

❧ **PRESTIGE ESTATES** ❧
**ACKNOWLEDGMENT OF DRUG-FREE WORKPLACE POLICY TERMS
AND CONSENT TO TESTING, BACKGROUND CHECK, RELEASE AND
REIMBURSEMENT**

I, _____, acknowledge that I have received, read and understand the attached policy concerning maintaining a drug, inhalant and alcohol free workplace contained in Prestige Estates' employee handbook. I agree that I will fully participate in Prestige Estates' program to maintain a drug, inhalant and alcohol free workplace. I will not report to or remain at work, or operate any equipment, including vehicles, while under the influence of alcohol, prohibited substances or inhalants, or any prescription medicines that interfere with my ability to function in a safe manner. I understand the vital importance of maintaining a safe, drug-, inhalant- and alcohol-free workplace.

I understand that as a condition of my employment I agree to post-offer, random and other testing as described in the attached policy. I consent to be tested for drug, inhalant and alcohol use under Prestige Estates' testing program, and to submit to a medical examination and/or urine, blood, saliva and/or breath testing for drugs, inhalants or alcohol at any time on request.

I also authorize Prestige Estates to obtain copies of any and all information relating to my criminal history record. The criminal history record as received from the reporting agencies, may include arrests and conviction data as well as plea bargains and deferred adjudications. I understand and agree that Prestige Estates may rely on this information to confirm that I am not disqualified from eligibility for residence/work with consumers. I also understand that as long as I remain employed by Prestige Estates, the criminal history check may be repeated at any time. I understand that I will have an opportunity to review the criminal history as received by Prestige Estates and a procedure is available for clarification, if I dispute the record as received. I also understand that the criminal history could contain information presumed to be expunged.

I, the undersigned, do, for myself, my heirs, executors and administrators, hereby remise, release and forever discharge and agree to indemnify Prestige Estates and each of its officers, directors, employees, and agents harmless from and against any and all causes of actions, suits, liabilities, costs, debts and sums of money, claims and demands whatsoever (including claims for negligence, and/or strict liability of the Prestige Estates) and any and all related attorney's fees, court costs, and other expenses resulting from the investigation of my background and obtaining any testing.

I acknowledge that I have voluntarily provided the above information to Prestige Estates, and I have carefully read and understand this authorization.

Date: _____

Employee Signature

Social Security No.

Witness: _____

REIMBURSEMENT AUTHORIZATION

I, _____, hereby voluntarily agree to allow Prestige Estates to deduct from my paychecks, including my final paycheck due upon termination (voluntary or involuntary), any and all monies which I owe to the Company for the following:

___ Testing expenses in the amount of no more than \$_____.

___ Background check/criminal history record expenses in the amount of no more than \$_____.

No deduction from my wages for any pay period shall cause my wages for that period to be less than the wages required to be paid by Prestige Estates under applicable law.

Date: _____

Employee Signature

Social Security No.

Witness: _____

**PRESTIGE ESTATES
POLICY ON DRUG, INHALANT & ALCOHOL ABUSE & PREVENTION**

1.6.1 Purpose and Scope of the Policy. It is the policy of Prestige Estates that the workplace is free of illicit drugs, inhalants and alcoholic beverages, and free of their use. In addition to damage to respiratory and immune systems, malnutrition, seizures, loss of brain function, liver damage, and kidney damage, the abuse of drugs, inhalants and alcohol has been proven to impair the coordination, reaction time, emotional stability, and judgment of the user. This could have tragic consequences where demanding or stressful work situations call for quick and sound decisions to be made. It is, therefore, the policy of Prestige Estates to provide and maintain a work environment conducive to maximum safety and optimum work standards. In order to achieve this policy, Prestige Estates plans to provide a workplace free of alcohol, inhalants and drug abuse, and to take reasonable measures to ensure that employee alcohol, inhalants and/or drug use does not jeopardize the safety and health of our employees, residents, and the public in general.

In maintaining a drug-free workplace, Prestige Estates has established a drug, alcohol and inhalant-free awareness program to assist in the education on the dangers of drug abuse in the workplace. Such education includes:

1. Distribution of this Policy to each supervisor;
2. A discussion of our policy at each new Employee orientation session as well as ongoing training; and
3. Inclusion of this policy in all employee Manuals and other Human Resource policy publications.

1.6.2 Drug, Inhalant and Alcohol Prohibitions. The use, possession, transportation, transfer or sale of *illegal* drugs,¹ inhalants, controlled substances, narcotics or drug paraphernalia by an employee at any time — *whether on or off-duty* — or reporting for duty under the influence of any such substance is strictly prohibited. Additionally, the use, possession, transportation, transfer or sale or reporting for duty under the influence of alcohol by an employee at work, on Company property (including Company vehicles or personal vehicles used for Prestige Estates purposes) or while performing any services for or on behalf of the Company is strictly prohibited. Employees who abuse alcohol off the job also run the risk of jeopardizing the safety of themselves, their family, the public, and Prestige Estates and its clients. Whenever such usage interferes with our ability to carry out our responsibilities, potentially affects our reputation in the community, or increases potential liability for Prestige Estates, discipline, up to

¹ “Drug” or “controlled substance” as used in this policy, means any substance that has known mind or function-altering effects upon the human body, or that impairs one’s ability to safely perform his/her work, specifically including, but not limited to, all prescription and over-the-counter medications, all psychoactive substances, all controlled substances, all substances illegal under federal, state or local law, all “synthetic” or “designer” drugs, all “look-alike” drugs, and all drug paraphernalia. Within the definition of the term “drugs” or “controlled substances” under this policy are those substances categorized or referred to as opiates, cannabinoids, amphetamines, barbiturates, cocaine, methadone, propoxyphene, benzodiazepines, methaqualone or phencyclidine.

and including discharge, may be imposed. Employees who are convicted or plead guilty to alcohol-related off-the-job activities may be considered in violation of this policy. Prestige Estates will consider the nature of the charges and other factors relative to the impact of the employee's conviction or plea upon the conduct of our business.

Violation of this policy shall subject the employee to disciplinary action up to and including discharge. All Prestige Estates employees are not only required to, but also have a duty and responsibility to immediately report any known violations of Prestige Estates' drug, inhalant and alcohol abuse policy. Failure to comply with this requirement may also result in immediate discipline, up to and including discharge.

1.6.3 Prescription and Over-the-Counter Medications. Except as provided below, every employee is strictly prohibited from using or being under the influence of any prescribed or over-the-counter medication while on Prestige Estates premises, in Company vehicles or while engaged in Company activities to the extent that such use or influence may affect the safety of the employee, fellow employees, clients and/or members of the public, the employee's job performance or the safe, efficient operation of our operations and equipment.

An employee under the influence of a prescribed or over-the-counter medication has an obligation to inquire and determine whether the medication that is being taken may or will affect the efficient and safe performance of duties. If the employee is using medications as prescribed by a physician, dentist or other practitioner, the employee is required to obtain a written statement of any work restrictions. Any restriction must be reported to the employee's immediate supervisor prior to commencing work under the influence of prescribed medications. If the risk associated with the prescription drug is determined to be too high, attempts will be made to modify your job requirements temporarily.

Employees working under the influence of prescribed or over-the-counter medications whose performance is adversely affected may be required to take a leave of absence or comply with other appropriate action as determined by the immediate supervisor. Over-the-counter medications that can result in drowsiness are prohibited during working hours. Employees who are treating colds and flu with non-prescription medicine are urged to ask their pharmacists for alternatives that do not cause drowsiness.

1.6.4 Testing. Job applicants will be required to undergo drug testing after a conditional offer of employment has been made. Positive test results will be considered in employment decisions and may result in a decision that the applicant is unqualified for employment.

Current employees will be subject to random testing at any time, with or without reasonable suspicion of violations of this policy, as a condition of continued employment. Employees may be asked to submit to a medical examination and/or urine, blood, saliva, and/or breath testing for drugs, inhalants or alcohol at any time. Although an employee may refuse testing, employees who do so will be terminated absent extenuating circumstances.

Employees who are involved in workplace accidents that result in injury, damage to property or otherwise posing a safety risk may be required to undergo immediate drug testing. Refusal to

submit to drug testing after an accident will result in immediate discharge absent extenuating circumstances.

In addition we require those employees in positions requiring a Commercial Drivers License (CDL) to take a pre-employment Department of Transportation (DOT) drug test and to submit to a ransom drug test as required by the DOT.

Also, Prestige Estates reserves the right to require employees returning from rehabilitation for drug abuse or alcoholism to submit to periodic testing as a condition of continued employment. Employees who refuse to be tested will be subject to discipline, up to and including termination.

Arrangements will be made to have the employee driven home pending the results of the testing for any employee appearing to be impaired or unable to perform routine job tasks.

1.6.5 Privacy. All communications pertaining to the employee's drug/alcohol tests will be handled as privately and discreetly as possible.

1.6.6 Searches. As true for any employees, Prestige Estates reserves the right to conduct searches and inspections of employees and their personal property and effects, including vehicles and lockers, lunch boxes, briefcases, purses, pockets, wallets, personal belongings, desks, work station or any other property he/she uses or has access to, available for inspection for the purpose of determining if this policy is being violated. All employees are expected to cooperate with inspections and failure to do so will result in discipline, up to and including termination.

The Company may take into custody any alcohol, inhalants, drugs or controlled substances, as well as any related paraphernalia, found on Prestige Estates premises or in Company vehicles and use it as evidence in disciplinary proceedings.

1.6.7 Consequences for Violations. Violations of this policy shall subject the employee to disciplinary action up to and including termination. If the results are negative, the employee will be allowed to return to work at the next normal shift. If the employee receives notice that the test results were confirmed positive, the employee will be given the opportunity to explain the positive result. In addition, the employee may have the same sample retested at a certified laboratory of the employee's choice at his/her own expense. Positive test results may result in the employee being referred to the appropriate legal or regulatory authority in addition to any disciplinary action.

All testing expenses are the employee's responsibility if they test positive for any illegal substances, and such expense will be deducted from the employee's paycheck with written authorization.

In compliance with the foregoing and as a condition of employment at Prestige Estates, every employee must:

- Abide strictly by the terms of this policy; and

- Notify the Company of any criminal drugs statute conviction or arrest for a violation no later than 25 hours after such conviction, arrest or other adjudication.

Upon such notice or finding, as determined in the Company's sole discretion, that an employee is otherwise in violation of the above policy, Prestige Estates may take appropriate personnel action, up to and including termination or required testing.

1.6.8 Company-Sponsored Events. Moderate use of alcohol at Company-approved meetings, or in an appropriate social setting, is not prohibited by this policy. However, you are expected to behave responsibly at all Company-sponsored events where alcoholic beverages are served, if any. Employees who abuse alcohol at these functions will be driven home, either by taxi or by a family member, and, if they refuse to cooperate, police officials will be notified. Those who drink alcohol to excess at these functions will in violation of this policy and will be subject to discipline, up to and including discharge.

Prestige Estates accepts no responsibility for any alcohol consumption at informal employee events, such as employees' social parties, bridal showers, etc. No employee has the right to designate any informal event as Prestige Estates-sponsored. No notices of such events may be placed on bulletin boards without specific management approval. Employees who do so will be considered to be in violation of this policy and will be subject to discipline, up to and including discharge.

1.6.9 Everyone's Responsibility. Substance abuse prevention is everyone's responsibility. Prestige Estates expects all employees to do their part in assuring that, working together, we can achieve and maintain a drug-free working environment for all employees and our clients. This policy applies equally to all Prestige Estates personnel no matter what position or employment status, including all management employees, contract employees, and part-time employees without exception.

1.6.10 Resources. We encourage anyone who thinks they may have any kind of addiction or drug-related problem to seek professional help immediately. Although Prestige Estates does not currently provide an Employee Assistance Program (EAP) to address illegal drug, inhalant or alcohol use, we encourage any employee or applicant in need of assistance to contact the nearest County Substance Abuse Counseling and Assessment Center or the following agencies for additional information and assistance:

- Texas Peer Assistance Program for Nurses, 1.800.288.5528 or 1.512.467.7027. The benefit of peer assistance is to offer support and advocacy and to have a rehabilitative emphasis rather than a disciplinary emphasis.
- Department of State Health Services, send email to contact@tcada.state.tx.us or call toll-free 866-378-8440, or online at www.tcada.state.tx.us.
- American Council on Alcoholism HelpLine, 1-800-527-5344.
- National Institute on Drug Abuse Hotline, 1-800-622-HELP (1-800-843-4971).

Criminal History Check of Employees in Certain Agencies/Facilities Serving the Elderly or Persons with Disabilities

Introduction

Chapter 250, Health and Safety Code, requires that persons convicted of certain crimes may not be employed in direct contact with a consumer in specified facilities and agencies providing care to the aged and disabled. Therefore, criminal history checks on certain employees must be performed prior to an offer of employment with the facility or agency except in emergency situations.

Statutory Authority

Health and Safety Code, Chapter 250, Vernon's Texas Civil Statutes.

Facilities and Agencies Covered

Criminal history checks are required for providers listed below:

- Nursing home, custodial care home, or other institution licensed by the Department of Aging and Disability Services (DADS) under Chapter 242, Health and Safety Code.
- Assisted living facility licensed by DADS under Chapter 247, Health and Safety Code.
- Adult day care facility or adult day health care facility licensed by DADS under Chapter 103, Human Resources Code.
- Facility for persons with mental retardation licensed or certified by DADS, or licensed by DADS under Chapter 252, Health and Safety Code.
- Intermediate care facilities serving persons with mental retardation or a related condition (ICFMR) that is certified by DADS to participate in the Medicaid program under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.).
- Adult foster care providers that contract with DADS.
- Home and community support services agencies licensed by DADS under Chapter 142, Health and Safety Code.

Employees Who Must be Checked

Anyone made an offer of employment in one of the covered agencies/facilities or who applies for a contract to provide services in one of the covered agencies/facilities must have a criminal history check, unless the person is licensed under another law of this state.

Conducting Criminal History Checks

An agency/facility may employ a private agency to secure criminal history information from the Department of Public Safety (DPS), or may request the criminal history information directly from DPS by:

- sending \$10 per name and the request to Elaine Smith, Crime Records Department, Texas Department of Public Safety, P.O. Box 15999, Austin, Texas 78765. The cost when requesting a fingerprint check is about \$15 per name; or
- accessing the DPS Internet site: <http://records.txdps.state.tx.us/>. The Internet request will give you immediate results and cost about \$3 per name.

The Internet criminal history check satisfies the law provided that an agency/facility prints out the page from the record, including date checked, and retains the hard copy in the personnel file for review by a survey team.

Offenses

Convictions that are automatic bars to employment:

- Any offense under Chapter 19, Texas Penal Code (criminal homicide). Includes murder, capital murder, manslaughter and criminally negligent homicide.
- Any offense under Chapter 20, Texas Penal Code (kidnapping and unlawful restraint). Includes kidnapping, aggravated kidnapping and false imprisonment.
- An offense under Section 21.11, Texas Penal Code (indecent with a child).
- An offense under Section 22.011, Texas Penal Code (sexual assault).
- An offense under Section 22.02, Texas Penal Code (aggravated assault).
- An offense under Section 22.04, Texas Penal Code (injury to a child, elderly individual or disabled individual).
- An offense under Section 22.041, Texas Penal Code (abandoning or endangering a child).
- An offense under Section 22.08, Texas Penal Code (aiding suicide).
- An offense under Section 25.031, Texas Penal Code (agreement to abduct from custody).
- An offense under Section 25.08, Texas Penal Code (sale or purchase of a child).
- An offense under Section 28.02, Texas Penal Code (arson).
- An offense under Section 29.02, Texas Penal Code (robbery).
- An offense under Section 29.03, Texas Penal Code (aggravated robbery).

An agency/facility shall immediately discharge any employee in a position involving direct contact with a consumer or patient if one or more of the above convictions apply to that employee, or if there is any other conviction on that person's record that the facility determines is a contraindication to employment, as provided by Chapter 250, Health and Safety Code.

Time Limit for Requesting Check

An agency/facility must obtain the criminal history information before a person may be offered employment in a position that includes direct client contact.

Emergency Employment

An agency/facility may employ a person pending the receipt of results of a criminal history check in an emergency situation requiring immediate employment. An agency/facility must provide the agency's/facility's appropriate regulatory agency with the necessary information on a

job applicant within 72 hours of employment under these emergency provisions.

Notification of Applicant

The agency/facility must inform each person that applies for employment that the agency/facility is required to conduct a criminal conviction check before it may make an offer of employment to the applicant *and* that the agency/facility will request a criminal conviction check on the applicant.

Results of Criminal Conviction Check

An agency/facility will receive a written response to their inquiry. If the agency/facility receives a notice that a person has been convicted of an offense other than those constituting a bar to employment, the agency/facility must determine whether the offense is a contraindication to employment.

Employee Denial of Conviction

A computer match provides information about convictions using the person's:

- name,
- date of birth,
- Social Security number,
- sex, and
- race.

If a conviction is found, but the applicant or employee denies having been convicted of the offense, positive identification or elimination can be obtained by fingerprint comparison through the Department of Public Safety. The employee should provide the Department of Public Safety with a properly prepared and certified fingerprint card, and request a corrected criminal history check.

Confidentiality of Criminal History Records

All criminal records received by the agency are privileged information and are for the exclusive use of DADS and the agency/facility which requested the information. The records may not be released or otherwise disclosed to any person or agency except on court order, or with the written consent of the person being investigated. A person commits an offense if the person releases or otherwise discloses any information received under this law without the authorization described above. The law does not allow sharing information with other providers or clients without the written authorization of the applicant or employee.

Signature

Date

Printed Name