

Workplace Safety

Drug-Free Workplace

General Statement of Policy

Tres Management is committed to providing a safe and productive work environment for its employees and Consultants. As such, Tres Management is a drug-free workplace, and we prohibit the use of illegal drugs, prescription medication without a prescription, or alcohol during work hours. If an employee or Consultant comes to work under the influence of drugs or alcohol or uses drugs or alcohol during work time, the employee or Consultant will be disciplined in accordance to the policy up to and including termination of employment or termination of any Consulting Agreement. Tres Management also prohibits the manufacturing, possession, distribution and consumption of controlled substances per the Drug Free Workplace Act of 1988.

To enforce Tres Management's Drug Free Workplace Policy, employees, applicants, and Consultants may be tested pursuant to the testing policy below. All employees and Consultants will be required to review the policy and sign as having received and reviewed the policy as a condition of continued employment, or in the case of Consultants, as a continuation of the Consulting Agreement.

Testing

The company retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test before beginning work or after receiving a conditional offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees and Consultants are subject to testing at any time when there are reasons to believe an individual may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:
 - Drugs or alcohol on or about the individual's person or in the individual's vicinity;
 - Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
 - A report of drug or alcohol use while at work or on duty;
 - Information that an individual has tampered with drug or alcohol testing at any time;
 - Negative performance patterns; or
 - Excessive or unexplained absenteeism or tardiness.

- **Post-accident:** Individuals are subject to testing when the individual or another person has sustained an injury while at work in which the individual was involved, or when the individual has been involved in the damage to property or equipment.
- **Random:** The Company may request or require an individual or all members of an employment classification group to undergo drug or alcohol testing at random.
- **Scheduled, fitness for duty, return from leave, and other periodic testing:** The Company may require employees to undergo drug or alcohol testing as part of a routinely scheduled employee fitness-for-duty medical exam, or upon an employee's return to duty from a leave of absence, or as part of a routinely schedule testing program that is in writing.
- **Follow-up:** Individuals who are returning to work following a positive test or participating in a drug or alcohol dependency program may be tested without warning for up to 2 years following the individual's return to work.

Consequences

Applicants and Consultants who refuse to cooperate in a drug test or who test positive will not be hired.

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. Consultants 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 have their contract terminated.

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. The first time a Consultant tests positive for alcohol or illegal drug use under this policy, the result may be termination of the Consulting Agreement.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. 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 medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

Inspections

Tres Management 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. Consultants who possess such contraband or refuse to cooperate in such inspections are subject to having their Consulting Agreement terminated.

Crimes Involving Drugs

Tres Management prohibits all employees and Consultants from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Employees and Consultants are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.