



Policy Name: Drug-free Workplace

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Review Responsibility: Human Resources

Approved By: Chief Operating Officer

Vice President, Human Resources

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Associated Documents/Policies: Drug-free Workplace Policy Summary, CS-01

The policies set forth do not establish a standard of care to be followed in every case. It is recognized that each case is different and those individuals involved in providing health care are expected to use their clinical judgment in determining what is in the best interests of the patient, based on the circumstances existing at the time. It is impossible to anticipate all possible situations that may exist and to prepare policies for each. Accordingly, these policies should be considered to be guidelines to be consulted for guidance with the understanding that departures from them may be required at times.

I. 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.

II. SCOPE:

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.

III. DEFINITIONS: See attached Drug-free Workplace policy.

IV. POLICY (or PROCEDURE or both): See attached Drug-free Workplace policy.

CALVERT HEALTH SYSTEM

DRUG-FREE WORKPLACE

POLICY & PROCEDURES

September 1, 2016

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POLICY

POLICY PARAMETERS

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 treatment costs 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.

HELP & 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 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 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 reasonably suspects 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 reasonably suspects 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.

- Being under the influence of an illegal drug, an illegally-used controlled substance (including prescription medication), marijuana or alcohol;
 - 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
 - Being under the influence of marijuana is defined as having a 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.

- Refusing to consent to testing or refusing to submit to a blood, saliva, or urine sample for testing. The following conduct will be treated as a refusal to submit to testing. It consists of engaging in conduct that clearly obstructs the testing process, including but not limited to:
 - Failing to remain readily available for a post-accident test
 - Failing to cooperate with transportation assistance to and from the collection site

- Failing to report to the collection site in the time allocated
 - Failing to provide accurate information to or failing to cooperate with collection site personnel, including failure to remain at the collection site when requested
 - Failing to sign the chain-of-custody form or other required documents
 - Failing to provide an adequate sample for testing without a valid medical explanation
 - Failing to take a second test as directed by the employer or collector
 - Failing to permit, participate in, or follow instructions during a required observed collection
 - Failing to undergo a medical examination or evaluation as directed by the MRO
 - Admitting to the collector that the specimen has been adulterated or that a substitution of the specimen has occurred
 - Switching, adulterating, or committing any other misconduct pertaining to any blood, saliva or urine sample collected for drug or alcohol testing including possessing or wearing a prosthetic or other device that could be used to interfere with the collection process
- Disclosure of any information to individuals related to the following (other than in accordance with this policy, or as required by law):
 - Drug and/or alcohol testing referrals
 - Drug and/or alcohol testing results
 - Treatment referrals
 - Refusing to submit to an inspection when required, as outlined in the policy;
 - Conviction or arrest under any criminal drug or alcohol statute related to the following:
 - 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 or to 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 your job or creates an unreasonable risk of harm to property or to 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, when required under CHS's policy, to sign and adhere to all requirements of the following:
 - Drug-free Workplace Policy Acknowledgment & Consent Form, or
 - General Rehabilitation Agreement
- 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;
- For employees engaging in the following conduct, either off company premises or during off-duty hours, the following is prohibited and will constitute a violation of the drug-free workplace policy:
 - 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, the employee's safety, or 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.

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 the travel, including after business sessions have concluded.

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 a 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 considered a violation of the 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.

DRUG & ALCOHOL TESTING

The goal of CHS's Drug-Free Workplace Program is to encourage employees to seek help before drug and/or alcohol dependency becomes a safety and productivity problem at work.

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.

IMPORTANT NOTE

State and local laws may restrict or prohibit some types of testing. Employees should refer to the Appendix to learn which types of testing, restrictions or procedural requirements are in effect in your workplace.

Additionally, Independent contractors, subcontractors, part-time employees, float pool employees, temporary employees, seasonal employees, interns, leased personnel, and temporary agency personnel are subject to drug and alcohol testing, except where the testing provisions set forth below specifically provide otherwise.

Kinds of Tests

For the safety of our employees, CHS may test for drugs and/or alcohol in the following circumstances:

Pre-Employment Drug Testing. Applicants shall be advised in connection with their application for employment that, once offered a position, they will be required to take a drug test. Failure to consent to such a test; not having the test conducted within twenty-four (24) hours of the offer if the new hire is out of the area and unable to meet with the employee health nurse; not having the test immediately after meeting with the employee health nurse, unless otherwise authorized by an Executive; or a verified positive drug test result, will disqualify an applicant from employment.

Applicants for part-time positions, seasonal and temporary positions, internships, and leased, contracted and subcontracted personnel are subject to the same pre-employment/post-offer testing requirements set forth in the preceding paragraphs if the work to be performed is safety-sensitive. The pre-employment testing of applicants may be by CHS or the agency and is subject to the same terms as specified above for newly hired/probationary employees.

Reasonable Suspicion Drug and Alcohol Testing. CHS shall test its employees for drugs and alcohol when a supervisor and/or manager has reasonable suspicion of drug and/or alcohol use, as defined in the Appendix. Reasonable suspicion will be documented and will not be based on rumor, speculation, or unsubstantiated information of third parties. Referrals for reasonable-suspicion testing shall be made according to the procedures set forth in the Procedures Section of this document.

Independent contractors, subcontractors, part-time employees, temporary employees, seasonal employees, interns, leased personnel, and temporary agency personnel are subject to reasonable suspicion testing.

Post-Accident Drug and Alcohol Testing. All employees in safety-sensitive positions who may have caused or contributed to OR have been involved in an accident, as defined below, will be subject to a drug and alcohol test as soon as possible following the accident or injury. In addition, all employees involved in the accident or incident will be tested.

Independent contractors, subcontractors, part-time employees, temporary employees, seasonal employees, interns, leased personnel, and temporary agency personnel are subject to post-accident testing.

For the purposes of this policy, an accident is an unplanned, unexpected, unintended, or unintentional event that occurs on company property, on company business, or during working hours, or which involves company-supplied motor vehicles or motor vehicles being used for company purposes and which results in any of the following:

- A fatality of any party
- Bodily injury of any party requiring immediate medical treatment away from the accident scene
- Damage to a motor vehicle in excess of \$1,000.
- Non-vehicular property damage in excess \$1,000.

Due to time constraints, formal estimates and/or assessments as to the amount of damage are not required. A supervisor's estimate and/or assessment is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

The employee is required to notify his or her supervisor and the employee health nurse of an accident as soon as reasonably possible. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Unless medical attention is needed, an individual must remain available for testing. An individual who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the individual must leave the scene of the accident, he/she must make every effort to be tested or to contact his/her supervisor or CHS and to inform the supervisor of his/her whereabouts.

If the employee receives immediate medical treatment, no later than 8 hours following the accident, a post-accident drug test must occur immediately or no later than 24 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document.

Drug Testing After Return from Lay-Off, Leave of Absence, Workers' Compensation Injury, or Family Medical Leave. Employees in safety-sensitive positions who return to work following a lay-off or leave of absence of 90 days or more will be required to take a drug test prior to their return to work. Employees in safety-sensitive positions who are rehired after 90 days of their termination date will be required to take a drug test prior to their return to work. Employees who return to work following absence due to a workers' compensation injury or family medical leave of 120 days or more are required to take a drug test prior to their return to work.

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 required by law.

Right to a 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.

RIGHTS

Inspections

The privacy of individuals shall be respected, but in cases where CHS has reasonable suspicion to believe that an employee may be in possession of alcohol, drugs, or drug paraphernalia on company property or on company time, CHS reserves the option to inspect all company property (including individual offices, desks, and lockers).

In addition, CHS may request that the employee reveal the contents of his/her personal effects (such as lunch boxes, handbags, briefcases, packages, or outer clothing) or personal vehicle on company property or on company time. Such an inspection may be requested and performed by a supervisor or manager with an HR Representative or Security present. If HR or his/her designee is not available, then the inspection is to be conducted with another supervisor and Security. Whenever reasonably possible, the employee involved will be present during the inspection.

Consequences for Policy Violations

CHS has established the Drug-free Workplace Policy in order to protect its employees, customers, and operations from the negative effects of drug and alcohol use.

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.

Consequences for a Positive Drug or Alcohol Test

Employees should also be aware of the following consequences of a positive drug or alcohol test:

- 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 to, or submit to, as well as any attempt to tamper with, or a failure to report for a test will result in immediate termination.

Consequences for Providing Adulterated, Substituted, Diluted, or Inadequate Specimens

Drug users who attempt to frustrate the testing process by switching, substituting, adulterating, or diluting a urine sample collected for drug testing, or who commit any other prohibited conduct aimed at undermining the integrity of CHS's drug testing program represent a serious threat to the safety of our workplace. CHS detects such misconduct by requiring specimen validity testing on all urine samples collected with tests, including but not limited to, those for nitrite concentration, creatinine concentration, specific gravity, and pH levels. Employees who attempt to frustrate the testing process will be subject to the following consequences:

- **Adulterated/Substituted Specimen.** At the time a specimen is provided, the collection site personnel will immediately check the specimen for signs of contamination, tampering, or adulteration. If there are any signs of such activity, the collection site person will require the employee to provide a second specimen under direct observation. Both specimens will be sent to the lab for testing. Providing an adulterated or substituted urine sample for drug testing constitutes a refusal to submit to testing and will result in termination.

- **Diluted Specimen.** If CHS receives a test result indicating that an employee provided a specimen that was negative but diluted, CHS will take action to obtain an undiluted specimen for testing. CHS will immediately escort the employee to the collection site to provide a new urine sample, whenever possible. If the employee has a second negative diluted drug test result, the test result will be considered positive unless the employee or applicant can provide medical evidence to support the diluted specimen. Failures and/or refusals to cooperate with this requirement will normally result in termination. For test results indicating a positive diluted specimen, see policy provisions on consequences for a positive drug test, above.
- **Inadequate Specimen Volume (Shy Bladder).** If an employee cannot produce sufficient specimen volume for testing (45 ml), the specimen will be thrown out and the employee will be given up to 40 ounces of fluid over a three-hour period until the employee can produce a specimen of 45 ml. The employee is not permitted to leave the collection site during the three-hour period or until the employee can produce the specimen, whichever occurs first. Refusing to remain at the collection site, drink fluids, or provide a new specimen constitutes a refusal to submit to testing and will normally result in termination.

If after two (2) hours, the employee still has not produced an adequate specimen, the collection will end and CHS will refer the employee to a licensed physician for a medical evaluation to determine whether there is a medical explanation for the employee's inability to produce an adequate specimen. If no medical explanation is determined and/or no reasonable accommodation can be provided to enable the employee to produce an adequate specimen, the employee's failure to produce an adequate specimen will constitute a refusal to submit to testing and will result in termination for an employee and/or withdrawal of the offer of employment for an applicant. In cases of post-accident testing, the employee must produce an adequate specimen within three (3) hours or be sent to the ER for evaluation.

Additional Consequences

In addition to any disciplinary action for a violation of the policy, or while such actions are held in abeyance, CHS may, in its sole discretion, refer the employee for assessment, counseling, and/or a treatment program, as applicable. However, CHS reserves the right to make the final decision relative to discipline.

Employees who are referred for a reasonable suspicion drug and alcohol test will be placed on leave from work until CHS receives the confirmed test results. An employee who has a negative test result on a reasonable-suspicion drug or alcohol test will be compensated for any regularly scheduled hours he/she would have worked during that leave period. An employee who has a positive test result on a reasonable suspicion drug or alcohol test will not be compensated for any regularly scheduled hours he/she would have worked during that leave period.

Employees who are referred for a post-accident drug or alcohol test will be returned to work at the discretion of CHS. If an employee is placed on leave and has a negative test result on a post-accident drug or alcohol test, he/she will be compensated for any regularly scheduled hours he/she would have worked during the leave period. An employee who has a positive result on a post-accident drug or alcohol test will not be compensated for any regularly scheduled hours he/she would have worked during a leave period.

Employees referred for assessment or treatment will be required to sign a Rehabilitation Agreement (see Appendix). Employees undergoing counseling, treatment, or rehabilitation for substance abuse who continue to work must meet all established standards of conduct and job performance.

For the purposes of Worker's 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.

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 this 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 this policy. This policy does not create a binding employment contract.

PROCEDURES

REFERRAL PROCEDURES FOR REASONABLE SUSPICION TESTING

for **Calvert Health System**

CHS's supervisors and managers (to be termed "supervisors" for the purposes of these procedures) are responsible for being alert to declining job performance, erratic behavior, and other symptoms of possible drug and alcohol use. Whenever such conduct and/or performance is recognized, the supervisor shall take the following steps in order to establish reasonable suspicion of drug and/or alcohol use, as defined in the glossary portion of this Appendix, and refer the employee for a drug and/or alcohol test.

Step 1: **Observe & Document**

Sometimes a reasonable suspicion test referral may occur based on a single significant event. If a significant event occurs by which the employee's actions or behavior causes a potential threat of harm to himself/herself or others, the employee will be promptly removed from the immediate work site.

When there is reasonable suspicion to believe that drugs or alcohol may be involved in the significant event, the supervisor will refer the employee for drug and/or alcohol testing, as outlined below. However, immediate medical attention should never be delayed due to testing.

Depending on the specific circumstances of this significant event, documentation (described below) may occur before or after the referral for testing. However, documentation should occur as soon as reasonably possible.

Most often, a reasonable suspicion test will occur after a period of observation and documentation. The documentation will include appropriate dates and times of questionable conduct or behavior, declining job performance, reliable and credible sources of information, examples of insufficient clinical documentation, and rationale leading to referral for testing and the action(s) taken. Refer to CS-01, Controlled Substance Audit Policy.

Once a supervisor's written documentation suggests possible drug and/or alcohol use in violation of this policy, he/she will follow the procedures outlined below.

Step 2: **Make a Referral**

To assist you in deciding if your documentation supports reasonable suspicion:

Confer with HR to discuss the situation, determine whether reasonable suspicion exists, and receive authorization for a referral. For instances involving credentialed providers, contact the V.P. of Human Resources or the Employee Health Nurse on duty.

If HR is not available, confer with the employee health nurse or another individual, preferably an individual who has observed the behavior and/or situation.

If HR is not available onsite, contact the VP of HR or designee by telephone to discuss the situation, determine whether reasonable suspicion exists, and receive authorization for a referral.

Step 3:
Notify the Employee

Once a determination has been made that reasonable suspicion exists, the following shall take place:

The supervisor shall notify the employee that the decision has been made to refer him or her for a drug and/or alcohol test.

From this time on, the supervisor must maintain visual contact with the employee at all times until the employee reaches the collection site or is escorted for transportation to the collection site.

The individual who was contacted in Step 2 above shall serve as a witness to the discussion.

If he/she is not onsite, he/she will make arrangements to be onsite or designate an individual to serve as witness.

The supervisor and witness shall discuss the situation with the employee in a private location.

No accusation of substance abuse will be made. Instead, the supervisor will inform the employee that the circumstances of the significant event or the documented instances of questionable behavior resulted in the referral.

Inform the employee that he/she is on leave from work pending receipt by CHS of the test results. Explain that a 'negative' test result will make it paid leave, but a 'positive' test result will make it unpaid leave.

Step 4: Off Site
Prepare the Employee for the Drug and Alcohol Collection Process

To prepare the employee for specimen collection, the supervisor and/or witness shall:

Fill out the Drug and Alcohol Testing Information Referral Form for the employee to take to the collection site.

Notify the collection facility that the employee is being sent for testing.

Escort or make arrangements for the employee to get to the collection site for the drug and alcohol test and to get home following the collection process.

When escorted by a designated company representative, verify that the employee has a valid photo identification to present at the collection site, document the time of departure from company property, and submit that information to Employee Health or Clinical Supervisor.

IMPORTANT

For the safety of the employee, other employees, and the general public, all possible steps shall be taken to ensure the employee in question does not drive a vehicle. If the employee refuses assistance with transportation, it will be considered a violation of this policy and the employee will be subject to discipline up to and including termination.

When a reasonable amount of time has passed (generally one to two hours, depending on the distance to the collection facility), call the collection facility to determine whether the collection procedures were completed.

Immediately contact the Employee Health Nurse or HR if he/she has not yet been contacted about the drug and alcohol testing referral.

Place the employee on leave from work, pending receipt by CHS of the test results.

Step 4: On Site
Prepare the Employee for the Drug and Alcohol Collection Process

To prepare the employee for specimen collection, the supervisor and/or witness shall:

Take the employee to a location in the building where the drug and alcohol tests can be performed in private, without being observed by others.

Explain the procedures to the employee.

Escort or make arrangements for the employee to get home following the collection process.

Immediately contact the Employee Health Nurse or Clinical Supervisor if he/she has not yet been contacted about the drug and alcohol testing referral.

Place the employee on leave from work, pending receipt by CHS of the test results.

Step 5:
Confiscate when Necessary

Whenever a supervisor discovers an employee is in possession of what appears to be a controlled substance or illegally-used prescription drug, the supervisor shall perform the following steps:

Immediately confiscate the substance and all equipment or paraphernalia directly related to the substance.

If possible, take a photograph of the substance and any/all equipment or paraphernalia identified at the time of the confiscation.

NOTE

**If the employee refuses to cooperate, call
local law enforcement officials.**

Wrap the substance and related equipment or paraphernalia in any available clean material—e.g., paper towel, copier paper, or handkerchief—and keep the package with the supervisor or where the supervisor can be sure it cannot be tampered with.

The supervisor shall put the still-wrapped materials into a large envelope, seal the envelope completely, and write his/her initials over the seal of the envelope in several places.

Write the employee's name, the supervisor's name, and the date at the top of the envelope, and turn it over as soon as possible to Security, who shall turn it over to local law enforcement officials. The above parties shall witness the signing and dating of the envelope by the person to whom he/she turns it over.

The above parties shall witness the signing and dating of the envelope by the law enforcement official who receives it.

REFERRAL PROCEDURES FOR POST-ACCIDENT TESTING

*for
Calvert Health System*

IMPORTANT

Post-accident testing will never delay any necessary, immediate medical treatment. However, testing should be performed as soon as possible following the accident.

NOTE

Some state laws restrict or impose specific requirements on post-accident testing. It is important that you review your state testing provision in the Amendments in the Appendix to determine what restrictions or requirements may apply.

CHS's supervisors and managers (to be termed "supervisors" for the purposes of these procedures) are responsible for coordinating post-accident drug and alcohol tests. A drug and alcohol test should occur after every accident that fits the policy definition. The goal of these referral procedures is to ensure that the medical needs of the employee are met and then that the employee proceeds to the collection site as soon as possible.

All employees who may have caused or contributed to or have been involved in an accident, will be subject to a drug and alcohol test as soon as possible following the accident. In addition, all employees involved in the accident or incident will be tested.

Note: Due to time constraints, formal estimates are not required. A supervisor's estimate is acceptable for the purposes of determining the need for a drug and alcohol test based on the definition above.

The employee is required to immediately notify his or her supervisor and Employee Health Nurse of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Timing of Post-Accident Tests

If the employee receives immediate medical treatment, no later than 8 hours following the accident, a post-accident drug test must occur immediately or no later than 24 hours following the accident. For more information on the timing of post-accident tests, refer to the post-accident referral procedures in the Procedures Section of this document. If the test is not administered within this timeframe, the supervisor must perform these three steps:

- Cease attempts to test;
- Call VP of HR; and

- Document why the test did not occur.

Leaving the Scene of an Accident

An employee is responsible for remaining available for testing. However, an employee may leave the scene of an accident for the period necessary to obtain assistance in responding to the accident, materials to secure the accident site, or necessary emergency medical care.

The supervisor should make every effort under the circumstances to ensure that the employee, even one who has been permitted to leave—or who had to leave—the accident site, is available for a post-accident test.

Step 1: **Determine Whether the Emergency Situation has been Stabilized**

Following CHS's safety procedures, immediately:

- Determine whether any safety hazard continues.
- Take all necessary precautions to stabilize the situation.
- Ensure that all employees involved in the accident safely cease performing their jobs.
- Call the proper authorities at the company and at the local community level.
- Report the accident to the appropriate CHS supervisor (s).

Step 2: **Determine Who Needs Immediate Medical Attention & Who May Have Been Involved in the Accident or Who May Have Caused or Contributed to the Accident *and then* Determine if there is to be a Drug and Alcohol Test**

Determine who, if anyone, needs medical attention and call the proper local authorities. Determine if there is to be a drug or alcohol test by doing the following:

Confer with the Employee Health Nurse or Clinical Supervisor to discuss the situation, determine who may have contributed to or been involved in the accident, and decide if there is to be a post-accident testing referral.

If the Employee Health Nurse/Clinical Supervisor is not available, confer with Security or another employee, preferably an individual who observed the situation.

Step 3: **Notify the Employee of the Pending Test**

Once a determination has been made that the employee may have contributed to the accident or was involved in the accident:

The supervisor shall notify the employee(s) that the decision has been made to refer him or her for a drug and alcohol test.

Step 4: Off Site
Prepare the Employee for the Drug and Alcohol Collection Process

To prepare the employee for specimen collection, the supervisor and/or witness shall:

Fill out the Drug/Alcohol Testing Information Referral Form for the employee to take to the collection site.

Notify the collection facility that the employee is being sent for testing.

From this time on, the supervisor must maintain visual contact with the employee at all times until the employee reaches the collection site or enters the taxi for transportation to the collection site.

Escort or make arrangements for the employee to get to the collection site for the drug and alcohol test, to get home following the collection process, and to obtain medical attention, as appropriate.

Whether if escorted or unescorted by a designated company representative, verify that the employee has a valid, photo identification to present at the collection site and document the time of departure from company property.

IMPORTANT

Management will not permit the employee to transport himself/herself to the collection site. For the safety of the employee, other employees, and the general public, management will ensure the employee in question does not drive a vehicle. Should management require assistance with transportation and the employee refuses this assistance, it will be considered a violation of this policy and the employee will be subject to discipline, up to and including termination.

When a reasonable time has passed (generally one to two hours, depending on the distance to the collection facility), call the collection facility to determine whether the collection procedures were completed.

Immediately contact the Employee Health Nurse or Clinical Supervisor if he/she has not yet been contacted about the drug and/or alcohol testing referral.

Place the employee on leave from work, pending receipt by CHS of the test results, unless otherwise determined by VP of HR.

Step 5: On Site
Prepare the Employee for the Drug and Alcohol Collection Process

To prepare the employee for specimen collection, the supervisor and/or witness shall:

Take the employee to a private office or a location in the building where the drug and alcohol tests can be performed in private, without being observed by others.

Explain the procedures to the employee.

Escort or make arrangements for the employee to get home following the collection process.

Immediately contact the Employee Health Nurse or Clinical Supervisor if he/she has not yet been contacted about the drug and alcohol testing referral.

Place the employee on leave from work, pending receipt by CHS of the test results, unless otherwise determined by VP of HR.

APPENDIX

GLOSSARY

For

Calvert Health System

For the purposes of this policy, the following definitions shall apply:

Accident: An unplanned, unexpected, unintended, or unintentional event which occurs on company property, on company business, or during working hours, or which involves company-supplied motor vehicles or motor vehicles being used for company purposes and which results in at least one of the following:

- A fatality of any party
- Bodily injury of any party requiring immediate medical treatment away from the accident scene
- Damage to a motor vehicle in excess of \$1,000
- Non-vehicular property damage in excess of \$1,000

Due to time constraints, formal estimates and/or assessments are not required. A supervisor's estimate and/or assessment are acceptable for the purposes of determining the need for a drug and alcohol test based on the above definition.

The employee is required to immediately notify their supervisor and Employee Health Nurse of an accident. In cases of a vehicle accident, the procedures included in the supplied Referral Procedures for Post-accident Testing in the Appendix must be followed.

Employees who may have caused or contributed to or have been involved in an accident, as defined above, will be subject to a drug and/or alcohol test as soon as possible following the accident.

Unless medical attention is needed, an employee must remain available for testing. An employee who does not make himself or herself readily available for testing may be deemed to have refused to be tested. If the employee must leave the scene of the accident, the employee must make every effort to be tested or to contact his/her supervisor or CHS and to inform the supervisor of his/her whereabouts.

A post-accident alcohol test must occur immediately. If the employee receives immediate medical treatment, no later than 8 hours following the accident; and a post-accident drug test must occur immediately or no later than 24 hours following the accident. If the test is not administered within this timeframe, the supervisor must do the following:

- Cease attempts to test;
- Call Employee Health Nurse or VP of HR; and
- Document why the test did not occur.

Adulterated Specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. It is a substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Alcohol: Ethyl alcohol, a colorless, volatile and flammable liquid that is the intoxicating agent in fermented and distilled liquors. It includes but is not limited to beer, wine, and liquor. It does not include ethyl alcohol containing methanol used in chemical processing, cleaning, or testing.

Alcohol Test: An alcohol test is defined as any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol.

Aliquot: A portion of a specimen or sample used for testing.

Assay: To subject a drug to analysis for the determination of its potency.

Assessment: See Treatment.

Blood Alcohol Test: A method of testing for the presence of alcohol by analyzing a blood sample.

Cancelled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which otherwise, per regulations, needs to be cancelled. A cancelled test is neither a positive nor a negative test result.

Chain-of-Custody: The procedure and subsequent documentation by which the specimens are handled from collection through testing and includes the date, purpose of each time a specimen or aliquot is handled or transferred, and identification of each individual in the link. If the Chain-of-Custody is broken, the test is declared to be invalid.

Collection Site: The location that is designated by management to conduct the specimen collection for testing.

Collection Site Personnel (Collector): The individuals who administer the specimen collection for drug and/or alcohol testing.

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 includes activities performed at CHS campuses, offices, offsite facilities, plants, designated home offices, etc. Company business also includes, but is not limited to, activities involved in maintaining business relationships and transactions on behalf of CHS, while selling, entertaining, traveling, and driving 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.

Concentration: The amount of drug present in a unit volume of biological fluid, expressed as weight/volume.

Confirmation Test: In alcohol testing, a second test using an evidential breath test (EBT) device, following a screening test result which indicates a BAC of .02 or higher. In drug testing, a second analytical procedure, which identifies the presence of specific drugs or metabolites, is independent of the screening test, and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy, generally a Gas Chromatography/Mass Spectrometry (GS/MS).

Controlled Substance: Any drug included in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code [21 USC 802(6)], e.g., cocaine, marijuana, and morphine, the possession of which is unlawful under Chapter 13 of that title. The term does not include the use of prescribed drugs that have been legally obtained and are being used in the manner and for the purpose for which they were prescribed.

In accordance with Federal law, 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.

In addition, in accordance with State & Federal law, CHS does not allow any employee to use, possess, consume, distribute, dispense, sell, store or be under the influence of any synthetic simulating the effects of cannabinoid, cocaine, amphetamine products or other illegal drugs. CHS further does not permit the use of cannabinoid (CBD) products containing any amount of THC, which is the psychoactive chemical in marijuana.

Designer Drug: A man made drug or combination of drugs similar in basic scientific properties to a controlled substance and produced in a clandestine laboratory.

HHS: The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Diluted Specimen: A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Direct Observation: Observation or monitoring of the provision of a urine specimen, which includes: failing to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process. Direct observation is conducted as required by law.

DOT/FMCSA: Department of Transportation/Federal Motor Carrier Safety Administration.

Drug Paraphernalia: Any item that is primarily intended or designed for use in the administering, transferring, manufacturing, or storing of a controlled substance or illegally-used prescription drug.

Drug Test: Any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites. A confirmation test must be used to establish a positive test result.

EMIT Immunoassay: Highly automated and computerized procedure used in the initial specimen screening. Complies with NIDA and DOT test requirements.

Employee Assistance Program (EAP): This service provides assessment, counseling, and referral services for employees with drug- and alcohol-related problems and other personal problems. This service should be accessed directly 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 drugs or alcohol. Anonymity and confidentiality are assured.

Executive: Individuals including the President, the Vice Presidents, Associate Vice Presidents, Executive Directors, Chief Financial Officer, and the Chief Operating Officer.

GC/MS Gas Chromatography / Mass Spectrometry: The only confirmation method authorized by NIDA and is the combination of the two identified compounds on the basis of molecular structure.

Illegal Drug: Any controlled substance or other substance the use or possession of which is prohibited by federal or state law. This includes illegally-used prescription drugs.

Illegally-Used Prescription Drug: Any prescribed drug which is legally obtainable but has not been legally obtained or is not being used in the manner or for the purpose for which it was prescribed. All designer drugs and any other over-the-counter or non-drug substances, such as airplane glue, used for other than their intended purpose or in a manner that is not consistent with package inserts or the manufacturer's instructions. This includes over-the-counter drugs purchased in a foreign country that require a prescription in the United States.

Independent Contractor: An individual who is not an employee of CHS, an entity, or an employee of an entity hired by CHS to perform a certain task for the benefit of CHS.

Intern Employee: Individuals who are employees of CHS, but are hired by CHS to complete a specific project for a specific period of time.

Invalid Drug Test: The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of HHS Mandatory Guidelines.

Layoff: A work slowdown or lack of demand; this does not include a leave of absence for any reason, including disability or other medical leave.

Leased Employee: An individual who is not an employee of CHS but rather, is provided by another organization to provide services to CHS. Leased employees are the employees of other organizations that are totally separate from CHS.

Medical Review Officer (MRO): An independent, certified, licensed physician responsible for receiving laboratory drug testing results. The MRO has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a positive test as it relates to the individual donor's medical history and other biomedical information.

Metabolite: A compound produced from chemical changes of a drug in the body.

Nanogram: One billionth of a gram.

Negative: Test result indicating drug/metabolite is not present above the designated threshold of the test.

Non-Contact Positive Drug Test Result: A confirmed positive test result which is reported as positive to CHS, despite the fact that the MRO was unable to contact the donor to conduct an interview and determine if there is an alternative medical explanation for the positive result. If the MRO cannot reach the donor within five days after receiving a positive result, CHS is given the lab result from the MRO. CHS may choose to take action with this result. The MRO will advise CHS that the donor may still contact the MRO for an interview, at which point the MRO may reopen the investigation.

Non-negative Alcohol Test Result: Test result obtained from the initial screen indicating the presence of alcohol. All non-negative alcohol test results will be confirmed by breathalyzer to determine if the confirmed result is negative or positive.

Non-negative Drug Test Result: Test result obtained from the initial screen indicating the presence of a legal or illegal substance in excess of the established cut-off levels established by DOT. All non-negative drug test results will be confirmed by and at a NIDA/SAMHSA certified laboratory and then sent to the MRO, who will make the determination if the result is negative or positive.

On-Site Collection and Alcohol Testing: Technology that is DOT and FDA cleared utilizing a device on company property for the collection of a specimen for the detection of alcohol.

On-Site Collection and Drug Testing: Technology that is FDA cleared utilizing a device on company property for the collection of a specimen for the detection of drugs of abuse.

Oral Fluid Testing: A method of screening for the presence of drugs of abuse or alcohol by analyzing a sample of an individual's oral fluid.

Oral Fluid Drug Test: This method of drug testing must be confirmed by using a different method of testing, such as a Gas Chromatography/Mass Spectrometry (GC/MS).

Oral Fluid Alcohol Test: This method of alcohol testing must be confirmed by using a different method of testing such as an evidential breath testing (EBT) device to analyze a sample of the individual's breath.

Polydrug Abuse: The ingestion of more than one drug. Users do not take just one drug, but rather consume any combination of illegal drugs, illegally-used prescription drugs, or alcohol

Positive: Test result indicating drug/metabolite or alcohol level is present above the designated threshold of the test.

Presumptive Positive: A specimen which has been screened as positive but not confirmed by an alternate chemical method.

Qualitative Test: Chemical analysis used to identify the components of a mixture.

Quantitative Test: Chemical analysis used to identify the proportional amounts of a mixture.

Reasonable Suspicion of Drug and Alcohol Use: Suspicion that an employee is using or has used drugs or alcohol in violation of CHS's drug-free workplace policy based upon specific, objective, articulable, documented facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences may be based upon any of the following:

1. Observable phenomena, such as direct observation of drug or alcohol use, possession, or distribution and/or the physical symptoms of being under the influence of drugs and/or alcohol
2. A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance, including but not limited to, frequent absenteeism, excessive tardiness, and recurrent accidents, which appears to be related to drug and alcohol use and does not appear to be attributable to other factors
3. Indications that an employee has tampered with a drug or alcohol test
4. Repeated or flagrant violations of CHS's safety or work rules, which are determined by a supervisor or manager to pose a substantial risk of physical injury or property damage and which appear to be related to drug and alcohol use and do not appear to be attributable to other factors
5. Reckless or risky behavior on the part of an employee which, in the opinion of a supervisor or manager, could have resulted in an accident, as defined in this policy
6. A report of substance abuse provided by a reliable and credible source
7. Indications that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on company property or operating the company's vehicle, machinery, or equipment
8. Conviction of any drug- or alcohol-related offense, or an arrest occurring in the workplace or while conducting company business when coupled with other conduct indicative of potential drug or alcohol use, such as the items listed within this definition
9. Involvement in an accident when the employee may have caused or contributed to the accident

The above examples of reasonable suspicion of drug or alcohol use are not all-inclusive but are intended to be illustrative. The symptoms of being affected by drugs or alcohol are confined neither to those consistent with misbehavior nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. Reasonable suspicion does not require certainty, but suspicion based upon mere rumor, speculation, or unsubstantiated information of third parties shall not be sufficient to meet the standard of reasonable suspicion. Further, reasonable suspicion will be based only on *documented* facts and inferences.

Refusal To Be Tested: Refusing to consent to testing or refusing to submit to a breath, blood, saliva, or urine sample for testing. The following conduct will be treated as a refusal to submit to testing. It consists of engaging in conduct that clearly obstructs the testing process, including but not limited to:

1. Failing to remain readily available for a post-accident test
2. Failing to cooperate with transportation assistance to and from the collection site
3. Failing to report to the collection site in the time allocated
4. Failing to provide accurate information to the collection site
5. Failing to cooperate with collection site personnel, including failure to remain at the collection site when requested to do so
6. Failing to sign the chain-of-custody form or other required documents
7. Failing to provide an adequate sample for testing without a valid medical explanation
8. Failing to take a second test as directed by the employer or collector
9. Failing to permit or participate or follow observed instructions in a required observed collection
10. Failing to undergo a medical examination or evaluation as directed by the MRO
11. Admitting to the collector that he/she adulterated or substituted their specimen
12. Switching, adulterating, or committing any other misconduct pertaining to any breath, blood, saliva or urine sample collected for drug or alcohol testing
13. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process

Rehabilitation Program: See Treatment.

Rejected Specimen: A report by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Safety-Sensitive Position: Any job position determined by CHS which by the nature of the work involved is accompanied by such risk, that even a momentary lapse of attention could have serious consequences to the safety of the employee, coworkers, customers, the company, or the general public. For purposes of this policy, see the attached list of designated safety-sensitive positions.

Saliva Test (Oral Fluid Testing): A method of screening for the presence of alcohol by analyzing a sample of an individual's saliva. This method of alcohol testing must be confirmed by using a different method of testing, such as a Breathalyzer test.

Screening Test: In alcohol testing, an analytical procedure to determine whether an individual may have a prohibited concentration of alcohol in his/her system. An alcohol-screening test may be conducted using either a breath or saliva test. In drug testing, an immunoassay screen used to eliminate "negative" urine specimens from further consideration.

Screening Test Technician (STT): A trained individual who instructs and assists individuals in the alcohol-testing process and operates an alcohol-screening device.

Seasonal Employee: Individuals who are employees of CHS, but are hired by CHS to complete a specific project for a specific period of time.

Shy Bladder: A verifiable medical condition which interferes with a donor's ability to produce 60 ml of urine for urinalysis during testing. During testing, if a donor cannot produce an adequate urine specimen, the donor will be given up to 40 ounces of fluid over a three-hour period. If this is unsuccessful, then the test will end, and the donor may be referred to a physician for examination.

Specimens Tested: The methods used to determine the presence of alcohol or drugs in the system under this policy include the collection of urine, saliva, and/or blood test. CHS reserves the option to determine the specimens of choice to be utilized.

Split Sample: Lab specimen that is divided and submitted to the analysis, unknown to him/her, as two different specimens with different identifications.

Standard Work Day: For purposes of this policy, a standard work day is defined as the employee's working hours or shift. Administrative office hours are M-F 8:00 a.m. to 5:00 p.m.

Student Intern: Individuals who are employees of CHS, but are students hired by CHS to complete a specific project for a specific period of time.

Subcontractor: An individual (who is not an employee of CHS), an entity, or an employee of an entity hired by CHS to perform a certain task for the benefit of CHS.

- **Substance Abuse Professional:** A person who evaluates employees who have violated the company's drug or alcohol policy and makes recommendations concerning education, treatment, counseling, follow-up testing and aftercare.

Substituted Specimen: A specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Synthetic Drug: A man-made drug which simulates the effects of cannabinoid, cocaine or amphetamine or other illegal drugs.

Temporary Employee: Individuals who are employees of CHS who have been directly hired to complete a specific project for a specific period of time.

Temporary Agency Personnel: Individuals who are not employees of CHS, but are contracted through an employment agency by CHS, to complete a specific project for a specific period of time.

Testing: For the forms and definitions of each form of testing to be conducted by CHS, please refer to the "Drug and Alcohol Testing" Section in this Policy.

Third Party Administrator (TPA): A service agent that provides or coordinates the provisions of a variety of drug and alcohol testing services to employers. They typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs.

Threshold: Defined concentration of a drug in the urine which determines presence or absence of drug/metabolite.

Treatment, Rehabilitation, or Assessment: An established program capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential manner. The services shall be delivered by persons licensed or appropriately certified as health professionals to provide drug or alcohol rehabilitative services.

Under the Influence of an Illegal Drug, an Illegally-Used Controlled Substance, or Alcohol: The presence of a measurable amount of alcohol which is .02 BAC or higher expressed in terms of grams of alcohol per two hundred ten liters of breath or its equivalent, or a verified positive drug test result at levels specified by the Department of Health and Human Services (HHS), for a controlled substance or an illegally-used prescription drug.

Underage Person: Individuals who are under the age of 21 in the state of Maryland.

Urinalysis Test: A method of testing for the presence of a drug or its metabolites by analyzing a sample of the individual's urine.

Work: Defined as:

1. When an employee is on CHS premises;
2. When an employee is operating an company owned or leased vehicle;
3. When an employee is traveling to or from a work related meeting; and
4. When an employee is directly engaged in work related activities or traveling to or from such an activity.

Workplace: See Company Property.

Work-Related Meeting: When an employee is meeting with co-workers, supervisors, customers, vendors, and/or suppliers etc.

Work-Related Activities: When an employee is delivering a product or a service or making a work related presentation.

LIST OF SAFETY-SENSITIVE POSITIONS

For

Calvert Health System

The following are currently designated as safety-sensitive positions. CHS reserves the right to identify additional safety-sensitive positions at any time.

- 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, patient rooms, or any areas accessible to patients
- All personnel who have access to or work with equipment or substances of a dangerous nature

DRUG-FREE WORKPLACE POLICY ACKNOWLEDGMENT AND CONSENT FORM

For

Calvert Health System

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/Employee's Signature

Date

Applicant/Employee's Name (Printed)

Date

Parent or Guardian's Signature (Required for Minor Employees)

DRUG/ALCOHOL TESTING INFORMATION REFERRAL FORM

For

Calvert Health System

Referring supervisor or manager: Complete this form when sending an applicant/employee for drug and/or alcohol testing. Have the applicant/employee deliver the form to the collection site personnel. Please print all information.

Applicant/employee: Present this form, the laboratory's chain-of-custody form and/or the drug testing collection kit, as applicable, and a valid picture identification to collection site personnel at the time of your arrival at the designated collection site.

Date

Name of Individual to be Tested

Time

Individual's Home Telephone Number

Individual's Work Telephone Number

Individual's Cell Number

Name of Referring Supervisor or Manager

Referring Supervisor or Manager's Work Phone Number

TYPE OF TEST REQUESTED

- | | |
|---|---------------------|
| ☐ Pre-Employment | Drug |
| ☐ Reasonable Suspicion | Drug and Alcohol |
| ☐ Post-Accident | Drug and Alcohol |
| ☐ Return After Lay-off | Drug |
| ☐ Follow-up | Drug and/or Alcohol |

MARYLAND STATE AMENDMENT

For

Calvert Health System

Procedural Requirements

Written Policy

To be in full compliance with Maryland's statute, it is necessary to have a written policy to fulfill "Results" stated below.

Use of Certified Laboratory for Drug & Alcohol Testing

All drug and alcohol testing will be conducted at a laboratory approved by the Maryland Department of Health and Mental Hygiene (DHMH) and which is in compliance with DHMH regulations and the guidelines for laboratory accreditation set forth by the College of American Pathologists, the U.S. Health Care Financing Administration, or any other government agency or program designated to certify or approve a laboratory that is acceptable to the DHMH Secretary.

At the time of testing, at an employee or applicant's request, CHS will inform the person of the name and address of the laboratory that will test the specimen.

Appropriate Specimens

Pursuant to §17-214(a)(11) of the Health-General Article of the Maryland Code, the only permitted test specimens for current employees or contractors are blood, urine, and saliva. Hair is also an allowable specimen for job applicants.

Collection

Specimens are to be collected in a sealed container that ensures the detection of tampering and that proper protocols for the chain-of-custody are maintained.

Confirmatory Test

All initial positive drug test results must be confirmed by GC/MS or MS/MS.

Medical Review Officer

All confirmed pre-employment positive test results must be reviewed by a licensed physician with knowledge of drug-abuse disorders and drug and alcohol testing.

Confidentiality

All information related to testing is confidential and may be released only pursuant to a subpoena, court order or release signed by the individual tested. The release of information that is prohibited includes: the use of a non-prescription drug, other than alcohol that is not prohibited under Maryland law; or the use of a prescription drug that was prescribed in accordance with Maryland law. The exception is as required for compliance with the DOT/FMCSA and other federal agency regulations.

Results: Notice of Positive Test

If an employee or applicant tests “positive,” CHS, after confirmation of the test, shall provide the individual with a copy of the written policy, a copy of the test result, a notice of the availability of retesting at the employee or applicant’s expense, and notice of the anticipated disciplinary action. The information will be delivered to the employee or applicant in person or by certified mail within thirty (30) days of the test and within seven (7) days of the result.

Retest

The employee or applicant shall have an opportunity to retest a sample at the same or another approved, independent certified laboratory at his/her expense.

GENERAL REHABILITATION AGREEMENT

For

Calvert Health System

Name (Print): _____

On this day, _____, Calvert Health System (CHS), in lieu of or in addition to discipline and as a condition of my continued employment, agreed that I seek an assessment and/or rehabilitation for alcohol and/or drug abuse, as required by my treatment provider. The following conditions apply to my Rehabilitation Agreement:

1. I authorize my treatment provider to submit on a scheduled basis proof of enrollment in a rehabilitation program and proof of attendance to a member of the CHS's Employee Health Department. I understand that my attendance will be monitored closely and that CHS may institute disciplinary procedures if I do not regularly attend all sessions.
2. I must adhere to all of the requirements of the drug or alcohol treatment program in which I am enrolled.
3. If I am absent from work during the rehabilitation period, CHS will review the reasons for the absence(s) and may require documentation, as appropriate.
4. I will be responsible for all costs of rehabilitation not covered under CHS's medical benefits plan.
5. Upon completion of the rehabilitation program, I understand that I will be required to supply CHS with a statement from my treatment provider that I have completed the rehabilitation program in a satisfactory manner.
6. During the treatment period and the one-year period following completion of the assessment or rehabilitation program, I agree to submit to unannounced testing for the illegal use of drugs. I agree to submit to alcohol testing until CHS determines that my alcohol use does not pose a direct threat to my safety or others in the workplace.
7. I must meet all established standards of conduct and job performance. I agree that CHS has grounds, based on my unsatisfactory performance or unacceptable behavior/conduct related to my drug and/or alcohol use, to discipline me or terminate me from my position. I am being held to the same job performance and behavior standards as other employees.
8. I understand that failure to comply with the above conditions will most likely result in my immediate discharge.

I hereby agree to all of the above conditions. This agreement does not alter my at-will employment status or create a binding employment contract or modify any existing contract.

Employee's Name

Supervisor/Manager's Name

Employee's Signature

Supervisor/Manager's Signature

Date

Date

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