Drug and Alcohol Free Workplace Policy

1. Overview

This policy is applicable to all U.S. employees of Corning, and supersedes all prior policies.

Definitions:

- “Alcohol” - ethyl alcohol or ethanol or any formula that contains this chemical excluding materials supplied by Corning for work-related purposes.
- “Corning” - signifies Corning Incorporated, any of its wholly-owned subsidiaries, and applicable joint ventures.
- “Corning premises” – all premises owned, occupied or used by Corning Incorporated (including buildings, parking lots, etc.).
- “DHHS” - Department of Health and Human Services.
- “Illegal drugs” - those drugs obtained illegally such as marijuana, opiates, cocaine, amphetamines, PCP, benzodiazepines, narcotics or other mood- or mind-altering drugs. Illegal drugs also include drugs which can be legally prescribed but which were not legally obtained or which are abused.
- “MRO” - A Medical Review Officer is a licensed physician designated by the Company.
- “NIDA” - National Institute of Drug Abuse.
- “Self-Identification” - An employee who presents himself/herself voluntarily to management/EAP for assistance with an alcohol or chemical dependency issue is said to “self-identify.”
- “Under the Influence” - Employee who tests positive at or above the confirmation levels as established by DHHS/NIDA certified lab. Breath Alcohol Test (BAT) is considered positive at or greater than .04 g/dL.

2. The Law (if applicable)

Drug Free Workplace Act of 1988

3. Policy

Corning has a strong commitment to provide a safe and secure workplace for all employees and to promote high standards of employee productivity, health and safety. Corning is concerned about the use of alcohol and controlled substances in or affecting the work environment. This concern is particularly pronounced regarding the impact that alcoholic beverages and/or controlled substances have on an employee’s performance on the job. Use of alcohol and/or controlled substances on the job adversely affects an employee’s efficiency, safety and health, and therefore seriously impairs his/her value as an employee.
In addition, it constitutes a potential danger to the welfare of other employees, and exposes the company to risks of property loss or damage, or injury to other persons.

Any employee reporting for work, or working under the influence of, or selling, purchasing, consuming or possessing alcoholic beverages or illegal drugs on company property or company time, is subject to discipline up to and including discharge (except that alcohol may be permitted at Company-sponsored events).

Any employee who is suspected of being under the influence of any controlled substance or alcohol while at work will be subject to testing.

Any employee who is not under suspicion for drug or alcohol use and “self identifies” may enter into the Corning Incorporated Employee Assistance Program and shall not be subject to a “Return to Work Agreement.”

Outlines for legal medication possession on Corning premises:

Any prescription medication taken or in possession on Corning premises must be prescribed for that individual.

Any prescription or non-prescription medication taken or in possession on Corning property must be in the purchased or labeled container and in legal form. That is, it cannot be in a form which appears similar to an illegal drug or narcotic.

Any explanation of “Recreational Marijuana” will not be accepted by Corning’s third party administrator (TPA) designated for substance abuse testing (Advanced Workplace Strategies, Inc.) in the states with such laws (example: Colorado and Washington). Rather, Corning’s designated substance abuse testing TPA will report a positive laboratory test as a marijuana positive after the test verification interview. Marijuana continues to be illegal under federal law. An explanation of “Recreational Marijuana” will therefore not be accepted by Corning as an explanation for a positive drug test and all Corning’s pre-employment, disciplinary and intervention policies on positive drug tests will be followed. Where “Recreational Marijuana” has employment protection (e.g. Maine) Corning has removed Marijuana from our testing profiles.

Corning will abide by state regulations concerning “Medical Marijuana.”

4. **The Form(s):** or if no forms definitions

   No applicable forms

5. **The Process**

   No applicable process
6. The Procedure

Training

A substance abuse training program will be developed and implemented to educate appropriate management and supervisory personnel with respect to this Policy. Follow-up training will be conducted on a periodic basis. The training will emphasize the importance of early detection of substance abuse and will focus upon the importance of utilizing evaluation of job performance problems as a warning sign that substance abuse may be occurring. Where appropriate, new management and supervisory personnel will receive this training as part of the overall orientation process.

The objectives of the Substance Abuse Training Program include the following:

1. To assure management acceptance and support of the program.
2. To provide working knowledge of Corning’s policy and its procedures.
3. To orient managers and supervisors of their critical role in early identification and referral of potential drug or alcohol abusers to the Employee Assistance Program.
4. To explain the importance of confidentiality to the success of the Employee Assistance Program.

Scope of Program

1. Job candidates who receive offers of employment will undergo testing for substance abuse as part of the required pre-placement physical examination. Candidates who test positive will be allowed to reapply only after a 12 month waiting period.
2. For controlled substances, narcotics or stimulants candidates must provide supporting documentation (e.g. a valid prescription) within the last 365 days. If unable to provide documentation, the drug test result will be reported as positive.
3. In accordance with Federal Regulations, employees in “sensitive positions” (i.e., positions with access to classified information or involving the national security, public health or safety, or requiring a high degree of trust and confidence) will be subject to drug testing at Corning’s discretion.
4. Post Incident Testing

Persons who are directly involved in a serious incident while on duty, where reasonable suspicion of alcohol or drug involvement is present, may be subject to testing. A “serious incident” includes any accident resulting in death, injury requiring medical treatment, substantial property damage, or the discharge of a reportable quantity of hazardous substance to the environment.

Prescriptions will be assumed to be expired one year after the date filled. Prescriptions that have expired will require the employers’ Medical Review Officer (MRO) to contact the prescribing physician for justification for the long term use. The MRO may at any time express concern on the employees test result report that the continued use of the medication may present a significant safety problem for the employee and/or employer while using the medication. If the prescribing physician is not available for the MRO to contact, the MRO will provide the employee with a form letter that requires the employee to provide to their physician for a medical explanation of the extended use of the prescription. The employee will have five days to return the form to the MRO. If the form is not returned within the time frame, the MRO will report the result as positive to the employer. This result may be changed if the employee provides the appropriate documentation at a later date with an excuse acceptable to the MRO.

5) Reasonable Suspicion Testing
   a) In cases in which Corning has reasonable suspicion to believe that an employee is under the influence of controlled substances and/or alcohol, Corning may require the employee (in the presence of an elected union representative or committee person if applicable), to be escorted to an onsite or approved off-site medical facility to provide a urine specimen or other appropriate specimen and/or undergo a Breathalyzer test for alcohol testing. Reasonable suspicion includes suspicion based on specific breath odor of the suspected employee or performance personal observations of appearance, behavior, speech or indicators of probable use or where the circumstances of an accident or injury give rise to the belief drugs or alcohol may be involved.
   b) A refusal to submit to a test will constitute a presumption of a violation of this Policy, and the employee will be subject to appropriate discipline up to and including discharge. The Corning representative performing the drug test shall make a record of the employee’s refusal to be tested.
   c) After the test has been administered, the suspected employee may be subject to suspension pending receipt of the results of the test by following normal suspension procedure. An employee suspected of being under the influence should not be allowed to drive while the suspicion persists.
d) Prescriptions will be assumed to be expired one year after the date filled. Prescriptions that have expired will require the employers’ Medical Review Officer (MRO) to contact the prescribing physician for justification for the long term use. The MRO may at any time express concern on the employees test result report that the continued use of the medication may present a significant safety problem for the employee and/or employer while using the medication. If the prescribing physician is not available for the MRO to contact, the MRO will provide the employee with a form letter that requires the employee to provide to their physician for a medical explanation of the extended use of the prescription. The employee will have five days to return the form to the MRO. If the form is not returned within the time frame, the MRO will report the result as positive to the employer. This result may be changed if the employee provides the appropriate documentation at a later date with an excuse acceptable to the MRO.

5. Return to Work Physical Examination

Employees returning to work after an extensive absence (greater than 150 days) shall submit to a hair drug screen as an aspect of the return to work physical examination. A positive test result will be treated as provided in the section below.

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6. Disciplinary Action Based on Positive Test Results.

The disciplinary action will be based on the test results as follows: If an employee tests positive for an illegal drug or controlled substance as defined in "illegal drugs," the employee shall be subject to rehabilitation, and/or discipline up to and including discharge. If the test shows that an employee is physically or mentally impaired by alcohol as defined in "under the influence," the employee shall be subject to rehabilitation, suspension and/or discharge. The choice as to whether rehabilitation or discipline is selected shall depend upon all the circumstances. The determination as to whether alcohol impairment exists shall be the responsibility of management, based upon all of the circumstances, including the laboratory report and/or Breathalyzer findings.
Chain of Custody Procedures

Drug and/or alcohol testing will be conducted within a Corning medical facility or its duly authorized designee. Once the specimen is procured, it will be properly sealed, labeled, and sent to a DHHS-certified laboratory. The selection of the testing laboratory/laboratories will be made after appropriate consultation with the Health Services Department.

LABORATORY REQUIREMENTS

Testing

Specimen samples shall be collected by authorized vendors (guidance provided by Corporate Medical). Corning reserves the right to change specimen types and/or technology to comply with its Drug Free Work Place Policy.

Specimen Retention

All specimens deemed “positive” by the laboratory, according to the prescribed guidelines, shall be retained for identification purposes for a period of five years.

CONFIDENTIALITY

Drug test results will be transmitted directly to the appropriate MRO’s office for review and interpretation, then transmitted to the appropriate Corning plant or facility representative (e.g. Personnel Manager/Nurse). Other Corning managers will be informed about results strictly on a “need to know” basis. Laboratory results shall not be included in an employee’s personnel file but may be included in other separate, confidential files.

RETURN TO WORK

Any employee who tests positive for alcohol or illegal drug abuse may be required by management to comply with the terms of a Probationary Return-to-Work Agreement.

To the extent applicable, the employee must comply with all recommended after-care therapy meetings, consultations/evaluations, and applicable randomized and/or discretionary alcohol/substance abuse testing.
COMMUNICATION OF DRUG & ALCOHOL POLICY

All employees and applicants to Corning will be通知 of the Company’s Drug & Alcohol Policy.

This dissemination of information will be handled in the following manner:

A. Applicants will be advised of a drug and alcohol abuse screening as a part of the employment process.

B. Copies of the policy will be available in Human Resources and on the Corning Intranet.

C. Managers/supervisors will receive a copy of the Policy and will receive training on substance abuse awareness.

D. A general summary of rehabilitative services and the procedure for utilization of the services will be published so that all employees are aware of available treatment.

E. Employees will be advised of the seriousness of drug & alcohol abuse and the consequences of a violation of this Policy.