

Ivy Lane Corporation dba Valvoline Instant Oil Change: Drug and Alcohol Free Workplace and Testing Policy

I. STATEMENT OF PURPOSE

Ivy Lane Corporation recognizes the problems of substance abuse in society and in the workplace. Substance abuse poses a serious threat to our employees, others with whom we work, and the public generally. It is also an obstacle to the profitable, efficient and safe operation of our business. By maintaining a substance abuse policy and testing program, we hope to combat the problems associated with substance abuse by creating a drug and alcohol free workplace. ***This policy is applicable to non-CDL employees working at Non-Iowa locations. Policies for other jurisdictions in which we have employees will be adopted consistent with the laws of those jurisdictions.***

Our substance abuse policy seeks to balance our respect for individual privacy with our need to keep a safe, productive, drug- and alcohol-free environment. Our intention is to prevent substance abuse and promote its treatment. We encourage those who illegally use drugs or who abuse alcohol to seek help in overcoming their problem.

Our policy is not intended to and will not be used to discriminate against employees for reporting work-related injury or illness or filing health or safety complaints.

With these basic objectives in mind, Ivy Lane Corporation has established the following program and policies for a drug and alcohol free workplace.

*Nothing in this policy is intended, nor should it be construed, as creating any rights (contractual or otherwise) in any individual, nor any obligations or duties on the part of Ivy Lane Corporation. While Ivy Lane Corporation believes wholeheartedly in the plans, programs and procedures described, it is committed to reviewing them continually, and reserves the right to change, interpret, or to terminate or deviate from them at any time. **Nothing in this program is intended, nor should it be construed, as requiring "cause" for termination or otherwise alter in any manner the at-will nature of the employment relationship.***

II. DEFINITIONS

A. "Abuse of a legal drug": Any use of a legal drug (as defined below) which impairs an individual's faculties (other than use of a legal drug for appropriate purposes in accordance with applicable medical directions). In addition, the taking of a prescription drug that was prescribed for another shall be considered abuse of a legal drug.

B. "Alcohol": Ethanol, isopropanol, or methanol.

C. “Confirmed positive test result for drugs”: When the results of a blood, urine, or oral fluid test are such that the level of one or more drugs, or its or their metabolites, in the sample analyzed meets or exceeds nationally accepted standards for determining detectable levels of such drugs as adopted by the federal substance abuse and mental health services administration (SAMHSA), and the Medical Review Officer (MRO) has, upon receipt of the laboratory testing results and performance of the functions contemplated by law, certified the testing results as “positive” to the employer. If such nationally accepted standards have not been adopted by SAMHSA for tests on oral fluid samples, then the standards established by the federal food and drug administration (FDA) for the measuring instrument used to perform the test shall be used.

D. “Confirmed positive test result for alcohol”: When the confirmed results of an alcohol test equal or exceed .04 grams of alcohol per 210 liters of breath, or its equivalent. When alcohol testing is conducted on breath samples, which is the most likely sample for alcohol testing, the initial test will be conducted using either an evidential or non-evidential breath testing device, and the confirmatory test will be conducted using an evidential breath testing device (EBTD) as administered by a qualified breath alcohol technician (BAT).

E. “Controlled substance”: The term “controlled substance” as used in this policy includes:

1. Any drug or substance defined as a controlled substance and included in schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. §801 et seq., and
2. Any substance regulated by the Iowa Imitation Controlled Substances Act (which includes, “a substance which is not a controlled substance but which by color, shape, size, markings, and other aspects of dosage unit appearance, and packaging or other factors, appears to be or resembles a controlled substance”) found at Iowa Code Chapter 124A, and
3. Any controlled substance or counterfeit substance under the Iowa Uniform Controlled Substances Act, found at Iowa Code Chapter 124.

F. “Drug”: Any drug or substance defined as a controlled substance and included in schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. §801 et seq. When testing for drugs under this policy, Ivy Lane Corporation will test for the following drugs and the metabolites of any of the following:

1. Amphetamines (including methamphetamine),
2. Cannabinoids (Ivy Lane Corporation has a “zero tolerance” for marijuana and its metabolites and has instructed its MRO that no explanation for the presence of this substance should be accepted other than a valid medical prescription for a lawful prescription drug or a valid court order),
3. Cocaine,
4. Opiates (including morphine and codeine), and

5. Phencyclidine (“PCP”).
6. Barbiturates
7. Benzodiazepines
8. Methadone
9. Methamphetamines

G. “Legal drug”: A drug for which there is a valid prescription in the individual’s name and over-the-counter (OTC) medications.

H. “Prospective employee”: A person who has made application, whether written or oral, to Ivy Lane Corporation to become an employee.

I. “Refusal to submit to a test”: Declining to consent to a drug or alcohol test, failing to provide an adequate sample for drug or alcohol testing, or engaging in any conduct which impairs or obstructs the drug or alcohol testing process.

J. “Safety-sensitive position”: A job in which an accident could result in loss of human life, serious bodily injury, or significant property or environmental damage, or a position which immediately supervises a safety-sensitive position.

K. “Sample”: A specimen/sample from the human body capable of revealing drugs and alcohol, or their metabolites, such as urine, saliva, breath, or blood. A blood sample will only be used for a drug or alcohol test where the employee was involved in a workplace accident, and the blood test was administered by or at the direction of a person providing medical treatment to the employee and the test was not made at the request of or by the suggestion of Ivy Lane Corporation had previously and specifically determined that a post-accident drug/alcohol test was to be conducted.

L. “Under the influence”: An employee or prospective employee shall be conclusively deemed, for purposes of this policy, to be under the influence if a confirmed positive test result for drugs or alcohol is received by Ivy Lane Corporation.

III. WORK RULES

A. Legal Drugs

1. Prescription Drugs. An employee may bring to work and take a prescription drug during work hours only if the drug has been prescribed for the employee by a health care provider or other authorized prescriber and only if the drug is taken in accordance with the health care provider’s and/or prescriber’s directions. Prescription drugs must be kept in the container in which they were received from the pharmacy or other dispenser.

2. Over-the-Counter Medications. An employee may possess and consume OTC medications during work hours as long as the OTC medication is

used for its intended purposes and in accordance with package directions and any supplemental directions of the employee's health care provider. OTC medications should be kept in the original container in which they were purchased.

3. Notification. Employees must notify their General Manager or Regional Manager whenever they are using a legal drug that may affect safety or the safe performance of assigned duties. In making this determination, employees should rely on the warnings or cautions that are received with the particular lawful drug. Ivy Lane Corporation and does not seek information on all legal drugs employees may be taking, but only those where there is an indication that the drug may affect safety or the safe performance of assigned job duties. Ivy Lane Corporation will take appropriate action in response to such notifications, which may include relieving the employee from work, if the use of the legal drug is impairing or is deemed likely to impair the employee's faculties, the safe performance of the employee's assigned duties, or the safety of others.

4. Abuse. Abuse of legal drugs will not be tolerated, and will be dealt with in the same manner as the illegal use of a controlled substance.

B. Alcohol or Drug Possession, Transfer or Use, Other Than Use Detected by a Drug or Alcohol Test

With the exceptions noted in Section III.A., above, employees who possess, use, consume, sell, transfer, or manufacture alcohol, controlled substances (including look-alike substances), or legal drugs, or who attempt to do any of the foregoing, on working time, on Ivy Lane Corporation premises whether or not on working time, within Ivy Lane Corporation property or vehicles whether or not on working time, or within a personal vehicle that is in use for business purposes, has committed misconduct in violation of this policy and is subject to discipline including discharge. This rule may not apply to the possession or consumption of alcohol when such is authorized by Ivy Lane Corporation upper management or provided at special company-sponsored events/activities. You will be advised or notified if and when this limited exception applies. Even under this limited exception when you are allowed to consume alcohol, you still are required to act professionally.

C. Impairment During Working Time

1. It is our intent that an employee whose faculties appear to be impaired during working time will not be allowed to work, regardless of the cause.

2. An employee whose faculties are impaired during working time due to the effects of the use of alcohol, illegal use of a controlled substance, or abuse of a legal drug is subject to discipline including discharge, even for the first offense. However, if a drug or alcohol test is done and a confirmed positive test result is received, discipline will be imposed only as described below in this policy.

D. Drug- and Alcohol-Related Criminal or Regulatory Actions

1. Criminal. Any employee who has been convicted of, or has pled either "guilty" or "no contest" to, a drug- or alcohol-related crime must notify Ivy Lane

Corporation of the conviction or plea no later than five (5) calendar days after it is entered. Ivy Lane Corporation will evaluate the factual circumstances underlying the criminal conviction or plea, and will make a decision as to what actions to take as a result, which actions may include termination of the employment relationship. Failure to provide timely notice as required by this policy may result in disciplinary action, up to and including termination of employment.

2. Regulatory. An employee whose job duties include driving, and whose license to drive has been restricted, suspended, or revoked by a regulatory authority due to a drug- or alcohol-related reason must notify Ivy Lane Corporation of the regulatory action no later than five (5) calendar days after the license is affected, and before the employee is required or assigned to drive for work at Ivy Lane Corporation, whichever comes first. Ivy Lane Corporation will evaluate the factual circumstances underlying the regulatory action and will make a decision as to what actions to take as a result, which may include termination of the employment relationship. Failure to provide timely notice as required by this policy may result in disciplinary action, up to and including termination of employment.

E. “Qualifications” for Prospective Employees

Prospective employees are required to undergo a drug test to determine whether they are qualified for employment at Ivy Lane Corporation. To be considered qualified for employment at Ivy Lane Corporation, we must receive an unrestricted negative report on an otherwise valid pre-employment drug test. When a prospective employee is deemed not qualified due to a drug test the application process will be terminated and any conditional offer of employment that was extended will be withdrawn. A prospective employee’s confirmed positive drug test result, or the refusal to submit to a drug test, does not prevent the prospective employee from later re-applying for employment at Ivy Lane Corporation following a six month waiting period.

F. Employee Discipline in Connection With a Drug or Alcohol Test

Employees may be required to undergo a drug or alcohol test under certain circumstances, as provided below in this policy. Except as provided by law, the action that will be taken against the employee upon receipt of a confirmed positive drug or alcohol test result, or upon the employee’s refusal to submit to such test, will be uniform, and will be based only on the results of the drug or alcohol test.

1. Refusal to Submit to a Drug or Alcohol Test. An employee’s refusal to submit to a drug or alcohol test when asked to do so will result in discharge, even for a first offense.

2. First Confirmed Positive Drug or Alcohol Test Result. An employee’s first confirmed positive test result for drugs or alcohol will result in a discharge

3. Pre-Result Suspension for Drug Testing. Prior to receipt of the results of an employee’s drug test, the employee may be suspended without pay pending the outcome of the drug test. If the result of the drug test does not violate the terms of this written policy, the employee will be reinstated with back pay and interest, as provided in Iowa Code § 730.5(10)(b).

IV. DRUG AND ALCOHOL TESTING PROGRAMS

NOTE: Ivy Lane Corporation drug and alcohol testing programs may vary from facility to facility, and location to location, or be limited to certain job classifications or departments.

A. Pre-Employment Substance Abuse Screening Program

Ivy Lane may conduct pre-employment drug tests of prospective employees. The pre-employment drug test is designed to prevent hiring individuals who illegally use controlled substances or who abuse legal drugs.

The prospective employee may provide Ivy Lane or the collection facility with any information that may be relevant to the drug test, such as the identification of prescription or nonprescription drugs currently or recently used, or any other relevant medical information. To the extent feasible, precautions will be taken to ensure that the drug testing only measures, and the records concerning the testing only use, information regarding drugs or their metabolites in the body.

As indicated above in this policy, to be considered qualified for employment, Ivy Lane must receive an unrestricted negative report on the pre-employment drug test. If that qualification is not met, the prospective employee will be deemed “not qualified,” at which point the application process will be terminated and any conditional offer of employment that has been extended will be withdrawn.

B. Current Employee Substance Abuse Screening Programs

Active and/or current employees may be asked or required to submit to a drug or alcohol test under any of the following circumstances:

1. Reasonable Suspicion. A specific, active employee may be required to submit to a drug or alcohol test when there is evidence that the employee is using or has used alcohol or drugs in violation of this written policy. This evidence must be drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Examples that might support a reasonable suspicion test include:

- Observations made at work, such as direct observation of alcohol or drug use or the physical symptoms of being impaired by alcohol or drugs.
- Abnormal conduct or erratic behavior while at work.
- Significant deterioration in work performance.
- A report, by a reliable and credible source, of alcohol or drug use.
- Evidence that an individual has tampered with any alcohol or drug test during the individual’s employment with the current employer.

2. Unannounced. Current, active employees may be subject to drug and alcohol testing which is conducted on a periodic basis, without advance notice of the testing prior to the day of testing, and without individualized suspicion.

Unannounced testing may be conducted of employees in the following pools and employees will be advised as to which pool has been selected for testing prior to any actual testing:

- The entire employee population at a particular work site, with the exception of employees who are not scheduled to be at work at the time the testing is to occur because of their status (i.e. on a leave of absence, on lay-off, works a different shift, etc.) or who have been excused from work pursuant to applicable policies before the testing was announced to employees.
- All employees at a particular work site who are in a pool of employees in safety-sensitive positions (as defined above in this policy), with the exception of employees who are not scheduled to be at work at the time the testing is to occur because of their status as being excused from work pursuant to applicable policies before the testing was announced to employees. Employees who are regarded as being in a “safety-sensitive position” will be told of that fact prior to any testing.

Employees who are in the pool for unannounced testing all have an equal chance of selection, regardless of whether the employee has been selected or tested previously. A random selection process conducted by an independent entity will be used to select employees to be tested from the pool.

3. Workplace Accident. An employee may be required to submit to a drug and/or alcohol test in conjunction with an investigation of any accident in the workplace in which the Company suspects there is a reasonable possibility that drug or alcohol use was a contributing factor. It should be emphasized that testing in conjunction with a workplace accident is not limited to the individual who was injured.

4. Promotion. In the event a current employee is promoted, the selected employee will need to successfully pass a drug test before beginning their new role. If the test is confirmed positive, their employment will be terminated. They will have the option to follow the steps to contest the result as with any positive drug result.

5. Required by Law/Regulation. Employees otherwise may be subject to drug or alcohol testing as required by federal or state laws or regulations, or by law enforcement.

C. Testing Procedures.

1. Drug Testing. The individual being tested for drugs under this policy may provide any information that may be relevant to the drug test to Ivy Lane Corporation or the collection facility before the sample is collected, which may include identification of prescription or nonprescription drugs currently or recently used, or any other relevant medical information. To the extent feasible, precautions will be taken to ensure that drug testing only measures, and the

records concerning the testing only make use of information regarding, drugs or their metabolites in the body. A list of drugs for which testing will be conducted is detailed above in Section II.F. of this policy.

At the time the sample is collected for drug testing, it will be split into two components at the collection facility. An oral fluid specimen will be collected in an amount sufficient to allow testing as required by Iowa Code Sections 730.5(7)(f)(3) and 730.5(7)(i).

If a confirmed positive test result for drugs is reported to Ivy Lane Corporation by the MRO, the individual tested will be notified in writing of the result via a letter, sent certified mail/return receipt requested

2. Test Scheduling. Drug or alcohol testing of employees will normally occur during, or immediately before or after, a regular work period. The time required for testing of employees, including travel time, will be considered compensable working time for purposes of the FLSA, compensation and benefits.

3. Test Costs. The actual costs for all drug or alcohol testing conducted under this policy for employees and prospective employees, except for second confirmatory tests if required and if elected by an employee as provided elsewhere in this policy, are paid by the Ivy Lane Corporation facility where the employee works or where the prospective employee applied to work.

4. Test Transportation. Ivy Lane Corporation will provide transportation to transport employees to and from the work site (or site of the accident) and the designated collection facility when employees are required to undergo drug or alcohol tests due to post-accident or reasonable suspicion. If an employee refuses the provided transportation, Ivy Lane Corporation reserves the right to take whatever means are appropriate to protect the employee and the public, which may include contacting local law enforcement and imposing disciplinary action, up to and including discharge.

5. Confidentiality. Results of all drug and/or alcohol tests performed under this policy are considered confidential and will be disclosed only in compliance with Iowa Code Section 730.5(13).

V. EMPLOYEE ASSISTANCE PROGRAM

Ivy Lane Corporation is aware that many personal or health problems can and do interfere with an employee's ability to perform on the job. These problems may include emotional and mental disorders, family and marital difficulties, abuse of alcohol or drugs, etc.

Employees whose job performance problems are not related to a lack of skill and who do not respond satisfactorily to the usual disciplinary procedures may be in need of the attention of professionals. With proper treatment, many troubled employees can be restored to a satisfactory level of job performance. However, if the underlying problems or situations are ignored, they may worsen with time, eventually rendering the person unemployable.

To help avoid this waste of human resources, Ivy Lane Corporation offers an Employee Assistance Program (EAP) for employees and their dependents through our relationship with Aureon, as part of our employee services. The EAP provides confidential evaluation, referral and short-term counseling at no cost to employees whose personal or health problems are interfering with their job performance.

The purposes and practices of Ivy Lane Corporation disciplinary rules and the EAP are distinctly separate in their applications. An employee's decision to seek prior assistance from the EAP will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. On the other hand, the fact that an employee has been using, or wishes to use, the EAP will not be a defense to imposition of disciplinary action where facts showing a violation of the rules are obtained by Ivy Lane Corporation outside of the EAP.

It is the responsibility of each employee to seek assistance from the EAP before disciplinary action. Once a violation of the rules comes to Ivy Lane Corporation attention, subsequently using the EAP on a voluntary basis will not necessarily avoid or reduce disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

Please refer to the workplace poster in your work location or contact your supervisor or Human Resources for the phone number for our EAP.

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Acknowledgment

I acknowledge that I have received a copy of the Ivy Lane Corporation dba Valvoline Instant Oil Change Drug and Alcohol Free Workplace and Testing Policy. I know that I must read this Policy so that I understand my rights and responsibilities under it. I realize that Ivy Lane Corporation may interpret, clarify, revise or deviate from this Policy.

I understand that this Policy is not an employment contract, but it is an explanation of the Ivy Lane Corporation policy. Ivy Lane Corporation has not solicited my agreement to this Policy and my employment is not provided in consideration or in return for my agreement to be bound by this Policy.

I understand and acknowledge that nothing in this Policy is intended to create any contractual rights, and that nothing in this Policy is intended nor should it be construed to provide a belief that my employment is anything other than terminable at will.

I understand that if I have any questions about this Policy, I am to contact my General Manager, my Regional Manager, or a Aureon representative.

Employee Name (print)

Date

Employee Signature