

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 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, and 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's premises whether or not on working time, within Ivy Lane Corporation's 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— unless the exception of one-time mandatory rehabilitation for a first-time positive alcohol test applies, as provided directly below.

Exception: Upon receipt of a confirmed positive test result for alcohol, certain employees are entitled to undergo evaluation by a SAP and enroll in an approved rehabilitation, treatment, or counseling program (Program), which may include additional alcohol and/or drug testing. Participation in, and successful completion of, an evaluation and any subsequent Program is a condition of continued employment. Failure to comply with the requirements of this exception will result

in discharge. The one-time mandatory rehabilitation exception only applies if all of the following requirements are met:

- i. This exception is only available for the first confirmed positive test for alcohol (as defined above), and not drug tests;
- ii. The employee must have been employed by Ivy Lane Corporation for at least 12 of the previous 18 months, as measured from the date of testing;
- iii. The employee must agree to undergo an evaluation by a Substance Abuse Professional (SAP) and must agree to the Program recommended by the SAP as a result of that evaluation; and
- iv. The employee must not have previously violated Ivy Lane Corporation's substance abuse policy.

If a Program is required, no adverse employment action will be taken against the employee due to the alcohol test result as long as the employee complies with the requirements of Program, and successfully completes it. If an SAP determines that no Program for rehabilitation is required, the employee will have exhausted his/her one opportunity for this exception.

3. Second Confirmed Positive Test Result for Alcohol. Upon receipt of a second confirmed positive test result for alcohol after an employee has exercised the one-time exception described above, the employee will be discharged.

4. 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's drug and alcohol testing programs may vary from facility to facility, and location to location, or be limited to certain job classifications or departments. Ivy Lane Corporation has the option to choose among the various testing options described below, but employee discipline will be uniform for Ivy Lane Corporation's Iowa employees.

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. Rehabilitation. A current employee may be required to undergo drug or alcohol testing during, or following completion of, a drug or alcohol rehabilitation, program, without any prior notice that such a test will be conducted.

4. 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 and which results in damage to property, including equipment, in an amount estimated at the time of the accident to exceed more than \$1,000.00, or which results in an injury to any person, unless the injury does not require medical treatment other than first aid. Where there is a death, where the condition of the injured individual is such that s/he may lose work time other than the day of the accident (even if the injured individual is not an Ivy Lane Corporation employee), was unconscious, or may have some restriction in work or motion, the standard of “requiring medical treatment” will be deemed to have been met. It should be emphasized that testing in conjunction with a workplace accident is not limited to the individual who was injured.

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. Employees who have a confirmed positive test result for drugs may elect to have a second confirmatory test

performed on the second half of the split sample, at the employee's own cost, and at an approved laboratory of the employee's own selection. This option for a second confirmatory drug test is not available to prospective employees. If an employee chooses to have a second confirmatory test done, Ivy Lane Corporation must receive notification of that election within seven (7) days of the date the letter was mailed to the employee, and such notification must be accompanied by the employee's designated laboratory for the testing and the employee's payment for the testing.

2. Alcohol Testing. An alcohol concentration equal to or greater than .04 grams of alcohol per 210 liters of breath (or its equivalent) is considered a positive alcohol test result and violates this policy. Alcohol testing under this policy may be conducted using breath as the sample, as permitted by Iowa law. It is the intent of Ivy Lane Corporation that this policy be construed in compliance with Iowa Code Section 730.5(7)(f)(2), including that requirements governing alcohol screening devices, evidential breath testing devices, and qualifications for personnel administering both initial and confirmatory alcohol testing, "be consistent with regulations adopted as of January 1, 1999, by the United States Department of Transportation governing alcohol testing required to be conducted pursuant to the federal Omnibus Transportation Employee Testing Act of 1991."

- i. Initial screening for alcohol will be done by either an evidential breath testing device (EBTD) or a non-evidential alcohol screening device. A non-evidential alcohol screening device is one included on the conforming products list (CPL) of the National Highway Traffic Safety Administration (NHTSA). In addition, to be used for initial alcohol screening under this policy, the non-evidential alcohol screening device must have a quality assurance plan developed by the manufacturer and approved by NHTSA. A screening test technician (STT) qualified under the standards established by the U.S. Department of Transportation as found at 49 C.F.R. § 40.93 (1/1/99) will conduct initial screenings for alcohol when a non-evidential alcohol screening device is used. It is the STT's responsibility to assure compliance with NHTSA requirements, the manufacturer's instructions, and applicable procedures found in 49 C.F.R. § 40.101 when administering an initial alcohol screening test using a non-evidential alcohol screening device. If initial screening for alcohol is conducted using an EBTD, it shall be administered by a breath alcohol technician (BAT).
- ii. Confirmatory testing for alcohol shall be conducted using only an EBTD and shall be administered only by a BAT, regardless of the type of testing device used for the initial screening test. An EBTD is one included on the conforming products list (CPL) of NHTSA, that conforms with model specifications of the Office of Alcohol and State Programs of NHTSA, and that meets the requirements of 49 C.F.R. § 40.53(b) (1/1/99) including the ability to provide a printed result, to assign a unique sequential number to each completed test which is capable of being read before the test and is printed on each copy of the test results, and of being able to distinguish alcohol from acetone at a 0.02 concentration level. In addition, to be used for confirmatory alcohol testing under this policy, the EBTD must have

a quality assurance plan developed by the manufacturer and approved by NHSTA, and shall be inspected, maintained, and calibrated as provided in that quality assurance plan. When not being used the EBTD must be stored in a secured location. Finally, all other requirements of the U.S. Department of Transportation found at 49 C.F.R. § 40.55 (1/1/99) shall be met.

- iii. For the purposes of this policy, a BAT is an individual who has been trained to proficiency in the operation of the EBTD that s/he will be using and testing procedures found in 40 C.F.R. Part 40, Subpart C (1/1/99).
- iv. All alcohol testing under this policy shall use the breath alcohol testing form prescribed by the U.S. Department of Transportation in Appendix A to 49 C.F.R. Subpart C (1/1/99), and that form shall be completed as required by appropriate federal regulations, including those found at 49 C.F.R. § 40.63 (1/1/99).
- v. For all alcohol testing conducted under this policy, the confirmatory test shall be conducted no less than 15 minutes, and no more than 30 minutes, after the completion of the initial screening test. To prevent the accumulation of mouth alcohol, which may lead to an artificially high reading, the employee being tested should be instructed not to eat, drink, put any object or substance in the mouth, and not to belch during the waiting period (to the extent possible). Even if the employee disregards this guidance, the confirmatory test will be conducted within these time limits.
- vi. All alcohol testing done under this policy shall be conducted in a manner that provides, to the greatest extent practicable under the circumstances, visual and aural privacy to the employee being tested so that unauthorized persons may not see or hear the test results. The person(s) administering or supervising the testing will conform to applicable standards of the U.S. Department of Transportation, including prohibiting re-use of devices, swabs, gloves, mouthpieces, or other materials, and the sanitary disposal of such materials.
- vii. If the employee being tested attempts, but fails, to provide an adequate amount of breath for alcohol testing, the employee will be directed to immediately obtain an evaluation from a licensed physician acceptable to Ivy Lane Corporation concerning the ability to provide an adequate amount of breath. That licensed physician will provide Ivy Lane Corporation with a written statement of his/her conclusion and the basis for it. If the licensed physician determines in his/her reasonable medical judgment that the employee has a medical condition that precluded, or could have precluded, the employee from providing an adequate amount of breath, to a high degree of probability, the employee shall not be deemed to have refused to submit to testing. However, if the licensed physician is unable to make such a determination, or if the employee fails to

obtain such an evaluation or supply Ivy Lane Corporation with a written statement of such, then failure to provide an adequate amount of breath at the time of the alcohol testing shall be regarded as a refusal to submit to testing, and the appropriate sanction under this policy shall be imposed on the employee.

- viii. Immediately following the conclusion of alcohol testing under this policy, the employee will be provided with the employee-copy of the breath alcohol testing form, and the individual conducting the testing will immediately inform Ivy Lane Corporation of the results and transmit to Ivy Lane Corporation the employer-copy of that form. Except for any law or regulations to the contrary, the results of alcohol testing conducted under this policy shall be confidential, as provided in Iowa Code Section 730.5(13).

3. 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.

4. 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.

5. 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.

6. 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).

7. Minors. Whenever notification of test results to an employee or prospective employee is required to be given under this policy, and the employee or prospective employee is a "minor" as defined by Iowa law, then such notice shall also be provided to the minor's parent by certified mail/return receipt requested in accordance with Iowa's Drug Testing law.

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's 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's 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 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's 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