

CALVERT HEALTH SYSTEM

DRUG-FREE WORKPLACE

POLICY SUMMARY

September 1, 2016

IMPORTANT: This document is only a summary of Calvert Health System's official Drug-Free Workplace Policy. The official copy is available to all employees for their review and should be reviewed with respect to specific terms, definitions, or procedures. This policy does not create a binding employment contract or modify an existing contract.

PURPOSE

Calvert Health System (CHS), hereafter referred to as CHS, is committed to providing a safe, healthy, and productive work environment for its employees and patients. To meet this objective, and to satisfy its obligations under applicable federal and state laws, CHS has adopted a Drug-free Workplace Policy and program. The Drug-free Workplace Policy and program provides CHS with reasonable measures to ensure that an employee's drug or alcohol problem does not jeopardize the success of the organization or otherwise negatively affect CHS, its employees, patients or the general public.

CHS realizes that employees with drug and/or alcohol problems make up a small percentage of the workforce. While it is not CHS's intention to intrude into the private lives of its employees, CHS does expect employees to report to work fit for duty. Having a Drug-free Workplace Policy will benefit all employees and foster patient safety.

SCOPE AND APPLICATION

The drug-free workplace policy covers all full-time, part-time, float pool, and temporary employees; credentialed medical providers; independent contractors; subcontractors; student interns; volunteers; leased personnel; and temporary agency personnel of CHS.

The drug-free workplace policy applies to any employee while he/she is on or using company property and/or conducting company business. For purposes of this policy, the following are definitions for company property, company business and company work.

Company Property: Company property includes buildings; offices; warehouses; plants; facilities; land; equipment; vehicles which are owned, leased, rented or used for company business; and parking lots owned, utilized, or leased by CHS or any customer or supplier of CHS. It also includes any other site at which company business is transacted, whether on or away from company-owned or -leased property.

Company Business: Company business is any activity performed by an employee on behalf of CHS. Company business may be performed at CHS campuses, offices, offsite facilities, designated home offices, etc. Company business also includes, but is not limited to, maintaining business relationships and transactions on behalf of CHS, while selling, entertaining, traveling, while driving and while conducting business in a company owned, leased or rented vehicle or a personal vehicle being used for company business related activities.

Company Work: An employee is "at work" when the employee is: on CHS premises; operating a company owned or leased vehicle; traveling to or from a work related meeting; and/or directly engaged in work related activities or traveling to or from such an activity.

AVAILABILITY OF TREATMENT

All eligible employees and their family members have access to the Employee Assistance Program (EAP) at no charge.

Insurance benefits pertaining to treatment coverage are based on the parameters set forth in the employee's medical benefits plan. Employees who participate in another provider's plan should refer to that plan to determine available coverage. Employees are responsible for all costs of treatment that are not covered by their applicable medical benefits plan.

INFORMATION AND TRAINING

In an ongoing effort to prevent and eliminate prohibited drug and alcohol use in the workplace, CHS provides information and referral resources to its employees regarding substance abuse and the drug-free workplace program. In addition, supervisors and managers receive training regarding their role in the drug-free workplace program.

INTERVENTION

Support for Voluntarily Seeking Help

CHS encourages early diagnosis and sound treatment for drug- and alcohol-related problems and encourages employees to voluntarily and confidentially seek help.

In an effort to support employees in obtaining treatment, CHS offers an Employee Assistance Program (EAP). Services provided through the EAP include assessment, counseling, and referral services for employees with drug- and alcohol-related problems and other personal problems. The EAP is directly accessible and is available 24 hours a day, 365 days a year. The EAP provides experienced counselors to help with personal problems, including those related to drug and alcohol dependency. Anonymity and confidentiality are assured.

In some circumstances, CHS believes that employees with drug- or alcohol-related problems can be treated while continuing in their positions. In situations where an employee requests leave for treatment, CHS will do its best to accommodate such a request if operationally feasible and to the extent required by state and federal laws. CHS will make every effort to place the employee in the same or a comparable position upon return to duty.

Employees who undergo voluntary counseling or treatment and who continue to work are subject to the same job performance and behavior standards as other employees. As with all employees at CHS, those employees who fail to meet performance standards are subject to disciplinary action—even if the employee is voluntarily participating in counseling or treatment. Although CHS strongly encourages employees who have drug- or alcohol-related problems to voluntarily seek counseling or treatment, employees who seek counseling or treatment only after violating this policy are still subject to disciplinary action for such violation.

Intervention When Not Voluntarily Seeking Help

Due to the fact that substance abuse often involves denial of the problem, many abusers do not voluntarily seek treatment. In such cases, CHS reserves the right to intervene.

Intervention by a Supervisor or Manager: Whenever a supervisor or manager believes the behavior and/or action(s) of an employee may be related to the use of drugs or alcohol, the supervisor or manager will take appropriate action, including a drug and alcohol test, as described in the attached Referral Procedures. Failure of a supervisor or manager to take action when he/she believes the behavior and/or action(s) of an employee may be related to the use of drugs or alcohol may lead to disciplinary action up to and including termination.

Intervention by an Employee: Whenever an employee has reasonable suspicion, as defined in the Appendix, that the questionable behavior and/or action(s) of a fellow employee, supervisor, or manager may be related to the use of drugs or alcohol, the employee should contact his or her supervisor or departmental Vice President or Director, who shall in turn notify Human Resources. The information provided by the employee is confidential. An investigation will ensue based on appropriate procedures.

PROHIBITED CONDUCT

The following employee conduct is prohibited on company property, on company business, and in company-owned or leased vehicles or vehicles being used for company business or during working hours, inclusive of meals and breaks. Engaging in prohibited conduct is considered a violation of the policy. The following are listed as *only examples* of such prohibited conduct:

- Being under the influence of an illegal drug, an illegally-used controlled substance (including prescription medication), or alcohol;

NOTE: Being under the influence of alcohol is defined as a positive alcohol test result yielding a breath alcohol concentration (BAC) of .02 or higher, unless otherwise specified in the Permitted Conduct section of this policy.

Being under the influence of an illegal drug or illegally-used controlled substance is defined as having a confirmed positive drug test result.

- Use, possession, manufacture, distribution, attempted distribution, dispensation, attempted dispensation, sale, attempted sale, purchase, attempted purchase, cultivation, or storage (including in a desk, locker, automobile, or other repository) of an illegal drug or illegally-used controlled substance, or being “under the influence” of illicit drugs (defined as a positive test result);

In accordance with Federal law, CHS prohibits any employee from being under the influence of marijuana while on company property or engaging in company business regardless of whether the employee has a medical marijuana card or prescription for medical marijuana use. CHS does not allow any employee to use, possess, cultivate, manufacture, distribute, dispense, sell, or store marijuana under any circumstance. Therefore, CHS does not accept a medical marijuana card or a letter recommending/prescribing the use of marijuana for any reason. CHS also prohibits the use of cannabinoid (CBD) products containing any amount of THC, which is the psychoactive chemical in marijuana.

In accordance with State and/or Federal law, CHS does not allow any employee to use, possess, manufacture, distribute, attempt to distribute, dispense, attempt to dispense, sell, attempt to sell, purchase, attempt to purchase, store (including in a desk, locker, automobile, or other repository) or be under the influence of any synthetic products simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs.

- Unauthorized consumption, possession, manufacture, distribution, dispensation, sale, storage (including in a desk, locker, automobile, or other repository), or being “under the influence” (defined as a breath alcohol concentration of .02 or higher) of alcohol, unless otherwise specified in the Permitted Conduct section of this policy;

In addition, CHS prohibits employees who leave company property during work hours to consume alcohol if they will be returning to work (e.g. meals, breaks, between sales or service calls), unless otherwise specified in the Permitted Conduct section of this policy.

CHS strongly recommends that no alcohol be consumed at least 4 hours before an employee begins work.

- Unauthorized use, possession, manufacture, distribution, dispensation, sale, storage (including in a desk, locker, automobile, or other repository), or being “under the influence” (defined as a breath alcohol concentration of .02 or higher) of alcohol, unless otherwise specified in the Permitted Conduct section of this policy;

In addition, CHS prohibits employees who leave company property during work hours to consume alcohol if they will be returning to work (e.g. meals, breaks, between sales or service calls), unless otherwise specified in the Permitted Conduct section of this policy summary.

CHS strongly recommends that no alcohol be consumed at least 4 hours before an employee begins work.

- Conviction for any criminal drug or alcohol statute for a violation occurring in the workplace; while conducting company business; while driving company-owned or leased vehicles or personal vehicles for company business; or which is directly job-related or creates an unreasonable risk of harm to property, the welfare of employees or customers of the company, or the general public.

- Failure of the employee to notify his or her supervisor or Human Resources of any criminal drug or alcohol statute conviction or arrest within 24 hours or the next workday for a violation occurring in the workplace; while conducting company business; while driving company-owned or leased vehicles or personal vehicles for company business; or which is directly related to the employee's job; or creates an unreasonable risk of harm to property, the welfare of employees or customers of the company, or the general public.
- Failing to report any change in driver's license status, within 24 hours or the next workday, to his/her supervisor, if his/her job function may include driving a vehicle for company business.
- Taking a prescription drug not in accordance with their attending physician's instructions, as well as, not following manufacturers' directions when taking over-the-counter drugs.

Note: Employees in safety-sensitive positions must do the following:

1. *Report to Employee Health the use of a prescription drug that may impair the employee's physical or mental ability to perform safety-sensitive functions.*
2. *Provide a memo from the prescribing licensed physician if it is recommended that the employee not continue to perform his/her job function for the term of the prescription or any other specified restrictions.*

The type of drug being taken and its purpose need not be reported. The employee's supervisor and/or another member of management will engage in an interactive discussion with the employee to determine whether a reasonable accommodation is available, including whether the employee's job assignment should be temporarily changed while the prescription is being administered.

- Refusing to consent to, remain ready for, cooperate with, submit to, or tampering with a drug and/or alcohol specimen or testing process when required under the policy including switching, substituting, adulterating, or diluting a specimen when collected for a drug or alcohol test;
- Refusing to sign the Drug-Free Workplace Policy Acknowledgment and Consent Form or the General Rehabilitation Agreement when required;
- Failure of the employee to disclose being under the influence of drugs and/or alcohol when the employee's designated manager contacts the employee to report for duty outside the employee's scheduled shift (i.e., when not previously scheduled to work). The employee's manager will determine if the employee shall report to work. If an employee is on call, he/she must be available to work.
- Having any drug or alcohol statute conviction or arrest or engaging in the following conduct, either off company premises or during off-duty hours:
 - Possession, use, manufacture, distribution, dispensation, cultivation or sale of illegal drugs, illegally-used controlled substances, or alcohol that may adversely affect the company, the employee's work performance, or the employee's safety, others' safety at work.
 - Illegal use of legal substances off company premises or during off-duty hours that may adversely affect the company, the employee's work performance, the employee's safety, or others' safety at work.
 - CHS receives federal funds and prohibits possession, use, manufacture, distribution, dispensation, cultivation, sale, or storage of marijuana under any circumstance including marijuana used for recreational and/or medical purposes. A legally obtained medical marijuana card does not exempt an employee from this policy provision.

PERMITTED CONDUCT

CHS never encourages the consumption of alcohol; however, CHS permits the consumption, possession and storage of alcohol in certain situations with the following *exceptions*:

- In no instance is an employee to be under the influence of alcohol resulting in a BAC of .06 or higher;
- In no instance is alcohol to be consumed by or given to an underage person(s); and
- In no instance is the consumption of alcohol permitted during working hours or while on shift unless the official working day has concluded or unless otherwise authorized by an Executive of CHS.

NOTE: As a guideline and for the general purpose of defining consumption in this section of the policy, consumption may be considered as no more than two (2) drinks in the first hour and no more than one (1) drink per hour thereafter with a maximum of four (4) drinks per day.

Consumption of alcohol will be seen as a violation of the policy unless expressly permitted below.

- Consumption of alcohol is permitted while attending a mandatory or non-mandatory company-sponsored function if consumption is authorized in advance by an Executive of CHS.
- Consumption of alcohol is permitted while attending professional events, including professional association meetings. However, consumption is not permitted during working hours or shifts or until the official meeting sessions have concluded.
- Consumption of alcohol is permitted while conducting business-related entertainment with company personnel, when authorized in advance by an Executive of CHS.
- Consumption of alcohol is permitted while conducting business-related entertainment with non-company personnel, including sales functions or while traveling on business, when authorized in advance by an Executive of CHS.
- Consumption of alcohol is permitted, within the defined limits established above, by an employee who is authorized to operate a company supplied vehicle on personal time and using such vehicle on personal time.

NOTE: While traveling overnight on CHS business, the employee is to follow the appropriate conduct established in this policy from the time the employee begins travel until he/she returns from travel, including after the conclusion of business sessions.

The company may provide reimbursement for the designated alcoholic drinks as defined in the situations listed above.

For purposes of this policy, one drink equals 1.5-ounces of 80-proof alcohol, a 5-ounce glass of wine, or a 12-ounce beer. As a guideline, an individual weighing 180 pounds who consumes two (2) drinks in one hour will have an approximate alcohol level of .04 BAC. A 120 pound individual consuming two (2) drinks in one hour will have an approximate alcohol level of .06 BAC.

Based on the exceptions above, if a situation occurs where an employee believes that he/she may be "under the influence" of alcohol or when a manager believes an employee may be "under the influence" of alcohol, the employee is not permitted to drive a vehicle. If an employee drives a vehicle against the direction of management, it will be in violation of this policy. When it is necessary for the employee while conducting company business, to take a taxicab or to stay in a local hotel, the reasonable costs shall be reimbursed by CHS.

Possession and storage of alcohol containers will be seen as a violation of the policy unless expressly permitted below.

- Possession of opened, unsealed alcohol containers intended for the use in food preparation area is only permitted when used by food preparation staff for the preparation of food.
- Storage of unopened, sealed alcohol containers which are not visible and are locked in an employee's vehicle, or company-supplied vehicle authorized for personal use, while the vehicle is on company property, being used for company business or during working hours, is permitted. Storage of unsealed containers of alcohol will be seen as a violation of the policy.
- CHS will provide a secured storage facility to employees who need to store unopened, sealed containers of alcohol for company events during working hours. Arrangements for storage can be made with an Executive or his/her designee.

NOTE: For the storage exceptions above, this does not apply to those company-owned vehicles with company insignias. No containers of alcohol, including those that are unopened and sealed, are to be placed or stored in vehicles with company insignias.

KINDS OF TESTING

Testing is the only way to know with certainty whether someone has used drugs or alcohol in violation of the policy. Based on these considerations, testing for drugs and/or alcohol under certain circumstances is part of CHS's drug-free workplace program. The methods used to determine the presence of alcohol or drugs in the system under this policy include urine, saliva, and/or blood tests. For the safety of all employees, CHS tests for drugs and/or alcohol in the following circumstances:

- During the pre-employment process;
- Where there is reasonable suspicion of prohibited drug or alcohol use;
- After an accident;
- When federally mandated;
- On return to a safety-sensitive position after lay-off, leave of absence, workers' compensation injury, or family medical leave;
- As a follow-up to treatment or assessment.

CHS has adopted procedures that respect employee privacy and confidentiality to the greatest extent possible. For example, before CHS requests a reasonable-suspicion test, a supervisor must document all suspected behavior and confer with the Employee Health Nurse or the VP of Human Resources if during normal business hours, or if after hours, another supervisor/manager, to discuss the situation and to receive authorization for a referral. Whenever possible, the supervisor will discuss the reasonable suspicion referral with the employee in a private location. Furthermore, to ensure testing reliability, CHS has chosen a testing laboratory which uses the most accurate and advanced testing methods available.

Finally, before a positive test result is reported to CHS, an outside Medical Review Officer (MRO), who is a licensed physician, will review the test result. The MRO will contact the employee for further information. If an employee has a legitimate medical explanation for the positive test and the MRO has verified the explanation, the test will be reported as negative to the company.

SAFETY-SENSITIVE POSITIONS

Safety-sensitive positions are determined by CHS and are defined as job positions which by the nature of the work involved are accompanied by such risk that even a momentary lapse of attention could have serious consequences to the safety of the worker, co-workers, customers, the general public, or could result in damage to company property and/or equipment. For purposes of this policy, the following personnel perform duties in safety-sensitive positions:

- All personnel driving company-owned or leased vehicles
- All personnel driving personal vehicles being used for company business
- All clinical personnel
- All personnel with access to patients or patient rooms
- All personnel who work with equipment or substances of a dangerous nature

CONSEQUENCES

A violation of the policy, even a first-time offense, will serve as the basis for discipline, up to and including termination. The degree of the discipline administered will depend on the circumstances of each case. However, employees need to be aware that certain offenses, including but not limited to, possession, sale, or use of illegal drugs or illegally-used controlled substances (including prescription drugs) on CHS premises, on company time, or on company business will normally result in immediate termination and referral for criminal prosecution.

In addition, employees should be aware that:

- A positive pre-employment drug test will result in a No Hire determination.
- A positive drug or alcohol test during employment will result in automatic termination.
- A refusal to consent or submit to a drug test or tampering with or a failure to report for a test will result in immediate termination.

Employees who violate the policy or whom CHS refers to assessment or treatment will be required to sign a General Rehabilitation Agreement. Employees must comply with all of the treatment conditions, or they may be terminated. Employees are always required to meet the established standards of conduct and job performance while undergoing substance abuse treatment.

For the purposes of Workers' Compensation, should an employee produce a positive drug or alcohol test result or refuse to submit to a drug or alcohol test as required under this policy, his/her eligibility for compensation and benefits may be affected.

RIGHT TO RETEST

An employee who tests positive on a confirmatory drug test required by CHS may consult with the Medical Review Officer (MRO) to identify possible legitimate, biomedical explanations for the positive result. In addition, the employee may make a written request for a retest of the original specimen at his/her expense within five (5) working days after the employee has been informed of the confirmed positive test result. An employee who tests positive for alcohol by breath is automatically given a retest at the time of the original collection, as a confirmation.

COST OF TESTING

CHS will pay for any drug and/or alcohol test that it requests or requires. Should an employee request a retest, the cost is to be assumed by the employee unless otherwise stated.

INSPECTIONS

Should CHS have reason to believe that an employee may be in possession of alcohol, drugs, or drug paraphernalia on company property or on company time, CHS may search company property or may request that the employee empty the contents of his or her personal effects or personal vehicle while on company time or on company property.

CONFIDENTIALITY

All information, interviews, reports, statements, memoranda, and drug or alcohol test results, written or otherwise, are confidential. Any written agreements, reports, statements, memoranda, and drug or alcohol test results shall not be maintained in the employee's personnel file, but rather in a secured medical records file. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws. This includes occasions when various supervisors or managers within CHS will have a "need to know" and this will not be considered a breach of confidentiality.

CHS, the laboratory, the Medical Review Officer, EAP, treatment providers, and their agents who receive or have access to information concerning test results shall keep all information confidential and may not release any of the information without the written consent of the employee unless the release is required by law, is in accordance with this policy, or is relevant to a legal claim asserted by the employee.

RESERVATION OF RIGHTS

Calvert Health System reserves the right to interpret, change, or rescind the policy in whole or in part, with or without notice. In addition, changes to applicable federal or state laws or regulations may require CHS to modify or supplement the policy. This policy does not create a binding employment contract.

*Calvert Health System
Drug-Free Workplace Policy
Acknowledgment & Consent Form*

I have read the summary of the Drug-Free Workplace Policy of Calvert Health System. I understand that I am required to comply with that policy, and that failure to do so may be the basis for discipline, up to and including termination.

I understand that as a condition of my initial employment with Calvert Health System, and thereafter as specified by the Drug-Free Workplace Policy, I may be required to provide a blood, saliva, or urine sample for drug and/or alcohol testing. The purpose of this analysis is to determine the absence or presence of drugs or alcohol.

If there is a positive test result, I understand that the MRO may ask me to provide, and I agree to provide, information about any legal non-prescription drugs and other drugs for which I have a prescription that I take routinely or have taken within the last thirty days.

I understand that any communication I may have with the collection site personnel, testing laboratories, or MRO does not create or imply a doctor/patient relationship.

I CONSENT freely and voluntarily to the Health System's request for specimens for testing. I hereby release and hold harmless the Health System and its employees and agents from any liability whatsoever arising from the request to furnish my specimens, and the testing of my specimens. I specifically authorize the testing laboratory to release my test results to the Medical Review Officer (MRO) and/or to designated supervisors and managers of the Health System on a need-to-know basis.

Date

Applicant's/Employee's Signature

Applicant's/Employee's Name (Printed)

Date

Parent or Guardian's Signature (Required for employees under age 18)