

**Please sign and date page 9. Return ONLY page 9 to the office!**

# **DRUG-FREE WORK PLACE POLICY**

**Effective February 2, 2012  
as according to current**

**State of Minnesota Statutes**

## **Purpose and Coverage**

Care Planners Inc. (CPI) and its affiliated entities value its employees and customers and recognize the need for a safe, productive and healthy work environment. Employees who abuse drugs and/or alcohol are less productive, less dependable, and are a critical threat to the safety, security, and welfare of CPI, its employees, customers, vendors, and those who do business with CPI, as well as the general public. The establishment of a Drug-Free Workplace Policy is consistent with desire to provide a safe, productive work environment for our employees.

Accordingly, it is the policy of CPI to maintain a workplace free from the use and abuse of drugs and alcohol. CPI will require that all employees and applicants participate in, consent and comply with the terms of the Policy as a condition of employment and continued employment. If questions arise regarding this Policy, please direct them to Christopher Hanson, CPI Drug Program Coordinator (DPC). This Policy is effective February 2, 2012.

This Policy covers all employees of CPI and its affiliated entities. Employees who are leased or subcontracted to clients may be required to be tested if required under a client's drug and/or alcohol testing policy, provided that the testing is in accordance with CPI's policy and the policy complies with applicable law. This Policy, by its terms also covers applicants insofar as applicants, after a conditional offer of employment has been made, may be required to consent to, take and participate in pre-employment test.

## Non-Discrimination

In accordance with the requirements of the Americans with Disabilities Act, CPI does not discriminate against employees or applicants who are qualified individuals with a disability who are not currently engaged in use of illegal drugs and who do not otherwise violate the provisions of this Policy, including but not limited to individuals who: (1) have successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or (2) have otherwise been rehabilitated successfully and are no longer engaging in such use.

## Inspections

CPI reserves the right to inspect CPI vehicles, premises, and property (including offices, desks, lockers, and other repositories) and employee's personal effects (such as lunch boxes/bags, purses, gym bags, backpacks, handbags, briefcases, packages, or coats) where there is reasonable cause to believe that an employee has violated this Policy. This Policy will extinguish and eliminate any continuing expectation of privacy where reasonable cause exists to believe that there has been a Policy violation. Where reasonably practicable, inspections will be conducted in the presence of the employee implicated in the potential Policy violation.

## Definitions

**Drug** means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act, 21 U.S.C. 812, including cocaine, opiates, marijuana, amphetamines, and phencyclidine (PCP). The term "illegal drug" does not include the use of a drug obtained and taken under supervision by and in accordance with prescriptions or other instructions issued by a licensed health care professional or other drugs otherwise authorized to be used under the Controlled Substances Act.

**Under the influence of alcohol** means (1) the presence of alcohol in the individual's system, which equals or exceeds a blood alcohol content or .02; or (2) behavior, appearance, speech, or bodily odors that lead a supervisor or manager reasonably to suspect that the employee is impaired by alcohol or is using alcohol during working time or on CPI premises.

**Under the influence of drugs** means (1) the presence of any detectable amount of an illegal drug or its metabolites demonstrated by a verified positive drug test result, or (2) behavior, appearance, speech, or bodily odors that lead a supervisor or manager to reasonably suspect that the employee is impaired by illegal drugs or is using illegal drugs during working time or on CPI property.

**During working time** means time during which the employee is being paid to work for or represent CPI or the employee is in fact representing CPI interests. The term also includes all paid break and meal periods.

## Testing Protocol

The laboratory performing the drug/alcohol test will be established on a contractual basis and will perform tests, in accordance with requirements of state law.

All test samples will be subject to an initial screening test. Positive test results will not be reported to CPI, until they have been verified by a confirmatory test. No employment decisions will be based on unconfirmed test results.

The employee or job applicant will be notified – in writing – of the results within 3 working days, after CPI receives the test result report from the testing lab. The employee or job applicant has a right to receive a copy of the results. Within 3 working days, after notice of a positive result on a confirmatory test, the employee or job applicant may submit information to CPI, in addition to any information already submitted, to explain the positive result; or may request a confirmatory re-test of the original sample, within 5 working days after notice of a confirmed positive, which will be at the employee's own expense. The lab performing the re-test may be of the employee's own choosing, as long as the laboratory is licensed by the State of Minnesota to conduct employee drug and alcohol tests.

CPI reserves the right, within the limits of federal and state laws, to examine and test for the presence of drugs and/or alcohol. Under the conditions of the Policy, applicants or employees may be asked to submit to a urine and/or blood testing for drugs and/or alcohol. The types of testing performed by CPI include, but are not limited to, the following:

### Pre-Employment/Pre-Placement

CPI makes all offers of employment subject to and conditioned on the applicant's: (1) consent to the potential of taking a drug and/or alcohol test; and (2) a negative test result. Applicants may be required to voluntarily submit to urinalysis and/or blood for drug and/or alcohol testing and sign consent and testing appointment agreement. If the tests are positive or if the applicant refuses to undergo testing, the offer of employment will be withdrawn, provided that, where an offer is withdrawn on the basis of a positive alcohol test, the withdrawal is job-related and consistent with business necessity.

### Post-Accident

A drug and/or alcohol test may be conducted on employees involved in accidents occurring during work time on CPI's or client's property, if covered accidents include, but are not limited to accidents that the employee caused or contributed to that involves: (1) personal injury to employees or others, which necessitates medical attention; or results in lost work time; and/or (2) damage to CPI's or client's property. Employees are expected to make themselves available for post-accident testing. If circumstances require an employee to leave the scene of an accident, the employee must make a good faith attempt to be tested and to notify CPI of his or her location. Any employee who fails to report any work-related

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accident is in violation of this Policy and is subject to disciplinary action, up to and including termination. Under certain state laws, employees testing positive may be ineligible for workers' compensation benefits.

## **Reasonable Cause**

If reasonable cause exists indicating that an employee is under the influence of illegal drugs or alcohol, the employee will be asked to submit to a drug and/or alcohol test. Reasonable cause means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

## **Return-to-Duty**

An employee who has tested positive and has been removed from her/his job duties must submit to and furnish a negative drug and/or alcohol test result prior to returning to her/his job duties.

## **Follow-Up**

An employee who has been removed voluntarily or otherwise from her/his job duties on the basis of a verified positive drug test result and/or confirmed positive alcohol test result will be subject to unannounced drug and/or alcohol testing to determine whether she/he is under the influence of alcohol or drugs. The testing can continue up to twenty-four (24) months from the return-to-work date.

## **Policy Prohibitions**

Employees are strictly prohibited from engaging in the conduct listed below.

1. With respect to illegal drugs, employees violate this Policy by engaging in the following conduct, whether or not during work time or on CPI premises or property:
  - a) bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on CPI's or client's premises or property, including CPI or client-owned or leased vehicles, in vehicles used for CPI's or client's purposes;
  - b) having possession of, being under the influence of, testing positive for, or otherwise having in one's system, illegal drugs;
  - c) using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling or dispensing illegal drugs;

- d) a conviction or plea of guilty relative to any criminal drug offense. All employees must notify CPI in writing of any criminal drug conviction no later than five (5) calendar days after such conviction;
- e) abuse of prescribed drugs, which includes exceeding the recommended prescribed dosage or using others' prescribed medications;
- f) switching, tampering with or adulterating any specimen or sample collected under this Policy, or attempting to do so;
- g) Refusing to cooperate with the terms of this Policy, which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by CPI or its designee, is in violation of CPI Policy and subject to disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork, failing to report to the collection site at the appointed time, and failing to be reasonably available for a post-accident test;
- h) Failure to consent to, participate in and abide by the terms and recommendations of any rehabilitation program to which CPI makes a referral, including but not limited to failure to follow recommendations, if any, regarding behavior modification and abstinence. These failures are a violation of this Policy, as is any failure to be available for any prescribed continuing or follow-up sessions;
- i) failure to advise a supervisor or manager of the use of a prescription or over-the-counter drug, which may alter the employee's ability to perform the essential functions of his or her job is a violation of this Policy; or
- j) failure of employees to notify his or her supervisor before going to work if he or she believes that he or she is under the influence of drugs.

2. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on CPI premises or property:

- a) bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on CPI premises or property, including CPI owned or leased vehicles, in vehicles used for CPI purposes or a client's purposes;
- b) having possession of, being under the influence of, testing positive for or having in one's system, alcohol;
- c) using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol;
- d) a conviction or plea of guilty to any criminal alcohol offense. All employees must notify CPI in writing of any criminal alcohol conviction no later than five (5) calendar days after such conviction;

e) Switching, tampering with or adulterating any specimen or sample collected under this Policy, or attempting to do so; Refusing to cooperate with the terms of this Policy, which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by CPI or its designee, is in violation of CPI Policy and subject to disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork, failing to report to the collection site at the appointed time and failing to be reasonably available for a post-accident test;

f) Failure to consent to, participate in, and abide by the terms and recommendations of any rehabilitation program to which CPI makes a referral, including but not limited to failure to follow recommendations, if any, regarding behavior modification and abstinence. These failures are a violation of this Policy, as is any failure to be available for any prescribed continuing or follow-up sessions; or

g) failure of employees to notify her/his supervisor before going to work if she/he believes that she/he is under the influence of alcohol.

## Consequences for Policy Violations

Employees who engage in any of the above-listed prohibited conduct are in violation of this Policy and are subject to discipline, up to and including termination and at CPI's sole discretion. While the discipline imposed will depend on the circumstances and CPI reserves the right to determine, in its discretion, discipline imposed, ordinarily certain offenses will result in immediate termination (e.g. possession, sale, or use of illegal drugs on CPI premises or during work time).

CPI also reserves the right to refer employees with a verified positive drug and/or confirmed alcohol test for assessment, counseling, rehabilitation services, or treatment and to require any employee so referred to enter into and abide by one or more of the following: a Rehabilitation Agreement and /or a Return-to-Work Agreement.

Finally, employees for post-accident or reasonable cause testing will be removed from her/his position and receive a non-disciplinary suspension until CPI receives the test results. Hourly employees will not be compensated for time missed from work if the test is positive, but will be compensated if the test is negative.

## Voluntary Treatment and Counseling

We encourage all employees who need assistance in dealing with alcohol or drug abuse dependency problems to seek counseling through the various private and public agencies that are available. Employees who come forward to request treatment or leaves of absence for treatment will not be subject to discipline. Costs associated with any rehabilitation program may be covered by the employee's medical insurance plan; however, any costs not covered by the employee's medical insurance plan are entirely the employee's responsibility. CPI will comply with any applicable medical leave law, disability

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discrimination law or applicable leave policy in the event leave is requested. Except as otherwise required by such laws or policies, CPI cannot guarantee that the employee will return to the same or a comparable position upon return to duty.

Employees may not escape discipline, however, by first requesting such treatment and/or leaves after being selected for testing or violating CPI policies and rules of conduct. Nor will such requests,

leaves, or participation in treatment or counseling excuse employees from compliance with normal standards of performance or conduct. Requests for voluntary treatment or counseling and related matters will be kept confidential in accordance with any applicable federal and/or state law requirements.

## **Confidentiality and Privacy**

All drug and alcohol test results are reported to CPI and will remain and be considered confidential. Results will only be disclosed within CPI on a need-to-know basis and as allowed by law and retained in a secure location with controlled access. Information about an employee's medical condition or history obtained in connection with a drug and alcohol test will be kept in a file separate and apart from the employee's personnel file. The release of an individual's drug and alcohol test results and other information gained in the testing process will only be otherwise disclosed in accordance with an individual's written authorization or as otherwise required by applicable law.

CPI will attempt to ensure that all aspects of the testing process, including specimen or sample collection, are as private and confidential as reasonably practical. Employees or applicants will not be observed while providing a urine specimen unless there is reason to believe the employee or applicant has tampered with, adulterated, switched attempted to tamper with, adulterate or switch a urine specimen.

## **Consent**

As a condition of continued employment, employees must sign a consent form (a copy of which is attached hereto).

## **Reservation of Rights**

This Policy supersedes and revokes any other CPI and affiliated entities practice or policy relating to the use of drugs and alcohol in the workplace and drug and/or alcohol testing. CPI reserves the right to interpret and administer this Policy, and at any time and at its sole discretion, amend, supplement, modify, revoke, rescind, or change this Policy, in whole or in part, with or without notice and with or without consideration. This Policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this Policy does not in any way affect or change the status of any at-will employee. At-will employees continue to be free to terminate their employment or resign from employment at any time and CPI and affiliated entities continue to be free to terminate employee, with or without cause, with or without notice, for any lawful reason or for no reason at all. Nothing in this



Policy is a promise or guarantee or should be construed as a promise or guarantee that CPI and affiliated entities will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.



## Acknowledgement of Receipt of Policy and Consent to Substance Abuse Testing

I certify that I have received and understand CPI and affiliated entities' Drug-Free Workplace Program Policy.

As an employee, I agree to comply with CPI and affiliated entities' policy on drugs and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination. As an applicant, I understand that my position offer is contingent on a negative drug test result. Should the drug test result in a positive test, the position offer will be withdrawn by CPI and affiliated entities. I consent to submit to drug and/or alcohol testing as outlined in the CPI and affiliated entities' policy.

I consent to provide specimens at the assigned collection site(s) and further consent to have urine and/or blood specimens tested for drugs at an U.S. Department of Health & Human Services/Substance Abuse & Mental Health Services Administration (DHHS/SAMHSA)-certified laboratory.

I consent to the release of the laboratory test results in accordance with the CPI and affiliated entities' policy to the selected Medical Review Officer (MRO). I will be given an opportunity to discuss a positive drug test result with the MRO before the result is reported to the company as a verified positive.

I consent to the release of results of a blood alcohol test to the company. In the event of a post-accident test, the drug and/or alcohol test result(s) may also be provided to the workers' compensation insurance carrier.

Applicant/Employee Name Printed: \_\_\_\_\_

Applicant/Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please sign and date. Return ONLY page 9 to the office!**

Note: This certificate will be retained in a secured file.