



Eagle Family Foods Group LLC and its Subsidiaries

Drug & Alcohol Policy

Revised 4/2017



Purpose

In compliance with the Drug-Free Workplace Act of 1988, Eagle Family Foods Group LLC and its Subsidiaries (the Company) has a longstanding commitment to provide a safe, quality- oriented and productive work environment consistent with the standards of the communities in which the company operates. Alcohol and drug abuse poses a threat to the health and safety of the Company employees and to the security of the company's equipment and facilities. For these reasons, the Company is committed to the elimination of drug and alcohol use and abuse in the workplace .

Scope

This policy outlines the practice and procedure designed to correct instances of identified alcohol and drug use in the workplace.

This policy applies to all employees and all applicants for employment of Eagle Family Foods Group LLC and its Subsidiary, Cornfields, LLC. The human resource (HR) department is responsible for policy administration.

Substance Abuse Awareness

Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the HR department, which has been trained to make referrals and to assist employees with drug or alcohol problems.

Employee Assistance

The Company will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Company policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been scheduled, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be enforced.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to the Company underlying medical conditions unless directed to do so.

Work Rules

Whenever employees are working, are operating any Company vehicle, are present on Company premises or are conducting company-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
- Being under the Influence of alcohol or an illegal drug as defined in this policy.
- Possessing or consuming alcohol.

The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing company business or while in a company facility, is prohibited.

The Company will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

All applicants, prior to commencing employment, must pass a drug test. An offer of employment shall first be given contingent upon passing that test. Refusal to submit a test will result in disqualification or further employment consideration.

Reasonable suspicion

Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. HR, the manager or the director should be consulted before sending an employee for testing. All levels of supervision making this decision must use the Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. If the results of the Observation Checklist indicate further action is justified, the manager or supervisor should confront the employee with the documentation and with another member of management.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Company vehicle, machinery, equipment or property or result in an injury to themselves or another employee in which there is a reasonable basis for concluding that drug use could have contributed to the incident. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Follow-up

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, the Company may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the Company for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

Drug Testing Procedures

Application

The drug testing program applies equally to ALL COMPANY EMPLOYEES at every level within the organization.

Substances to be Tested for and Methods of Testing

The procedure that the Company is relying upon is called systems presence testing. This is how qualified testing professionals identify the presence of one or more of prohibited controlled substances or alcohol that may be present in the

employee. There is an initial screening test. If it's negative, then a negative test is declared. If the initial test is positive (comes in at or higher than the cut-off levels), a second test called a "confirmatory" test is done. This is a different test. Cut-off levels are standards that have been established for each of the tested drugs after years of research.

Drug	EMIT Screen (ng/ml)	GC/MS Confirmation (ng/ml)
CUT-OFF levels		
Amphetamines	1,000	500
Cannabinoids (Marijuana/THC)	50	15
Cocaine	150	150
Opiates	2,000	2,000
Phencyclidine (PCP)	25	25
Barbiturates	300	As determined by the certified lab
Benzodiazepines (Valium, Librium, etc.)	300	As determined by the certified lab
Methadone	300	As determined by the certified lab
Propoxyphene (Darvon, Darvocet, etc.)	300	As determined by the certified lab

Breath alcohol testing will be conducted by a medical clinic that uses only certified equipment and personnel. Breath or whole blood alcohol concentrations exceeding .04 will be considered a verified positive result. An Evidentiary Breath Test (EBT) will typically be used to confirm any initial positive test result. The Company also reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, state or local regulations or laws.

An employee who adulterates, attempts to adulterate or substitutes a specimen or otherwise manipulates the testing process will be terminated. A refusal to produce/provide a specimen is considered a positive test unless there's a verifiable medical reason that the specimen could not be produced.

A. Specimen Collection Procedure

Employees are permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen. Breath/blood alcohol testing* will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject any employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. An observed voiding will only occur if there are grounds for suspecting manipulation of the testing process.

*Breath testing is the Company preferred method; however, if the facility/lab used does not offer breath testing, blood testing will be used.

B. Review of Test Results

To ensure that every employee who is tested is treated fairly, the Company has contracted with a Medical Review Officer ("MRO"). The MRO is a doctor with a specialized knowledge of substance abuse disorders and will be able to determine whether there are any valid reasons for the presence in the employee's system of the substance that was tested positive.

C. Employees' Rights When There is a Positive Test Result

An employee who tests positive under this Policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to the Company. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and/or medications taken within the last thirty days by the employee.

If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Company.

D. Reporting of Results

The Company will receive a summary report, and this report will indicate that the employee passed or failed the test. Each substance tested for will be listed along with the results of the testing. All of these procedures are intended to be consistent with applicable law.

Storage of Test Results and Right to Review Test Results

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated Company officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated Company officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. An employee must request, in writing, a copy of any such test results from the Program Administrator.

Refusal to Test or Cooperate

Any employee who commits the following acts shall be treated as though he or she has submitted to the drug or alcohol testing and has had a confirmed positive drug or alcohol test result. They shall be subject to action previously discussed in this Policy.

1. Refusing to submit to any required testing.
2. Failing to provide, when required, and in the absence of any valid medical explanation, an adequate or sufficient specimen or sample of his or her urine.
3. Attempting to use the following conduct or actions to obstruct or disrupt the administration of this Policy:
 - failure to act upon his or her obligations or duties imposed upon him or her by this Policy.
 - unavailability, delay, dilution, adulteration or substitution of his or her specimen or sample.
4. Failing to execute and acknowledge:
 - his or her receipt of a copy or summary of this Drug and Alcohol Policy, Testing Program and Procedure.
 - any related introductory, informational or educational material pertaining to the Company's Substance Abuse Testing Policies.
 - any forms required as part of the testing program, process or its administration.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. *If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.*

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervision and HR. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

The Company reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

The Company prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. The Company employees are also prohibited from misusing legally prescribed or over-the-counter. (Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected).

The Company does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the Company reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the Company.

Definitions

"Company premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the Company or on any site on which the company is conducting business.

"Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional.

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs or when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and

the period of authorization).

Reasonable Suspicion and Post-Accident Testing Protocol

The employee will be advised that if the Company believes that there is reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.

The employee will be transported to any one of the company's contracted testing facilities (e.g. Health services, emergency care or the emergency department). One member of management or a designated attendant will accompany the employee. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from the Company will be arriving and will need a drug or alcohol test completed.

The employee should be provided water to drink prior to leaving the company premises.

The employee to be tested must present a photo ID (i.e. A driver's license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving the Company] premises.

The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the "Consequences" section of this document

A Company representative must sign as a witness to the collection procedure, along with the tested employee.

After returning to the company or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will the tested employee be allowed to drive himself or herself home.

Enforcement

The HR department is responsible for policy interpretation, administration and enforcement

RECEIPT OF DRUG & ALCOHOL TESTING POLICY

I have received a copy of the Eagle Family Foods Group Drug & Alcohol Testing Policy. It is my responsibility to familiarize myself with this Policy. It is also my responsibility to seek clarification for any part of this Policy that I do not understand. I agree to abide by all the provisions of this Policy.

Print Name

Signature

Witness