORADO, BOULDER CITY AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants, who are finalists for a position, shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test associates for drugs and alcohol when a manager has reasonable suspicion based on specific, objective, clearly expressed facts of drug and/or alcohol use on the job or suspicion that an associate's drug or alcohol use is currently adversely affecting his or her job performance. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Post-Accident Drug and Alcohol Testing

All associates in safety-sensitive positions who may have caused or contributed to an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident, whenever a manager has reasonable suspicion that the associate's drug or alcohol use is currently adversely affecting his or her job performance, as evidenced by the accident.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Procedural Requirements

Definition of an Associate

Associate" means a person treated as an associate for purposes of federal income tax withholding: a) who is assigned or anticipated to be assigned to an immediate supervisor located in the city and does not have a principal out of home office located outside of the city, or b) who is assigned or anticipated to be assigned more than thirty-three percent of the time on the job for a period of more than three months to a job located in the city.

Written Policy

It is required and must be made available to all associates prior to the administration of any drug testing. The policy must include: who is subject to testing; circumstances under which drug and/or alcohol testing will occur; right of an associate to refuse the drug test and the consequences of a refusal; consequences of a confirmed positive test result; the right of the associate to obtain a copy of all records and to submit written information explaining the results; any appeal procedures available; and a copy of the drug testing ordinance.

Boulder City Ordinance

Boulder's ordinance applies to any individual who is treated as an associate for federal income tax withholding, which is assigned to an immediate manager located in the city, and who does not have a principal office located outside the city, or who works at least one-third of the time on a job located in the city for a period of more than three (3) months. AC shall provide each associate a copy of the Boulder, Colorado ordinance.

Applicant Testing

The Company must notify all job applicants of the Company's intention to conduct a pre-employment drug and/or alcohol test as part of the pre-employment screening process or pre-employment physical in the application for employment. If no application form is required, the Company will include in all advertisements soliciting applicants for employment, as well as discuss with all applicants during their first formal interview, the Company's pre-employment testing policy. The Company will only require a pre-employment drug and/or alcohol test of Colorado residents who are the single finalist for a position or out-of-state resident finalists for a position who come to Colorado for an interview, if the same test is required of all finalists for that position.

Right to Test Results

An associate has a right to obtain a copy of all records and to submit written information explaining the results.

Collection

Sufficient specimen will be collected for two tests. One untested specimen is maintained until "negative" result is obtained, or if a "positive" result, the sample will be maintained for a period of not less than one year following its collection. Testing for pregnancy is prohibited. Except for Pre-Employment physicals, no testing for other medical conditions other than for illicit use of drugs is permitted.

Confirmatory Test

All positive test results must be confirmed by GC/MS, or an alternate methodology of equal or greater sensitivity and accuracy.

Opportunity to Rebut

AC must provide the associate the opportunity to submit written information explaining his/her positive test result.

Confirmatory Retest

AC will permit an associate, at associate's request and expense, to have a second confirmatory test by a NIDA-approved laboratory on an untested portion of the original specimen tested, subject to the same testing safeguards.

Privacy

Direct observation is prohibited.

Employers' Rights

Nothing in this chapter restricts an employer's ability to prohibit the use of, possession of, or trafficking in, illegal drugs during work hours, or restricts an employer's ability to discipline an associate for being under the influence of, using, possessing, or trafficking in, illegal drugs during work hours or on the employer's premises. Nothing in this chapter restricts an employer's ability to prohibit the use of alcohol during work hours, or restricts an employer's ability to discipline an associate for being under the influence of alcohol during work hours or on the employer's premises.

(Nothing in this chapter prevents an employer from conducting routine medical examinations of associates or medical screening in order to monitor exposure to toxic or other unhealthy substances encountered in the work place or in the performance of an associate's job responsibilities. But no employer shall extend medical screening beyond the specific substance being monitored, and any inadvertently obtained information concerning drug or alcohol use shall be maintained in confidence in the medical record and not disclosed to any employer. No employer shall use any such evidence to determine promotion, additional compensation, transfer, termination, disciplinary or other personnel action or the receipt of any benefit.

It is an affirmative defense that a person was required to conduct drug or alcohol testing or take disciplinary action against an associate based on such testing in order to comply with a statute or regulation of the United States or the State of Colorado or any of their agencies or any agency interpretation of such statute or regulation. It is a specific defense that a person, based on specific, objective, clearly expressed facts, was reasonably required to conduct such testing or take such action in order to compete effectively to obtain a contract with the United States or the State of Colorado or any of their agencies.

Confidentiality

Test results will not be released except as authorized by the person tested, or to those associates of AC with a reasonable business "need to know," or as required by a court of law.

Criminal Remedies

A fine of not more than \$1,000 per violation can occur. The court may issue a cease and desist order or any other orders reasonable calculated to remedy a violation. Violation of an order is punishable by a fine of up to \$2,000 per violation, imprisonment for up to ninety (90) days, or both. An action for injunctive relief may be brought by the City Attorney.

Civil Remedies – Judicial

There is no private right of action for damages.

Worker's Compensation

None (See Colorado)

Unemployment Compensation

None (See Colorado)

Recreational Marijuana

Colorado passed an amendment to the state constitution on November 6, 2012, legalizing recreational marijuana use. Nothing in the amendment requires employers to accommodate marijuana use at the workplace. Additionally, it doesn't restrict employers from implementing workplace policies that restrict associate marijuana use.

Medical/Recreation Marijuana

See Colorado

CONNECTICUT STATE AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

At the time of applying, applicants shall be advised in writing that, that once being offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration. If a former associate reapplies twelve (12) months or more after the leaving his or her position, the individual will be treated the same as other applicants.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test associates for drugs and alcohol when a manager has reasonable suspicion that the associate is under the influence of drugs and/or alcohol and this adversely affects or could adversely affect the associate's job performance. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the procedures section of this document.

Post-Accident Drug and Alcohol Testing

Associates in safety-sensitive positions who may have caused or contributed to an accident, as defined in the appendix, will be subject to a drug and alcohol test as soon as possible following the accident when a manager has reasonable suspicion that the individual may be impaired by drug and/or alcohol use and the impairment is believed to have the potential to adversely affect performance.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Random Drug Testing

Associates in safety-sensitive positions as defined by regulations adopted by the Commissioner of Labor will be subject to random, unannounced drug testing. Associates in safety-sensitive positions will have an equal probability of being selected for testing. Random drug testing is an objective system which does not give the company discretion to waive the selection of any individual who has been randomly

Procedural Requirements

Definition of "Prospective Associate"

The term Prospective Associate means any individual applying for employment with an employer, other than an individual who terminated his employment with such employer within twelve months prior to such application.

Drug Testing of Prospective Associates

No employer may require a prospective associate to submit to a urinalysis drug test as part of the application procedure for employment with such employer unless (1) the prospective associate is informed in writing at the time of application of the employer's intent to conduct such a drug test, (2) such test is conducted in accordance with the requirements of subdivisions (1) and (2) of subsection (a) of section 31-51u and (3) the prospective associate is given a copy of any positive urinalysis drug test result. The results

of any such test shall be confidential and shall not be disclosed by the employer or its associates to any person other than any such associate to whom such disclosure is necessary.

Definition of "Associate"

- (1) "Associate" means any individual currently employed or formerly employed and currently being rehired by the same employer within twelve months of terminating his employment, and includes any individual in a managerial position;
- (2) "Employer" means any individual, corporation, partnership or unincorporated association, excluding the state or any political subdivision thereof;
- (3) "Prospective associate" means any individual applying for employment with an employer, other than an individual who terminated his employment with such employer within twelve months prior to such application.

Copy of Test Results

AC shall provide a copy of all positive test results to the applicant or associate.

Safety-sensitive Defined

A safety-sensitive or high risk occupation means an occupation which, (1) presents a clearly significant life threatening danger to the associate, his fellow associates, or the general public and is performed in a manner or place inherent with or inseparable from such danger, and (2) requires the exercise of discriminating judgment or high degree of care and caution, and (3) is separate from the ability to discern impaired or enhanced performance by direct supervision and is not reasonably subject to other valid and available means of observation which would preclude the necessity of random drug testing.

Request for Safety-sensitive Designation

AC or AC's associates may make a written request to the Connecticut Labor Commissioner that an occupation be designated as safety-sensitive, or if there is such a request pending that an occupation not be designated as safety-sensitive. Written requests should include argument and/or evidence in support of the request and should be mailed to: Director, State of Connecticut, Wage & Workplace Standards, 200 Folly Brook Blvd., Wethersfield, CT 06109. Alternatively, an associate can find an approved list of safety-sensitive positions by going to www.ctdol.state.ct.us/wgwkstnd/highrisk.htm.

Once a request is received, the Labor Department shall furnish AC a notice that a request to designate an occupation as safety-sensitive for the purpose of random drug testing is under consideration. AC shall post this notice in a conspicuous place accessible to associates affected by the request. The notice shall advise that associates are afforded twenty (20) days to comment.

Within ninety (90) days, the Commissioner of Labor shall make a determination and furnish a copy of same to AC, which shall in turn post the determination in a conspicuous place accessible to associates affected by the determination. AC or any associate may request a review of any prior determination.

Circumstances Presumed to Give Rise to Reasonable Suspicion

The following circumstances are presumed to give rise to AC's having a reasonable suspicion that an associate is under the influence of drugs or alcohol which adversely affects or could adversely affect such associate's job performance:

- (1) Direct observation by a manager of the use, possession or sale of illegal drugs by the associate at work;
or
- (2) Direct observation by a manager of the ingestion of alcohol by the associate while at work; or
- (3) Direct observation by a manager of extreme aberrant behavior by the associate while at work, coupled with a discernible change in work performance; or
 - (A) Direct observation by a manager of the associate demonstrating physical symptoms or manifestations of being under the influence of drugs or alcohol while at work, coupled with substantial change in work performance. Physical symptoms or manifestations may include, but are not limited to; glassy eyes, eye redness, unsteady gait, slurred speech, disorientation, and inappropriately aggressive behavior.
 - (B) The determination of reasonable suspicion under (4) (A) above may only be made by a manager who has directly observed the physical symptoms or manifestations of being under the influence of drugs or alcohol while at work, and provided such representative has: (i) successfully completed an educational program in the detection of the physical symptoms or manifestations of drug and alcohol use; or (ii) first consulted with and obtained the concurrence of another manager who has successfully completed such an educational program.

AC may identify other circumstances which may give rise a finding of reasonable suspicion that an associate is under the influence of drugs or alcohol which adversely affects or could adversely affect such associate's job performance. See definition of 'reasonable suspicion' in the Appendix and the Reasonable Suspicion Referral Procedures in the Procedures section of this document.

Manager Training For Reasonable Suspicion Referrals

AC shall provide an educational program for managers covering the following topics: (1) the effects and consequences of drug and alcohol use on personal health, safety and the work environment; (2) the effects and consequences of over-the-counter drugs, prescription drugs and medical conditions on job performance; (3) the specific contemporaneous physical, behavioral and performance indicators of probable drug and alcohol use and abuse; and (4) the observation techniques for detecting the physical and behavioral manifestations and performance indicators of probable drug and alcohol use and abuse.

Confirmatory Test

All positive screening tests must be confirmed utilizing GC/MS or equivalency as determined by the Commissioner of Health Services.

Privacy

Direct observation of associate or applicant providing a specimen is prohibited.

Confidentiality

Results will be maintained along with other associate medical records and apart from other personnel records. Medical records, including results shall be maintained for a period of at least three years following an associate's employment at AC.

Results

All drug test results must be maintained, along with the associates medical records, separate from other personnel files. An associate has the right to inspect and obtain a copy of his/her drug and/or alcohol results. Applicants must be provided with a copy of any positive test result.

Opportunity to Rebut

After receiving a positive test result an associate may submit in writing information explaining or contesting the result. The written statement will be maintained along with the test result and the associate's other medical records.

Collective Bargaining Agreement

No provision of a collective bargaining agreement may contravene or supersede these statutory provisions.

Worker's Compensation

An accidental injury, a disability, or a death due to the use of alcohol or narcotic drugs shall not be construed to be a compensable injury.

Unemployment Compensation

An individual discharged for violating an employer's drug testing policy, provided the policy has been adopted and applied consistent with any applicable federal law, may be denied benefits. In addition, no benefit shall be paid if the associate was discharged because her/she was disqualified under state or federal law from performing the work for which he was hired as a result of a drug or alcohol testing program mandated by and conducted in accordance with such laws.

Safety & Health Committee

In accordance with Connecticut Regulations promulgated by the Worker's Compensation Commission, AC has established a Safety and Health Committee for each work site in Connecticut having either more than 24 associates or a work-related injury and illness rate exceeding the Connecticut average. Among other things, the committee shall be responsible for establishing training programs to assist the members of the committee and others at AC in understanding and identifying the effects of associate substance abuse on workplace accidents and safety. Such training shall be provided by AC at no cost to associates.

For the benefit of associates, AC shall keep posted a current roster containing the names and departments of all Safety & Health Committee Members. Records of attendance and minutes of meetings shall be kept for a period of no less than three (3) years. Meetings shall occur no less than once every three months.

Civil Remedies – Judicial

Private action may be brought for special and general damages, attorney’s fees, costs and injunctive relief. Signed into law June 1, 2012 and effective October 1, 2012, Connecticut’s “An Act Concerning the Palliative Use of Marijuana” (Public Act No. 12-55) (“the Act”) permits the cultivation of marijuana for distribution to patients with one of the following “debilitating medical conditions”: cancer, glaucoma, AIDS, Parkinson’s disease, multiple sclerosis, spinal cord damage, objective neurological indication of intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn’s disease, and post-traumatic stress disorder.

Medical Marijuana

Signed into law June 1, 2012 and effective October 1, 2012, Connecticut’s “An Act Concerning the Palliative Use of Marijuana” (Public Act No. 12-55) (“the Act”) permits the cultivation of marijuana for distribution to patients with one of the following “debilitating medical conditions”: cancer, glaucoma, AIDS, Parkinson’s disease, multiple sclerosis, spinal cord damage, objective neurological indication of intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn’s disease, and post-traumatic stress disorder. The patient must be 18 years or older and register with state. A patient “lacking legal capacity” must have a primary caregiver that is his or her parent, guardian, or person having legal custody of said patient.

The Act designates the Commissioner of the Connecticut Department of Consumer Protection (“DCP”) to create regulations to implement and enforce the Act, including the power to license marijuana dispensaries. The Act also permits the DCP to designate additional medical conditions and diseases eligible for treatment with marijuana.

The new law requires qualified patients and/or their caregivers to register with the DCP. A physician must issue a patient a written certification for the palliative use of marijuana. The Act protects a treating physician from arrest, civil or criminal penalties, and/or disciplinary action by a state licensing board under Connecticut law.

Unless required by federal law or to obtain federal funding, the Act also prohibits discrimination by landlords, schools, and *employers* against qualifying patients or their caregivers, solely on the basis of their status as a qualifying patient or primary caregiver.

The Act *does* prohibit the use of marijuana under *any* circumstances in the workplace. In addition, marijuana use is prohibited in any public place, and in motor vehicles, on school buses.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

DELAWARE STATE AMENDMENT

Procedural Requirements

Associate Not “Handicapped”

A "handicapped person" shall not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

Cost of Testing

All testing costs, including confirmatory testing costs, will be paid by AC.

Disability Discrimination

“Handicapped person” does not include an individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents him/her from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

Marijuana for Medical Treatment Initiative Amendment Act of 2011

Under this state law, a patient is only protected from arrest if his or her physician certifies, in writing, that the patient has a specified debilitating medical condition and that the patient would receive therapeutic benefit from medical marijuana. The patient must send a copy of the written certification to the state Department of Health and Social Services, and the Department will issue an ID card after verifying the information. As long as the patient is in compliance with the law, there will be no arrest. The law does not allow patients or caregivers to grow marijuana at home, but it does allow for the state-regulated, non-profit distribution of medical marijuana by compassion centers. Approved illnesses include treatment of debilitating medical conditions, defined as cancer, HIV/AIDS, decompensated cirrhosis, ALS, Alzheimer’s disease, post-traumatic stress disorder; or a medical conditions that produces wasting syndrome, severe debilitating pain that has not responded to other treatments for more than three months or for which other treatments produced serious side effects, severe nausea, seizures, or severe and persistent muscle spasms. Possession of up to 6 ounces is permitted. Cultivation is not permitted.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Worker's compensation benefits are denied where an associate is injured as a result of his/her intoxication. The burden is on the employer to prove the intoxication was the cause of the accident or injury.

Unemployment Compensation

An associate may be disqualified for benefits when lack of employment is due to the current use of alcohol or drugs. Any individual who has been discharged for gross misconduct may not be eligible for benefits. Misconduct occurring in the course of work includes, but is not limited to, the following:

- Willful violation of employer's rules;
- Intoxication;
- Repeated disregard of reasonable orders'
- Sabotage;
- Gross neglect of duties;
- Insubordination; and
- Dishonesty

DISTRICT OF COLUMBIA AMENDMENT

Procedural Requirements

Cost of Testing

All of required “medical exams” will be paid by AC. Employers must pay for medical exams they require, but drug testing has yet to be defined legally as a medical exam.

Unemployment Compensation

Benefits are denied to an associate discharged for gross misconduct, which includes intoxication as well as the use of or impairment by an alcoholic beverage, controlled substances or other intoxicant, or the possession of a controlled substance. If a violation of AC's rules is the basis of the disqualification, the associate must know of the rule, the rule must be reasonable and the rule must be consistently enforced. The burden of proof in proving misconduct is on the employer.

Unemployment Compensation

None, although an individual may be disqualified for benefits when lack of employment is due to the current use of alcohol or drugs. Any individual who has been discharged for gross misconduct may not be eligible for benefits. Misconduct occurring in the course of work includes, but is not limited to, the following:

- Willful violation of employer’s rules;
- Intoxication;
- Repeated disregard of reasonable orders’
- Sabotage;
- Gross neglect of duties;
- Insubordination; and
- Dishonesty

Worker’s Compensation

Worker’s compensation benefits are denied where an associate is injured as a result of his/her intoxication. The burden is on the employer to prove the intoxication was the cause of the accident or injury.

Marijuana for Medical Treatment Initiative Amendment Act of 2010

Marijuana can be possessed legally if the marijuana is purchased from a D.C. dispensary. Patients who are suffering from chronic conditions including HIV/AIDS, cancer, glaucoma, and multiple sclerosis, and receive a recommendation from their doctor will be able to obtain safe access to medical marijuana through a system of licensed dispensaries. Patients will not be allowed to grow their own medicine. Patients can only legally purchase or possess 2 ounces of marijuana, but the mayor has the ability to raise that figure to 4 ounces. Medical marijuana will be subject to the city's six (6) percent sales tax.

Only patients who have been diagnosed with HIV/AIDS, cancer, glaucoma, severe muscle spasms are able to participate in this program. They have to be recommended by a DC licensed doctor, show that they are DC residents, and approved by the Department of Health.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

FLORIDA STATE AMENDMENT

Procedural Requirements

Disability

There is no protection of current drug or alcohol users.

Written Notice Requirements

An employer not having a drug testing program commencing after July 1, 1990 shall ensure that at least 60 days elapse between a general one-time notice to all associates that the testing program is being implemented and the start date.

The policy is to be posted in an appropriate and conspicuous place and copies made available upon request during regular business hours.

Notification of a Positive Test Result

An associate is to be notified in writing of a positive test result along with the report of the positive test result. This documentation shall be confidential by the employer and maintained by the employer for at least one year.

Opportunity to Explain / to Request a Retest

An opportunity to explain and rebut the positive test result must be requested within 5 days of notification of the positive test result. Should the associate request a retest, it shall be at the individual's expense.

Confidentiality and Consent Information

All information (written or oral) related to a drug or alcohol test is to be retained confidentially. Other than as required by law (court/worker's compensation hearing), information pertaining to and the test results cannot be released without consent of the associate.

Collection of Specimens

The collection of samples is to be performed by medical professional or person trained/certified by an approved laboratory.

Testing of Specimens

The Lab must be licensed by State of Florida. A list of prescribed and over-the-counter drugs must be made available. Saliva and hair may be tested but the lab must be certified to conduct such tests and participate in a proficiency program.

Specimens to Be Tested

“Specimen” means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Drugs To Be Tested

The drugs that can be tested for are Amphetamine, marijuana, cocaine, PCP, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or their metabolites.

Confirmatory Test

A confirmatory test is required and is to be conducted using GC/MS or an equivalent or more accurate scientifically accepted method approved by Florida or SAMHSA.

Drug Test Falsification

It is a first-degree misdemeanor offense for anyone to attempt to adulterate a drug or alcohol test. Anyone found guilty of such acts may be subject to fines up to \$1,000 and a prison sentence of up to one (1) year.

Definition of a Drug

"Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. An employer may test an individual for any or all of such drugs.

Definition of a Medical Review Officer

A Medical Review Officer (MRO) means a licensed physician, employed with or contracted by AC, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an associate's positive test result in relation to the associate's medical history or any other relevant biomedical information.

Employee Assistance Program (EAP)

An EAP is not required, however, an employer's policy must include a "representative sampling of names, addresses, and telephone numbers of associate assistance programs and local drug rehabilitation programs."

Worker's Compensation

Compensation is not payable if the injury was caused primarily by the associate's intoxication or use of drugs not prescribed by a physician. If an employer does not have a state-certified program in place, an injured associate's confirmed positive test or refusal to test creates a rebuttable presumption that the injury was caused primarily by the impairment of the associate, unless the employer had actual knowledge of and expressly acquiesced in the associate's presence at the workplace while under the influence of alcohol or drugs. The associate may rebut the presumption by providing the actual quantitative amounts of the drug as measured on the drug test and provide additional evidence of the absence of drug influence other than the associate's denial of being under the influence.

Unemployment Compensation

Benefits are denied to an applicant who is rejected for employment, or to an associate who is discharged from employment, because of a confirmed positive drug test. Drug test results and chain-of-custody documentation from a licensed laboratory are self-authenticating and admissible in unemployment compensation hearings.

GEORGIA STATE AMENDMENT

Procedural Requirements

Disability

There is no protection of current drug or alcohol users.

Drug Dealer Liability Act

An AC associate who is convicted of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting in the State a controlled dangerous substance is liable for damages in a civil action. Employers and others may bring civil action for damages caused by an individual's use of an illegal drug. Damages may include: economic damages; non-economic damages; punitive damages; and attorney's fees and costs.

Drug-Free Workplace Act

This requires employers (including subcontractors) who receive state contracts in the amount of \$25,000 or more to certify that they have: published and distributed to all associates a policy stating that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited, and detailing the consequences of a violation; established an associate drug awareness program to educate associates about the drug-free workplace policy, the dangers of drug abuse, the availability of counseling and rehabilitation programs, and the penalties for violating the policy; and notified all associates that they must report any convictions within five (5) days to the contractor, which must in turn report the conviction to the State agency. The Act does not address drug testing.

Written Notice Requirements

An employer not having a drug testing shall ensure that at least sixty (60) days elapse between a general one-time notice to all associates that the testing program is being implemented and the start date.

The policy is to be posted in an appropriate and conspicuous place and copies made available upon request during regular business hours.

Notification of Policy to be Posted

An employer shall post notification of the company's Drug-Free Workplace Policy in all vacancy announcements.

Specimen Specified

Specimens that may be collected include tissue, blood, breath, urine, or other product of the human body capable of revealing the presence of drugs or their metabolites or of alcohol. Oral fluid specifically is permitted as of 5-29-07 amendment to the law.

Medical Review Officer

Although not required, it is strongly recommended that AC use the services of a Medical Review Officer (MRO) in determining the validity of a laboratory confirmed test result.

Supervisor Training and Associate Education

The first year of the program, AC is required to provide two (2) hours of education on substance abuse to associates and an additional two (2) hours of training to supervisory personal and one (1) hour each year thereafter.

Notification of a Positive Test Result

An associate is to be notified in writing within five (5) days of a positive test result along with the report of the positive test result. This documentation shall include the consequences and the results and options available.

Confidentiality and Consent Information

All information (written or oral) related to a drug or alcohol test is to be retained confidentially. Other than as required by law (court/worker's compensation hearing), information pertaining to and the test results cannot be released without consent of the associate.

Education and Training

The first year of the program, AC is required to provide two (2) hours of education on substance abuse to associates and an additional two (2) hours of training to management personal and one (1) one each year thereafter.

Worker's Compensation Benefits

No compensation shall be allowed for an injury or death due to intoxication by alcohol or being under the influence of marijuana or a controlled substance, except as may have been lawfully prescribed by a physician for such associate and taken in accordance with such prescription. An alcohol test conducted within three (3) hours of the accident with a result showing a blood-alcohol level of 0.08 or higher, or a positive drug test conducted within eight (8) hours of an accident, creates a rebuttable presumption that the

injury was caused by the associate's alcohol or drug use, respectively. A refusal to test also creates a rebuttable presumption of that the accident was caused by alcohol or drug use.

Unemployment Compensation

An individual shall be disqualified for benefits after the individual has been discharged or suspended for violation of the employer's drug-free workplace policy as determined by the Commissioner according to the circumstances in the case. The burden of proof of just discharge or suspension for cause is not with the employer, and the presumption of eligibility is with the associate. However, the employer may introduce a drug and/or alcohol test to demonstrate a violation of the policy, if the drug or alcohol test was part of the employer's drug-free workplace policy and the employer's policy complies with the Worker's Compensation Premium Reduction Act, substantially equivalent, or more stringent standards established by federal law or regulations, or rules and regulations provided by the Commissioner. The laboratory test results will create a rebuttable presumption that the individual violated the employer's drug-free workplace policy. Individuals also may submit laboratory test results for the purpose of disputing a claim.

HAWAII STATE AMENDMENT

Procedural Requirements

Definition of “Substances”

Substances to test for include: “substances of abuse or their metabolites shall include marijuana, cocaine, amphetamines, opiates, PCP, barbiturates, methaqualone, benzodiazepines, propoxyphene, methadone, alcohol and any other controlled substances defined by HI law. If not listed in the written statement to be given to each associate/applicant then employer can’t test for it.

Definition of “Drug”

"Drug" means a controlled substance as defined in the Hawaii Revised Statutes for Substances of Abuse.

Substances of abuse or their metabolites shall include:

- (1) Marijuana
- (2) Cocaine
- (3) Amphetamines
- (4) Opiates
- (5) Phencyclidine
- (6) Barbiturates
- (7) Methaqualone
- (8) Benzodiazepines
- (9) Propoxyphene
- (10) Methadone
- (11) Alcohol; and
- (12) Any other controlled substances in chapter 329, Hawaii Revised Statutes,

Payment for Application Processing

An employer shall not require a prospective associate to pay a job application processing fee.

Notice Prior to Each Test

Prior to the collection of any sample for substance abuse testing, the individual to be tested shall receive a written statement of the specific substances to be tested for and a statement that over-the-counter medications or prescribed drugs may result in a positive test results

Collection

Prior to collection, the associate must be given a medication disclosure form, approved by the Hawaii Director of Health, on which to list any over-the-counter medications or prescribed drugs taken in the past 30 days. Collections may be observed only after a suspected adulteration. Chain-of-custody procedures must be maintained.

Written Notice

Prior to testing, the associate or applicant is to be provided with a written statement of drugs tested for and which prescription or over-the-counter drugs may result in a “positive” test.

Specimen Specified

Specimens that may be collected include tissue, blood, breath, urine, or other product of the human body capable of revealing the presence of drugs or their metabolites or of alcohol. Oral fluid specifically is permitted as of July 2007 amendment to the law.

Laboratory

All testing in-state and out-of-state must be performed at Hawaii Department of Health of certified by HHS and approved by the Hawaii Director of Health.

Confirmatory Test

All positive initial drug test results must be verified by gas chromatography/mass spectrometry (GC/MS).

Laboratory Reports and Cut-off Levels

The laboratory reports will include: (i) the type of test conducted, test results, (ii) confirmatory results, (iii) cut-off levels used, and (iv) the name and address of the laboratory. Reports may not include the possible presence of a substance below the designated cut-off level.

All in-state testing must be performed at laboratories approved by the Hawaii Department of Health or certified by HHS and approved by the Hawaii Director of Health. Out-of-state retesting of Hawaiian samples must be conducted at laboratories certified by HHS and approved by the Department of Health Director. All laboratories must use cut-off levels established by the Hawaii Department of Health screening threshold for THC (marijuana) at not less than 100ng/ml, which is higher than the SAMHSA federal standard (50ng/ml) and the cut-off level of most workplace drug testing programs. There is an amendment pending to have the state level match SAMSHA’s cut-off level of 50ng/ml, which would make it consistent with the federal levels. In addition a variance for opiates exists with that cut-off level being 300ng/ml. The laboratory will not test for any substance not included on the written statement containing the specific substances to be tested for. *For the purposes of alcohol, the cut-off level also differs from the federal guidelines and is established at 0.05BAC.*

Confidentiality

Collection will be conducted with due regard for privacy. Any information concerning a substance abuse test is strictly confidential. The information shall not be released to anyone without the written informed consent of the individual tested, except the information related to a positive test shall be disclosed to the individual, third party, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual testing.

Cost of Testing

All testing costs, including confirmatory testing costs, will be paid by AC.

Medical Review Officer

The laboratory will employ a medical review officer who is licensed by the Department of Health of Hawaii to review and interpret all “positive” test results.

Remedies for Civil Penalties

A fine of not less than \$1,000 or no more than \$10,000 may be assessed for each violation. Failure to follow the procedure of the Act will invalidate the test results.

Civil Remedies - Judicial

A private action may be brought for actual damages, costs, attorney’s fees, and injunctive relief.

Illegal Drugs and Over the Counter Drugs Which Could Alter or Affect Drug Testing Results

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick’s Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)
Amphetamines	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cannabinoids	Marinol (Dronabinol, THC)
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbitol, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose

Propoxyphene	Darvocet, Darvon N, Dolene, etc.
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Due to the large number of obscure brand names and constant marketing of new products, this list can not and is not intended to be all-inclusive.

Medical Marijuana

As of December 2000, a patient or caregiver has an affirmative defense to a criminal prosecution involving marijuana, if the patient: has been diagnosed with a debilitating medical condition; has received written certification from a physician that the benefits of the medical use of marijuana would likely outweigh the health risks for the patient; has registered with the Department of Public Safety; and has been advised about the risks and benefits of the medical use of marijuana. The Act also protects a licensed medical doctor from prosecution for prescribing marijuana, if the doctor: has diagnosed the patient with a debilitating medical condition; issued written certification that in his/her professional opinion the benefits outweigh the risks; and registered the patient with the Department of Public Safety.

Approved illnesses include: cancer, glaucoma, HIV/AIDS; a chronic or debilitating disease or medical condition or its treatment that produces cachexia or wasting syndrome, sever pain, severe nausea, seizures including epilepsy, severe and persistent muscle spasms including multiple sclerosis or Crohn's disease. Other conditions are subject to approval by Hawaii Department of Health. The Act limits the quantity of marijuana that patients may possess to "adequate supply", and does not require the employers to accommodate the associate's use of marijuana in any place of employment. (This Act is inconsistent with federal law, which characterizes Schedule I drugs as those that are illegal and have no proven medical benefit and a high risk of abuse.)

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

No compensation is allowed for an injury caused by the associate's intoxication, but there is a presumption that the injury was not caused by intoxication.

Unemployment Compensation

None

IDAHO STATE AMENDMENT

Procedural Requirements

Voluntary Law affecting Drug and Alcohol Testing- Idaho Private Employer Alcohol and Drug-Free Workplace Act

No cause of action may be brought against any employer who has established an alcohol- or drug-testing program in accordance with the statute unless the employer “knew or “clearly should have known” that the decision to act was based on a false test result. Compliance with this law creates a rebuttable presumption that the test was valid. An employer acting in good faith will not be liable for monetary damages for relying on a false test result. There is no employer liability for false negatives, failure to test, or termination of a testing program. An employer may discipline an associate, or refuse to hire an applicant, who has a confirmed positive drug or alcohol test result, violates the written drug testing policy, refused to provide a specimen, or adulterates or attempts to adulterate a specimen. Discipline may include, but is not limited to, required employer-approved rehabilitation, suspension or termination.

Notice of Policy

Notification to all associates is to be made 30 days before the start of a new program.

Written Policy

A written policy consistent with the provisions of the Act must be communicated to all affected associates and must include: a statement that violations of the policy may result in termination; the types of testing that will be conducted; and an explanation of the testing procedures.

Collection

Chain-of-custody procedures must be maintained.

Confirmatory Testing

All positive initial test results for associates or prospective associates must be confirmed by GC/MS or another comparable analytical method. Positive alcohol tests resulting from initial saliva test or breath test must be confirmed using a different testing methodology which is more reliable than the initial test. Confirmatory breath tests must be conducted no less than fifteen (15) minutes after the first test.

Written Results

Positive results must be communicated to associates and applicants in writing.

Cost of Testing of Current Associates

Any drug or alcohol testing of current associates will be deemed work time for purposes of compensation and the drug and alcohol testing will be paid by AC. An associate may be required to pay the costs of a retest.

Right to Explain Positive Test Result and Request for Retest

AC will provide any individual who tests positive for drugs or alcohol a written notice of that test result, including the type of substance involved.

Any individual who has a positive test result may request that the same sample be retested by a mutually agreed upon laboratory, and may submit an explanation for the positive test result. A request for retest must be done within seven working days from the date of the first confirmed positive test notification and may be paid for by the associate or prospective associate requesting the test. If the retest results in a negative test outcome, AC will reimburse the cost of the retest, compensate the associate for his time if suspended without pay, or if terminated solely because of the positive test, the associate shall be reinstated with back pay.

Opportunity for and Cost of Testing and a Retest

Employer pays all costs for tests required by employer plus appropriate transportation costs; test time is consider work time; reimburses associate for cost of retest is the result is negative (includes paying for time if worker was suspended without pay or if terminated includes back pay). Associate may be required to pay for a retest.

A retest is available to associates and applicants within 7 days of notification of the initial screen positive; if retest is negative the employer must reimburse the associate, back pay if he or she was suspended without pay, and/or reinstate the worker if he or she was terminated based solely on the drug test result.

Confidentiality

All information, interviews, reports, statements, memoranda or test results, written or otherwise, received through a substance abuse testing program shall be kept confidential, and are intended to be used only for AC's internal business use; or in a proceeding related to any action taken by or against an employer under the Private Employer Alcohol and Drug-free Workplace Act, or other dispute between AC and the associate or applicant; or as required to be disclosed by the United States Department of Transportation law or regulation or other federal law; or as required by service of legal process. In accordance with Idaho law, this information is the property of AC.

AC, the laboratory, medical review officer, associate assistance program, drug or alcohol rehabilitation program and their agents, who receive or have access to information concerning test results, shall keep the information confidential. AC is permitted to use information concerning an associate or job applicant's substance abuse test results in any lawful manner with respect to that associate or applicant as provided in Idaho's labor laws.

Confidentiality of Communications Between Associate and Employee Assistance Program Providers

Associates who participate in an Employee Assistance Program (EAP) shall not be required to waive the confidential or privileged nature of any communications with the EAP providers as a condition of participating, unless AC has referred such associate to the provider as a condition of the associate's continued employment.

Associate Not "Disabled"

An associate or prospective associate whose drug or alcohol test results are verified or confirmed as positive shall not, by virtue of those results alone, be defined as a person with a "disability" under Idaho law.

Collective Bargaining

Collective bargaining agreements are not preempted by the Act. An employer will receive the full benefits of the law, even if it does not follow all of the statutory provisions, if the employer's policy follows the terms and conditions agreed upon in the collective bargaining agreement.

Drug-Free Workplace Act

State contractors for construction or improvement of any public property or building must implement a drug-free workplace program in compliance with Idaho law.

Worker's Compensation

Associates whose intoxication by alcohol or controlled substances (not dispensed or used in accordance with a valid prescription) is a reasonable and substantial cause of an injury are not entitled to benefits. This section does not apply if the intoxicants were supplied by the employer or the employer permitted the associate to remain at work with knowledge that the associate was intoxicated.

Unemployment Compensation

Benefits are denied to an associate who is discharged for misconduct in connection with employment due to a confirmed positive drug or alcohol test, a refusal to test, adulteration or attempted adulteration of a specimen, or submission of a substituted specimen constitutes misconduct, if the employer is in compliance with the Private Employer Alcohol and Drug-Free Workplace Act. A claimant for unemployment benefits will be ineligible if he/she does not accept suitable work because the employer requires a pre-employment drug or alcohol test, unless the claimant was required to pay for costs of a negative test result.

ILLINOIS STATE AMENDMENT

Procedural Requirements

Cost of Testing

All costs of drug and alcohol testing for associates and applicants will be paid by AC. An associate or applicant may be required to pay the costs of a retest.

Right to Privacy

AC shall not refuse to hire, discharge or otherwise disadvantage any individual, with respect to compensation, terms, conditions, or privileges of employment because the individual uses lawful products, including alcohol, over-the-counter drugs, lawfully prescribed drugs off the premises during nonworking hours. However, the foregoing does not apply to the off-duty use or over consumption of lawful products which impair an associate's ability to perform the associate's assigned duties.

Defrauding Drug and Alcohol Screening Tests

The state criminalizes manufacturing, selling, distributing synthetic or human substances or substances that adulterate samples to defeat or defraud a drug or alcohol test. A violation is subject of a fine up to \$1,000 for any attempt to defraud a drug or alcohol test.

Cost of Medical Examinations

No employer shall require any associate or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records of such examination required by the employer as a condition of employment." An alcohol test is a medical exam under ADA, but this may or may not include a required drug test.

Disability Discrimination-Handicapped

Current use of illegal drugs (not necessarily alcohol) is not protected for purposes of the Illinois Human Rights Act. However, an individual who is successfully rehabilitated and is no longer engaging in the illegal use of drugs, who is participating in a supervised rehabilitation programs and not using drugs, or who is erroneously regarded as engaging in the illegal use of drugs may be considered handicapped. Employers may adopt reasonable policies or procedures, including drug testing, to ensure that individuals who have been rehabilitated or are being rehabilitated are no longer engaging in the illegal use of drugs. In addition employers may prohibit the illegal use of drugs, the use of alcohol at the workplace and being under the influence of such. A test to determine whether an individual has engaged in the illegal use of drugs is not considered a medical examination under the Act.

Drug-Free Workplace Act

The Act requires employers with twenty-five (25) or more associates who are awarded a state contract of grant for more than \$5,000 to certify that they have published and distributed to all associates a policy with the rules, consequences and the reporting of criminal drug statute convictions, and have established a drug awareness program for associates. The Drug-Free Workplace Act doesn't address issues surrounding drug testing.

Drug-Free Workplace Program

The Illinois State Chamber of Commerce has a Drug-Free Workplace Program which, if the employer meets its requirements (written policy, follow specific testing guidelines, etc.), will reimburse up to \$40 per test.

Drug Dealer Liability Act

Employers and others may bring civil action for damages caused by an individual's use of an illegal drug. Damages may include: economic damages including costs of treatment and rehabilitation, lost productivity, accidents, and absenteeism; non-economic damages including pain and suffering; punitive damages; attorney's fees; and costs to bring suit.

Medical Marijuana

The Medical Use of Marijuana Act provides an affirmative defense to a charge of violating any state law relating to marijuana, for any qualifying patient who is engaged in the medical use of marijuana. A "qualifying patient" is defined as a person who: is a patient of a Washington state licensed physician; has been diagnosed with a terminal or debilitating medical condition; has been advised about the risks and benefits of the medical use of marijuana; has been advised that he/she may benefit from the use of marijuana; and is a resident of Washington state.

The Act approved illnesses includes: cancer, AIDS, HIV/AIDS, multiple sclerosis, or the treatment of these conditions if the disease or the treatment results in severe, persistent, and intractable symptoms. A disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent, and one or more of the following intractable symptoms: cachexia or wasting syndrome, severe pain or nausea, or seizures. The position on possession and cultivation is that the patients and caregivers may collectively possess up to two mature marijuana plants, seven immature plants, and 2 ounces of useable marijuana. A marijuana plant is mature when male and female flower buds are readily observed on the plant. Until then, it is considered an immature plant.

Employers are not required to accommodate the medical use of marijuana in the workplace and the non-medical remains prohibited. (The law is inconsistent with federal law, which characterizes marijuana as a drug with no proven medical benefit and a high risk of abuse).

Restrictions include:

- Limiting recipients to 2.5 ounces every two weeks. It *sounds* like a lot, but bill sponsor Representative Lou Lang says that amount was chosen to accommodate patients who ingest marijuana through baked goods, not smoking.

- Patients must have an established relationship with the prescribing doctor.
- Medical marijuana licenses from other states will NOT be recognized in Illinois.
- Marijuana will be grown only in 22 growing centers and distributed through state-licensed dispensaries. No home-growers. Facilities will be video-monitored 24 hours a day.

A limited number of illnesses and diseases qualify for treatment with marijuana. The Department of Public Health could add more to the list later. Here are the diseases and disorders included in the law:

- Cancer
- Glaucoma
- HIV/AIDS
- Hepatitis C
- Amyotrophic Lateral Sclerosis (ALS)
- Crohn's disease
- Agitation of Alzheimer's disease
- Cachexia/Wasting Syndrome
- Muscular Dystrophy
- Severe Fibromyalgia
- Spinal Cord Disease (including but not limited to arachnoiditis)
- Fibrous Dysplasia
- Tarlov cysts
- Hydromyelia
- Syringomyelia
- Rheumatoid Arthritis
- Spinal cord injury
- Traumatic Brain Injury and Post-Concussion Syndrome
- Multiple Sclerosis
- Arnold-Chiari malformation
- Spinocerebellar Ataxia (SCA)
- Parkinson's disease
- Tourette's syndrome
- Myoclonus
- Dystonia
- Complex Regional Pain Syndromes Types I (RSD) and II (Causalgia)
- Neurofibromatosis
- Chronic Inflammatory Demyelinating Polyneuropathy
- Sjogren's syndrome
- Lupus
- Interstitial Cystitis
- Myasthenia Gravis
- Hydrocephalus
- Nail-Patella syndrome

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Briefly, at the time of an accident, drugs or a blood alcohol level of .08 or higher is considered to be proximate cause of the accident and the claim can be dismissed.

For accidents at work on or after September 1, 2011, the Illinois Workers' Compensation Act under Section 11, precludes compensation to the injured worker if the associate's intoxication was the proximate cause of the injury or if the associate's level of intoxication was sufficient to constitute a departure from employment. The Illinois law establishes criteria for testing and sets a presumption of causation at a blood alcohol concentration of .08; evidence of impairment due to ingestion of cannabis (marijuana) or a controlled substance; or a refusal to submit to a test. As such, an associate may rebut the presumption (burden of proof being that of the associate) by proving intoxication was not the proximate or sole cause of the injury by a preponderance of admissible evidence.

Unemployment Compensation

"The term "misconduct" means the deliberate and willful violation of a reasonable rule or policy of the employing unit, governing the individual's behavior in performance of his work, provided such violation has harmed the employing unit or other associates or has been repeated by the individual despite a warning or other explicit instruction from the employing unit".

Unemployment and Workers Compensation

Court decisions provide that a positive test/refusal may affect eligibility for Worker's Compensation or Unemployment benefits. To move to deny a Worker's Compensation Claim, the company must have a policy and have communicated the policy rules to the associates.

INDIANA STATE AMENDMENT

Procedural Requirements

Drug Test

The state has established that a drug test is not a medical exam.

Disability Discrimination

An individual shall not be considered disabled solely because that individual is currently engaging in the illegal use of drugs. However, individuals that are successfully rehabilitated and no longer engaged in the illegal use of drugs, who currently are participating in a supervised rehabilitation program and not using drugs, or who are erroneously regarded as engaging in the illegal use of drugs may be considered individuals with a disability. Employers may adopt reasonable procedures and policies, including drug testing, to ensure that potentially disabled individuals are no longer engaging in the illegal use of drugs.

Drug Dealer Liability Act

Employers and others may bring a civil action for damages by an individual's use of an illegal drug. Damages may include: economic damages, including costs of treatment and rehabilitation, loss productivity, accidents and absenteeism; non-economic damages, including pain and suffering; punitive damages; cost to bring suit, and attorney's fees.

Worker's Compensation

Benefits are denied to an associate whose injury or death is due to his/her own intoxication. The burden of proof is on the employer.

Unemployment Compensation

"Discharge for just cause" is not eligible for benefits. As used in this section, discharge for just cause is defined to include but not be limited to: reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours.

IOWA STATE AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing.

AC shall test its associates for drugs and alcohol when a manager has reasonable suspicion of drug and/or alcohol use, as defined in the Appendix. Reasonable suspicion will be documented and will not be based on rumor, speculation, or unsubstantiated information of third parties. Referrals for reasonable-suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing.

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing

All associates in safety-sensitive positions who may have caused or contributed to an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident.

An accident that triggers a post-accident test is one in which the accident resulted in an injury to a person for which the injury, if suffered by an associate, would require a record or report under Iowa occupational safety and health law, or the accident resulted in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed \$1,000.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damages are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Note: **If an associate who has caused or contributed to an accident is exempt from post-accident testing based on the criteria set forth above, review the definition of “reasonable suspicion” in the appendix and the reasonable suspicion referral procedures in the Procedures Section of this document to determine if reasonable suspicion testing is applicable.**

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Random Drug Testing

All associates in a safety-sensitive position will be subject to unannounced drug testing. Associates in safety-sensitive positions will have an equal probability of being selected for testing. Unannounced drug testing is an objective, computerized system which does not give the company discretion to waive the selection of any associate who has been randomly chosen. The associates selected must be selected by an entity independent of the employer and must be excluded if they are not scheduled to be at work at the time of the testing.

Procedural Requirements

Samples to Be Tested

For drug testing, AC may request any sample from the human body capable of revealing the presence of alcohol or other drugs, or their metabolites, except AC may request a blood sample in limited circumstances. For alcohol testing, AC may request a breath or saliva sample for screening tests and a breath sample for confirmatory tests. However, AC may rely and take action upon the results of any blood test for drugs or alcohol made on any associate involved in an accident at work if the test is administered by or at the direction of the person providing treatment or care to the associate without request or suggestion by AC that a test be conducted, and AC has lawfully obtained the results of the test.

In the case of oral fluids, the collection of an oral fluid sample for testing shall be performed in the presence of the individual from whom the sample or specimen is collected. The specimen or sample shall be of sufficient quantity to permit a second, independent, confirmatory test as described in this amendment.

Unannounced Drug or Alcohol Testing: Defined

Unannounced testing means testing for the purposes of detecting drugs or alcohol which is conducted on a periodic basis, without advance notice of the test to associates, other than associates whose duties include responsibility for administration of AC’s drug or alcohol testing program, subject to testing prior to the day of testing, and without individualized suspicion.

Unannounced testing is permitted of associates who are selected from any of the following pools of associates.

- The entire associate population at a particular work site of AC except for associates who are not scheduled to be at work at the time the testing is conducted because of the status of the associates or who have been excused from work pursuant to AC's work policy prior to the time the testing is announced to associates.
- The entire full-time active associate population at a particular work site except for associates who are not scheduled to be at work at the time the testing is to be conducted because of the status of the associate, or who have been excused from work pursuant to AC's working policy.
- All associates at a particular work site who are in a pool of associates in a safety sensitive position and who are scheduled to be at work at the time testing is conducted, other than associates who are not scheduled to be at work at the time the testing is to be conducted or who have been excused from work pursuant to AC's work policy prior to the time the testing is announced to associates.

The term *associate* includes the employer, and any chief executive officer, president, vice president, manager, and officer of AC who is actively involved in the day-to-day operations of the business.

The selection of associates to be tested from the pool will be done based on a neutral and objective selection process by an entity independent from AC and will be made by a computer-based random number generator that is matched with associates' social security numbers, payroll identification numbers, or other comparable identifying numbers in which each member of the associate population subject to testing has an equal chance of selection for initial testing, regardless of whether the associate has been selected or tested previously. The random selection process will be conducted through a computer program that records each selection attempt by date, time, and associate number.

Safety-sensitive Associates in Unannounced Testing Pools

An associate of AC who is designated by AC as being in a safety sensitive position may be placed in only one pool of safety sensitive associates subject to unannounced drug or alcohol testing. AC may have more than one pool of safety sensitive associates subject to unannounced drug or alcohol testing, but will not include an associate in more than one safety sensitive pool.

Safety sensitive position means a job wherein an accident could cause loss of human life, serious bodily injury, or significant property or environmental damage, including a job with duties that include immediate supervision of a person in a safety-sensitive position.

Definition of "Safety-sensitive position"

Definition of "Safety-sensitive position" means a job wherein an accident could cause loss of human life, serious bodily injury, or significant property or environmental damage, including a job with duties that include immediate supervision of a person in a safety-sensitive position.

Reasonable Suspicion Testing: Defined

Reasonable suspicion drug or alcohol testing means drug or alcohol testing based upon evidence that an associate is using or has used alcohol or other drugs in violation of AC's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. For purposes of this paragraph, facts and inferences may be based upon, but not limited to, any of the following:

- Observable phenomena while at work such as direct observation of alcohol or drug use or abuse or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.

- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of alcohol or other drug use provided by a reliable and credible source.
- Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the current employer.
- Evidence that an associate has caused an accident while at work which resulted in an injury to a person for which injury, if suffered by an associate, a record or report could be required under Iowa's occupational safety and health law, or resulted in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed one thousand dollars.
- Evidence that an associate has manufactured, sold, distributed, solicited, possessed, used, or transferred drugs while working or while on AC's premises or while operating AC's vehicle, machinery, or equipment.

Distribution of Drug-Free Workplace Policy to Associates

AC is required to have a written policy and is to provide a copy of the Drug-Free Workplace Policy, including this Iowa State Amendment to all associates subject to testing in Iowa and will make copies of the policy available for all such associates and prospective associates to review. The policy must include: uniform disciplinary procedures for a positive test result; a refusal to be tested; options for rehabilitation and associate assistance; and cut-off levels for alcohol that are not less than .04 BAC.

If an associate or prospective associate subject to testing in Iowa is a minor, AC shall provide a copy of the policy to a parent of the associate or prospective associate and shall obtain a receipt or acknowledgment from the parent that a copy of the policy has been received. Providing a copy of the written policy to the parent by certified mail, return receipt requested may serve as acknowledgement from the parent. A "minor" means an individual who is under 18 years of age and a "parent" means one biological or adoptive parent, a stepparent, or a legal guardian or custodian of the minor.

Scheduling and Cost of Testing

Drug or alcohol testing will normally occur during, or immediately before or after, a regular work period. The time required for such testing will be deemed work time for the purposes of compensation and benefits for associates.

AC will pay all actual costs for drug or alcohol testing of associates and prospective associates required by AC. Likewise, AC will provide transportation or pay reasonable transportation costs to associates if drug or alcohol sample collection is conducted at a location other than the associate's normal work site.

Transportation

Requires the employer to pay for reasonable transportation costs to and from a collection facility.

Collection, Storage and Transportation of Samples for Drug Testing

The collection of samples will be performed under sanitary conditions and with regard for the privacy of the individual from whom the specimen is being obtained and in a manner reasonably calculated to preclude contamination or substitution of the specimen.

In addition, sample collection, storage, and transportation to the place of testing will be performed so as to reasonably preclude the possibility of sample contamination, adulteration, or misidentification.

Split Specimen Collection for Drug Testing

Sample collection for drug testing of current associates will be performed so that the specimen is split into two components at the time of collection in the presence of the individual from whom the sample or specimen is collected.

The second portion of the specimen or sample will be of sufficient quantity to permit a second, independent confirmatory test. If the specimen is urine, the sample will be split such that the primary sample contains at least thirty milliliters and the secondary sample contains at least fifteen milliliters. Both portions of the sample will be forwarded to the laboratory conducting the initial confirmatory testing.

Storage of Splits by Laboratory

In addition to any requirements for storage of the initial sample that may be imposed upon the laboratory as a condition for certification or approval, the laboratory must store the second portion of any sample until receipt of a confirmed negative test result or for a period of at least forty-five (45) calendar days following the completion of the initial confirmatory testing, if the first portion yielded a confirmed positive test result.

Documentation of Sample Collection for Drug Testing

Samples will be labeled so as to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided, and samples will be handled and tracked in a manner such that control and accountability are maintained from initial collection to each stage in handling, testing, and storage, through final disposition.

Opportunity to Provide Information/Rebut

An associate or prospective associate will be provided an opportunity to provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. To assist an associate or prospective associate in providing the information, AC will provide an associate or prospective associate with a list of the drugs to be tested.

Confirmation Test Required of Initial Positives

Drug or alcohol testing will include confirmation of any initial positive test results. For drug testing, confirmation will be by use of a different chemical process than was used in the initial screen for drugs. The confirmatory drug test will be a GC/MS or another comparably reliable analytical method. The confirmatory alcohol test will be performed on a NHTSA-approved evidentiary breath testing (EBT) device that prints the results.

Use of a Certified Laboratory for Drug Testing

All confirmatory drug testing will be conducted at a laboratory certified by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) or approved under rules adopted by the Iowa Department of Public Health.

Medical Review Officer (MRO)

The testing process requires the use of a Medical Review Officer (MRO). A MRO will, prior to drug test results being reported to AC, review and interpret any confirmed positive drug test results, including both quantitative and qualitative test results, to ensure that the chain of custody is complete and sufficient on its face and that any information provided by the individual is considered.

“Medical review officer” means a licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by AC’s drug testing program, and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with the individual’s medical history and any other relevant biomedical information.

Employer’s Notification of Positive Test Result to Applicant

If a confirmed positive drug or alcohol test for a prospective associate is reported to AC by the medical review officer, AC will notify the prospective associate in writing of the results of the test and of the name and address of the medical review officer who made the report. This written notice will also advise the prospective associate of his/her right under Iowa law to request in writing within fifteen (15) calendar days of receiving the written notice, access to any records relating to the applicant’s drug test, including records of the laboratory where testing was conducted and any records relating to the results of any relevant certification or review by a medical review officer. If the prospective associate is a minor, the written notice shall also be provided to the parent of the individual by certified mail, return receipt requested.

Employer’s Notification of Positive Test Result to Associate

When a medical review officer reports to AC a confirmed positive drug or alcohol test for a current associate, AC will notify the associate in writing by certified mail, return receipt requested, of the results of the test, the associate’s right to request and obtain a confirmatory drug test of the second (split) sample collected at an approved laboratory of the associate’s choice, and the fee payable by the associate to AC for reimbursement of expenses concerning the test. If the associate is a minor, written notice will likewise be provided to the parent of the individual by certified mail, return receipt requested. The fee charged to an associate will be an amount that represents the costs associated with conducting the second confirmatory drug test, which will be consistent with AC’s cost for conducting the initial confirmatory test on an associate’s sample. See Applicants below.

Associate's Request of the Second (Split) Specimen Within Seven Days

If the associate, in person or by certified mail, return receipt requested, requests a second confirmatory drug test, identifies an approved laboratory to conduct the test, and pays AC the fee for the test within seven (7) days from the date AC mails by certified mail, return receipt requested, the written notice to the associate of the associate's right to request a test, a second confirmatory drug test will be conducted at the certified laboratory chosen by the associate.

The results of the second confirmatory drug test will be reported to the medical review officer who reviewed the initial confirmatory test results and the medical review officer will review the results and issue a report to AC on whether the results of the second confirmatory test confirmed the initial confirmatory test as to the presence of a specific drug.

If the results of the second test do not confirm the results of the initial confirmatory test, AC will reimburse the associate for the fee paid by the associate for the second test and the initial confirmatory test will not be considered a confirmed positive drug test for purposes of taking disciplinary action as outlined by the Iowa law.

Testing Limited to Detection of Alcohol and Drugs

The laboratory, the medical review officer, and AC will ensure, to the extent feasible, that the testing only measure, and the records concerning the testing only show or make use of information regarding, alcohol or drugs in the body

Disposal of Samples by Laboratory

A laboratory conducting testing must dispose of all samples for which a negative test result was reported to AC within five (5) working days after issuance of the negative test result report.

Except as necessary to conduct drug or alcohol testing pursuant to the Iowa law and to submit the report required by the Iowa law, a laboratory or other medical facility will only report to an employer or outside entity information relating to the test results concerning the determination of whether the tested individual has engaged in conduct prohibited by AC's written policy with regard to alcohol or drug use.

Associate with Positive Result, Not Disabled

An associate or prospective associate whose drug or alcohol test results are confirmed as positive will not, by virtue of those results alone, be considered as a person with a disability for purposes of any state or local law or regulation.

Minimum Alcohol Cut-off Level of .04 BAC

Under AC's policy, being under the influence of alcohol is defined as a positive alcohol test result yielding a blood alcohol concentration (BAC) of .02 or higher. However, Iowa law mandates that this BAC standard shall not be less than .04. Therefore, in Iowa, being under the influence of alcohol is defined as a positive alcohol test result yielding a BAC of .04 or higher. In accordance with Iowa's minimum cut-off for alcohol, AC will not take disciplinary action against an associate in Iowa for being under the influence based on an alcohol test yielding an alcohol concentration below a .04 BAC.

Action Based on a Positive, Confirmed Test Result and Rehabilitation

AC may take adverse employment action, including refusal to hire a prospective associate, based on a confirmed positive drug or alcohol test. An associate must be offered rehabilitation if:

- The employer associates more than fifty (50) associates;
- The associate had been employed for the employer for at least twelve (12) months during the previous eighteen (18) months;
- The associate agrees to rehabilitation; and
- The associate has not previously violated the substance abuse policy. The costs of rehabilitation are to be split by the employer and associate up to \$2000 cost to the employer.

Disciplinary Action Pending Receipt of the Final Results

Following a drug or alcohol test, but prior to receipt of the final results of the drug or alcohol test, AC may suspend a current associate, with or without pay, pending the outcome of the test. An associate who has been suspended will be reinstated by AC, with back pay, and interest on such amount at eighteen percent per annum compounded annually, if applicable, if the result of the test is not a confirmed positive drug or alcohol test which indicates a violation of AC's written policy.

Disciplinary Procedures for Drug Test

Upon receipt of a confirmed positive drug or alcohol test result which indicates a violation of AC's written policy, or upon the refusal of an associate or prospective associate to provide a testing sample, AC will use that test result or test refusal as a valid basis for disciplinary or rehabilitative actions pursuant to the requirements of AC's written policy and the requirements of Iowa law.

Disciplinary action may include, among other actions, the following. Such action, taken against an associate or prospective associate, is based only on the results of the drug or alcohol test.

- A requirement that the associate enroll in employer-provided or approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, participation in and successful completion of which may be a condition of continued employment, and the costs of which may or may not be covered by AC's health plan or policies.
- Suspension of the associate, with or without pay, for a designated period of time.
- Termination of employment.
- Refusal to hire a prospective associate.
- Other adverse employment action in conformance with AC's written policy and procedures, including any relevant collective bargaining agreement provisions.

Mandated Rehabilitation: Alcohol Test

Rehabilitation of the associate will be provided and the costs apportioned as required by Iowa law when the following conditions are met:

- If a confirmed positive alcohol test indicates an alcohol concentration greater than .04 (BAC level), and
- If AC has at least fifty (50) associates, and
- If the associate has been employed by AC for at least twelve of the preceding eighteen months, and
- If rehabilitation is agreed upon by the associate, and
- If the associate has not previously violated AC's Drug-free Workplace policy.

Then, the AC will provide for the rehabilitation of the associate with costs apportioned as required by the Iowa Private Sector Drug-free Workplace law. AC may require that the associate enroll in employer provided or approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, participation in and successful completion of which may be a condition of continued employment, and the costs of which may or may not be covered by AC's health plan or policies.

Costs of Rehabilitation

If rehabilitation is mandated by Iowa's private sector drug-free workplace law, the apportionment of the cost of rehabilitation is as follows.

- If AC has an associate benefit plan, the costs of rehabilitation will be apportioned as provided under the associate benefit plan.
- If no associate benefit plan exists and the associate has coverage for any portion of the costs of rehabilitation under any health care plan of the associate, the costs of rehabilitation will be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the associate and AC. However, AC is not required to pay more than two thousand dollars toward the costs not covered by the associate's health care plan.
- If no associate benefit plan exists and the associate does not have coverage for any portion of the costs of rehabilitation under any health care plan of the associate, the costs of rehabilitation will be apportioned equally between the associate and AC. However, AC is not required to pay more than two thousand dollars towards the cost of rehabilitation.

(1) If the employer has an associate benefit plan, the costs of rehabilitation shall be apportioned as provided under the associate benefit plan.

(2) If no associate benefit plan exists and the associate has coverage for any portion of the costs of rehabilitation under any health care plan of the associate, the costs of rehabilitation shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the associate and the employer. However, the employer shall not be required to pay more than two thousand dollars toward the costs not covered by the associate's health care plan.

(3) If no associate benefit plan exists and the associate does not have coverage for any portion of the costs of rehabilitation under any health care plan of the associate, the costs of rehabilitation shall be apportioned equally between the associate and the employer. However, the employer shall not be required to pay more than two thousand dollars towards the cost of rehabilitation under this subparagraph. Rehabilitation required pursuant to this paragraph shall not preclude an employer from taking any adverse employment action against the associate during the rehabilitation based on the associate's failure to comply with any requirements of the rehabilitation, including any action by the associate to invalidate a test sample provided by the associate pursuant to the rehabilitation.

Adverse Employment Action Pending Rehabilitation

When rehabilitation is required pursuant to Iowa's Private Sector Drug-free Workplace law, AC will not take adverse employment action against the associate so long as the associate complies with the requirements of rehabilitation and successfully completes rehabilitation.

However, rehabilitation required pursuant to the Iowa law does not preclude AC from taking any adverse employment action against the associate during the rehabilitation based on the associate's failure to comply with any requirements of the rehabilitation, including any action by the associate to invalidate a test sample provided by the associate pursuant to the rehabilitation.

Awareness Programs Required

AC will establish an awareness program to inform associates of the dangers of drug and alcohol use in the workplace. AC will also inform associates of the benefits and services of its Employee Assistance Program (EAP), provide all associates with notice of the policies and procedures regarding access to and utilization of the EAP, and remind associates of the existence of the EAP by posting notices of the EAP in conspicuous places.

Initial and Annual Manager Training

AC requires management personnel involved with drug or alcohol testing to attend a minimum of two (2) hours of initial training and to attend, on an annual basis thereafter, a minimum of one (1) hour of subsequent training. The training includes, but is not limited to, information concerning the recognition of evidence of associate alcohol and other drug abuse, the documentation and corroboration of associate alcohol and other drug abuse, and the referral of associates who abuse alcohol or other drugs to the associate assistance program or to the resource file of associate assistance services providers.

Confidentiality of Results: Exception

All communications received by AC relevant to associate or prospective associate drug or alcohol test results, or otherwise received through AC's drug or alcohol testing program, are confidential communications and will not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except as otherwise provided or authorized by law.

An associate, or a prospective associate, who is the subject of a drug or alcohol test conducted under the Iowa law pursuant to AC's written policy and for whom a confirmed positive test result is reported shall, upon written request, have access to any records relating to the associate's drug or alcohol test, including records of the laboratory where the testing was conducted and any records relating to the results of any relevant certification or review by a medical review officer. However, a prospective associate will be entitled to such records only if the prospective associate requests the records within fifteen calendar days from the date AC provided the prospective associate written notice of the results of a drug or alcohol test.

Except as provided by law and as necessary to conduct drug or alcohol testing under Iowa's Private Sector Drug-free Workplace law and to file a report required by that law, a laboratory and a medical review officer conducting drug or alcohol testing will not use or disclose to any person any personally identifiable information regarding such testing, including the names of individuals tested, even if unaccompanied by the results of the test.

AC may use and disclose information concerning the results of a drug or alcohol test conducted pursuant to Iowa's Private Sector Drug-free Workplace law under any of the following circumstances:

- In an arbitration proceeding pursuant to a collective bargaining agreement, or an administrative agency proceeding or judicial proceeding under worker's compensation laws or unemployment compensation laws or under common or statutory laws where action taken by AC based on the test is relevant or is challenged;
- To any federal agency or other unit of the federal government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract;
- To any agency of this state authorized to license individuals if the associate tested is licensed by that agency and the rules of that agency require such disclosure;
- To a union representing the associate if such disclosure would be required by federal labor laws; or
- To a substance abuse evaluation or treatment facility or professional for the purpose of evaluation or treatment of the associate. However, positive test results from AC drug or alcohol testing program will not be used as evidence in any criminal action against the associate or prospective associate tested.

Worker's Compensation –Affirmative Defense - Intoxication

No compensation shall be allowed for an injury caused by the associate's intoxication, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, if the intoxication was a substantial factor in causing the injury.

Civil Remedies – Judicial

An applicant or an associate may bring a civil action for violations of the statute. An employer may be liable for reinstatement, hiring, back pay, and attorney's fees. However, employers acting in good faith and in conformity with the law are immune from liability for testing or taking action based on a positive drug or alcohol test or a refusal to be tested or any failure to test or detect drugs or alcohol. Moreover, employers may not be held liable for acting on a false positive result unless the employer knew or should have known the test result was in error.

Unemployment Compensation

None.

KANSAS STATE AMENDMENT

Procedural Requirements

Notice of Policy

AC will provide written notice of its testing policy and shall post the policy for inspection by associates.

Disabled Defined

The term “disability” does NOT include those currently engaged in the use of a controlled substance.

Laboratory Use

Only state certified labs may be used and all requires all human samples analyzed for the presence of controlled substances to be conducted in accordance with federal guidelines. State certified laboratories must test at the cut-off levels established for federal workplace testing.

Appropriate Specimens

The specimens shall include, but not limited to the testing of urine, blood and oral fluids.

Cost of Testing

Employers may not require associates or applicants to pay the cost of a medical examination or furnishing records as a condition of employment.

Notification of Test Results

Results can only be reported to the person who ordered the test and these results are to be provided to the associate in writing.

Confirmatory Testing

All positive screening test results must be confirmed by a certified laboratory.

Confidentiality

The laboratory may not make public or disclose the results of any test result except to: the person who ordered the test, the Secretary of Health and Environment as part a laboratory approval process, or if the Secretary of Health and Environment plans to use the results as data and the identity of the person tested will remain anonymous.

Worker's Compensation

Benefits may be denied if the injury, disability or death was contributed to by the associate's use or consumption of alcohol or any drugs, chemicals or any other compounds or substances, including but not limited to, any drugs or medications (prescribed or over-the-counter) which are available to the public without a prescription from a health care provider, prescription drugs or medications, any form or type of narcotic drugs, marijuana, stimulants, depressants or hallucinogens. It shall be conclusively presumed that the associate was impaired due to alcohol if it is shown that at the time of the injury that the associate had an alcohol concentration of .04 or more.

An associate's refusal to submit to a chemical test shall not be admissible evidence to prove impairment unless there was probable cause to believe that the associate used, possessed or was impaired by a drug or alcohol while working.

Unemployment Compensation

Benefits are denied to an associate discharged for misconduct. The possession, use of or impairment caused by an alcoholic beverage, a cereal malt beverage or a non-prescribed controlled substance by an individual while working shall be conclusive evidence of misconduct and the possession of an alcoholic beverage, a cereal malt beverage or a non-prescribed controlled substance by an individual while working shall be prima facie evidence of conduct which is a violation of a duty or obligation reasonably owed to the employer as a condition of employment.

A positive chemical test means a result showing a concentration at or above statutory levels and a positive breath test is a result showing a .04 BAC or higher. The refusal to submit to or failing of a chemical test, which is required, shall be conclusive evidence of misconduct. Refusal to submit to a chemical test administered pursuant to an associate assistance program or other drug or alcohol treatment program in which the individual was participating voluntarily or as a condition of further employment shall also be conclusive evidence of misconduct.

Criminal Penalties

It is a misdemeanor to perfume drug tests at an unauthorized, uncertified laboratory and/or to violate the confidentiality provision of the drug-testing law.

KENTUCKY STATE AMENDMENT

Procedural Requirements

Notice of Policy

All associates must be provided with written materials explaining employer's drug testing policies and procedures.

Costs of Testing and Medical Examinations

AC shall pay the costs of all required testing of applicants and associates. AC may not require an associate or applicant to pay the cost of a medical examination or of furnishing records as a condition of employment.

Specimens for Testing

Urine for drugs; breath for alcohol; programs using other specimen may receive certification anyway if the specimen testing method is as accurate as and equivalent to breath and urine.

On site Testing

On site testing is permitted, but all non-negatives must be confirmed at a SAMHSA certified laboratory.

Disabled Defined

The term 'disabled' does not include persons with current or past controlled substances abuse or alcohol abuse problems and persons excluded from coverage by the Americans with Disabilities Act (ADA) of 1990.

Drug Definition

Drug is defined as a controlled substance including:

- a)Amphetamines;
- b)Cannabinoids/THC;
- c) Cocaine;
- d)Opiates;
- e)Phencyclidine (PCP);
- f) Benzodiazepines;
- g)Propoxyphene;
- h)Methaqualone;
- Methadone;
- j) Barbiturates;

- k) Synthetic narcotics;
- l) Illicit substances; and
- m) Volatile substances as defined by KRS 217.900(1)

Supervisor Training and Associate Education

The first year of the program, AC is required to provide two (2) hours of education on substance abuse to associates and an additional two (2) hours of training to supervisory personal and one (1) one each year thereafter.

Worker's Compensation

Employers are not liable for compensation where the injury, occupational disease, or death of an associate is proximately caused primarily by that associate's voluntary intoxication.

Unemployment Compensation

Associates are denied benefits when discharged for misconduct, which includes reporting to work under the influence of alcohol or drugs and consuming alcohol or drugs on the employer's premises during working hours.

LOUISIANA STATE AMENDMENT

Procedural Requirements

Notice of Policy

AC will provide written notice of its testing policy and shall post the policy for inspection by associates.

Appropriate Specimens

Urine, blood, saliva, or hair. For saliva, cutoff levels must follow those established by the FDA for the saliva testing product.

Confidentiality

All information, interviews, reports, statements, memoranda, or test results received by AC through its drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in an administrative or disciplinary proceeding or hearing, such as those required for an unemployment or worker's compensation claim, or civil litigation where the associate's drug use is relevant.

Associate Rights -Results

Any associate with a confirmed positive test result, upon the associate's written request, shall have the right of access within seven (7) working days to records relating to his drug tests and any records relating to the results of any relevant certification, review or suspension/revocation-of-certification proceedings.

Privacy

AC will maintain privacy rights of individuals during collection of samples. Direct observation of the individual during collection is allowed under the following circumstances:

- If there is a reason to believe the individual will alter or substitute the specimen;
- The specimen falls outside of acceptable temperature range;
- The medical review officer ("MRO") determines that the specimen is adulterated;
- Collection site personnel observe suspicious conduct;
- For follow-up testing after the associate previously tested "positive"; and
- Post-accident or reasonable suspicion ("for cause") testing;
- Direct observation will be conducted by a collection site person of the same gender.

Specimens Defined

Urine, blood, saliva and hair are included in the definition of a “sample.”

Cost of Drug Testing

Cost of testing is to be borne by the employer for all associates and applicant. The Employer can offer applicants opportunity to pay for confirmation of positive screen and MRO review.

Use of Certified Laboratory for Drug & Alcohol Testing

Except per above, all drug testing is to be conducted by a laboratory certified by SAMHSA or CAP and must conform to SAMHSA guidelines.

Consequence of A Positive Screen

Except in pre-employment drug screening, the results of the initial screen may not be used as the basis for “rendering permanent mandatory or discretionary consequences” to the individual submitting the specimen. A confirmation test will be performed.

Cost of Testing

In general, the cost of drug and alcohol testing and furnishing medical records is to be paid for by AC. Although, AC may require all applicants who become associates and associates to sign an agreement, providing that AC will be reimbursed for the cost of pre-employment drug tests and such cost may be withheld from the individual’s wages, if he or she does not report to work or resigns within ninety (90) days from his or her first day of work.

Such reimbursement shall not be sought from associates compensated at a rate which is less than one dollar above the existing federal minimum wage or in cases where resignation is attributable to a substantial change made to the employment by AC.

Confirmed Positives on Pre-employment Drug Testing

Confirmed positives on pre-employment drug testing may be reviewed by the medical review officer. If the employer chooses not to confirm a positive test result of a pre-employment drug screen test, the employer shall notify the applicant of the positive drug screen result and shall offer the applicant the opportunity to pay for confirmation of that test and a review of that confirmation test by a medical review officer.

Medical Review Officer

AC is required to utilize the services of a medical review officer in the interpretation of all test results, including on site, instant point of care tests.

Testing Requirement for Individuals Who Receive Funding from the State

Organizations that receive anything of economic value or receive funding from the state or an entity thereof, including but not limited to all organizations awarded state contracts to provide goods or services or loans from the state or an entity thereof are to comply with the State requirements for a testing program.

Drug Test Falsification

It is a misdemeanor offense for anyone to knowingly and intentionally deliver, possess with intent to deliver, or manufacture with intent to deliver a substance or device designed or intended solely to falsify or alter drug test results. Anyone found guilty of such acts may be subject to fines up to \$500 and/or a prison sentence of up to six (6) months.

Criminal Penalties and Civil Penalties

An employer is barred from requiring as a condition of employment as associate to pay for a medical exam or drug test or for the cost of furnishing records. A violation of such subjects the employer to a criminal penalty of up to \$500 per penalty, imprisonment of up to ninety (90) days or both.

Civil Remedies - Judicial

No cause of action may be brought against any employer for defamation, libel, slander, damage to reputation, or invasion of privacy, if the employer has established a drug or alcohol program in compliance with the statute unless: the employer disclosed the results of the test to a person other than the associate or testing entity or their authorized agents; the disclosure was based on a "false positive" test result, or a failure to comply with the statute's requirements; and all of the elements of the applicable tort are met.

Tax Credit

Employers who choose to provide qualified substance abuse treatment services may qualify for up to 5% state income tax credit for amount paid on behalf of associate. This does not include the cost of testing.

Drug Dealer Act

AC and others may bring a civil action for damages caused by an individual's use of an illegal drug. Damages include economic damages, including costs of treatment and rehabilitation, lost productivity, accidents, and absenteeism; non-economic damages, including pain and suffering; punitive damages; attorney's fees; and costs to bring suit.

Worker's Compensation

Benefits are denied an associate whose injury is caused by his/her intoxication unless the associate's intoxication resulted from activities which were in pursuit of the employer's interests or in which the employer procured the intoxicating beverage or substance and encouraged its use during the associate's

work hours. State law regarding testing must be followed to obtain presumption. If the associate refuses to submit to a test at the time of the accident, it is presumed the associate is intoxicated at the time of the accident. Intoxication is based on:

If there was, at the time of the accident, 0.05 percent or less, it shall be presumed that the associate was not intoxicated;

If there was, at the time of the accident, in excess of 0.05 percent but less than 0.10 percent, such fact shall not give rise to any presumption that the associate was or was not intoxicated, but such fact may be considered with other competent evidence in determining whether the associate was intoxicated; or

If there was, at the time of the accident, 0.10 percent or more, it shall be presumed that the associate was intoxicated.

Unemployment Compensation

On-or off-duty controlled substance use is considered misconduct and benefits will be denied. State law regarding testing must be followed. A positive drug test in accordance with AC's policy and procedures and as it applies to the state statute is admissible as evidence. Refusal to submit is also considered misconduct and is grounds for denial of compensation.

MAINE STATE AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Probable Cause Drug and/or Alcohol Testing

AC shall test associates for drugs and/or alcohol when a manager has probable cause to believe the associate used drugs and/or alcohol in violation of the policy. Probable cause will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for probable cause testing shall be made according to the procedures set forth in the Procedures Section of this document and are not to be based solely on off-duty use or possession or a single work-related accident. AC will state in writing the facts relied upon and provide a copy of the written statement to the associate.

Probable cause may not be based exclusively on: information received from an anonymous informant; any information tending to indicate that an associate may have possessed or used a substance of abuse off duty, except when the associate is observed possessing or ingesting any substance of abuse either while on the employer's premises or in the proximity of the employer's premises during or immediately before the associate's working hours; or a single work-related accident.

Post-Accident Drug and Alcohol Testing

Associates who may have caused or contributed to an accident, as defined in the appendix, will be subject to a drug and alcohol test as soon as possible following the accident when a manager has probable cause to believe the associate's drug and/or alcohol use caused or contributed to the accident. Probable cause may not be based on a single accident, alone. AC will state in writing the facts relied upon and provide a copy of the written statement to the associate.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Random Drug Testing

Associates in safety-sensitive positions, as approved by the Maine Department of Labor will be subject to unannounced drug testing. Associates in safety-sensitive positions will have an equal probability of being selected for testing. Random drug testing is an objective system which does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Note: It will be conducted if AC has fifty (50) or more associates, and the policy was developed by a committee of ten (10) or more associates and a medical professional.

Procedural Requirements

Associate Consultation on New Policy

Associates will be notified in writing that AC has submitted the Drug-Free Workplace Policy to the Maine Department of Labor for approval of the written policy or change to an approved policy. Associates will have an opportunity to comment on the policy by submitting written comments to AC's designated manager Department or directly to the Maine Department of Labor to: Office of the Deputy Director, Department of Labor, State House Station #45, Augusta, Maine 04333. These comments should be submitted within ten (10) days after the policy is submitted to the Department of Labor to ensure the comments are received during the approval process. The policy must include: associates subject to testing and under what circumstances; procedures for voluntarily admitting to a substance abuse problem and the assistance available; specimen collection, testing and storage procedures; substances tested for and the cut-off levels; consequences for a positive test result or a refusal to be tested; opportunity for rehabilitation and the procedures for an appeal.

Policy Implementation and Distribution

The policy will be effective thirty (30) days after it is approved by the Department of Labor. Associates will receive a copy of the approved policy and a copy of the Maine drug testing statute. Thereafter, the policy will be available for inspection at a central public area.

Policy Changes

Policy changes will be submitted to the Department of Labor for approval. AC will provide associates sixty (60) days advance notice of any policy changes. In some cases, such notice may be waived by the Department of Labor. AC will provide such notice in writing to each associate and the written memo will be posted in a conspicuous location. This notice provision does not apply to applicants.

Safety-sensitive Defined

Is any position, the nature of which associate impairment would create an "unreasonable threat to the health or safety of the public or the associate's co-workers", if the associate were under the influence of a substance of abuse.

Employee Assistance Program

Should AC have more than twenty (20) associates in the state of Maine, the company is to provide an Employee Assistance Program (EAP) offering assessment, referral and training activities designed to assist associates with alcohol and other drug-related problems that may affect their ability to perform their jobs and their well-being. Associate participation is confidential and will not adversely affect future employment or career advancement. However, participation will not protect an associate from consequences for substandard job performance or rule infractions that continue following a referral. For further requirements, consult AC's EAP Compliance Guide.

Privacy

Direct observation of the collection of a sample is prohibited. However, AC may take additional action, as provided by the Maine Department of Human Services, necessary to ensure the integrity of a urine sample if the sample collector or laboratory determines that the sample may have been substituted, adulterated, diluted or otherwise tampered with. The associate may be required to leave personal belongings and unnecessary outer garments outside the collection area or, if it is a standard practice at an off-site medical facility, to remove such clothing.

When an individual is found to have twice substituted, adulterated, diluted or otherwise tampered with a sample, the individual is deemed to have refused to submit to testing.

Applicant Testing

Applicants will be notified by the designated manager of AC that they will be subject to a pre-employment test. At the time of application, the applicant is permitted to review the policy.

Any offer of employment will be conditioned on the successful completion of a pre-employment drug test. Before the applicant submits to a drug test, the applicant will receive a copy of the Maine drug testing statute and a copy of AC's Drug-Free Workplace Policy.

Individuals receiving a conditional offer of employment from AC will not begin work until they have successfully completed the drug screen. If AC tests an applicant and employs that person prior to receiving the test result, that person will be treated as an associate if his/her pre-employment test is positive.

Pre-employment Limitation

An employer who tests a person as an applicant and employs that person prior to receiving the test result may take no action on a positive result except in accordance with the associate provisions of the employer's approved policy.

Appropriate Specimens

Any test procedure may be used that is designed to take and analyze fluids or materials from the body for the purpose of detecting substances of abuse, including alcohol.

Collection

Direct observation of the collection process is prohibited. Split samples are required, if requested by an associate or applicant.

For an alcohol or marijuana test, the associate may request that a blood sample be taken for testing. The associate must make this request at the time a test sample is taken. Applicants do not have the right to require AC to test a blood sample.

If the associate requests a blood test, AC will not test any other sample from the associate for the presence of alcohol or marijuana. However, another sample, e.g., urine, may be requested for testing for other drugs.

AC will not require, request or suggest that any associate or applicant provide a blood sample for substance abuse testing purposes nor will AC conduct a substance abuse test upon a blood sample except when requested by an associate.

Collection Facility

The collection of samples will be conducted in a medical facility and supervised by a licensed physician or nurse, as required by law. Direct observation is prohibited. The name and address of the collection site may be obtained from the designated member of management.

Laboratory

Except as noted here in, all testing must be conducted by a laboratory licensed by the Maine Department of Human Resources.

Testing Laboratory

AC must perform substance abuse testing through a qualified testing laboratory that complies with the standards of the National Institute on Drug Abuse, the College of American Pathology or the American Association for Clinical Chemistry and is licensed by the Maine Department of Human Resources.

Confirmatory Test

All initial tests results are to be confirmed by GC/MS at cut-off levels established by the Maine Department of Human Resources.

Opportunity for Retest

Within five days after notice of the test result is given to the associate or applicant, the associate may request a retest at a certified laboratory at his/her own expense, unless the retest is negative and then the employer is to pay for the retest.

When AC receives notice of the associate or applicant's selection, the employer shall promptly send the segregated portion of the sample to the laboratory requested by the associate. (The laboratory selected by the associate must adhere to the provisions of the Maine law).

Opportunity to Rebut

An associate has three (3) working days after receiving notice of a positive test result to submit information explaining or contesting the result.

Appropriate Specimens

The law applies to any test procedure designed to take and analyze fluids or materials from the body for the purpose of detecting substances of abuse, including alcohol.

Confirmatory Testing

All initial positive test results must be confirmed by GC/MS. Both initial and confirmatory tests must be analyzed at cut-off levels established by the Maine Department of Human Resources.

Notification of Test Result

Associates must be immediately notified of an initial point of collection screening test result. AC shall promptly notify the associate or applicant of the test result. Upon the associate's request, AC will promptly provide a legible copy of the laboratory report to the individual.

Those doing point-of-collection screening or confirmation tests must release the test results in compliance with the following: (1) immediate notification to the *associate* of a "preliminary" positive or negative test result; (2) no notification to the *employer* of a "preliminary" positive test result until after it has been confirmed in another test; (3) similarly, no notification to the *employer* of a "preliminary" negative test result until after it has been confirmed in another test; and (4) confirmatory test results must be released immediately to both the associate and the employer.

Cost of Testing

AC shall pay the costs of all testing which AC requires. Except the applicant or associate shall pay for the costs of additional testing of a urine specimen. The costs of additional testing of a blood specimen will be borne by the associate if the test is positive or by AC if the retest is negative. Payment for testing of the segregated portion may not be required earlier than when notice of the choice of laboratory is given to AC.

Opportunity to Rebut

An associate has three (3) working days after receiving notice of a positive test result to submit information explaining or contesting the result.

Opportunity for Retest

Within three (3) days after notice of the test result is given to the associate or applicant, the associate may request a retest at a certified laboratory at his/her own expense, unless the retest is negative and then the employer is to pay for the retest.

When AC receives notice of the associate or applicant's selection, the employer shall promptly send the segregated portion of the sample to the laboratory requested by the associate. (The laboratory selected by the associate must adhere to the provisions of the Maine law).

Supervisor Training Education

The first year of the program, AC is required to provide two (2) hours of training to supervisory personnel and one (1) one each year thereafter.

Discipline Based on a Confirmed Test and Rehabilitation

AC will not impose discipline before receiving test results. However, AC may suspend an associate with full pay or benefits or transfer the associate to another position with no reduction in pay or benefits while waiting for the test results.

AC will only impose discipline after the first test is confirmed by GC/MS and after first-time offenders are given the opportunity to enter into a rehabilitation program for up to six (6) months or participate in an Employee Assistance Program (EAP) if AC has one. Employers with more than 20 associates are required to have an EAP.

No disciplinary action may be taken following a first time positive unless the associate refuses to participate in the rehabilitation program has another positive confirmed test result or the treatment provider determines that the associate has not successfully completed the rehabilitation program within six (6) months. The rehabilitation or treatment provider may test for substances of abuse during rehabilitation, but AC will only do so as provided under Follow-up Testing above. The results of any substance abuse testing administered to an associate as part of a rehabilitation or treatment program will not be released to AC.

Refusals to be Tested

An express refusal or any interference with the testing process will be deemed a refusal to be tested. AC may terminate, or otherwise discipline, any associate who refuses to be tested.

Suspensions

Associates may be suspended with pay while awaiting the result of a drug test. Associates may be transferred to another position while awaiting the result of a drug test.

Annual Report

Every employer whose policy is approved by the state Department of Labor shall annually send to the department a compilation of the results of all substance abuse tests administered by that employer in the previous calendar year. This report shall provide separate categories for associates and applicants and shall be presented in statistical form so that no person who was tested by that employer can be identified from the report. The report shall include a separate category for any tests conducted on a random or arbitrary basis

Costs of Rehabilitation

The associate may choose to enter the EAP provided by AC (if the program offers counseling or rehabilitation services) or a public or private rehabilitation program. When rehabilitation costs are covered by a group health insurance plan, rehabilitation costs shall be covered by such insurance. However, to the extent that such costs are not covered by group health insurance, the costs of the rehabilitation program shall be equally divided by AC and the associate. If necessary, AC shall assist in financing the cost share of the associate through a payroll deduction plan. If the associate refuses rehabilitation, AC can discipline the associate up to and including termination.

Reinstatement – Post Rehabilitation

Upon successfully completing the rehabilitation program, as determined by the rehabilitation or treatment provider and after consultation with AC, the associate is entitled to return to the associate's previous job with full pay and benefits unless conditions unrelated to the associate's previous positive test result make the associate's return impossible.

If the associate worked in a safety-sensitive position subject to random or arbitrary testing, AC may refuse to allow the associate to return to the previous job if AC believes the associate may pose an unreasonable safety hazard because of the nature of the position. In those cases, AC shall immediately attempt to find suitable work for the associate. The associate shall be reinstated to the previous position or to another within six (6) months after returning to work in any capacity unless the associate has received a subsequent confirmed positive test result or unless conditions unrelated to the associate's previous positive test make the reinstatement or reassignment impossible.

AC shall not reduce the associate's benefits or pay while the associate is awaiting reassignment to work or while working in another position.

Placement of the associate in suitable work and reinstatement may not conflict with any provision of a collective bargaining agreement.

Furthermore, notwithstanding the provisions outlined above, if an associate who has successfully completed rehabilitation is medically disqualified, AC is not required to reinstate the associate or find suitable work for the associate during the period of disqualification. AC is not required to compensate the associate during the period of disqualification. Once the associate's medical disqualification ceases, AC will treat the associate as if the associate had successfully completed rehabilitation on that date.

Confidentiality

An employer must submit an annual report to the Maine Department of Labor on the previous year's drug testing results. Unless an associate or applicant consents, all testing information is confidential and may not be released except to the associate or applicant, necessary personnel of AC, and the rehabilitation or treatment services provider. Information also may be used where required by law and in grievance procedures and administrative hearings or civil actions relating to the testing or test results, but may not be used in criminal proceedings. Test information shall be maintained in separate medical files.

Definitions

Alcohol has the same meaning as found in Title 28-A, Maine Revised Statute Annotated, section 2, subsection 2: The substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes or other substances, and includes all dilutions and mixtures of these substances.

Drugs has the meaning as found in Title 32, section 13701, subsection 9 of the Maine Revised Statutes Annotated:

- Articles recognized as drugs in the official United States Pharmacopeia and National Formulary, other drug compendiums or any supplement to any of them;
- Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;

- Articles, other than food, intended to affect the structure or any function of the body of humans or other animals; and
- Articles intended for use as a component of any articles specified in paragraphs one to three (1-3).

Probable cause means a reasonable ground for belief in the existence of facts that induce a person to believe that an associate may be under the influence of a substance of abuse, provided that the existence of probable cause may not be based exclusively on any of the following:

- Information received from an anonymous informant;
- Any information tending to indicate that an associate may have possessed or used a substance of abuse off duty, except when the associate is observed possessing or ingesting any substance of abuse either while on the employer's premises or in the proximity of the employer's premises during or immediately before the associate's working hours; or
- A single work-related accident.

Scheduled drug has the same meaning as found in Title 17-A, section 1101, subsection 11 of the Maine Revised Statute Annotated: any drug named or described in section 1102, schedule W, X, Y, or Z.

Substance of abuse means any scheduled drug, alcohol or other drug, or any of their metabolites.

Collective Bargaining Agreement

The statute does not preempt collective bargaining agreement provisions which provide greater protection to applicants or associates that does the statute.

Medical Marijuana

The patient may lawfully possess marijuana, if the patient has written documentation showing that the patient has a qualifying medical condition; has received information on the risks and benefits of the medical use of marijuana and that the patient may benefit from such use; has disclosed the use to the doctor and is under the doctor's continued care; and possesses only the amount permitted by law. Marijuana use is prohibited in a public place or in any place of employment. "This chapter (law) may not be construed to require an employer to accommodate the ingestion of marijuana in any workplace or any associate working while under the influence of marijuana." Therefore, while the state permits the use of medical marijuana, an eligible patient is not permitted to use in a public place or in a workplace where such use is not permitted.

Approved illnesses include cancer, glaucoma, HIV/AIDS, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, Alzheimer's, nail-patella syndrome, chronic intractable pain, cachexia or wasting syndrome, severe nausea, seizures or epilepsy, severe and persistent muscle spasms, and multiple sclerosis. Patients or caregiver may possess up to 2.5 ounces of useable marijuana and 6 plants, three of which being mature. Those that exceed the legal limit are still granted a simple defense in response to a charge of marijuana possession.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Compensation or other benefits are not allowed for the injury or death of an associate when it is proved that the injury or death was occasioned by the associate's willful intention to bring about the injury or death of the associate or of another, or that the injury or death resulted from the associate's intoxication while on duty. The exception is if the employer knew at the time of the injury that the associate was intoxicated or that the associate was in the habit of becoming intoxicated while on duty.

Unemployment Compensation

Although there no specific reference to alcohol or drugs, no benefits shall be payable if the associate is discharged for "misconduct" connected with employment.

Civil Penalties

For breach of confidentiality or harassment regarding submission to a test, an employer is liable for up to \$1,000 for the first offense and for up to \$2,000 for subsequent offenses.

Civil Remedies – Judicial

An employer who violates the statute is liable to each affected associate for damages in an amount equal to three (3) times the amount of any lost wages, costs, and attorney's fees, as well as reinstatement with full pay and benefits.

MARYLAND STATE AMENDMENT

Procedural Requirements

Written Policy

To be in full compliance with Maryland's statute, it is necessary to have a written policy to fulfill "Results" states below.

Use of Certified Laboratory for Drug & Alcohol Testing

All drug and alcohol testing will be conducted at a laboratory approved by the Maryland Department of Health and Mental Hygiene (DHMH) and which is in compliance with DHMH regulations and the guidelines for laboratory accreditation set for by the College of American Pathologists, the U.S. Health Care Financing Administration, or any other government agency or program designated to certify or approve a laboratory that is acceptable to the DHMH Secretary.

At the time of testing, at an associate or applicant's request, AC will inform the person of the name and address of the laboratory that will test the specimen.

Appropriate Specimens

Urine, blood and saliva testing are allowed for drug testing when the cut-off levels adopted by SAMHSA for workplace drug-screening are utilized. Hair testing is permitted for pre-employment drug testing only. Breath testing is permitted for alcohol testing.

Collection

Specimens are to be collected in a sealed container that assures the detection of tampering and the proper protocols for the chain-of-custody is maintained.

Confirmatory Test

All initial positive drug test results must be confirmed by GC/MS or MS/MS.

Medical Review Officer

All confirmed pre-employment positive test results must be reviewed by a licensed physician with knowledge of drug-abuse disorders and drug and alcohol testing.

Confidentiality

All information related to testing is confidential and may be released only pursuant to a subpoena, court order or release signed by the individual tested. The release information that is prohibited includes: the use of a non-prescription drug, other than alcohol that is not prohibited under Maryland law; or the use of a prescription drug that was prescribed in accordance with Maryland law. The exception is as required for compliance with the DOT/FMCSA and other federal agency regulations.

Collective Bargaining

Collective bargaining agreement provisions override any provisions authorizing employers to use a preliminary screening procedure to test an applicant.

Results: Notice of Positive Test

If an associate or applicant tests “positive,” AC, after confirmation of the test, shall provide the individual with a copy of the written policy, a copy of the test result, a notice of the availability of retesting at the associate or applicant’s expense, and notice of the anticipated disciplinary action. The information will be delivered to the associate or applicant in person or by certified mail within thirty (30) days of the test and within 7 days of the result.

Retest

The associate or applicant shall have an opportunity to retest a sample at the same or another certified independent approved, certified laboratory at his/her expense.

Criminal Remedies

It is a misdemeanor to violate the statute. First-time violations are punishable with a fine up to \$100 with subsequent convictions punishable with a fine up to \$500.

Drug Dealer Liability Act

An AC associate who is convicted of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting in the State a controlled dangerous substance is liable for damages in a civil action as provided in this subtitle.

Drug Testing Falsification

Altering or substituting a bodily fluid sample, possessing or using adulterants, selling, distributing or transporting bodily fluid or adulterants is a criminal offense with the consequences being subject to imprisonment up to one (1) year and a minimum fine of \$1,000, or both for the first offense.

Worker's Compensation

A AC covered associate or a dependent of a covered associate is not entitled to compensation or benefits under this title as a result of accidental personal injury if: (1) the accidental personal injury was caused solely by the effect on the covered associate of: (i) a depressant, hallucinogenic, hypnotic, narcotic, or stimulant drug; or (ii) another drug that makes the covered associate incapable of satisfactory job performance; and (2) the drug was not administered or taken in accordance with the prescription of a physician.

Medical Marijuana

House Bill 1101 was approved by the governor in May 2013. It creates the Natalie M. LaPrade Medical Marijuana Commission for regulating academic marijuana centers.

Maryland's medical marijuana program is based upon academic marijuana centers. The Medical Marijuana Commission is tasked with creating criteria for and approving such academic marijuana centers. Certain criteria are already available while the Commission will determine others. At most, five centers may be approved and five growers per center.

Patients may have no more than two primary caregivers. Caregivers may have no more than five patients. Patients using, in possession of, or under the influence of marijuana under the program are protected from arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or being denied any right or privilege. **However, the law does not authorize any individual to engage in or prevent any penalty for operating any task under the influence of marijuana when doing so would constitute neglect or professional misconduct,** operating any motor vehicle under the influence of marijuana, or smoking marijuana in public, in a motor vehicle, or a dwelling that is subject to any policy that prohibits such.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Unemployment Compensation Denial

Discharge for misconduct, gross misconduct or aggravated misconduct is grounds for denial of benefits, however, all three terms are only defined vaguely and do not specifically mention substance abuse or intoxication.

MASSACHUSETTS STATE AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing.

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing.

AC shall test its associates for drugs and alcohol when a manager has reasonable suspicion of drug and/or alcohol use, as defined in the Appendix. Reasonable suspicion will be documented and will not be based on rumor, speculation, or unsubstantiated information of third parties. Referrals for reasonable-suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing.

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing

Associates in safety-sensitive positions who may have caused or contribute to an accident, as defined in the appendix, will be subject to a drug and alcohol test as soon as possible following the accident if a manager has reasonable suspicion that the accident was a direct result of the associate's use of drugs and/or alcohol

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government-Required (Federally Mandated) Drug and/or Alcohol Testing.

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT) for the Federal Motor Carrier Safety Administration (FMCSA).

Return After Lay-Off Drug Testing.

Associates who are returning to work in a safety-sensitive position following a lay-off of sixty (60) days or more will be required to take a drug test prior to their return to work.

Random Drug Testing.

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Costs of Testing

AC shall pay the costs of all required testing of applicants and associates.

Payment for Medical Examination

AC shall pay or reimburse an associate or an applicant for the costs of all medical examinations required as a condition of employment, when the physician was designated by AC.

Privacy of Testing

All persons have a right against unreasonable, substantial or serious interference with their privacy.

Disabled Defined

The term 'disabled' or 'handicapped' does not include current, illegal use of a controlled substance.

Medicinal Marijuana

The Law for the Humanitarian Medical Use of Marijuana took effect on Tuesday, January 1, 2013 and eliminates state-wide criminal and civil penalties related to the possession and use of up to a 60-day supply of cannabis by qualified patients who possess a state-authorized "registration card."

Nothing in this law requires any accommodation of any on-site medical use of marijuana in **any place of employment**, school bus or on school grounds, in any youth center, in any correctional facility, or of smoking medical marijuana in any public place

The law establishes a state-run patient registry and the creation of up to 35 state-licensed, non-profit "medical marijuana treatment centers" for distribution. Individual patients are also permitted to privately cultivate limited amounts of cannabis or designate a "personal caregiver" to cultivate for them, if they are unable to access a state-authorized dispensary or if they can verify financial hardship.

To qualify for the nascent program, patients must possess a recommendation from a physician attesting that cannabis assists with the treatment of a debilitating medical condition. Physicians may authorize cannabis under the law for the treatment of "cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient's physician. A patient may possess no more marijuana than is necessary for his or her

personal, medical use, not exceeding the amount necessary for a 60-day supply. The actual amount is to be determined within 120 days of effective date.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

None.

Unemployment Benefits

Denial of payment may occur when there is a discharge shown to the satisfaction of the commissioner by substantial and credible evidence to be attributable to deliberate misconduct in willful disregard of the employing unit's interest, or to a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, provided that such violation is not shown to be as a result of the associate's incompetence.

MICHIGAN STATE AMENDMENT

Procedural Requirements

Disability Discrimination

“Disability” does not include: a determinable physical or mental characteristic caused by the current illegal use of a controlled substance; or a determinable physical or mental characteristic caused by the use of alcoholic liquor, if that physical or mental characteristic prevents the individual from performing his/her job.

Payment for Medical Examination

An employer may not require an applicant or an associate returning from a leave of absence to pay the cost of a medical examination requested by the employer.

Drug Dealer Liability Act

Employers, and others may bring a civil action for damages caused by an individual’s use of an illegal drug. Damages may include: economic damages; non-economic damages; punitive damages; and attorney’s fees and costs.

Medical Marijuana

A patient, primary caregiver, or alternate caregiver has an affirmative defense to a criminal prosecution involving marijuana, if the patient, at the time of the activity, was registered with the State Department of Community Health as required by the Michigan Medical Marijuana Act; the activity complied with the requirements of the Act; and if the caregiver is the defendant, the caregiver was the defendant, or the caregiver was in physical possession of a caregiver registry identification card at the time of the activity. The Act places limits on the quantity of marijuana that patients and caregivers may possess, and does not require accommodation of the medical use or marijuana as a drug with no proven medical benefit and a high risk of abuse. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse).

Approved illnesses include: cancer, glaucoma, HIV/AIDS, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease, nail patella, cachexia or wasting syndrome, severe and chronic pain, severe nausea, seizures, epilepsy, muscle spasms, and multiple sclerosis. A patient may possess up to 2.5 ounces of usable marijuana and twelve marijuana plants that are kept in an enclosed and locked facility.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation - Disqualification

For the purposes of Worker's Compensation, should an associate produce a positive drug or alcohol test result or refuse to submit to a drug or alcohol test as required under this policy, his/her eligibility for compensation and benefits may be affected.

Unemployment Compensation - Disqualification

For purposes of Unemployment Compensation and pursuant to an employer's established substance abuse policy, an associate shall be ineligible for compensation when his/her unemployment includes, but is not limited to intoxication while at work or refusing to submit to a required drug test, or testing positive on a drug and/or alcohol test.

MINNESOTA STATE AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration. If a job offer is withdrawn, the individual will be informed of AC's reasons.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test associates for drugs and alcohol when a manager has reasonable suspicion, as defined in the appendix, of drug and/or alcohol use. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing

All associates who may have caused or contributed to an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident, when the manager has reason to believe that the associate may be under the influence of drugs or alcohol.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Random Drug Testing

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Notice of Policy

AC will provide written notice of its testing policy to all current associates upon adoption; to previously unaffected associates upon transfer to an affected position; and to job applicants upon hire and before testing. AC will also post notice of adoption of the testing policy and inform associates that copies of the policy are available for inspection.

A written policy is to include: those associates subject to testing; the circumstances under which an associate may be tested; consequences for a positive test result or a refusal to submit to a test and the associate's right to refuse the test; the right to explain a test result and to have a second confirmatory test conducted at the associate's expense; and any other appeal procedures. Prior to testing the associate must be provided with a form to acknowledge receipt of the policy.

Acknowledgment of Policy

Before requesting an associate or job applicant to undergo drug or alcohol testing, AC shall provide the associate or job applicant with a form on which to acknowledge that the associate or job applicant has seen the AC's drug and alcohol testing policy.

Definitions

For Cause: Is when there is reasonable suspicion that the associate, while at work: is under the influence of alcohol or a controlled substance; violated a written work rule prohibiting the use or possession of alcohol or drugs while working on employer's premises or operating machinery; sustained a personal injury or caused another person's injury; or caused a work-related accident, or was operating or helping to operate equipment involved in a work-related accident.

Safety-sensitive Position: is defined as one in which impairment caused by drug or alcohol use would threaten the health or safety of any person.

Reasonable suspicion testing: An employer may request or require an associate to undergo drug and alcohol testing if the employer has a reasonable suspicion that the associate:

- (1) is under the influence of drugs or alcohol;
- (2) has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the associate is working or while the associate is on the employer's premises or operating the employer's vehicle, machinery, or equipment, provided the work rules are in writing and contained in the employer's written drug and alcohol testing policy;
- (3) has sustained a personal injury, as that term is defined in section 176.011, subdivision 16 (See Below), or has caused another associate to sustain a personal injury; or
- (4) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Personal injury: "Personal injury" means injury arising out of and in the course of employment and includes personal injury caused by occupational disease; but does not cover an associate except while engaged in, on, or about the premises where the associate's services require the associate's presence as a part of that service at the time of the injury and during the hours of that service. Where the employer regularly furnished transportation to associates to and from the place of employment, those associates are subject to this chapter while being so transported. Personal injury does not include an injury caused by the act of a third person or fellow associate intended to injure the associate because of personal reasons, and not directed against the associate as an associate, or because of the employment. An injury or disease resulting from a vaccine in response to a declaration by the Secretary of the United States Department of Health and Human Services under the Public Health Service Act to address an actual or potential health risk related to the associate's employment is an injury or disease arising out of and in the course of employment.

Cost of Testing

AC will not request or require an associate or applicant to pay for, or contribute to, the cost of a drug or alcohol test.

Payment for Medical Examination

An associate or applicant may not be required to pay the cost of a medical exam. Applicants and associates may not be charged for the cost of furnishing records, except certificates of attending physicians in connection with the administration of a pension and disability benefit plan, citizenship papers or birth certificates.

Samples to be Tested

Pursuant to Minnesota's general drug and alcohol testing statute, the only permitted test specimens for current associates or contractors are blood, urine, and saliva. Hair is also an allowable specimen for job applicants. An employer cannot require or request that a Non-Department of Transportation job applicant, associate, or contractor submit for a breath alcohol test regardless of the employer's intent for ordering the test.

Therefore, an employer shall conduct blood alcohol testing in lieu of breath alcohol testing. An oral fluid rapid test may be conducted as an initial finding, and should the result be non-negative, the individual shall have a confirmatory test using a blood specimen.

Collection

An employer must ensure that proper chain-of-custody procedures are followed.

Confirmatory Test and Laboratory

All tests will be confirmed before discipline is imposed. However, an employer may temporarily suspend or transfer an associate pending receipt of any confirmatory test if the employer believes that it is necessary to protect the health of the associate, co-workers, or the public. If the confirmatory test is negative, the employer must reinstate the associate with back pay. Confirmatory tests must be administered by a laboratory certified by NIDA (SAMHSA), CAP, or the Minnesota Department of Health.

Notice of Test Results

Within three (3) days of receiving the test result report from the laboratory, AC will inform, in writing, an associate or applicant of (i) a negative drug test on an initial screening test or a negative or positive test on a confirmatory test and (ii) the right of the associate to retest and receive a report of the test result.

Opportunity to Explain and Retest

Within three (3) working days after notice of a positive test result on a confirmatory test, the associate or job applicant may submit information to AC, to explain that result, or may request a confirmatory retest of the original sample.

Confirmatory Retest

An associate or job applicant may request a confirmatory retest of the original sample, at his or her own expense. Within five (5) days of receiving the confirmatory results the associate or applicant must make this request and notify, in writing, AC of the intention to retest.

Within three (3) days of receiving the associate's notice to retest, AC will notify the original testing laboratory that the associate or applicant has requested that the lab conduct a confirmatory retest or transfer the sample to another laboratory. If the confirmatory retest does not confirm the original positive test, AC cannot take any adverse personnel action based on the original test.

Limitations on Associate Discharge, Discipline, or Discrimination and Rehabilitation

AC will not discharge a first-time offender whose drug or alcohol test result is "positive." Instead, AC will give the associate an opportunity to participate in, at the associate's expense, counseling or rehabilitation.

AC may discharge an associate who fails to participate in counseling or rehabilitation, or has failed to successfully complete the program, or has a positive test result on a confirmatory test after completing the rehabilitation program.

AC may temporarily suspend the tested associate or transfer that associate to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, when it is necessary to protect the health or safety of the associate, co-associates or the public.

Disability Discrimination

The Minnesota Human Rights Act excludes from the definition of disability "any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others".

Confidentiality

A laboratory will only disclose to AC the test result data regarding the presence or absence of drugs or alcohol.

AC will not disclose test information to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the associate or applicant tested.

Excepting that evidence of a “positive” test result on a confirmatory test may be used in relevant judicial, administrative, or arbitration proceedings; as required by federal law, regulation, or order; or for the purpose of evaluation or treatment of the individual to a substance abuse treatment facility. Positive test results cannot be used as evidence in a criminal action against the associate or applicant tested.

Collective Bargaining

Actions may be brought only after first exhausting all applicable grievance/arbitration procedures. Parties may bargain for a drug and alcohol policy that meets or exceeds the statutory requirements.

Civil Remedies – Judicial

A private right of action may be brought for appropriate equitable relief, damages, and attorney’s fees for knowing and reckless violations. Injunctive relief can be sought by the aggrieved individual, the state, or a collective bargaining agent who adequately represents the interested party. Employer retaliation is prohibited against an associate pursuing rights under the statute.

Medical Marijuana

Minnesota’s new Medical Cannabis Act, signed into law on May 29, 2014, narrows the kind of medical cannabis permitted. The Act became effective upon enactment, but it will take time for a system to be created to allow the use of medical cannabis. It will offer considerable protections to applicants and associates in the workplace.

The law does not cover marijuana that can be smoked. It defines “medical cannabis” as any species of the genus cannabis plant that is “delivered in the form of” liquid, including but not limited to oil, pill, vaporized delivery which does not require the use of dried leaves or plant form, or any other method, excluding smoking, approved by the Minnesota Commissioner of Health. So, a person using a marijuana cigarette is not protected by this law, but a drug test result cannot distinguish between use from smoking and the use of oil or vapor

Minnesota's law places restrictions on marijuana use related to the workplace, including:

- Undertaking any task under the influence of medical cannabis would constitute negligence or professional malpractice;
- Possessing or engaging in the use of medical cannabis in any public place, including any indoor or outdoor area used by or open to the general public, or a place of employment;
- Operating, navigating, or being in physical control of any motor vehicle, aircraft, train, or motorboat, or working on transportation property, equipment, or facilities while under the influence of medical cannabis.

That limits one's expectations of workplace accommodation of medical cannabis use. The limitations section of the law also prohibits use in a school bus or van, on any school grounds, in any correctional facility, or on the grounds of a childcare or home daycare facility.

Qualifying patients must have a qualified medical condition from a list limited to the following: cancer, if the underlying condition or treatment produces severe or chronic pain, nausea, cachexia or severe wasting; glaucoma; HIV; Tourette’s; amyotrophic lateral sclerosis; seizures, including those characteristic of

epilepsy; severe and persistent muscle spasms, including those characteristic of multiple sclerosis; Crohn's disease; terminal illness, with a probable life expectancy of under one year, if the illness or treatment produces severe or chronic pain, nausea, cachexia or severe wasting. The Commissioner may also approve other medical conditions or treatments.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Benefits will be denied to an associate if the injury was intentionally self-inflicted or his/her intoxication is the proximate cause of the injury. The burden of proof is on the employer.

Unemployment Compensation

Benefits are denied when an associate is discharged for misconduct. However, benefits will be granted to an associate who has been separated from employment due to a chemical dependency which has been professionally diagnosed, or who is participating in a treatment program and who makes consistent efforts to maintain the treatment. However, a failure to take steps necessary to control the illness will disqualify the individual.

Employment misconduct means any intentional, negligent, or indifferent conduct, on the job or off the job that displays clearly: a serious violation of the standards of behavior the employer has the right to reasonably expect of the associate; or a substantial lack of concern for the employment. Regardless of the above, the following is not employment misconduct: conduct that was a consequence of the applicant's chemical dependency, unless the applicant was previously diagnosed chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency; or conduct in violation of sections *driving while impaired*), *alcohol-related school bus or head start bus driving*), or *citation to license revocation* that interferes with or adversely affects the employment is employment misconduct.

MISSISSIPPI STATE AMENDMENT

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in writing prior to testing that AC has implemented a drug and alcohol testing policy pursuant to the provisions of the Mississippi Associate Drug and Alcohol Testing Act, and once offered a position they will be required to submit to a drug screen following the offer of employment. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test its associates for drugs and/or alcohol when a manager has reasonable suspicion, as defined in the appendix, of drug and/or alcohol use. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing

Associates in safety-sensitive positions who may have caused or contributed to an accident, as defined in the appendix, will be subject All associates in safety-sensitive positions who may have caused or contributed to an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Return After Lay-Off Drug Testing

Associates who are returning to work in a safety-sensitive position following a lay-off of sixty (60) days or more will be required to take a drug test prior to their return to work.

Random Drug Testing

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Notice of Policy and Policy Statement

AC will provide thirty (30) day notice of the policy. Additionally, AC will provide associates with a written policy advising of:

- (a) Mississippi's Associate Drug and Alcohol Test Act;
- (b) Procedures for how associates can confidentially report the use of prescription or over-the-counter medications prior to being tested;
- (c) Positions to be tested, the forms of testing to be utilized, the drugs tested for, the actions taken for a positive test result and the opportunity to rebut;
- (d) Consequences for refusing a test; and
- (e) Availability of rehabilitation.

Posting of Policy

AC will post the written policy and the short policy statement referenced above in an appropriate and conspicuous location on AC's premises and copies of the policy shall be available for inspection during regular business hours in a suitable location.

Statement of Election to Comply with the Mississippi Associate Drug and Alcohol Testing Act

AC has affirmatively elected to conduct its associate drug and alcohol testing policy and program pursuant to the provisions of the Mississippi Associate Drug and Alcohol Testing Act.

Cost of Testing

AC must pay for tests that the company requires, associates and applicants pay otherwise; employers may not require an applicant or an associate returning from a leave of absence to pay for medical examinations required by the employer. Time spent testing is work time for purposes of compensation.

Timing of Tests

Drug and alcohol tests shall occur during or immediately after the regular work period of current associates, and shall be deemed to be performed during work time for purposes of determining compensation and benefits for current associates.

Specimens to be Tested

Urine specimens shall be used for initial and confirmation drug tests. Breath, saliva and/or blood specimens shall be used for alcohol tests, but only blood for alcohol confirmation per Department of Health.

Split Specimen Collection

Sufficient specimen for a drug or alcohol test shall be collected to conduct two drug and alcohol tests.

Collection

Specimens must be collected by: a physician, registered nurse or licensed practical nurse; an individual certified and employed by an approved laboratory; or an individual certified by the Mississippi Board of Health. Chain-of-custody procedures must be maintained. A sufficient quantity of the specimen must be preserved for ninety (90) days. The associate or applicant must be given the opportunity to provide information relevant to the test including the use of prescription or non-prescription drugs.

Opportunity to Provide Information

Prior to or at the time of specimen collection for testing, an individual shall be provided with an opportunity to document any information he or she considers relevant to the test, including identification of currently or recently used prescription or over-the-counter drugs, or other relevant medical information. The provision of this information shall not preclude the administration of a drug and/or alcohol test, but shall be taken into account in interpreting any confirmed positive test results.

Tested Substances

Employers may test for amphetamine, marijuana, cocaine, phencyclidine, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or their metabolites alcohol, as well as other controlled substances with federal cut-off levels established.. In addition, they may test for any drugs that have established protocols and thresholds conducted by the Department of Health and Human Services.

Laboratory

All confirmation tests must be conducted at a laboratory certified by CLIA SAMHSA or CAP, licensed pursuant to the federal Clinical Laboratory Improvement Act, or deemed by the state Board of Health to have been certified by an appropriate federal agency, organization or another state, at the cut –off levels established by the Mississippi Department of Health.

Annual Associate Education and Manager Training

AC will provide annually one (1) hour of education for all associates and two (2) hours of training for all supervisory personnel.

Associate Assistance

AC must provide either an internal Employee Assistance Program (EAP) or resource file of external EAP type services available to associate.

Confirmatory Test

All positive initial tests must be confirmed with an alternate methodology of equal or greater sensitivity, and by GC/MS or equivalency techniques. Discipline and/or discharge is permitted only after confirmatory test. AC may suspend an associate pending the results of a confirmatory test. An employer may suspend an associate pending the results of a confirmatory test.

Medical Review Officer

A MRO is required and all positive test results must be verified by an MRO that is a licensed physician and shall be the only person authorized to review test results.

Written Notice of Positive Test Result

Written notice will be provided to associates within five (5) working days after AC receives the test results. The notice shall inform the associate of: (a) the confirmed “positive” test result, (b) the consequences of this result, and (c) available options. An associate is entitled to request and receive a copy of the test result report.

Opportunity to Explain Positive Test Result

Within ten (10) working days after receiving notice of a “positive” test result, an associate may submit information to AC explaining the test result and why the result does not constitute a violation of AC’s policy. If the associate’s explanation is not satisfactory, AC will prepare a written statement as to why the associate’s explanation is unsatisfactory and both AC’s statement and the test report will be made a part of the associate’s confidential medical and personnel records.

Right to Obtain Retest of Original Specimen

Within ninety (90) days after AC receives a confirmed positive test result for an associate, AC will permit the associate who has provided the specimen to have a portion of the specimen retested, at the associate’s expense, at a certified laboratory chosen by the associate.

Confidentiality

Information relating to drug and alcohol test results will be kept confidential and shall not be released to any person other than the associate or applicant, or AC's medical, supervisory or other personnel, as designated by AC on a "need to know" basis, unless: (a) the associate or applicant provides written release of the information; (b) the information is necessary for an arbitration, administrative, or judicial proceeding, provided the information is relevant; (c) the information must be disclosed to a federal or state agency under a law, regulation, or order, or in compliance with the requirements of a state or federal government contract; (d) the information is being provided to a drug abuse rehabilitation program for evaluation or treatment of an associate; or (e) there is a risk to public health or safety that could be minimized or prevented by a release of the information (however, unless such risk is immediate, a court order must first be obtained).

Worker's and Unemployment Compensation

Worker's compensation and unemployment benefits may be denied to an associate whose intoxication is the proximate cause of his/her injury.

Unemployment Compensation Denial

An associate discharged on the basis of a confirmed positive drug and alcohol test in accordance with this chapter shall be considered to have been discharged for willful misconduct.

MISSOURI STATE AMENDMENT

Procedural Requirements

Notice of Program Implementation

The Company must provide a sixty (60) day notice of implementation of the program.

Voluntary Law Affecting Worker's Compensation

Claims may be reduced by 15% if the injury was sustained in conjunction with the use of alcohol or non-prescribed controlled drugs, but the employer must have a drug-free workplace policy, the policy must be clearly posted and AC shall not have had any actual knowledge of associate's use. AC must show it made diligent effort to inform associate of the rule and the associate's duty to obey the rules and policies.

However, if the use of drugs or alcohol is found to have proximately caused the accident/injury the associate benefits are totally forfeited, except where the employer had actual knowledge of the drug or alcohol use and failed to take action or if, as part of employment the associate is authorized to use alcohol or drugs.

Cost of Testing

AC must pay for tests that the company requires, associates and applicants pay otherwise.

Opportunity to Rebut/Explain and/or Request a Retest

AC must make individuals aware of the associate's right to request a retest in order to contest unemployment or workers' comp claims related to substance abuse

Disability Discrimination

The term "disability" does not include current illicit use of or addiction to a controlled substance as defined by state law. However, a person may be considered to have a disability if that person: 1.) has successfully completed a supervised drug rehabilitation program and is no longer engaged in the illegal use of, and is not currently addicted to, a controlled substance, or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted; 2.) is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of controlled substances; or 3.) is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Worker's Compensation

Compensation benefits are reduced by 50% if an injury is sustained in conjunction with non-prescribed controlled drug use or alcohol use or failure to obey company policy regarding the use of drug or alcohol. However, if drug or alcohol use in the proximate cause of the injury, the associate's benefits are forfeited altogether. The voluntary use of alcohol to the percentage of blood alcohol sufficient under Missouri law to constitute legal intoxication creates a rebuttable presumption that the use of alcohol was the proximate cause of injury. If an associate refuses an employer's request to take a drug test, the associate's benefits are forfeited if the employer has sufficient cause to suspect drug or alcohol use, or if the associate's policy clearly authorizes post-injury testing.

Unemployment Compensation

Benefits are denied if the associate is discharged for "misconduct", which includes being at work with a detectable amount of alcohol or illegal drugs in his/her system in violation of the employer's well-published substance abuse policy that states that a positive test result is misconduct that can result in suspension or termination. All specimen collection for drugs and alcohol must follow U.S. Department of Transportation procedures, including chain-of-custody procedures. The test must be conducted by a NIDA certified laboratory and must be confirmed if the associate requests it. Testing may only be conducted if sufficient cause exists to suspect drug or alcohol use, unless employer's policy specifically provides for random, pre-employment, reasonable suspicion and post-accident testing or other forms of testing. These forms of testing are admissible as evidence of misconduct. A finding of misconduct does not require evidence of impairment.

Medical Marijuana for all Missouri, including Columbia City

Patients, for whom marijuana has been recommended by a physician, are not to suffer punishment or penalty for obtaining, possessing, and/or using medicinal marijuana and/or paraphernalia used to consume medicinal marijuana." (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse.)

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

MONTANA STATE AMENDMENT

Testing Restrictions

NOTE: A safety-sensitive associate is specifically defined as “an individual engaged in the performance, supervision, or management of work in a hazardous work environment¹, security position, position affecting public safety, or fiduciary position for an employer and does not include an independent contractor. The term includes an elected official.”

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing.

Applicants for safety-sensitive positions shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver’s license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test safety-sensitive associates for drugs and alcohol when a manager has reasonable suspicion that the associate is impaired by drugs and/or alcohol use. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

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- ¹ “Hazardous work environment” includes but is not limited to positions:
- (a) for which controlled substance and alcohol testing is mandated by federal law, such as aviation, commercial motor carrier, railroad, pipeline, and commercial marine associates;
 - (b) that involve the operation of or work in proximity to construction equipment, industrial machinery, or mining activities; or
 - (c) that involve handling or proximity to flammable materials, explosives, toxic chemicals, or similar substances.

Post-Accident Drug and Alcohol Testing

Associates in safety-sensitive positions who act or fail to act and that may have caused or contributed to an accident that results in death or personal injury requiring immediate medical treatment away from the accident scene or property damage vehicle damage in excess of \$1,500 will be subject to a drug and alcohol test as soon as possible following the accident when a manager has reason to believe the associate's act or failure to act is a direct or proximate cause of a work-related accident.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Note: If an associate who has caused or contributed to an accident is exempt from post-accident testing, for any reason, review the definition of 'reasonable suspicion' in the appendix, and the reasonable suspicion referral procedures in the Procedures Section of this document to determine if reasonable suspicion testing is applicable.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Random Drug Testing

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Legal Sanctions

The manufacture, distribution, possession, or use of a controlled substance is a violation of local, state, and federal laws and may result in substantial fines or imprisonment.

Definitions

Associate: an individual engaged in the performance, supervision, or management of work in a hazardous work environment, security position, position affecting public safety, or fiduciary position for an employer and does not include an independent contractor or an elected official.

Safety-sensitive Employment: Includes the performance, supervision, or management of work in a hazardous work environment, security position, or position affecting public safety or health, in which driving a motor vehicle is necessary for any part of the individual's work duties, or involving a fiduciary responsibility for an employer. This does not include independent contractors.

Hazardous Work Environment: Includes, but limited to positions that substance abuse testing is required by federal regulations, such as aviation, commercial motor carrier, railroad, pipeline, and commercial marine associates; involves the operation of or work in proximity to construction equipment, industrial machinery or mining activities; positions that involve handling of or proximity to flammable materials, explosives, toxic chemicals or similar substances.

"Sample": Means a urine specimen, a breath test, or oral fluid obtained in a minimally invasive manner and determined to meet the reliability and accuracy criteria accepted by laboratories for the performance of drug testing that is used to determine the presence of a controlled substance or alcohol.

Written Policy and Posting of Policy and Policy Changes

AC will provide sixty (60) day notice of any policy or all subsequent changes to the policy to all associates and will post policy and subsequent changes in a prominent associate access area.

The policy must include: a description of the applicable legal sanctions under federal, state and local law for the unlawful manufacture, distribution, possession, or use of a controlled substance; the regular education of associates about the workplace sanctions relative to and the health and safety risks posed by use of controlled substances and alcohol; the types of testing to be conducted and the drugs tested for; the consequences for the associate and applicant for a positive test result; procedures for testing, thresholds and the resolution of disputes; and provisions for confidentiality; and the EAP availability or equivalent services.

Cost of Testing and Medical Examinations

Testing will be at AC's expense, and all associates must be compensated at the associate's regular rate, including benefits and for time attributable to the testing program. An employer is also responsible to pay the cost of a retest requested by an associate, if the retest is negative.

AC will not require associates or applicants for employment to pay the costs of a medical examination or the cost of furnishing any records of such examination as a condition of employment.

Samples to be Tested

A urine specimen or oral fluids specimen will be required for drug testing and a breath sample will be required to detect the presence of alcohol. In the case of oral fluids, the collection, transportation, chain-of-custody and confirmatory testing procedural requirements have to be at least as stringent as 49 CFR, part 40 (the DOT regulations) and the collection device must be approved by the U.S. Food & Drug Administration. Hair testing is not permitted.

Drugs Tested

Testing may be conducted for cocaine, marijuana, amphetamines, opiates, phencyclidine and alcohol.

Laboratory

All confirmatory tests must be performed at a laboratory certified by the Department of Health and Human Services. Breath alcohol tests must be administered by a certified technician using conforming testing equipment.

Associate Education

Associate education is specifically required on the policy, testing and their rights.

Supervisor / Manager Training

When reasonable suspicion testing is required the employer must comply with the supervisory training. They will receive at least sixty (60) minutes of training on recognizing alcohol misuse, and at least sixty (60) minutes of training on recognizing controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Medical Review Officer

All confirmed positive test results must be confirmed according to the Department of Transportation (DOT) procedures. In addition, an employer must have results reviewed by an MRO before taking any action based on a positive result. AC cannot take action against associate if compelling medical reason is given to explain positive result.

Minimum Alcohol Cut-off Level of .04 BAC

Under AC's policy, being under the influence of alcohol is defined as a positive alcohol test result yielding a blood alcohol concentration (BAC) of .02 or higher. However, Montana law mandates that for enforcement of the policy in Montana, this BAC standard shall not be less than .04. Therefore, in Montana, being under the influence of alcohol is defined as a positive alcohol test result yielding a BAC of .04 or higher. In accordance with Montana's minimum cut-off for alcohol, AC will not take disciplinary action against an associate in Montana for being under the influence of alcohol based on an alcohol test yielding an alcohol concentration below .04.

Random Testing Program Defined

If AC conducts random drug testing of associates, it shall either manage the program or contract with a third party to manage its random selection program. AC shall provide a written description of the random selection process and shall obtain a signed statement from each associate confirming that he or she has received a written description of the process. The signed statement shall be maintained in the associate's personnel file.

The program shall include:

- An established calendar period for testing;
- An established testing rate within the calendar period;
- A random selection process that shall determine who will be tested on any given date during the calendar period for testing
- All supervisory and managerial associates in the random selection and testing process; and
- A selection procedure, which is based on scientifically valid methodology, such as a random number table or a computer-based random number generator table.

Request for a Split Sample Test

AC will obtain, at the associate's request, an additional test of the "urine split sample" by an independent laboratory selected by the person tested. AC will pay for the additional tests if the additional test results are negative, and the associate must pay for the additional tests if the additional test results are positive.

Associate's Copy of Test Report

Each applicant and associate who is required to submit to a drug or alcohol test shall be provided with a copy of his or her test report indicating the results of the individual's test.

Opportunity for a Retest

AC will provide associates with the opportunity to have a confirmed positive test result re-tested by an independent certified laboratory using the sample cut-off levels selected by the associate.

Opportunity to Rebut

AC will give the tested individual an opportunity to rebut or explain results of initial or confirmatory test, or both to the Medical Review Office or a qualified individual. If associate has a reasonable explanation, no adverse action can be taken and results must be removed from records and destroyed.

THC DUI Cutoff Limit

It is unlawful to operate a commercial or noncommercial vehicle under the influence of cannabis as evidenced by the presence of 5ng/ml of delta-9-tetrahydrocannabinol in a person's blood.

Limitation on Adverse Action

No adverse action, including follow-up testing, will be taken by AC if the associate presents a reasonable explanation or medical opinion indicating that the original test results were not caused by illegal use of controlled substances or by alcohol consumption. If the associate presents a reasonable explanation or medical opinion, the test results must be removed from the associate's record and destroyed.

Confidentiality of Results

Except as provided in the exceptions below and except for information that is required by law to be reported to a state or federal licensing authority, all information, interviews, reports, statements, memoranda, or test results received by AC through a qualified testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding.

Exceptions: Material that is confidential under this law may be used in a proceeding related to: (a) legal action arising out of AC's implementation of a testing program under this law; or (b) inquiries relating to a workplace accident involving death, physical injury, or property damage in excess of \$1,500 when there is reason to believe that the tested associate may have caused or contributed to the accident.

Also, information obtained through testing that is unrelated to the use of a controlled substance or alcohol is held in strict confidentiality by the medical review officer and will not be released to the AC.

Rehabilitation

AC may require an associate who tests positive for drugs or alcohol to participate in a counseling or rehabilitation program as a condition of continued employment.

Worker's Compensation

An associate is not eligible for benefits if the associate's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident. However, if the employer had knowledge of and failed to attempt to stop the associate's use of alcohol or drugs, the associate may be eligible for benefits.

Unemployment Compensation

No Statutory position.

Medical Marijuana

A patient, primary caregiver, or alternate caregiver has an affirmative defense to a criminal prosecution involving marijuana, if the patient, at the time of the activity, was registered with the State Department of Public Health and Human Services as required by the Montana Medical Marijuana Act; the activity complied with the requirements of the Act; and if the caregiver is the defendant, the caregiver was the defendant, or the caregiver was in physical possession of a caregiver registry identification card at the time of the activity.

The Act approved illnesses are cancer, glaucoma, HIV/AIDS when the condition or disease results in symptoms that seriously and adversely affect the patient's health status, cachexia or wasting syndrome, severe, chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician, intractable nausea or vomiting, epilepsy or intractable seizure disorder, multiple sclerosis, Chron's disease, painful peripheral neuropathy, a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms, or admittance into hospice care.

The Act places limits on the quantity of marijuana that patients and caregivers may possess (1 ounce of useable marijuana, 4 mature plants, and 12 seedlings (12" or less), and does not require accommodation of the medical use or marijuana as a drug with no proven medical benefit and a high risk of abuse. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse).

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

NEBRASKA STATE AMENDMENT

Procedural Requirements

Cost of Testing and Medical Exam

AC shall pay the cost of all required testing and/or medical examinations of applicants or associates.

Appropriate Specimens

The statute regulates the testing of body fluids and breath specimens.

Collection

Chain-of-custody procedures must be maintained.

Confirmatory Test

All positive initial tests must be confirmed by GC/MS, or its equivalent. All positive initial alcohol tests must be confirmed by GC, or by a breath-testing device. Confirmed positive specimens must be preserved for re-testing for at least 180 days. Confirmatory blood alcohol tests are not required, but can be requested by the associate. If confirmatory test results do not confirm a violation of the employer's work rules, any disciplinary or administrative action must be rescinded.

Opportunity to Rebut

An associate may immediately request confirmation of breath-testing result with a blood sample.

Confidentiality

AC will not release test results to the public, except as required by law. Results may be disclosed to an associate upon request, or agents of AC on a "need to know" basis connected with their employment.

Refusal

Any associate who refuses to provide a body fluid or breath sample may be subject to the disciplinary or administrative action by AC, up to and including discharge.

Alteration

It is unlawful for a person to provide, acquire, or use body fluids for the purpose of altering the results of any drug or alcohol test. An associate who violates this provision shall be treated as if he or she had refused to be tested. Any person who violates this provision will be guilty of a misdemeanor.

Tampering

It is unlawful for a person to tamper with or aide or assist another in tampering with body fluids at any time during or after the collection or analysis of the fluids in an attempt to alter the results of the drug or alcohol test. An associate who violates this provision shall be treated as if he or she had refused to be tested. Any person who violates this provision will be guilty of a Misdemeanor.

Disability Defined

A qualified individual with a disability shall not include any associate or applicant who is currently engaged in the illegal use of drugs.

Laboratory Defined

The laboratory utilized to confirm the drug test results must be certified by either CLIA or CAP. (no mention of SAMHSA/NIDA) and all positive specimens must be preserved for at least 180 days.

Request for an Alcohol Retest

Should the donor request to have a retest for alcohol, the donor may request that the test is to be conducted at the time of the initial collection using a blood draw independent of the breath test for alcohol.

Public Sector

Employer shall mean the State of Nebraska and its political subdivisions, all other governmental entities, or any individual, association, corporation, or other organization doing business in the State of Nebraska unless it, he, or she employs a total of less than six full-time and part-time associates at any one time.

Worker's Compensation

If an AC associate is injured by reason of his/her intentional willful negligence, or by reason of being in a state of intoxication, neither he/she nor his/her beneficiaries shall receive any compensation.

Unemployment Compensation

Benefits may be denied if the associate is discharged for "misconduct", which includes being under the influence of any beverage, or any controlled substance not prescribed by a physician, while at the worksite or while engaged in work.

Civil Remedies

Any person tampering with body fluids or the purposes of altering alcohol or drug test results is guilty of a Class 1 misdemeanor.

NEVADA STATE AMENDMENT

Procedural Requirements

Cost of Testing

AC shall pay the cost of all required testing of applicants or associates.

Disability Defined

A qualified individual with a disability shall not include any associate or applicant who is currently engaged in the illegal use of drugs.

Confirmatory Test

All preliminary test results are to be confirmed through a laboratory before taking employment action.

Expenses for Treatment of Abuse of Alcohol and Drugs

If an employer provides health benefits for his associates, he shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of: (a) treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year; (b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year; and (c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection above is \$39,000 and are to be paid in the same manner as benefits for any other illness covered by the employer are paid. The facility for the treatment of abuse of alcohol or drugs is to be certified by the Bureau of Alcohol and Drug Abuse in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation. The hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources, accredited by the Joint Commission on Accreditation of Hospitals.

Point of Care Testing

Point-of-care testing device is permitted and is a portable laboratory testing system, analytical instrument, kit or procedure that may be transported to the site of a patient in order to perform point-of-care tests and provides testing results directly from the device without calculation or discretionary intervention by the testing personnel during the pre-analytic and post-analytic phases of the test. Individual qualified to use a point-of-care testing device, a person must be licensed or certified as a:

1. Director;
2. General supervisor;
3. Clinical laboratory technologist;

4. Medical technician;
5. Blood-gas technologist;
6. Blood-gas technician;
7. Technologist;
8. Technician; or
9. Point-of-care test analyst.

Samples to be Tested

AC may require urine, oral fluids (saliva) or hair specimens for drug testing.

Medical Marijuana

A patient has an affirmative defense to a criminal prosecution involving marijuana, if the patient: has written documentation that the individual has been diagnosed with a chronic or debilitating medical condition, that marijuana might mitigate the symptoms and that the physician has explained the risks and benefits of use; is engaged in the medical use of marijuana; and is not in possession of more marijuana than permitted by the law. The law also protects the physician from disciplinary action by the Board of Medical Examiners, if the physician: has diagnosed the patient with a debilitating medical condition, and either advised about the risks and benefits of medical use of marijuana or advised that the patient may benefit from the medical use of marijuana; or has provided written documentation required to obtain a registry identification card, if the documentation is based on the physician's personal assessment of the patient and the physician had advised the patient about the risks and benefits of medical use of marijuana.

The approved illnesses are: cancer, glaucoma, AIDS, and any other medical condition or treatment to a medical condition that produces cachexia, persistent muscle spasms or seizures, severe nausea or pain. Other conditions are subject to approval by Department of Human resources. AS it relates to possession/cultivation, patients or their caregiver are limited to 1 ounce of useable marijuana, three mature plants, and four immature plants.

The law does not require employers to accommodate the medical use of marijuana in the workplace, but does require employers to consider "reasonable accommodations" for those who have a medical marijuana card and test positive for pot in an employment drug test. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse.)

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Penalties Pertaining to Medical Marijuana

On June 12, 2013, Gov. Brian Sandoval signed S.B. 374 into law, allowing medical marijuana dispensaries to sell the drug to patients. However, it is still a crime to possess marijuana for personal use in Nevada. Marijuana dispensaries are legal; possession of marijuana is illegal.

Penalties for Possession

- Less than one ounce (first offense): Misdemeanor charge, incarceration of up to six months in jail and max fine of \$600.
- Less than one ounce (second offense): Misdemeanor charge, incarceration of up to six months in jail and max fine of \$1,000.
- Less than one ounce (third offense): Gross misdemeanor charge, incarceration of one year and max fine of \$2,000.
- Less than one ounce (fourth offense): Class E felony, incarceration of one to four years and max fine of \$4,000.
- Penalties for Sale or Cultivation
- Less than 100 pounds (first offense): Felony charge, incarceration of one to six years and max fine of \$20,000.
- Less than 100 pounds (second offense): Felony charge, incarceration of two to 10 years and max fine of \$20,000.
- Less than 100 pounds (subsequent offense): Felony charge, incarceration of three to 15 years and max fine of \$20,000.
- 100 to 2,000 pounds: Felony charge, incarceration of one to five years and max fine of \$25,000.
- 2,000 to 10,000 pounds: Felony charge, incarceration of two to twenty years and max fine of \$50,000.
- More than 10,000 pounds: Felony charge, incarceration for life with possible parole after five years or five to 15 years and max fine of \$200,000.
- To a minor (first offense): Felony charge, incarceration of one to 20 years and a variable max fine.
- To a minor (second offense): Felony charge, incarceration for life with possible parole after five years or five to 15 years and a variable max fine.
- Within 1,000 feet of school or other specified areas: Felony charge, double the time of incarceration and max fine of penalties of initial sale of marijuana charge.
- Penalties for Paraphernalia

Paraphernalia possession: Misdemeanor charge, incarceration of up to six months and max fine of \$1,000.

Worker's Compensation

Compensation is not payable by AC for an injury that is proximately caused by the associate's intoxication. Meaning that the associate was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary, or proximately caused by the associate's use of a controlled substance, meaning that the associate had any amount of a controlled substance in his system at the time of his injury for which the associate did not have a current and lawful prescription issued in his name.

Unemployment Compensation

A person is ineligible for benefits for the week in which he/she has filed a claim for benefits, if he/she was discharged from his/her last or next to last employment for misconduct connected with his work, and remains ineligible until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of not more than 15 weeks thereafter as determined by the administrator in each case according to the seriousness of the misconduct.

NEW HAMPSHIRE STATE AMENDMENT

Procedural Requirements

Cost of Testing

AC shall pay the cost of all required testing of applicants or associates. AC shall pay or reimburse an associate or an applicant for the costs of all medical examinations required as a condition of employment, when the physician was designated by AC.

Payment for Medical Examination

AC shall pay or reimburse an associate or applicant for the costs of all medical examinations or the cost of furnishing any records required by the employer as a condition of employment.

Disability Defined

A qualified individual with a disability shall not include any associate or applicant who is currently engaged in the illegal use of drugs.

Worker's Compensation

Benefits may be denied if alcohol or drug use found to be the cause of the injury. The employer shall not be liable for any injury to a worker, which is caused in whole or in part by the intoxication or by the serious and willful misconduct of the worker. The provision as to intoxication shall not apply, however, if the employer knew that the associate was intoxicated.

Unemployment Compensation

Benefits may be denied if the use of alcohol or drugs interfered with work performance. An unemployed individual who has been discharged for intoxication or use of controlled drugs of such degree and rate of occurrence as to seriously hamper or interfere with the individual's work, shall be disqualified for benefits.

Drug Dealer Act

AC and others may bring a civil action for damages caused by an individual's use of an illegal drug. Damages include economic damages, including costs of treatment and rehabilitation, lost productivity, accidents, and absenteeism; non-economic damages, including pain and suffering; punitive damages; attorney's fees; and costs to bring suit.

Medical Marijuana

This was signed into law on July 23, 2013 and authorizes the use of cannabis for medical purposes, establishes a patient registry card system, allows for non-profit alternative treatment centers, and creates an affirmative defense for qualified patients and designated caregivers with valid registry ID cards.

The approved illnesses are Cancer, glaucoma, HIV/AIDS, hepatitis C, ALS, muscular dystrophy, Crohn's disease, agitation of Alzheimer's, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and a severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

An individual may possess and/or cultivate up to 2 ounces of usable cannabis directly or through a designated caregiver during a 10-day period. The individual must register and must be at least 18 years old or have parental/custodial consent. A qualifying patient must have been diagnosed by a provider as having a qualifying medical condition and possess a valid registry ID card.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

NEW JERSEY STATE AMENDMENT

For

Acushnet Company

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing.

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing.

AC shall test its associates for drugs and alcohol when a manager has reasonable suspicion of drug and/or alcohol use, as defined in the Appendix. Reasonable suspicion will be documented and will not be based on rumor, speculation, or unsubstantiated information of third parties. Referrals for reasonable-suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing.

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government-Required (Federally Mandated) Drug and/or Alcohol Testing.

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT) for the Federal Motor Carrier Safety Administration (FMCSA).

Return After Lay-Off Drug Testing.

Associates who are returning to work in a safety-sensitive position following a lay-off of sixty (60) days or more will be required to take a drug test prior to their return to work.

Random Drug Testing.

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Privacy

The New Jersey Constitution protects individuals against unreasonable searches and seizures except upon probable cause.

Supervisor Training and Associate Education

It is highly recommended that AC provide education to associates on substance abuse to associates and an additional training to supervisory personal as to their role in administering the policy/program.

Cost of Testing

AC shall not deduct from the wages of any associate or from the wages to be paid to a prospective associate any sum, or in any manner require payment of any sum from such associate or prospective associate, to defray the cost of any medical examination of such associate or prospective associate when such examination is made at the request or direction of the employer.

Payment for Medical Examination

AC shall pay or reimburse an associate or applicant for the costs of all medical examinations or the cost of furnishing any records when the examination is requested by the employer and performed by a physician designated by AC.

Associate's Copy of Test Report

Each applicant and associate who is required to submit to a drug or alcohol test may request a copy of his or her test report indicating the results of the individual's test.

Opportunity for a Retest

AC will provide associates with the opportunity to have a confirmed positive test result re-tested by an independent certified laboratory using the sample cut-off levels selected by the associate. The cost of this testing is paid for by the associate.

Opportunity to Rebut

AC will give the tested individual an opportunity to rebut or explain results of initial or confirmatory test, or both to the Medical Review Office or a qualified individual. If associate has a reasonable explanation, no adverse action can be taken and results must be removed from records and destroyed.

Drug Test Falsification

It is a criminal offense to substitute or adulterate a test specimen. It is also a criminal offense to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen.

Worker's Compensation

Compensation for personal injuries to, or for the death of, an associate by accident that arises out of and in the course of employment shall be made by AC without regard to the negligence of the associate, except when the injury or death is intentionally self-inflicted, or when intoxication or the unlawful use of controlled dangerous substances are the natural and proximate cause of the injury or death.

Examples of severe misconduct include, but are not necessarily limited to, the following: repeated violations of an employer's rule or policy, repeated lateness or absences after a written warning by an employer, falsification of records, physical assault or threats that do not constitute gross misconduct as defined in this section, misuse of benefits, misuse of sick time, abuse of leave, theft of Company Property, excessive use of intoxicants or drugs on work premises, theft of time, or where the behavior is malicious and deliberate but is not considered gross misconduct as defined herein.

Unemployment Compensation

If the discharge of an associate is for gross misconduct connected with the work due to the commission of an act punishable as a crime of the first, second, third or fourth degree under the New Jersey Code of Criminal Justice, the individual shall be disqualified and no benefit rights shall accrue to any individual based upon wages from that employer for services rendered prior to the day upon which the individual was discharged.

New Jersey Compassionate Use Medical Marijuana Act

Effective July 18, 2010, a patient may lawfully possess marijuana, if the patient has written documentation showing that the patient has a qualifying medical condition; has received information on the risks and benefits of the medical use of marijuana and that the patient may benefit from such use; has disclosed the use to the doctor and is under the doctor's continued care; and possess only the amount permitted by law.

The approved illnesses are: seizure disorder, including epilepsy, intractable skeletal muscular spasticity, glaucoma, severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome from HIV/AIDS or cancer, amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Chron's disease, or terminal illness, if the physician has determined a prognosis of less than 12 months of life or any other medical condition or treatment that is approved by the Department of Health and Senior Services. DHSS has proposed rules since passage of this law that requires approved illnesses be resistant to conventional medical therapy in order to qualify as a debilitating medical condition. As it relates to possession and cultivation, a physician must determine amount required which a patient must present to an alternative treatment center. The maximum amount for a 30-day period is 2 ounces.

A patient must be 18 years or older or be accompanied by primary caregiver and must have written prescription from physician. The registration fee is \$200 (valid for 2 years) or \$20 for patients qualifying for state or federal assistance program.

Protection from arrest, prosecution, property forfeiture, and criminal and other penalties for patients who use marijuana to alleviate suffering from debilitating medical conditions or their physician, caregiver, and others authorized to produce marijuana for medical purposes. As it relates to the workplace, "Nothing in this act shall be construed to require a government medical assistance program or private health insurer to reimburse a person for costs associated with medical use of marijuana, *or an employer to accommodate the medical use of marijuana in any workplace.*"

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

NEW MEXICO STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Worker's Compensation

No compensation shall become due or payable from AC in the event that the injury was occasioned by the intoxication of the associate or willfully suffered by him/her or intentionally inflicted by the associate, while intoxicated or being under the influence of a depressant, stimulant, hallucinogenic drug, or narcotic drug, unless the associate had a valid prescription for the drug. Furthermore, benefits are not payable when the injury was proximately caused by the intoxication of the injured associate. Benefits shall be reduced by 10% when the injury or death is caused partly by the associate's voluntary intoxication or being under the influence of a depressant, stimulant, hallucinogenic drug, or narcotic drug, unless the associate had a valid prescription for the drug. For procedural purposes, the DOT drug and alcohol testing procedures must be observed in workers' compensation denial cases.

Unemployment Compensation

AC may deny benefits if it is determined that the associate has been discharged for misconduct connected with his/her employment

Medical Marijuana

A patient, primary caregiver, or alternate caregiver has an affirmative defense to a criminal prosecution involving marijuana, if the patient, at the time of the activity, was registered with the State Department of Public Health and Human Services as required by the Lynn and Erin Compassionate Use Act; the activity complied with the requirements of the Act; and if the caregiver is the defendant, the caregiver was the defendant, or the caregiver was in physical possession of a caregiver registry identification card at the time of the activity. As it pertains to the workplace, qualifying patients are still liable to criminal and civil penalties for workplace use.

The Act approved illnesses are severe chronic pain, painful peripheral neuropathy, intractable nausea/vomiting, severe anorexia/cachexia, hepatitis C infection, Chron's disease, post-traumatic stress disorder, ALS (Lou Gehrig's disease), cancer, glaucoma, multiple sclerosis, damage to the nervous tissue of the spinal cord with intractable spasticity, epilepsy, HIV/AIDS, and hospice patients. As it relates to possession and cultivation, patients may possess up to 6 ounces of useable cannabis, four mature plants and 12 seedlings. Useable cannabis is defined as dried leaves and flowers; not seeds, stocks, or roots. A primary caregiver is limited to 4 medical marijuana patients. The Act places limits on the quantity of marijuana that patients and caregivers may possess, and does not require accommodation of the medical use or marijuana as a drug with no proven medical benefit and a high risk of abuse. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse).

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

NEW YORK STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Cost of Testing

AC shall pay the cost of all required testing of applicants or associates and the applicant or associate pays for any other costs such as independent split sample test or retest.

Medical Review Officer

AC is required to utilize the services of a medical review officer in the interpretation of all test results, including on site, instant point of care tests.

Payment for Medical Examination

AC may not require an applicant to pay the cost of a medical examination required by the employer as a condition of employment. AC may not require an associate, as a condition of employment, to pay the cost of a medical examination or the cost of furnishing any health certificate when: the associate is not covered by health insurance; the associate's health insurance does not cover such examination or certificate; or the employer does not provide qualified medical personnel to conduct the examination; and the examination or certificate is not required by law.

Medical Marijuana

The law was effective July 5, 2014 and goes into full effect January 1, 2016. The diseases or conditions eligible for marijuana treatment are: cancer, HIV or AIDS, Lou Gehrig's Disease, Parkinson's disease, multiple sclerosis, spinal-cord injuries, epilepsy, inflammatory bowel disease, neuropathies and Huntington's disease, although the state's health commissioner can add diseases at his/her discretion. The growers and dispensary locations will ultimately be approved by the Department of Health. It allows for the possession and cultivation of a 30-day supply to be determined by commissioner of Department of Health during rulemaking process. The commissioner will approve 5 manufacturers.

As it pertains to the workplace, Certified patients, designated caregivers, practitioners, registered organizations and the associates of registered organizations shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for the certified medical use or manufacture of marijuana, or for any other action or conduct in accordance with this title. Schools, employers or landlords may not discriminate. A school, employer, or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a certified patient or designated caregiver unless failing to do so would put the school, employer, or landlord in violation of federal law or cause it to lose a federal contract or funding.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation or Unemployment Compensation

Benefits are denied to an associate whose injury is caused solely by intoxication from alcohol or controlled substances while on duty. The law creates a presumption that intoxication was not the sole cause of the injury or by willful intention of the injured associate to bring about the injury or death of himself or another; or where the injury was sustained in or caused by voluntary participation in an off-duty athletic activity not constituting part of the associate's work related duties unless the employer (a) requires the associate to participate in such activity, (b) compensates the associate for participating in such activity or (c) otherwise sponsors the activity.

NORTH CAROLINA STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

AC is to pay mandated exam costs only if AC has at least twenty-five (25) associates in North Carolina. An employer may not require an applicant for employment to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment. This law does not apply to employers with fewer than twenty-five 25 associates.

Samples to be Tested and Collection

AC may require urine, blood, hair or oral fluids (saliva) specimens for drug testing, but prohibits hair testing. Reasonable and sanitary conditions must be maintained, and the individual's dignity must be preserved. Chain-of-custody procedures must be maintained.

Laboratory and Confirmatory Testing

All positive initial tests must be confirmed by GC/MS, or equivalency methodology. A positive test sample must be preserved for ninety (90) days from the date the results are mailed or delivered to the employer. All positive drug tests must be confirmed by a certified laboratory. Laboratories may be certified by HHS or CAP. No disciplinary action is to be taken until there is a confirmation by a certified laboratory.

Results

Within thirty (30) days of receiving results of a confirmed positive test result, the employer must inform the associate or prospective associate of the test result and his/her rights regarding a retest.

CMV operators subject to U.S. DOT regulations who test positive must be reported to the Div. of Motor Vehicles within 5 business days of receipt of the test result.

Opportunity to Rebut

AC must provide the associate the opportunity to submit written information explaining his/her positive test result to the Medical Review Officer.

Confirmatory Retest

AC will permit an associate, at associate's request and expense, to have a second confirmatory test by a NIDA-approved laboratory on an untested portion of the original specimen tested, subject to the same testing safeguards.

Opportunity to Retest

An applicant or associate has the right to retest a confirmed positive sample at the same or another approved laboratory, at the applicant or associate's expense. The applicant or associate must request the release of the sample in writing specifying to which approved lab the sample is to be sent.

Disability

North Carolina laws do not protect those with "active" alcoholism, drug addict or drug abuser.

Confidentiality

All information received by the employer relating to an associate's or applicant's drug test result shall be kept confidential in order to preserve the dignity and privacy of the individual tested. Employers may release information with the associate's or applicant's written authorization, or to laboratories performing the test or retest, or for employment related reasons, such as references or a government agency or court having jurisdiction over any claim involving the associate or applicant.

Defrauding Drug and Alcohol tests

It is a crime to attempt to adulterate/substitute a drug or alcohol test; buy, sell, distribute, market, advertise, give away urine with the intent of using the urine to defraud a drug or alcohol test; or possess items intended to adulterate/substitute a drug test.

Non-discrimination for Lawful Off-duty Use of Legal Products

AC may not discriminate against persons for lawful use of lawful products during nonworking hours prohibited

Medical Marijuana

Bill 6357 was signed off and effective on July 5, 2014. From this date, the Department of Health has 18 months to establish regulations and register dispensing organizations. Marijuana will be taxed at 7%, to be paid by the dispensary. The act limits the number of state-approved dispensaries to five and does not allow patients to actually smoke marijuana. The law automatically expires after seven years.

The approved conditions include: Cancer, HIV/AIDS, ALS (Lou Gehrig's disease), Parkinson's disease, multiple sclerosis, spinal cord damage causing spasticity, epilepsy, inflammatory bowel disease, neuropathies, or Huntington's disease. The Department of Health commissioner has the discretion to add or delete conditions and must decide whether to add Alzheimer's, muscular dystrophy, dystonia, PTSD, and rheumatoid arthritis within 18 months of the law becoming effective.

The bill allows for the possession/cultivation of a 30-day supply which is to be determined by the health commissioner during the rule making process or by the physician.

Although the bill does not address workplace drug testing, it does contain provisions concerning employer-associate relations.

1. Protects registered patients from "arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or *disciplinary action by a business...* solely for the certified medical use or manufacture of marijuana." This does not necessarily rule out disciplinary action for working while impaired, but it would certainly require a business to be a bit more careful especially when conducting drug testing.
2. An employer may not refuse to employ an individual "or otherwise penalize a person for that person's status as a certified patient or designated caregiver *unless failing to do so would put the... employer... in violation of federal law or cause it to lose a federal contract or funding.*" It is clear employers cannot otherwise refuse employment or penalize someone just for being a medical marijuana user.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation and Intoxication

No compensation is payable if the injury or death to the associate was proximately caused by: (1) the associate's intoxication, provided the intoxicant was not supplied by the employer or his agent in a supervisory capacity to the associate; or (2) the associate being under the influence of any controlled substance listed in the North Carolina Controlled Substances Act, when such controlled substance was not by prescription by a practitioner; or (3) the associates willful intention to injure or kill himself or another.

"Intoxication" and "under the influence" shall mean that the associate shall have consumed a sufficient quantity of intoxicating beverage or controlled substance to cause the associate to lose the normal control of his or her bodily or mental faculties, or both, to such an extent that there was an appreciable impairment of either or both of these faculties at the time of the injury. A result consistent with "intoxication" or being "under the influence" from a blood or other medical test conducted in a manner generally acceptable to the scientific community and consistent with applicable State and federal law, if any, shall create a rebuttable presumption of impairment from the use of alcohol or a controlled substance.

Unemployment Compensation

An individual is disqualified from receiving benefits if discharged for misconduct connected with work, which includes reporting to a work significantly impaired by alcohol, illegal drugs and consuming alcohol

or illegal drugs on his/her employer's premises, or being convicted for a drug offense. In addition, an individual is not eligible for unemployment compensation in any week that the individual tests positive for a controlled substance if: the test is required as a condition of hire; the job is suitable work for the individual; and the test is conducted in accordance with state law.

Misconduct connected with the work is defined as conduct evincing a willful or wanton disregard of the employer's interest as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of an associate or has explained orally or in writing to an associate or conduct evincing carelessness or negligence of such degree or recurrence as to manifest an intentional and substantial disregard of the employer's interests or of the associate's duties and obligations to the employer. The following examples are prima facie evidence of misconduct, which may be rebutted by the claimant:

- a. Violating the employer's written alcohol or illegal drug policy.
- b. Reporting to work significantly impaired by alcohol or illegal drugs.
- c. Consuming alcohol or illegal drugs on employer's premises.

Civil Remedies

Any "examiner" who violates this provision is subject to a civil remedy of up to \$250 per incident with a maximum of \$1,000 per investigation by the Labor Commissioner. There is a two year statute of limitations.

NORTH DAKOTA STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Costs of Tests

Whenever AC requires an associate, or prospective associate, to take a medical examination, or furnish any medical records, as a condition of retaining or obtaining employment, the employer shall bear the cost of the examination or the furnishing of the medical records. For purposes of this section, medical examination includes any test for the presence of drugs or alcohol.

Payment for Medical Examination

AC shall pay or reimburse an associate or applicant for the costs of all medical examinations or the cost of furnishing any records when the examination is requested by the employer as a condition of employment. A medical examination includes any test for the presence of alcohol or drugs.

Drug Testing Cheating Law

A person is guilty of a class A misdemeanor if that person willfully defrauds a urine test and the test is designed to detect the presence of a chemical substance or a controlled substance. A person is guilty of a class A misdemeanor if that person possesses, distributes, or assists in the use of a device, chemical, or real or artificial urine advertised or intended to be used to alter the outcome of a urine test.

Specimens for collection

Specimens allocated for drug testing include urine, oral fluids, hair. For purposes of alcohol testing, specimens that following the Department of Transportation (DOT) standards for purposes of worker's compensation cases creates an advantage for employers.

Worker's Compensation

An injury caused by the use of intoxicants or the illegal use of controlled substances is not a compensable injury. The burden of proof is on AC. However, a positive drug or alcohol test, performed in accordance with the federal Department of Transportation regulations, creates a rebuttable presumption that the associate's alcohol or illegal drug use caused the accident. An employer who has a post-accident drug and alcohol testing policy, or has reasonable suspicion grounds to suspect that an associate's alcohol or illegal drug use caused the accident, may request that the associate submit to a drug and or alcohol test. Refusal to submit to a reasonable request for an alcohol or drug test results in forfeiture of benefits.

Unemployment Compensation

For the week in which the individual has been discharged for **misconduct** in connection with the individual's most recent employment and thereafter until such time as the individual:

- a. Can demonstrate that the individual has earned remuneration for personal services in employment from and after the date of the unemployment compensation claim filing, equivalent to at least ten times the individual's weekly benefit amount; and
- b. Has not left the individual's most recent employment under disqualifying circumstances.

For the purpose of this subsection, "most recent employment" means employment with any employer for whom the claimant last worked and was discharged for misconduct in connection with the claimant's employment or with any employer, in insured work, for whom the claimant last worked and earned wages equal to or exceeding ten times the claimant's weekly benefit amount.

OHIO STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Confidentiality

All information (written or oral) related to a drug/alcohol test must be retained confidentially. Other than as required by law (court/work comp hearing) information related to test results cannot be released without consent of associate.

Disability Discrimination

An associate or applicant who has a physiological disorder or condition, mental or psychological disorder, or disease or condition caused by the legal use of a controlled substance is not considered disabled for purposes of the Ohio Human Rights Act. However, an individual who is successfully rehabilitated and is no longer engaging in the illegal use of drugs, who is participating in a supervised rehabilitation programs and not using drugs, or who is erroneously regarded as engaging in the illegal use of drugs may be considered handicapped. Employers may adopt reasonable policies or procedures, including drug testing, to ensure that individuals who have been rehabilitated or are being rehabilitated are no longer engaging in the illegal use of drugs. In addition employers may prohibit the illegal use of drugs, the use of alcohol at the workplace and being under the influence of such. A test to determine whether an individual has engaged in the illegal use of drugs is not considered a medical examination under the Act.

Payment for Medical Examination

No employer shall require any prospective associate or applicant for employment to pay the cost of all medical examination required by the employer as a condition of employment. This includes drug testing, and as part of that, all confirmed negatives of tests requested by an associate.

Supervisor Training and Associate Education

It is recommended that AC provide one (1) hour of education on substance abuse to associates, including supervisors and managers, each year.

It is recommended that AC provide supervisors and managers an additional two (2) hours of training on their role in administering the policy and skill-building and then one (1) one hour each year thereafter.

Drug Testing Panel

Employers may choose to arrange testing for drugs in addition to the SAMHSA 5, including those acknowledged as drugs of abuse in the company's local communities. These include prescription

medications such as oxycodone (expanded opiates test), barbiturates, benzodiazepines, methadone and propoxyphene.

Opportunity to Rebut

AC must provide the associate the opportunity to submit written information explaining his/her positive test result to the Medical Review Officer.

Confirmatory Retest

AC will permit an associate, at associate's request and expense, to have a second confirmatory test by a NIDA-approved laboratory on an untested portion of the original specimen tested, subject to the same testing safeguards.

Worker's and Unemployment Compensation

Workers compensation and unemployment benefits can be challenged based upon a positive result. Benefits are denied to workers injured or killed in an accident while under the influence of illicit drugs or alcohol when being under the influence is the proximate cause of the injury. Employers have not been very successful in these challenges. In the situation of an unemployment claim, no individual may serve a waiting period or be paid benefits for any week with respect to which the associate has been given a disciplinary layoff for misconduct in connection with the individual's work.

OKLAHOMA STATE AMENDMENT

For

Acushnet Company

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to submit to a drug screen, as long as the applicant receives a conditional offer of employment and all applicants who receive offers for employment in that same job classification are required to submit to a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and/or Alcohol Testing

AC shall test its associates for drugs and/or alcohol when a manager has reasonable suspicion, as defined in the appendix, of drug and/or alcohol use. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing

Associates in safety-sensitive positions who may have caused or contributed to an accident, as defined in the appendix, will be subject to a drug and alcohol test as soon as possible following the accident if a manager has reasonable suspicion that the accident was a direct result of the associate's use of drugs and/or alcohol or damage to property or equipment is estimated at the time to exceed five hundred dollars (\$500).

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Return After Lay-Off Drug Testing

Associates who are returning to work in a safety-sensitive position following a lay-off of sixty (60) days or more will be required to take a drug test prior to their return to work.

Random Drug Testing

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Written Policy and Posting of Policy and Policy Changes

The written policy may include: statement of AC's policy regards drug and alcohol use; who is subject to testing; circumstances under which associates are subject to testing, including drugs being tested for; methodology for testing and collection procedures; consequences for a violation, a positive test result and refusing or tampering with a test; rights of applicant or associate to explain results or obtain all information and records related to his/her test results; confidentiality requirements; and the ability to appeal procedures, remedies and sanctions.

AC will provide ten (10) day notice of a new policy or changes to the policy. AC will provide a copy of the policy or policy summary, and all subsequent changes to all associates, and will post policy and changes in a prominent associate access area. Applicants shall receive a copy of AC's policy or policy summary upon receipt of a conditional offer of employment.

Associate

Any person who supplies labor for remuneration to his or her employer in this state and shall not include an independent contractor, subcontractor or associates of an independent contractor; provided, however, an independent contractor, subcontractor, or associates of an independent contractor, may be subject to a workplace drug or alcohol testing policy under the terms of the contractual agreement when the drug or alcohol testing policy applies to other workers at the job site or workers who are in the same or similar classification or group.

Timing and Costs of Testing

Testing will occur during or immediately after regular work period for associates and shall be viewed as "work" for purposes of compensation and benefits. AC will pay for the costs of the testing and transportation, provided an individual who requests a retest shall pay for the costs of a retest, unless the test reverses the finding. Then, AC shall reimburse the individual.

Samples to be Tested

Sample means tissue, fluid or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body." Board of Health lists urine, saliva and hair for drug screens and confirmations; breath or saliva for alcohol screens and breath or blood for confirmation.

Collection

Samples collected must be documented and labeled and must be performed under sanitary conditions only by individuals deemed qualified by the Department of Health. A sufficient quantity of the specimen must be collected in order to provide split samples. Direct observation of a collection is prohibited.

Testing Results

All initial positive test results must be confirmed by a certified laboratory. AC will utilize FDA-approved on site urine, oral fluid or breath testing devices. All non-negative results will be shipped to the laboratory for confirmatory testing. The Oklahoma Department of Health strictly interprets the term "on site" to mean on the employer's job site.

Laboratory

Except where noted above, AC will utilize a certified laboratory for all confirmatory drug testing results and which are certified by HHS, CAP or other organization recognized by the State Board of Health and licensed by the State Department of Health.

Medical Review Officer

AC will utilize a Medical Review Officer (MRO) to receive and evaluate test results in light of each individual's medical history and other medical information. The MRO must be either licensed to practice or earned a doctoral degree in clinical chemistry, forensic toxicology, or a similar biomedical science. MRO must also complete at least twelve (12) hours of training conducted by an organization approved by the Oklahoma Commissioner of Health.

Confirmatory Test

AC will have all positive drug test results confirmed by GC/MS, or equivalent scientifically accepted method, at the cut off levels established by the Board of Health. Confirmation requirement includes Evidentiary Breath Testing for alcohol.

Privacy

In collecting the specimen, there shall be no direct observation of collection by AC or AC's representative, agent or designee.

Right to Rebut and Retest

An associate or applicant shall be entitled to explain in confidence any test result. The associate or applicant may request that the sample be re-tested at his/her own expense within twenty-four (24) hours of receiving notice of a positive test in order to challenge the results of a positive test. If a confirmed positive test result is reversed due to the re-test, the employer must reimburse the associate or applicant for all costs.

Access to Test Results

An associate or applicant has a right to obtain all information and records related to the individual's test results.

Confidentiality

Drug and alcohol test results and related information, including, interviews, reports, statements and memorandum, will be kept confidential and separate from other personnel records. The records are the property of AC but shall be made available for review and copying to the applicant or associate when requested.

AC will not release the records to anyone other than the applicant, associate or AC's medical review officer, unless the applicant or associate, in writing following receipt of the test results, has expressly granted permission for AC to release such records or under a valid court order or as otherwise provided by law.

Disciplinary Actions

No disciplinary action, except for a temporary suspension or a temporary transfer to another position, will be taken by AC against an associate based on a positive test unless the test has been confirmed or an associate refuses to undergo drug or alcohol testing. Further, in accordance with Oklahoma law, an associate discharged on the basis of a refusal to undergo testing or a confirmed positive test shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits.

Civil Remedies - Judicial

Any person aggrieved by a willful violation of the Oklahoma Workplace Drug and Alcohol Testing Act may institute a civil action within one (1) years of the person's discovery of the willful violation or after the individual has exhausted any internal administrative remedies.

To prevail, a complaining party must prove the employer had a specific intent to violate the act and the prevailing defendant may be awarded reasonable costs and attorney fees.

Criminal Penalties

Any person who willfully and knowingly violates the provisions of the Oklahoma Workplace Drug and Alcohol Testing Act may be guilty of a misdemeanor.

Drugs Tested

AC may test for the following drugs:

- Marijuana (pot, weed, grass)
- Cocaine (coke, crack)
- Opiates (heroin, codeine, morphine)
- Amphetamine (methamphetamines, methylenedioxy, methamphetamine, phentermine)
- Phencyclidine (PCP)
- Barbiturates amobarbital; butalbital; pentobarbital and secobarbital)
- Methaqualone
- Methadone
- Benzodiazepines (diazepam, chlordiazepoxide, alprazolam and clorazepate)
- Propoxyphene
- Semi-synthetic and synthetic narcotics

Note: If the United States Department of Health and Human Services has established an approved protocol and positive threshold for a substance not listed in (b) of this Section, testing for such a substance shall be deemed to be approved by the Commissioner of Health.

Payment for Medical Examination

No employer shall require any prospective associate or applicant for employment to pay the cost of a medical examination required by the employer as a condition of employment. The employer must provide a copy of the examination report to the associate or applicant upon request.

Drug Dealer Liability Act

Employers and others may bring a civil action for damages caused by an individual's use of an illegal drug. Damages may include: economic damages, including costs of treatment and rehabilitation, lost productivity, accidents and absenteeism; non-economic damages, including pain and suffering; punitive damages; attorney's fees; and costs to bring suit.

Drug Test Falsification

Criminalizes selling, marketing, or distributing synthetic or human substances or adulterants to defraud a drug or alcohol test, or substituting or adulterating a sample to defeat or defraud a drug or alcohol test. A violation is subject to imprisonment up to one (1) year and a minimum fine of \$1,000 or both.

Independent Contractors

Testing of independent contractors may be tested under the terms of this policy, if provided for in the contractor's written agreement and the policy applies to other workers at the job site or workers who are in the same or r classification or group.

Worker's Compensation

Associates whose injuries are proximately caused by the use or abuse of alcohol or illegal drugs or the illegal use of chemicals, are not eligible for benefits, unless the associate is able to prove by a preponderance of the evidence that the alcohol, illegal drugs or illegally used chemicals were not the proximate cause of the injury. Post-accident drug and alcohol test results are admissible as evidence. In addition, associates who refuse to be tested are ineligible for benefits.

Unemployment Compensation

An associate discharged for refusing to undergo drug or alcohol testing, or on the basis of a confirmed positive drug or alcohol test result conducted in accordance with the Standards for Workplace Drug and Alcohol Testing Act, is considered to have been discharged for misconduct and is disqualified from receiving benefits. In any challenge to a positive drug or alcohol test, the claimant has the burden to prove a breach in the chain of custody that the test was not properly conducted. In any claim brought by the discharged associate for compensation, a written report of the drug or alcohol test results shall be accepted as prima facie evidence of the administration and results of the drug or alcohol test. If challenged by the claimant as provided above, the written report of the drug or alcohol test results shall be acceptable for presentation as evidence with the chain of custody of the sample properly documented.

OREGON STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Notice of Written Policy

AC shall have a written policy and distribute a written statement describing AC's Drug-Free Workplace Policy, including the forms of testing to be conducted. Hair testing is not permitted.

Samples to be Tested

AC may require any specimen taken from the human body capable of revealing the presence of drugs or alcohol, except that a breath sample may not be required for alcohol testing unless such testing is based on reasonable suspicion of alcohol use. In the absence of reasonable suspicion an employer is entitled to administer a breathalyzer only if the associate voluntarily consents to the test.

Alcohol Testing and the Costs of Alcohol Testing

Employers are prohibited from subjecting associates or applicants to breathalyzer tests unless they consent, or unless an employer has reasonable suspicion that an associate is under the influence of alcohol on the job. AC will pay the costs of all required alcohol testing and the reasonable transportation costs for associates when a test is to be conducted.

Cost of Testing

Employers may not charge applicants or associates for medical examinations unless it is permitted as part of a collective bargaining agreement or is permitted as part of an applicable law or local ordinance.

Laboratory

AC shall use a state-licensed laboratory that employs qualified technical personnel, unless they have received approval to operate as an onsite screening facility. In such instances, when a specimen turns positive, the state-licensed lab shall perform a confirmatory test. Results are reported to AC and, upon request, to the individual tested.

Confirmatory Test

All non-negative test results are to be confirmed by a certified laboratory and the laboratory selected by AC will use a methodology designated by the Oregon Health Division. Out-of-state tests must meet or exceed the Oregon testing standards.

Definition of a Medical Review Officer

A Medical Review Officer (MRO) means a licensed physician, employed with or contracted by AC, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an associate's positive test result in relation to the associate's medical history or any other relevant biomedical information.

Drug Test Falsification

It is a criminal offense to substitute or adulterate a test specimen. It is also a criminal offense to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen.

Medical Marijuana

Was effective December 3, 1998 and clearly states that medical marijuana use not permitted at work. A person engaged in the production, possession, delivery or administration of marijuana is excepted from the criminal laws of Oregon relating to those activities, if the person: holds a registry identification card issued by the Health Division of the Oregon Department of Human Resources, or had applied for such card, or is the primary caregiver of a cardholder or applicant; and the amount of marijuana at issue is within the limit allowed by the ACT. In addition, a person has an affirmative defense to a criminal charge of possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the person: has been diagnosed with a debilitating medical condition and been advised by his attending physician that the medical use of marijuana may mitigate the symptoms or effects of the debilitating medical conditions; is engaged in the medical use of marijuana; and the amount of marijuana possessed or produced is within the limit allowed by the Act.

The illnesses approved include cancer, glaucoma, HIV/AIDS, or treatment of these conditions; a medical condition or treatment for a medical condition that produces cachexia, severe pain, severe nausea, seizures, including epilepsy, or persistent muscle spasms, including spasms caused by multiple sclerosis. Other conditions are subject to approval by Health Division of Oregon Department of Human Resources.

Employers need not accommodate the medical use of marijuana in any place of employment. (The Act is inconsistent with federal law, which characterizes marijuana as a drug with no proven medical benefit and a high risk of abuse.)

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Disabled Status

For the purposes of the Oregon Anti-Discrimination Act, an associate or applicant currently engaging in the illegal use of drugs is not considered to be “disabled.”

Disability Discrimination

An individual shall not be considered disabled solely because that individual is currently engaging in the illegal use of drugs. However, individuals that are successfully rehabilitated and no longer engaged in the illegal use of drugs, who currently are participating in a supervised rehabilitation program and not using drugs, or who are erroneously regarded as engaging in the illegal use of drugs may be considered individuals with a disability. Employers may adopt reasonable procedures and policies, including drug testing, to ensure that potentially disabled individuals are no longer engaging in the illegal use of drugs.

Drug-Free Workplace Act

Every public improvements contract shall contain a condition that the contractor shall demonstrate that an associate drug testing program is in place.

Worker’s Compensation

A “compensable injury” does not include an injury to any associate where there is evidence the injured worker’s consumption of alcoholic beverages or the unlawful consumption of any controlled substance. Benefits will be denied when an employer show, by preponderance of the evidence, that the major contributing cause of an associate’s injury is the consumption of alcoholic beverages or the unlawful use of any controlled substance, unless the employer permitted, encouraged or had actual knowledge of such consumption.

Unemployment Compensation

An associate is considered to have committed a disqualifying act when the individual fails to comply with the terms and conditions of a reasonable policy established by the employer, which may include blanket, random, periodic and probable cause testing that governs the use, sale, possession or for being under the influence of controlled substances or alcohol in the workplace. In addition benefits are denied when refusing to take or interfering with a drug or alcohol test, failing a drug or alcohol test, refusing to enter into or violating a last chance agreement, or violating an employer’s written policy regarding use, sale, or possession of drugs or alcohol in the workplace. An individual is not disqualified if the person was participating in a Rehabilitation Agreement program at the time of his absence or tardiness, or is participating within ten (10) days of the suspension or discharge. An applicant is ineligible to receive benefits if he/she voluntarily leaves or does not accept suitable work because the employer has or implements a written drug-free workplace policy, he/she would have to consent to reasonable present or future drug or alcohol tests, or avoid taking a drug or alcohol test.

PENNSYLVANIA STATE AMENDMENT

For

Acushnet Company

Procedures Restrictions

Costs of Tests

Employer must pay cost of all medical examinations required by the employer unless such examination is required by law as a condition of employment.

Disability Discrimination

The term “disability” does not include current, illegal use of or addiction to a controlled substance.

Payment for Medical Examination

An employer may not require associates or applicants to pay the cost of a medical examination, or of furnishing medical records that are required by the employer as a condition of employment, if the associate or applicant works for the employer for one work week. This does not apply where medical examination is required by law as a condition of employment.

Crime

Anyone offering for sale, sells, causes to be sold or gives drug-free urine for the purposes of, or with the intent or knowledge that the urine will be used for, evading or causing deceitful results on a drug test has committed a misdemeanor 3rd degree. Similarly, a person commits a misdemeanor of the third degree if he/she uses or attempts to use drug-free urine for the same purposes.

Worker's Compensation

Every employer shall be liable for compensation for personal injury to, or for the death of each associate, by an injury in the course of his employment, and such compensation shall be paid in all cases by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven of this article: Provided, That no compensation shall be paid when the injury or death is intentionally self-inflicted, or is caused by the associate's violation of law, including, but not limited to, the illegal use of drugs, but the burden of proof of such fact shall be upon the employer, and no compensation shall be paid if, during hostile attacks on the United States, injury or death of associates results solely from military activities of the armed forces of the United States or from military activities or enemy sabotage of a foreign power. In cases where the injury or death is caused by intoxication, no compensation shall be paid if the injury or death would not have occurred but for the associate's intoxication, but the burden of proof of such fact shall be upon the employer.

Unemployment Compensation

An associate shall be ineligible for compensation when his/her unemployment is due to discharge or temporary suspension from work due to failure to submit and/or pass a drug test conducted pursuant to an employer's established substance abuse policy, provided that the drug test is not requested or implemented in violation of the law or of a collective bargaining agreement.

RHODE ISLAND STATE AMENDMENT

For

Acushnet Company

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing.

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test associates in safety-sensitive positions for drugs and alcohol when a supervisor and/or manager has reasonable suspicion that the associate is impaired by drug and/or alcohol use. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the procedures section of this document.

Reasonable suspicion means AC has reasonable grounds to believe based on specific aspects of the associate's job performance and on specific contemporaneous observations, capable of being articulated, concerning the associate's appearance, behavior or speech that drugs are impairing an associate's job performance.

Post-Accident Drug and Alcohol Testing

Associates who may have caused or contributed to an accident, as defined in the appendix, will be subject to a drug and alcohol test as soon as possible following the accident when a manager has reasonable suspicion that the associate is impaired by drug and/or alcohol use.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Procedural Requirements

Notice of Written Policy

AC shall have a written policy and distribute a written statement describing AC's Drug-Free Workplace Policy.

Costs of Tests

AC shall pay all actual costs for drug or alcohol testing required for associates and applicants, including reasonable transportation and retest costs regardless of the result of the retest.

Confirmatory Test

All initial positives must be confirmed with GC/MS or equivalent technology at certified lab.

Opportunity to Retest

AC shall advise an associate who has a positive test result that the associate is permitted to retest the sample at an independent facility at AC's expense.

Opportunity to Rebut

An associate who has a positive test result must be given a reasonable opportunity to rebut or explain the test results.

Appropriate Specimens, Privacy and Collection

This includes urine, blood, or other bodily fluids or tissue. An applicant or associate must be permitted to provide a sample in private, outside the presence of any person, unless collection procedures require such a presence. All confirmation testing must be performed at a federally certified laboratory for applicants and associates.

Termination and Rehabilitation

Associates who test positive for the first time are not to be terminated on that basis, but must be referred to a substance abuse professional for assistance. A substance abuse professional is defined as a licensed physician with knowledge and clinical experience in the diagnosis and treatment of drug related disorders, a licensed or certified psychologist, social worker, or EAP professional with like knowledge, or a substance abuse counselor certified by the National Association of Alcohol and Drug Abuse counselors (all of whom shall be licensed in Rhode Island).

Termination for Continued Drug Use

However, an associate whose follow-up testing or another positive test result after the completion of the follow-up period, which indicates any continued use of controlled substances despite treatment, may be terminated.

Confidentiality

The results of any test are confidential and may not be disclosed except for disclosing the results of a "positive" test only to other associates with a job-related need to know, and to defend against any legal action brought by the associate against AC.

Payment for Medical Examination

AC may not require an applicant to pay the cost of a medical examination required by the employer as a condition of employment, regardless of whether the prospect is hired or not.

Disability Discrimination

The term “disability” means a physical or mental impairment which substantially limits one or more major life activities, and includes any disability which is protected under the federal Americans with Disabilities Act. A qualified individual with a disability shall not include any associate or applicant who is currently engaged in the illegal use of drugs.

Medical Marijuana

A patient, primary caregiver, or alternate caregiver has an affirmative defense to a criminal prosecution involving marijuana, if the patient, at the time of the activity, was registered with the State Department of Health as required by the Lynn and Erin Compassionate Use Act; the activity complied with the requirements of the Act; and if the caregiver is the defendant, the caregiver was the defendant, or the caregiver was in physical possession of a caregiver registry identification card at the time of the activity.

The Act approved illnesses are : cancer, glaucoma, HIV/AIDS, hepatitis C, or the treatment of these conditions; a chronic of debilitating disease or medical condition or its treatment that causes cachexia or wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis or Chron’s disease; or agitation of Alzheimer’s disease; or any medical condition or its treatment approved by state Department of Health. As it relates to possession and cultivation, patients are limited to 12 plants or 2.5 ounces of cultivated marijuana. Caregivers may possess up to 24 plants and 5 ounces of cultivated marijuana for qualifying patients they treat. The Act places limits on the quantity of marijuana that patients and caregivers may possess, and does not require accommodation of the medical use or marijuana as a drug with no proven medical benefit and a high risk of abuse. (The law is inconsistent with federal law, which characterizes marijuana as illegal and a drug with no proven medical benefit and a high risk of abuse).

Employers are prohibited from discriminating against individuals solely based on the fact that he or she may be a qualified medical marijuana user. Many restrictions apply to the users of medical marijuana, including not being permitted to operate vehicles, heavy machinery or performing other safety-sensitive tasks while under the influence of marijuana. Employers are not required to accommodate the medical use of marijuana in the workplace. Public use of marijuana is prohibited.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker’s Compensation

Benefits may be denied for the injury or death of an associate that occurred by his/her willful intention to bring about the injury or death of himself/herself or another, where it is proved that his/her injury or death was occasioned by that conduct, or that the injury or death resulted from his/her intoxication or unlawful use of controlled substances.

Unemployment Compensation

None.

SOUTH CAROLINA STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Notice of Written Policy

AC shall have a written policy and distribute a written statement describing AC's Drug-Free Workplace Policy.

Costs of Tests

AC shall pay all actual costs for drug or alcohol testing required for associates or applicants, including reasonable transportation costs.

Notification of Test Results

Results of a positive test result are to be provided in writing to the associate within twenty-four (24) hours of the employer receiving the results.

Defrauding Drug or Alcohol Screening Tests

It is unlawful for a person to: (1) sell, give away, distribute, or market urine in this State or transport urine into this State with the intent of using the urine to defraud a drug or alcohol screening test; (2) attempt to foil or defeat a drug or alcohol screening test by the substitution or spiking of a sample or the advertisement of a sample substitution or other spiking device or measure; or (3) adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test. The first such offense is a misdemeanor carrying a penalty of up to \$5,000 fine and/or imprisonment of up to three (3) years or both. Second offense is a felony.

Disability Discrimination

The term "qualified individual with a disability" does not include an associate or applicant who is currently engaging in the illegal use of drugs when the employer acts on the basis of the drug use.

Drug-free Workplace Act

Requires employers who receive state contracts or grants in the amount of \$50,000 or more to certify that they have: published and distributed to all associates a policy stating that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and stating the consequences of a violation; established an associate awareness program to educate associates about the employer's drug-free workplace policy, the dangers of drug abuse, the availability of counseling programs, and the penalties for violating the policy; and informed their associates that they must notify the contactor of any work-related drug conviction within five (5) days of which the contractor must notify the agency within ten (10) days.

Worker's Compensation

Injury or death due to willful misconduct of associate not compensable. No compensation may be allowed for any injury or death due to the associate's willful misconduct, including intentional self-inflicted injury, intoxication, illegal use of any schedule I or schedule II drug, or willful failure or refusal to use a safety appliance furnished by the employer, or to perform a duty required by statute. The burden of proof under this section is on the defendant employer. The law defines misconduct as failure to obey company rule or standard, but does not mention drugs, alcohol, intoxication, or drug testing.

Unemployment Compensation

South Carolina provides that unemployment benefits will be denied if the individual refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or the worker provides a blood, hair, or urine specimen which tests positive for illegal drugs or legal drugs used unlawfully, provided; the sample was collected and labeled by a licensed health care professional or other authorized individual and the test was performed by a certified laboratory and any positive test was confirmed on the specimen using the GC/MS method or an equivalent method.

SOUTH DAKOTA STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Payment for Medical Examination

An employer shall not require an associate or applicant to pay the cost of a medical examination required by the employer as a condition of employment.

Disability

A disability does not include current illegal use of or addiction to marijuana or a controlled substance.

Drug Dealer Liability Act

Employers and others may bring civil action for damages caused by an individual's use of an illegal drug. Damages may include: economic damages including costs of treatment and rehabilitation, lost productivity, accidents, and absenteeism; non-economic damages including pain and suffering; punitive damages; attorney's fees; and costs to bring suit.

Worker's Compensation

No compensation shall be payable by AC for any injury or death due to the associate's willful misconduct, including intentional self-inflicted injury, intoxication, illegal use of any schedule I or schedule II drug, or willful failure or refusal to use a safety appliance furnished by the employer, or to perform a duty required by statute. The burden of proof under this section is on the defendant employer.

Unemployment Compensation

The law defines misconduct as failure to obey company rule or standard, but does not mention drugs, alcohol, intoxication, or drug testing.

TENNESSEE STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Notice of Policy

Notice is to be provided 60 days prior to implementation; parents or guardians of minors must be notified of the company's drug testing program.

Minors

Employer must notify parents/guardians of minors who test positive; must also inform minors that positive drug test results will be shared with their parent/guardian.

Confidentiality and Consent Information

All information (written or oral) related to a drug or alcohol test is to be retained confidentially. Other than as required by law (court/worker's compensation hearing), information pertaining to and the test results cannot be released without consent of the associate.

Specimens to be tested

Allowed specimens include urine, oral fluid and hair for drug testing. Alcohol testing is to be conducted using breath and oral fluids per the federal guidelines. However, oral fluid and hair testing are prohibited under the voluntary law.

Disability Discrimination

A "handicap" does not include the current, illegal use of, or addiction to a controlled substance for the purposes of the state's human rights law.

Drug-Free Workplace Act

Any employer with five (5) or more associates who contracts with the state government or a local government to provide construction services must certify that it has a drug-free workplace program which meets the requirements of the Worker's Compensation Premium Reduction Act.

Minors and Test Results

Employer must notify parents/guardians of minors who test positive. AC must also inform minors that positive drug test results will be shared with their parent/guardian.

Opportunity to Retest

AC shall advise an associate who has a positive test result that the associate is permitted to retest the sample at an independent facility at AC's expense.

Opportunity to Rebut

An associate who has a positive test result must be given a reasonable opportunity to rebut or explain the test results.

Definitions

"Injury" means a harm or damage to an associate, occurring in the workplace or in the scope of employment which must be recorded, in accordance with Occupational Safety and Health Administration (OSHA) reporting guidelines, in the covered employer's OSHA 200 Log."

"Safety-sensitive position" means a position involving a safety-sensitive function pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation. For drug-free workplaces, the commissioner is authorized, with the approval of the advisory council on workers' compensation, to promulgate rules expanding the scope of safety-sensitive position to cases where impairment may present a clear and present risk to coworkers or other persons. "Safety-sensitive position" means, with respect to any employer, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the associate to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances; or a position in which a momentary lapse in attention could result in injury or death to another person.

"Reasonable-suspicion drug testing" means drug or alcohol testing based on a belief that an associate is using or has used drugs or alcohol in violation of the covered employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- A report of drug or alcohol use, provided by a reliable and credible source;
- Evidence that an individual has tampered with a drug or alcohol test during employment with the current covered employer;
- Information that an associate has caused, contributed to or been involved in an accident while at work; or
- Evidence that an associate has used, possessed, sold, solicited or transferred drugs or used alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery or equipment.

“Specimen” means tissue, fluid or a product of the human body capable of revealing the presence of alcohol or drugs or their metabolites.

Crime to Attempt to or to Adulterate a Drug Test

It is an offense for a person to intentionally use, or possess with the intent to use, any substance or device designed to falsify the results of a drug test of that person.

Worker’s Compensation

Benefits are denied to an associate whose injury or death is due to intoxication or illegal drug use. The burden of proof is on the employer.

Unemployment Compensation

An associate who is discharged for a positive result on a drug test administered in compliance with the Worker’s Compensation Premium Reduction Act (WCPRA) will be deemed discharged for misconduct connected with work and therefore ineligible for benefits.

A non-safety-sensitive associate who is discharged for an alcohol test administered in compliance with the WCPRA will be deemed discharged for misconduct if the associate’s blood alcohol concentration (BAC) was 0.01 or greater. A safety-sensitive associate who is discharged for an alcohol test administered in compliance with the WCPRA will be deemed discharged for misconduct if the associate’s blood alcohol concentration was 0.04 percent or greater.

An associate who is discharged for refusing to take a drug or alcohol test authorized by the WCPRA will be deemed discharged for misconduct, if there is substantial and material evidence of the refusal. In the case of an injured associate, a refusal to submit shall not be presumed when the associate fails to take a test during a period of approved medical leave.

TEXAS STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Notice of Policy

AC shall distribute a written statement describing AC's Drug-Free Workplace Policy to all prospective associates applying for employment and any person who requests such information.

Disability Discrimination

The term "disability" does not include a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance. In addition, an employer does not commit to an unlawful employment practice by adopting a policy prohibiting the employment of an individual who currently uses or possesses a controlled substance as defined in Schedule I and II of the federal Controlled Substances Act, unless the drug used, possessed, or taken under the supervision of a licensed health care professional, or authorized by federal or state law.

Falsification of Drug Test Results

An associate commits an offense if the person knowingly or intentionally either:

uses or possesses with intent to use any substance or device designed to falsify drug test results; delivers, possesses with intent to deliver;

manufactures with the intent to deliver a substance or device designed to falsify drug test results; or

uses or possesses drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

Worker's Compensation

An employer that maintains worker's compensation insurance and has 15 or more associates must adopt a policy designed to eliminate drug abuse and its effects in the workplace. The employer must distribute a written policy to each associate. The law does not require an employer to implement a drug-testing or rehabilitation program. An insurance carrier is not liable for compensation if the injury occurred while the associate was in a state of intoxication. Intoxication includes not having the normal use of mental or physical faculties as a result of voluntarily consuming an alcoholic beverage or a controlled or abusable substance not taken pursuant to a prescription from a licensed doctor. A positive test result is evidence of a

rebuttable presumption that a person is intoxicated and does not have the normal use of mental or physical faculties.

Unemployment Compensation

An individual is disqualified for benefits if the individual was discharged for misconduct connected with the individual's last work. There are fairly clear guidelines regarding the kind of documentation an employer needs to respond to an unemployment claim involving an ex-associate whose termination resulted from failing a drug test. To establish that a claimant's positive drug test result constitutes misconduct, an employer must present:

1. a policy prohibiting a positive drug test result, receipt of which has been acknowledged by the claimant;
2. evidence to establish that the claimant has consented to drug testing under the policy;
3. documentation to establish that the chain of custody of the claimant's sample was maintained;
4. documentation from a drug testing laboratory to establish that an initial test was confirmed by the Gas Chromatography/Mass Spectrometry method; and
5. documentation of the test expressed in terms of a positive result above a stated test threshold.”

Evidence of these five elements is what TWC states is needed to overcome a claimant's sworn denial of drug use. That is why it is so important to have each associate sign a *consent form* allowing complete disclosure of all test documentation by both the testing lab and the employer for the purpose of responding to claims and lawsuits.

UTAH STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Written Policy

AC will distribute the policy to all associates and make the policy available to prospective associates.

Costs of Testing and Medical Examinations

AC shall pay all costs of testing for drugs or alcohol required by the employer, including the associate's time and the cost of transportation if the testing of a current associate is conducted at a place other than the workplace.

AC shall also pay for all costs of required physical examinations that are a condition of employment, continued employment or re-employment.

Drug Dealer Liability Act

Employers and others may bring a civil action for damages caused by an individual's use of an illegal drug. Damages may include: economic damages, including costs of treatment and rehabilitation, lost productivity, accidents, and absenteeism; non-economic damages, including pain and suffering; punitive damages; attorney's fees; and costs to bring suit.

Confidentiality

All information (written or oral) related to a drug/alcohol test must be retained confidentially. Other than as required by law (court/work comp hearing) the related information and test results cannot be released without consent of associate. Test results must be disclosed to the Division of Occupational and Professional Licensing.

Timing of Tests

Testing will be scheduled to occur during or immediately after a regular work period and shall be deemed work time for purposes of compensation and benefits for current associates.

Associates To Be Tested

All associates, including management, will be submit to testing.

Samples to Be Tested

The sample that may be tested for includes urine, blood, breath, saliva, or hair.

Laboratory

All tests must be conforming to scientifically accept analytical methodologies and procedures.

Collection

Specimens must be collected under reasonable and sanitary conditions, with due regard for the privacy of the person tested and with proper labeling and documentation. The associate or job applicant must be given the opportunity to present information regarding the use of prescription or non-prescription drugs or other relevant medical information.

Confirmation Test

All positive initial tests must be confirmed by GC/MS or another comparably reliable methodology, before any adverse employment action can be taken.

Opportunity to Rebut

Associates will have the opportunity to present evidence of the use of prescription or non-prescription drugs, or other relevant medical information.

Associate not “Disabled”

An associate whose drug or alcohol tests results are positive shall not, because of those results alone, be defined as a person with a “disability” for purposes of the Utah Anti-Discrimination Act.

Likewise, no legal action can be taken for the failure to test or detect substance or a problem or for the termination of the policy or testing program.

Associate Discipline

The Act specifies that if an associate has a confirmed positive test result or refuses to submit to a test, an employer may suspend, terminate or discipline the associate or require the associate to enter a rehabilitation program; and a job applicant can be denied employment under the same conditions. Associates and job applicants whose drug or alcohol test results are confirmed positive in accordance with the provisions of the law are not, for the reason alone, defined as persons with a handicap under the Utah Anti-discrimination Act.

Worker's Compensation Limitations

Except in cases resulting in death, disability benefits are denied when the major contributing cause of the injury is the associate's: use of a controlled substance obtained without a valid prescription; intentional abuse of controlled substance obtained with a valid prescription; or intoxication at a level of .08 or higher alcohol test result. Benefits will not be denied if the employer permitted, encouraged, or had actual knowledge that the associate was engaged in the conduct outlined above. If a reliable test result shows that the associate: had a controlled substance in his/her system without a valid prescription; had an excessive amount indicating excessive amount indication intentional abuse of a controlled substance obtained without a valid prescription; or had a .08 or higher alcohol test result, then it is presumed that drug or alcohol use was the major contributing cause of the associate's injury. To request the basis of presumption, AC must be in compliance with the Utah state Drug and Alcohol Testing Act.

Unemployment Compensation

The Legislature, under the Utah Drug and Alcohol Testing Act, Section 34-38-1 et seq., has determined the illegal use of drugs and abuse of alcohol creates an unsafe and unproductive workplace. In balancing the interests of associates, employers and the welfare of the general public, the Legislature has determined the fair and equitable testing for drug and alcohol use is a reasonable employment policy. An employer can establish a prima facie case of ineligibility for benefits under the Employment Security Act based on testing conducted under the Drug and Alcohol Testing Act.

VERMONT STATE AMENDMENT

For

Acushnet Company

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing

Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration. The drug test and physical examination need not be administered at the same time.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test associates for drugs and alcohol when a manager has reasonable suspicion, as defined in the appendix, of drug and/or alcohol use or impairment on the job. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

The employer must be able to provide a bona fide rehabilitation program and, should the associate have a positive test result, must be given an opportunity to participate in an EAP and may be discharged only if/he/she refuses participation or subsequently tests positive after completing rehabilitation.

Post-Accident Drug and Alcohol Testing

Associates in safety-sensitive positions who may have caused or contributed to an accident, as defined in the appendix, will be subject to a drug and alcohol test as soon as possible following the accident when a manager has reasonable suspicion of drug and or alcohol use or impairment on the job, in connection with the accident.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Procedural Requirements

Posting of Written Policy; Other Notices

All tested individuals will be provided with a copy of the written policy, including circumstances under which the associate may be tested, the procedures, drugs tested for, that over-the-counter medications and other legal substances may result in a positive test, and the consequences of a positive test result. The policy is to be posted in a public area.

Cost of Testing

AC shall pay all actual costs for drug or alcohol testing required for associates and applicants, including reasonable transportation and retest costs regardless of the result of the retest.

Notification of Test Results

The associate is to receive the results of any drug or alcohol test within five (5) days of AC receiving the results and the report to the associate must include consequences and options available to associate.

Appropriate Specimens - Blood Test Limitation & Election

AC may require body fluids or materials from the body, except in accordance with Vermont law. This can include urine or hair for drug testing and breath for alcohol testing. AC will not require or request a blood sample for drug testing purposes, but the donor may request a blood sample be drawn at the time of the urine or breath collection.

This includes urine or hair for drug testing and breath for alcohol testing and an associate may request a blood sample be drawn at the time of the urine or breath collection at their own expense.

Drugs to be Tested

- Marijuana (pot, weed, grass, hashish)
- Cocaine (coke, crack)
- Opiates (heroin, morphine, codeine)
- Amphetamine/Methamphetamine (MDMA, ecstasy)
- Phencyclidine (PCP)
- Barbiturates (barbs, downers)
- Methadone
- Benzodiazepines (Valium, Librium, Xanax)
- Propoxyphene (Darvon)

Note: The company reserves the right to modify this list due to changes in Federal or State law.

Collection, Confirmatory Test and Certified Laboratory

Chain-of-custody procedures must be observed. All testing must be conducted at a laboratory approved by the Vermont Department of Health. A list of such laboratories can be obtained from the Vermont Department of Health. All positive initial test results must be confirmed by GC/MS, or its technological equivalency.

Medical Review Officer Required

The MRO must review all drug test results. The MRO must personally contact any individual who has a positive test result, and explain the result and why it might not be accurate. The MRO must inform the individual of his/her right to request a retest and must consider the result of the retest. The MRO may only report confirmed drug-test results to the employer. The MRO must be licensed with knowledge of prescription drugs and the pharmacology and toxicology of illicit drugs.

Confidentiality

All information obtained regarding test results is considered strictly confidential and may only be released by voluntary written consent of the individual tested, except where the release is compelled by a court of competent jurisdiction in connection with an action under the drug testing law.

Notification of Test Result

The associate must be provided a written notice within 5 days of AC receiving the result for drug or alcohol test result and the notice must include consequences and options available to associate.

Associate Assistance

AC must have an Employee Assistance Program (EAP) or be able to refer associates to available services in the community.

Opportunity to Retest

AC must advise the associates of the right for retest. An applicant or associate who has a positive test result will have the opportunity to retest the original specimen at an independent laboratory at the expense of the applicant or associate. The retest can be from blood sample collected at the time of the original collection when requested by the associate. AC shall consider the results of the test.

Opportunity to Rebut

AC shall provide the associate or applicant, whose test result is "positive," with an opportunity to rebut and/or explain "positive" test results. The rebuttal is to be conducted with the Medical Review Officer.

Disciplinary Action

An associate who tests "positive" for the first time may not be terminated if he or she agrees to participate and successfully completes such a rehabilitation program. Employers must have a "bona fide rehabilitation program" available. An associate may be suspended for up to three (3) months to complete the rehabilitation program. The associate may then be terminated if, after completing the program, AC later has probable cause to test for drugs and that test result is "positive."

Discharge, discipline, or discrimination based on drug test result

No employer may discharge, discipline, or discriminate against an associate or prospective associate solely because the associate or prospective associate voluntarily sought treatment for a drug-related problem, provided the associate or prospective associate has not previously:

- (1) tested positive for drug use;
- (2) participated in an associate assistance program for drug-related problems;
- (3) entered an alcohol or drug rehabilitation program.

No employer may discharge an associate solely for having tested positive for drug use, unless the associate also:

- (1) refused to enter a drug rehabilitation program or an associate assistance program after the positive test result; or
- (2) tested positive for drug use in a follow-up test administered within two years after completing a drug rehabilitation program or an associate assistance program.

Disability Defined

A qualified individual with a disability does not include any individual who is an alcoholic or drug abuser, whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or safety of others.

Payment for Medical Examination

AC shall not require an associate or an applicant to pay the costs of a medical examination as a condition of employment.

Definition of “Reason to Suspect”

“Reason to Suspect” means an articulable reasonable belief that an associate possessed or used drugs or alcohol at the workplace, or was intoxicated or impaired by drugs or alcohol at the workplace where this “reasonable belief” is based on specific facts and reasonable inferences drawn from those facts in light of experience.

Medical Marijuana

A person diagnosed with a “debilitating medical condition” by a physician in the course of a bona-fide physician-patient relationship and the registered caregiver have a defense to criminal prosecution for possession, use, or cultivation of marijuana, within the limits set forth by the statute. The patient must register by filing an application with the Department of Public Health attaching all medical records that establishes a debilitating medical condition. AC is not required to accommodate marijuana use.

The Act approved illnesses: cancer, AIDS, HIV/AIDS, multiple sclerosis, or the treatment of these conditions if the disease or the treatment results in severe, persistent, and intractable symptoms. A disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent, and one or more of the following intractable symptoms: cachexia or wasting syndrome, severe pain or nausea, or seizures. For purposes of possession and cultivation, patients and caregivers may collectively possess up to two mature marijuana plants, seven immature plants, and 2 ounces of useable marijuana. A marijuana plant is mature when male and female flower buds are readily observed on the plant. Until then, it is considered an immature plant.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Worker's Compensation

Compensation shall not be allowed for an injury caused by an associate's willful intention to injure himself or another or by or during his intoxication or by an associate's failure to use a safety appliance provided for his use. The burden of proof shall be upon the employer, if the company claims the benefit.

Unemployment Compensation

Although there is no specific provision for drug or alcohol, AC may deny benefits if the associate is discharged for "misconduct" connected with his or her work.

For purposes of this section, "gross misconduct" means conduct directly related to the associate's work performance that demonstrates a flagrant, wanton, and intentional disregard of the employer's business interest, and that has direct and significant impact upon the employer's business interest, including but not limited to theft, fraud, intoxication, intentional serious damage to property, intentional infliction of personal injury, any conduct that constitutes a felony, or repeated incidents after written warning of either unprovoked insubordination or public use of profanity. An individual shall not suffer more than one disqualification by reason of such separation.

Criminal Penalties

A person who knowingly violates the law will be fined not less than \$500 and no more than \$1,000, or imprisoned for not more than six (6) months, or both.

Civil Penalties

A fine may be assessed of not less than \$500, and no more than \$2,000.

Civil Remedies

Actions may be brought for damages, injunctive relief, costs, and attorney's fees. An employer has the burden of proving compliance with the law.

VIRGINIA STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Costs

The employer is required to pay for any applicant for employment or an associate's medical examination, including drug and alcohol testing, or the cost of furnishing any medical records required by the employer as a condition of employment.

Drug-free Workplace Act and State Contactors

State contractors with contracts of more than \$10,000 are required to: provide a drug-free workplace; post a statement notifying associates of the prohibition of the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance with the designated consequences of such a violation; state in all employment advertisements that AC maintains a drug-free workplace; and include the above in all agreements with the state of more than \$10,000. The act does not address drug testing.

Drug Testing Falsification

An associate commits a Class 1 misdemeanor if he/she sells, gives away, distributes, transports or markets human urine with the intent of defeating a drug and or alcohol test, or if he/she attempts to defeat a drug and or alcohol test by submitting, or adulterating a bodily fluid sample or adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test.

Persons with Disabilities

For purposes of impairment, the term "mental impairment" does not include active alcoholism or current drug addiction.

Unemployment Compensation

For the purpose of this Unemployment Compensation, "misconduct" includes, but shall not be limited to: (1) An associate's confirmed positive test for a non-prescribed controlled substance, where the test was conducted at the direction of the employer in conjunction with the employer's known workplace drug policy and performed in accordance with a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent."

Unemployment Compensation Disqualification

No individual shall be qualified for benefits during any week that such individual, in connection with an offer of suitable work, has a confirmed positive test for a non-prescribed controlled substance, if the test is (i) required as a condition of employment and (ii) performed, and a sample is collected, in accordance with scientifically recognized standards by a laboratory accredited by the National Institute of Drug Abuse.

Worker's Compensation Disqualification

A defense can be raised by the employer if the associate's intoxication or use of a non-prescribed controlled substance, and there was at the time of the injury or death an amount of alcohol or non-prescribed controlled substance in the bodily fluids of the associate which (i) is equal to or greater than the standard set forth by the state (0.08) or (ii) in the case of use of a non-prescribed controlled substance, yields a positive test result from a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, there shall be a rebuttable presumption that the associate was intoxicated or using a non-prescribed controlled substance at the time of his injury or death.

WASHINGTON STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Recreational Marijuana

Effective November 6, 2012, The Washington Marijuana Legalization and Regulation Act permits the production, possession, delivery and distribution of marijuana. The grow farms and food processors are to be licensed by the Washington State Liquor Control Board. The Act permits adult residents of Washington state to possess up to an ounce of marijuana, 16 ounces of marijuana products and 72 ounces of liquid infused marijuana products and marijuana. The new law doesn't contain any mention of workplace marijuana use. It states that the Washington state institute for public policy must release a series of reports over the next few decades detailing the effects of marijuana use. One area specifically mentioned is its effect on the workplace. Beyond this, the law is mute on its impact on the workplace.

Medical Marijuana

The Medical Use of Marijuana Act provides an affirmative defense to a charge of violating any state law relating to marijuana, for any qualifying patient who is engaged in the medical use of marijuana. A "qualifying patient" is defined as a person who: is a patient of a Washington state licensed physician; has been diagnosed with a terminal or debilitating medical condition; has been advised about the risks and benefits of the medical use of marijuana; has been advised that he/she may benefit from the use of marijuana; and is a resident of Washington state.

The Act approved illnesses includes: cancer, AIDS, HIV/AIDS, multiple sclerosis, or the treatment of these conditions if the disease or the treatment results in severe, persistent, and intractable symptoms. A disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent, and one or more of the following intractable symptoms: cachexia or wasting syndrome, severe pain or nausea, or seizures. The position on possession and cultivation is that the patients and caregivers may collectively possess up to two mature marijuana plants, seven immature plants, and 2 ounces of useable marijuana. A marijuana plant is mature when male and female flower buds are readily observed on the plant. Until then, it is considered an immature plant.

Employers are not required to accommodate the medical use of marijuana in any place of employment and the non-medical remains prohibited. (The law is inconsistent with federal law, which characterizes marijuana as a drug with no proven medical benefit and a high risk of abuse).

Recreational Marijuana: Washington passed a recreational marijuana law on November 6, 2012. The new law doesn't contain any mention of workplace marijuana use. It states that the Washington state institute for public policy must release a series of reports over the next few decades detailing the effects of marijuana use. One area specifically mentioned is its effect on the workplace. Beyond this, the law is mute on its impact on the workplace.

In accordance with Federal law, AC prohibits any associate from being under the influence of marijuana while on Company Property or engaging in Company Business regardless of whether the associate has a medical marijuana card or prescription for medical marijuana use. AC does not allow any associate to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Based on this, AC does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason.

Acushnet prohibits use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, storage (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

Privacy

The Washington Constitution guarantees the right to privacy.

Unemployment Compensation

With respect to claims that have an effective date before January 4, 2004, an individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

WEST VIRGINIA STATE AMENDMENT

For

Acushnet Company

Testing Restrictions

For the safety of our associates, AC may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing.

Applicants for safety-sensitive positions shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test or not having the test conducted within twelve (12) hours of the acceptance of the offer, unless otherwise authorized by a member of the Human Resources Department, or a verified positive drug test result will disqualify an applicant from consideration.

Applicants and associates having a positive drug test result may reapply for a position after six (6) months and will need to provide written proof of having received assessment, counseling and/or treatment from a licensed substance abuse treatment facility and have a driver's license in good standing in the state in which he/she may be assigned. In addition, the individual reapplying for a safety-sensitive position will, if employed, be required to submit to random drug and/or alcohol testing for the first twelve (12) months of employment. The right to re-apply after six months is not a guarantee of employment upon re-application.

New-Hire Evaluation Period Drug Testing.

Newly hired associates in safety-sensitive positions will be required to submit to one drug test during the first ninety (90) day new-hire evaluation period.

Reasonable Suspicion Drug and Alcohol Testing

AC shall test associates for drugs and alcohol when a manager has reasonable suspicion, as defined in the appendix, of drug and/or alcohol use. Reasonable suspicion will be documented and will not be based on rumor, speculation or unsubstantiated information of third parties. Referrals for reasonable suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Transfer to a Safety-Sensitive Position Drug Testing

Associates who are being transferred from a non-safety-sensitive position into a safety-sensitive position, as identified in the Appendix, will be required to submit to a drug test within twelve (12) hours of the acceptance of the offer of transfer, unless otherwise authorized by a member of the Human Resources Department. If the associate declines to take the test, the consequences will be withdrawal of the transfer offer and will be treated as a positive test and will result in termination.

Post-Accident Drug and Alcohol Testing

All associates in safety-sensitive positions who may have caused or contributed to an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or intentional event that occurs on Company Property or on Company Business or which involves company-supplied motor vehicles or personal motor vehicles being used for company purposes and which results in *any* of the following:

- A fatality of any party
- Damage to a motor vehicle in excess of \$100
- Non-vehicular property damage in excess of \$100

If the accident results in bodily injury of any party requiring immediate medical treatment away from the accident scene, Post-accident drug and alcohol testing will only be required if there is a reasonable possibility that drug and/or alcohol use could have contributed to the reported injury or illness.

Note: Due to time constraints, formal estimates as to the amount of damage are not required. A manager's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

All associates are required to immediately notify his/her manager of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her manager or AC and to inform the manager of his/her whereabouts.

A post-accident alcohol test must occur immediately or no later than 8 hours following the accident, and a post-accident drug test must occur immediately or no later than 32 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Government Required (Federally Mandated) Drug and/or Alcohol Testing

AC shall comply and institute drug and/or alcohol tests when required by regulations of government entities, e.g., the Department of Transportation (DOT).

Return After Lay-Off Drug Testing

Associates who are returning to work in a safety-sensitive position following a lay-off of sixty (60) days or more will be required to take a drug test prior to their return to work.

Random Drug Testing

Associates in safety-sensitive positions will be subject to random, unannounced drug testing. These individuals will have an equal probability of being selected for testing. Random drug testing is an objective system that does not give the company discretion to waive the selection of any individual who has been randomly chosen.

Procedural Requirements

Disability Discrimination

The definition of “disability” does not include persons whose current use of or addiction to alcohol or drugs prevents them from performing the duties of the job in question, or when their employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

Privacy

West Virginia Constitution protects its citizens from unreasonable searches and seizures, except upon probable cause.

Associate Education

Associate education must include all of the following:

- (A) Detailed information about the content of the contractor's specific drug-free workplace policy and an opportunity for associates to ask questions regarding the policy;
- (B) The distribution of a hard copy of the written drug-free workplace policy including collecting an associate signed acknowledgment receipt from each associate;
- (C) Specific explanation of the basics of drugs and alcohol abuse including, but not limited to, the disease model, signs and symptoms associated with substance abuse, and the effects and dangers of drugs or alcohol in the workplace; and
- (D) A list of community resources where associates may seek assistance for themselves or their families. Require that a contractor provide at least two hours of drug-free workplace supervisor training for all supervisory associates, and annually thereafter.

Manager Training

The supervisor / manager training must include:

- (A) Recognizing a possible drug or alcohol problem;
- (B) Documenting behaviors that demonstrate a drug or alcohol problem;
- (C) Confronting associates with the problem from observed behaviors;
- (D) Initiating reasonable suspicion and post-accident testing;
- (E) Handling the procedures associated with random testing;
- (F) Making an appropriate referral for assessment and assistance;
- (G) Following up with associates returning to work after a positive test; and
- (H) Handling drug-free workplace responsibilities in a manner that is consistent with the applicable sections of any pertinent collective bargaining agreements.

Cost of Testing and Medical Examinations

An employer shall not require an associate or applicant to pay the cost of a drug and alcohol testing or medical examination required by the employer as a condition of employment.

Drug Test Falsification

It is a misdemeanor offense for anyone to attempt to adulterate a drug or alcohol screening test. Anyone found guilty of such acts may be subject to fines of between \$1,000 and \$10,000 and jail time of up to one (1) year.

Worker's Compensation

No associate or dependent of an associate is entitled to receive worker's compensation benefits when the associate's injury or death was caused by his/her intoxication and where the injury is self-inflicted or intentionally caused by associate. If an employer has a reasonable and good faith objective suspicion that an associate is intoxicated, the employer may require the associate to undergo a blood test to determine whether the associate is intoxicated.

Unemployment Compensation

Unemployment compensation benefits are denied where an associate engages in misconduct, which includes: reporting to work in an intoxicated condition or being intoxicated while at work, and reporting to work in an intoxicated condition, or being intoxicated while at work; reporting to work under the influence of any controlled substance, as defined in chapter 60-A of this code without a valid prescription, or being under the influence of any controlled substance, as defined in said chapter without a valid prescription, while at work; adulterating or otherwise manipulating a sample or specimen in order to thwart a drug or alcohol test lawfully required of an associate; refusal to submit to random testing for alcohol or illegal controlled substances for associates in safety sensitive positions as defined in section two, article 1-D, chapter twenty-one of this code; arson, theft, larceny, fraud or embezzlement in connection with his or her work; or any other gross misconduct.

WISCONSIN STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Cost of Testing

AC shall pay all costs associated with testing required of applicants or associates.

Payment for Medical Examination

An employer shall not require an associate or applicant to pay the cost of a medical examination required by the employer as a condition of employment.

Confirmation Tests

All positive test results are to be confirmed by a certified laboratory.

Worker's Compensation

If injury or death results from the intoxication of the associate by alcohol beverages or use of a controlled substance or a controlled substance analog, the compensation and death benefit provided shall be reduced fifteen percent (15%) but the total reduction may not exceed \$15,000.

Unemployment Compensation

A valid positive test result may be sufficient to show misconduct when the employer has reasonable work rules that prohibit both on-duty and off-duty use. In order to be a reasonable work rule the associate must be aware of the rule and the consequences of a positive test result. The test result must be confirmed by GC/MS, or an equivalent method, and performed according to appropriate guidelines. In addition, the violation of a last chance agreement, in which the associate agrees to abstain from drug use may constitute misconduct.

WYOMING STATE AMENDMENT

For

Acushnet Company

Procedural Requirements

Notice of Policy

Associates must have a sixty (60) day notice of the written policy prior to the implementing of testing. The notice must include in vacancy notices.

Cost of Testing

AC will pay all actual costs of required drug or alcohol testing.

Notification of Test Results

The associate is to receive the results of any drug or alcohol test in writing.

Confirmation Test

All positive initial tests must be confirmed by GC/MS or another comparably reliable methodology, before any adverse employment action can be taken.

Right to Rebut and Retest

An associate or applicant shall be entitled to explain in confidence any test result. The associate or applicant may request that the sample be re-tested at his/her own expense within five (5) days of receiving notice of a positive test in order to challenge the results of a positive test. If a confirmed positive test result is reversed due to the re-test, the employer must reimburse the associate or applicant for all costs.

Notification of Test Result

The associate is to receive in writing the result of his/her test result.

Supervisor Training and Associate Education

Annually, AC is required to provide one (1) hour of education on substance abuse to associates and two (2) hours of training to supervisory personal.

Associate Assistance

An Employee Assistance Program (EAP) is not required, but must inform associates of the availability of EAP services either through the company or in the community and must maintain a “resource file” of available EAP services.

Drug Test Falsification

It is a misdemeanor offense for anyone to attempt to adulterate a drug or alcohol screening test. A first offense is punishable by up to six (6) months in prison and up to a \$750 fine. Any subsequent offense calls for at least seven (7) days in prison, but no more than six (6) months, and a fine of up to \$750.

Worker’s Compensation

Compensation is denied to an associate who is injured or is killed in an accident while the associate was intoxicated or under the influence of a controlled substance, or both, except any prescribed drug taken as directed by an authorized health care provider.

Unemployment Compensation

State law provides that a claimant may be denied benefits if he/she was discharged from his most recent work for misconduct connected with his work rate or other work covered by the unemployment insurance law of any state or the federal government.

REHABILITATION AGREEMENTS

*Rehabilitation Agreements
For
States Not Permitting Termination
On
The First Positive Test Result*

Maine Rehabilitation Agreement

Minnesota Rehabilitation Agreement

Rhode Island Rehabilitation Agreement

MAINE REHABILITATION AGREEMENT

Name (Print): _____

On this day, _____, Acushnet Company (AC), in lieu of or in addition to discipline and as a condition of my continued employment, agreed that I seek counseling and referral to a rehabilitation program for alcohol and/or drug abuse. The following conditions apply to my Rehabilitation Agreement:

1. I authorize my treatment provider to submit on a scheduled basis proof of enrollment in a rehabilitation program and proof of attendance to a member of the Human Resources Department. I understand that my attendance will be monitored closely and that the company may institute disciplinary procedures if I do not regularly attend all sessions.
2. I must adhere to all of the requirements of the drug/alcohol treatment program in which I am enrolled.
3. If I am absent from work during the rehabilitation period, AC will review the reasons for the absence(s) and may require documentation as appropriate.
4. Upon completion of the rehabilitation program, I understand that I will be required to supply AC with a statement from my treatment provider that I have completed the rehabilitation program in a satisfactory manner.
5. In the event that I am signing this agreement as a consequence of a confirmed positive test result, I agree to submit to one unannounced drug and/or alcohol test between 90 and 365-days after the date of the prior positive test. If I am in a safety-sensitive position, I also agree to submit to random drug testing during the first 90 days after the date of the prior positive test.
6. I must meet all established standards of conduct and job performance. AC may terminate me if my on-the-job conduct or job performance is unsatisfactory.
7. I agree that AC has grounds, based on my unsatisfactory performance or behavior related to my drug and/or alcohol use, to discipline me or terminate me from my position. I am being held to the same job performance and behavior standards as other associates.
8. I understand that failure to comply with the above conditions will most likely result in my immediate discharge.

I hereby agree to all of the above conditions and authorize my treatment provider to provide AC with proof of my enrollment and attendance at the recommended rehabilitation program. This agreement does not alter my employment status nor create a binding employment contract or modify any existing contract.

Associate's Name

Supervisor/Manager's Name

Associate's Signature

Supervisor/Manager's Signature

Date

Date

MINNESOTA REHABILITATION AGREEMENT

Name (Print): _____

On this day, _____, Acushnet Company (AC), in lieu of or in addition to discipline and as a condition of my continued employment, agreed that I seek an assessment and counseling or rehabilitation for alcohol and/or drug abuse as required by the treatment provider. The following conditions apply to my Rehabilitation Agreement:

1. I authorize my treatment provider to submit on a scheduled basis proof of enrollment in a rehabilitation program and proof of attendance to a member of the Human Resources Department. I understand that my attendance will be monitored closely and that AC may institute disciplinary procedures if I do not regularly attend all sessions.
2. I must adhere to all of the requirements of the drug/alcohol treatment program in which I am enrolled.
3. If I am absent from work during the rehabilitation period, AC will review the reasons for the absence(s) and may require documentation as appropriate.
4. I will be responsible for all costs of rehabilitation not covered under AC's medical benefits plan.
5. Upon completion of the rehabilitation program, I understand that I will be required to supply AC with a statement from my treatment provider that I have completed the rehabilitation program in a satisfactory manner.

If I undergo treatment or rehabilitation, I agree to submit to follow-up testing. I agree to submit to unannounced testing for the illegal use of drugs during evaluation, the treatment period and the one-year period following completion of the rehabilitation program. Likewise, I agree to submit to alcohol testing when such testing is job-related and consistent with business necessity, and based on AC's individualized concern for workplace safety.

6. I must meet all established standards of conduct and job performance. AC may terminate me if my on-the-job conduct or job performance is unsatisfactory.
7. I agree that AC has grounds, based on my unsatisfactory performance or behavior related to my drug and/or alcohol use, to discipline me or terminate me from my position. I am being held to the same job performance and behavior standards as other associates.
8. I understand that failure to comply with the above conditions will most likely result in my immediate discharge.

I hereby agree to all of the above conditions and authorize my treatment provider to provide AC with proof of my enrollment and attendance at the recommended rehabilitation program. This agreement does not alter my employment status nor create a binding employment contract or modify any existing contract.

Associate's Name

Supervisor/Manager's Name

Associate's Signature

Supervisor/Manager's Signature

Date

Date

RHODE ISLAND REHABILITATION AGREEMENT

Name (Print): _____

On this day, _____, Acushnet Company (AC), in lieu of or in addition to discipline and as a condition of my continued employment, agreed that I seek counseling and referral to a rehabilitation program for alcohol and/or drug abuse. The following conditions apply to my Rehabilitation Agreement:

1. I authorize my treatment provider to submit on a scheduled basis proof of enrollment in a rehabilitation program and proof of attendance to a member of the Human Resources Department. I understand that my attendance will be monitored closely and that the company may institute disciplinary procedures if I do not regularly attend all sessions.
2. I must adhere to all of the requirements of the drug/alcohol treatment program in which I am enrolled, including unannounced testing for drugs and/or alcohol.
3. If I am absent from work during the rehabilitation period, AC will review the reasons for the absence(s) and may require documentation as appropriate.
4. I will be responsible for all costs of rehabilitation not covered under AC's medical benefits plan.
5. Upon completion of the rehabilitation program, I understand that I will be required to supply AC with a statement from my treatment provider that I have completed the rehabilitation program in a satisfactory manner.
6. I must meet all established standards of conduct and job performance. AC may terminate me if my on-the-job conduct or job performance is unsatisfactory.
7. Following completion of the assessment or rehabilitation program, I agree to submit to unannounced testing for drugs and alcohol as recommended by a substance abuse professional.
8. I agree that AC has grounds, based on my unsatisfactory performance or behavior related to my drug and/or alcohol use, to discipline me or terminate me from my position. I am being held to the same job performance and behavior standards as other associates.
9. I understand that failure to comply with the above conditions will most likely result in my immediate discharge.

I hereby agree to all of the above conditions and authorize my treatment provider to provide AC with proof of my enrollment and attendance at the recommended rehabilitation program. This agreement does not alter my employment status nor create a binding employment contract or modify any existing contract.

Associate's Name

Supervisor/Manager's Name

Associate's Signature

Supervisor/Manager's Signature

Date

Date

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