

# **Dune Energy Corporation**

## **Substance Abuse Policy Statement**

Concerns about drugs in the workplace has risen to such a degree that the need for a substance abuse policy has become apparent. In addition, state and federal laws require that employers establish certain policies concerning illegal drug use. Accordingly, the following substance abuse policy is effective for all of our employees and applicants.

### **1. Purpose and Scope of Policy**

The purpose of this policy is to clearly articulate the Company's belief that the abuse of alcohol and prescription drugs, and the use of illegal, nonprescription drugs and inhalants are incompatible with the operation of an orderly workplace and constitute unacceptable behavior on the part of our employees. The Company also wishes to foster the health and safety of all our employees and their working environment by the elimination of drug and alcohol abuse. The policy also gives a basic description of drug testing measures, the procedures we will implement upon the discovery of substance abuse by employees, and the Company's role in providing assistance to its employees who have fallen victim to substance abuse and who voluntarily seek this rehabilitative care. The scope of this policy extends to each of our employees, and continuation of employment signifies understanding of, and intent to comply with it, the terms of this policy.

### **2. Definitions**

"Substance" is defined as any drug, including alcoholic beverages, intoxicating inhalants and all other illegal drugs. "Prescription drug" is defined as medication or drugs lawfully prescribed for the employee by a physician, chiropractor or dentist licensed by the State of residence of that employee and for which the employee has in his possession a current prescription. All other prescribed drugs and medicine are deemed unauthorized substances.

### **3. Prohibited Conduct**

We are committed to having a drug free workplace. In that connection, for purposes of this policy, the mere intake of illegal drugs constitutes substance abuse. Possession of any substance defined above while on the Company's property or while on the Company's business is likewise prohibited. Reporting to work or attempting to work while under the influence of alcohol or illegal substances is likewise prohibited.

### **4. Disciplinary Action**

Any violation of this policy by an employee will result in immediate disciplinary action up to and including discharge. Any person who refuses to comply with any of the terms of this policy or to fully cooperate with regard to any possible infraction of this policy will be subject to the same disciplinary action.

**5. Employee Drug Assistance Program**

The Company will work with the employees who believe that participation in an alcohol or drug treatment program is necessary. The medical insurance that is provided sets forth the benefits available under such policy, if any. Information concerning substance abuse policies may be commenced by contacting Human Resources or your Manager.

**6. Testing**

The Company retains the right in its sole judgment and discretion to request any prospective or current employee/contractor to submit to a substance test. Compliance with such a request is a condition of employment.

**7. Right of Access to Test Results and Confidentiality**

By signing the Company's copy of this Substance Abuse Policy, the applicant or employee consents to the release of all testing results to the management of the Company, and further releases and holds harmless both the Company and the testing laboratory from any and all claims or causes of action based on any action taken in connection with such results. Each employee shall have a right to request and receive the results of any substance test. All employee information relating to testing will be protected by the Company as confidential unless otherwise required by law, such as is relevant to any proceedings, where there are overriding public health and safety concerns, or when authorized in writing by the employee.

**8. Searches**

The Company may authorize the search of an employee, employee's personal property, including desks and work area. No search will be conducted without the employee's consent; however, an employee's consent to a search is required as a condition of employment.

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Contractor Company Name

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Contractor Representative (signature)

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Contractor Representative (printed name)

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Contractor Representative (title)

\_\_\_\_\_  
Date