

PENNSYLVANIA CONVENTION CENTER AUTHORITY

DRUG-FREE WORKPLACE POLICY

By virtue of its daily operation of the Pennsylvania Convention Center (the “PCC”), the Pennsylvania Convention Center Authority (the “Authority”) recognizes its responsibility to ensure that the Authority’s employees as well as other individuals working in the PCC are alert and are at work unimpaired by drug or alcohol use. By impairing judgment, drug and alcohol use adversely impacts the Authority’s goal of maintaining a safe, healthy, efficient and productive work environment. Safety in the PCC is of paramount concern to the Authority.

I. SCOPE

This Drug-Free Workplace Policy applies to: (1) all employees of the Authority; (2) all candidates for employment with the Authority; (3) all individuals employed by the Authority’s Labor Supplier or the Authority’s designee at the PCC; and (4) all employees of outside contractors and other vendors who perform work at the PCC (collectively referred to herein as “Covered Individuals”).

Responsibility for administration of this Policy with regard to the Authority’s employees or candidates for employment with the Authority shall rest with the Authority. Responsibility for administration of this policy with regard to all other individuals shall rest with the Authority’s Labor Supplier or the Authority’s designee.

II. PURPOSE

This Policy affirms the Authority’s commitment to provide a safe and healthful workplace. The Policy will promote a work environment that is drug and alcohol free and devoid of hazards which might cause injury or illness to employees of the Authority and/or any individual who is present in the PCC by implementing standards and procedures for drug testing of Covered Individuals. Covered Individuals with a substance abuse problem are encouraged to contact the appropriate Employee Assistance Program. Where and when appropriate, the Authority, its' Labor Supplier or the Authority’s designee will work with the Covered Individual to attempt to resolve their problem.

III. BEING UNDER THE INFLUENCE OR ON-THE-JOB USE, POSSESSION, DISTRIBUTION OR MANUFACTURE OF ILLEGAL DRUGS, “TESTED-FOR SUBSTANCES” OR ALCOHOL

A. Alcohol

The consumption, possession or being under the influence of alcohol is prohibited while:

- performing Authority business;

- in an Authority vehicle;
- working on the Authority's property; or
- being paid by the Authority

“Under the influence” means that the Covered Individual is affected by a drug, or by alcohol, or by the combination of a drug and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test or, in some cases, by a lay person's opinion. “Under the influence” also means that a certain prescribed amount of alcohol, illegal drug, or any tested-for-substance, as set forth in this Policy under the “Testing Guidelines,” is detected in an individual's hair, urine and/or blood such that the test result is positive under these Testing Guidelines.

Moderate use of alcohol in connection with business meals, business travel, business entertainment, social events and the like may be acceptable.

B. Legal Drugs

Except as provided below, the use of or being under the influence of any legally obtained drug by any Covered Individual while performing Authority business, operating an Authority vehicle or while on the Authority's property is prohibited to the extent that such use or influence may affect the safety of the Covered Individual, co-workers or members of the public, the Covered Individual's job performance, or the safe or efficient operation of the PCC or the Authority's equipment. A Covered Individual may continue to work, even though under the influence of a legal drug, if the Authority's, its' Labor Supplier's or the Authority's designee's management has determined, after consulting with the Covered Individual, the Covered Individual's physician, and any other person or entity the Authority feels necessary, that the Covered Individual does not pose a threat to his or her own safety, the safety of co-workers, and the Covered Individual's job performance is not significantly affected by the legal drug. The Covered Individual taking drugs for medical reasons which may affect his/her performance must provide a doctor's note which certifies that the Covered Individual can safely perform his/her particular job under the influence of the medication. Otherwise, the Covered Individual may be required to take a leave of absence or comply with other appropriate action determined by the Authority, its' Labor Supplier's or the Authority's designee's management.

C. Tested For Substances Or Illegal Drugs

The consumption, possession, or being under the influence of tested-for-substances or illegal drugs is prohibited while:

- performing Authority business;
- in an Authority vehicle;
- working on the Authority's property; or
- being paid by the Authority

IV. GENERAL TESTING GUIDELINES

To maintain a safe and healthy workplace, drug and/or alcohol testing will be conducted for all Covered Individuals on a pre-employment and reasonable cause basis to determine the use of alcohol, illegal drugs, and/or other tested-for substances. Random testing will also take place for Covered Individuals employed in a safety-sensitive position.

A. Pre-Employment Screening

All persons hired by the Authority, its' Labor Supplier and/or the Authority's designee shall be subject to pre-employment drug and alcohol testing designed to prevent hiring individuals who use tested-for substances. Applicants for employment, *i.e.* people who have applied for a position with the Authority, its' Labor Supplier or the Authority's designee and have been offered employment conditioned upon successfully passing a drug test, will be required to submit hair or urine samples for the purpose of screening for use of tested-for substances. This requirement will be publicized to the applicants. The Authority, its' Labor Supplier or the Authority's designee will not offer employment to applicants who do not complete the pre-employment screening process or who are found to use tested-for substances except when such use is for bona fide medical reasons and will not interfere with the ability to perform essential duties as determined by the Authority, its' Labor Supplier and/or the Authority's designee or the applicant's physician. An applicant's failure to appear for a drug test will be considered a rejection of the employment offer.

Applicants for employment with the Authority's Labor Supplier or the Authority's designee may meet the requirements of this section by providing documentation that certifies they have successfully passed a drug test during the past six (6) months.

B. Reasonable Suspicion

The Authority, its' Labor Supplier and/or the Authority's designee will initiate and maintain reasonable cause testing for tested-for substances for all Covered Individuals. Testing will occur when at least one (1) official or supervisor of the Authority, its' Labor Supplier or the Authority's designee has observed actions, appearance, or conduct indicative of the use of tested-

for substances. Testing may be done by hair, blood, and/or urine analysis and/or the use of a breathalyzer as deemed appropriate by the Authority, its' Labor Supplier or the Authority's designee.

C. Government or Collective Bargaining Agreement Requirements

The obligations imposed by this Policy do not supplant, detract from or otherwise modify any obligations imposed by law or any Collective Bargaining Agreement.

V. Consent

All Covered Individuals will be required to sign the attached consent form prior to an alcohol/drug screen and will be considered to have a positive test result if he/she refuses to sign the consent form or submit to any screen requested under this Policy.

VI. Reporting of Positive Alcohol/Drug Test Results

All alcohol/drug test results will be reported to the Authority's, its' Labor Supplier's or the Authority's designee's drug medical review officer ("MRO"), as applicable. The MRO will first discuss positive drug test results with the Covered Individual, and the Covered Individual will be given an opportunity to explain a positive drug test result and to prove by clear and convincing evidence that his/her use of a drug was prescribed by a licensed medical practitioner familiar with that person's medical history and assigned duties. The MRO shall report all test results including the substances involved (if any) to the Authority, its' Labor Supplier and/or the Authority's designee, as applicable. The Covered Individual shall be notified of the results of a test (including the substances involved) if the test results are verified positive.

The Authority, its' Labor Supplier and/or the Authority's designee, as applicable, shall keep confidential all information relating to the drug and alcohol tests and to prescription drug use and will disseminate such information only on a need-to-know basis.

VII. Discipline

A positive drug/alcohol screen under reasonable suspicion or random testing, a refusal to submit to a reasonable suspicion or random drug/alcohol test requested under this Policy, or any other violation of this Policy is a basis for discipline by the Authority, its' Labor Supplier or the Authority's designee. The consequences of a positive pre-employment alcohol/drug screen or refusing a pre-employment screening all together are set forth in Section IV(A) of this Policy.

Covered Individuals who are employed by the Authority, the Authority's Labor Supplier or the Authority's designee who are subject to a reasonable suspicion drug/alcohol test and test positive will be prohibited from working at the PCC for a period of six (6) months. Reemployment or return to work will be conditioned upon the Covered Individual providing documentation that certifies he/she has successfully passed a drug test. Covered Individuals who are employed by the Authority, the Authority's Labor Supplier or the Authority's designee who are subject to a random drug/alcohol test and test positive will be required to enroll and complete a treatment program prior to returning to work at the PCC. The cost of the treatment program is at the Covered Individual's expense. The Authority, its' Labor Supplier and/or the Authority's designee will support a Covered Individual's rehabilitation and treatment efforts by making reasonable adjustments to work schedules or providing the Covered Individual with a reasonable amount of time off to participate in a treatment program. A Covered Individual undergoing rehabilitation must, upon request, provide the Authority, its' Labor Supplier and/or the Authority's designee with certification(s) indicating that he/she is faithfully following a recommended program. Refusal to seek or follow recommended treatment of other violations of the Policy will result in termination.

An arbitrator will not have the authority to reduce or mitigate any discipline imposed by the Authority, its' Labor Supplier or the Authority's designee, or allow the Covered Individual to continue working at any PCC facility following a positive drug or alcohol test.

Covered Individuals who are employed by outside contractors or vendors who are subject to any type of drug/alcohol test and test positive will be prohibited from working at the PCC for a period of six (6) months and may only return to work at the PCC upon the Covered Individual providing documentation that certifies he/she has successfully passed a drug test.

Any Covered Individual who is required to submit to a reasonable cause drug/alcohol test as described above will be immediately relieved of his/her duties and barred from working at any PCC facility pending the results of the drug/alcohol test. Should the drug/alcohol test be negative, the person will be permitted to return to work.

VIII. REPORTING REQUIREMENTS

A. Legal Drugs

A Covered Individual's use of legal drugs can pose a significant risk to the safety of the Covered Individual and others. "Legal drugs" includes drugs prescribed by a licensed practitioner of medicine and over-the-counter drugs which have been legally obtained and are

being used for the purpose for which they were prescribed or manufactured. Covered Individuals who feel or have been informed that the use of legal drugs may present a safety risk should report such drug use to the Authority's Director of Human Resources and/or the appropriate person at the Authority's Labor Supplier or designee.

B. Alcohol, Illegal Drugs, and Tested-for Substances

Sustaining a safe and healthful workplace requires a commitment by every Covered Individual. Covered Individuals who are aware of an individual who is consuming, selling, or possessing alcohol, illegal drugs, or tested-for substances are urged to report their knowledge to the Authority's Director of Human Resources and/or the appropriate person at the Authority's Labor Supplier or designee. The names of Covered Individuals providing such information will be kept confidential to the extent possible.

An "illegal drug" means any drug: (a) which is not legally obtainable; or (b) which is legally obtainable, but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. It also includes marijuana. "Tested for substance" means any drug for which the Department of Transportation requires testing including marijuana, cocaine, amphetamines (*e.g.*, "speed"), opiates (*e.g.*, "morphine and codeine"), and phencyclidine (*e.g.*, "PCP").

Covered Individuals who have been convicted of any criminal drug statute violation must notify the Authority's Director of Human Resources and/or the appropriate person at the Authority's Labor Supplier or designee within five (5) days of such conviction. Failure to report such conviction may result discipline, up to and including, termination or the prohibition from working at the PCC.

**ACKNOWLEDGEMENT OF RECEIPT & UNDERSTANDING
OF THE PENNSYLVANIA CONVENTION CENTER AUTHORITY'S
DRUG-FREE WORKPLACE POLICY**

I, _____, acknowledge receipt of the Pennsylvania Convention Center Authority's Drug-Free Workplace Policy. I have read the Policy and I agree to be bound by the rules and regulations contained in this Policy.

I understand and agree that nothing contained in the Drug-Free Workplace Policy should be interpreted or construed as conferring employment for a specific term or as an employment contract. I further understand and agree that my employment is terminable at-will so that both the Authority and I each have the right to discontinue the employment relationship at any time and for any or no reason.

I further understand that it is my responsibility to familiarize myself with all information in this Drug-Free Workplace Policy. I also understand that I may, and should, ask my supervisor to clarify any information in this Policy that I do not understand. I acknowledge that this Drug-Free Workplace Policy supersedes all prior drug and alcohol policies which I might have received and that any oral or written statements or promises to the contrary are disavowed by the Authority.

ACKNOWLEDGED:

WITNESSED:

Name

Witness Name

Date

Date

**PENNSYLVANIA CONVENTION CENTER AUTHORITY'S
DRUG-FREE WORKPLACE POLICY
CONSENT FORM**

I, _____, hereby consent to the collection of my hair, urine and/or blood for laboratory testing for controlled substances including drugs and alcohol, and I also consent to the collection of my breath for a breathalyzer alcohol test. I further consent to the release of the test result(s) and other relevant medical information to the Medical Review Officer for the Pennsylvania Convention Center Authority or the Authority's designee, as well as to their Presidents, operational employees with a need to know and counsel, all of whom I understand will keep confidential all information pertaining thereto. I understand that if I do not so consent, the test results will be considered positive, and I will be subject to the consequences of having a positive test result under the Drug-Free Workplace Policy.

Date: _____

Signature