

# Innovative Employee Solutions

## Drug and Substance Abuse Policy and Testing Procedure

### 1.0 Purpose

This policy outlines the goals and objectives of Innovative Employee Solutions' (IES) drug and substance abuse program.

### 2.0 Scope

This policy applies to individuals who intend to perform work for IES or its clients, including regular staff and temporary employees.

### 3.0 Policy

IES has a vital interest in maintaining an efficient, secure, safe and healthy work environment and to provide employees who are free from the negative effects of substance and alcohol abuse. The illicit or illegal use of controlled substances may pose security, health, and safety risks as well as lessen job performance. Drug Testing may be done in the following circumstances: pre-employment following a conditional offer of employment, reasonable suspicion of drug/alcohol use, and post-work related accident.

Employees found to be involved with illegal drugs or substance abuse will be subject to disciplinary action up to and including termination of employment.

### 4.0 Prohibited Activities

The following activities are strictly prohibited and offending individuals will be subject to disciplinary action up to and including termination or denial of employment.

- 4.1 Possessing, manufacturing, distributing, selling, being under the influence on company premises, or being convicted of a crime involving controlled substances.
- 4.2 Unauthorized use or possession, being under the influence (blood alcohol content above .00%) on company premises, or being convicted of a crime involving alcohol.
- 4.3 Tampering (i.e. adulterating, switching, substituting, etc.) with a urine sample.
- 4.4 Refusing to cooperate with IES's Drug and Substance Abuse Policy or to submit to a drug test when requested is considered a violation of the policy and is grounds for immediate termination.

### 5.0 Pre-employment Screening

- 5.1 IES employment offers for staff positions will specify that the job is contingent upon the applicant complying with IES's pre-employment drug screening. IES employment offers for candidates identified by our clients will specify if the client company's job is contingent upon the applicant's complying with IES's pre-employment drug screening.

### 6.0 Reasonable Suspicion Screening

- 6.1 In case of reasonable suspicion that an employee may be involved with illegal drugs or may be under the influence of illegal drugs or alcohol use while at work, drug screening will be required at the determination of IES and the client company where the employee is working.
- 6.2 Employee agrees if IES and/or the client has reasonable suspicion of drug and/or alcohol use or abuse by employee, IES and/or the client shall be entitled to request that the employee submit to reasonable and appropriate drug and/or alcohol testing by a qualified third party testing facility and that the results of such testing may be provided to Innovative Employee Solutions and the client. Employee further understands and agrees that if he/she refuses to submit to such testing this Agreement and the employment relationship may be terminated by IES.
- 6.3 Such suspicion is determined in a case-by-case basis based upon the specific facts and circumstances involved. Reasonable suspicion may be from among other things:
  - 6.3.1 The result of an employee in a work related accident or an incident or other circumstances which result in, or could have resulted in, personal injury or damage to property, in which the client company representative reasonably suspects that the employee was impaired by illegal drugs or alcohol at the time of the incident.
  - 6.3.2 Evidence of illegal drug involvement or behavior of an employee that causes a client company representative to have reasonable belief, based on observation of the employee's speech, hearing, judgment, appearance, odor or other observable actions.

## **7.0 Post Work-Related Accident Testing**

- 7.1 Any employee involved in an on-the-job accident or injury may be asked to submit to a drug and/or alcohol test in circumstances where a reasonable likelihood exists that drug or alcohol use may have contributed to the accident or injury. "Involved in an on-the-job accident or injury" means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury in any way. Post incident testing should be conducted as soon as reasonably practical following the injury or accident.
- 7.2 Circumstances where post-accident testing may be appropriate include, but are not limited to: causing or contributing to an accident that seriously damages a vehicle, machinery, equipment or property; slips, trips or falls where there is no reasonable explanation as to the cause; failure to follow training or procedures such as improper use of tools or equipment; absent or improper PPE; or going to or being in an inappropriate place.
- 7.3 Circumstances where post-accident testing may not be appropriate include, but are not limited to: An act of God or nature (e.g. a snake bite); the act of a third party (e.g. another employee drops a tool on the employee's head); equipment failure (e.g. a tool or ladder breaks through no fault of the employee); illness, sickness or natural exposure (e.g. heat

exhaustion, poison oak, or respiratory injury); or a normal work activity strain or soreness (e.g. carpal tunnel or other repetitive motion injuries). However, if it appears the employee did something unusual to cause the injury, for example poking the snake with a stick or fighting with the employee who then drops a tool on him, testing may be appropriate.

- 7.4 Legally mandated drug and alcohol testing: Post accident testing will be conducted in compliance with federal and states rules and regulations where required by law, (e.g. Department of Transportation rules)

## **8.0 Re-Analysis**

- 8.1 If an applicant or current employee's urine specimen tests positive for a controlled substance and cannot be substantiated with a valid prescription, the applicant will have an opportunity to challenge the findings by having a portion of his/her original specimen re-analyzed by a MRO (Medical Review Officer) approved referee laboratory.
- 8.2 The applicant is solely responsible for requesting re-analysis and must contact the MRO within 72 hours of being notified by an IES representative of his/her adverse results and for the applicable fees for the referee laboratory services. Should the original positive test result for an applicant be confirmed, the employment process will cease immediately except where prohibited by law and/or regulation.

## **9.0 Technically Insufficient Specimen**

- 9.1 If an applicant's specimen is deemed negative-dilute or technically insufficient for analysis, the applicant will have a maximum of 24 hours following notification of such result to provide one final specimen to the laboratory. If the final specimen, once again, is found to be negative-dilute or technically insufficient the applicant will not be permitted to provide another urine specimen and will be subject to disciplinary action, up to and including termination or denial of employment, except where prohibited by applicable law and/or regulation.
- 9.2 If the applicant claims to have a medical reason that interferes with his/her ability to produce a urine sample, he/she must contact a licensed medical physician to determine whether there is a medical condition causing the problem. The applicant will need to provide written medical documentation within 24 hours or the next business day, whichever is longer, of notifying IES of the problem to the MRO. This is not a request for a urinalysis, but a medical examination to determine whether prescribed medication or other illness may prevent the individual from providing a normal urine specimen for the purpose of drug screening. The physician will be required to communicate this medical documentation to the MRO, who will subsequently make a final determination. During the medical evaluation period, it is up to the client company whether the employee will be permitted to work. The applicant will be solely responsible for the cost of the medical visit. An individual unable to produce a urine sample because of a medical condition will be provided with reasonable accommodation, which may include being given an opportunity to be tested using an alternative drug screening method.



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- 9.3 If an individual's drug screen results are determined to be adulterated or substituted, the test will be reported as "Refused" and considered a failure to comply with the drug testing process. In this case, the applicant will be denied employment or will be subject to termination of employment.

#### **10.0 Confidentiality**

IES will attempt to keep all information and records concerning an individual's medical history or problematic or positive drug test confidential and maintained separate from employee personnel files. Individuals at IES and/or the client company shall have access to the individual problematic or positive drug screen result on a need-to-know basis only. On the other hand, the pre-employment drug screening negative test result will remain a part of the individual's personnel file.

#### **11.0 Rehire**

If an individual is denied employment, or an employee is terminated from employment under the above policy, IES will not consider employing, or re-employing the individual for a period of one (1) year following the date of the positive drug test or other Prohibited Activity.

#### **12.0 State and City Specific Laws**

IES complies with all federal, state and local laws regulating drug testing. To the extent that any jurisdiction requires additional or different procedures when drug testing applicants or employees, IES will adhere to the legal requirements of that jurisdiction.

#### **13.0 Conformance with Client Company Policies**

If a client company has a substance abuse policy that differs from IES's policy, and the client company requests IES to adhere to client company's policy when screening applicants or employees, IES will comply with the request to the extent the policy conforms to applicable local, state and federal law.