

Drug-Free Workplace and Alcohol Policy

Policy Number: A051128216
 Effective Date: 11/28/2005
 Sponsoring Department: Human Resources
 Impacted Department(s): Independent Health, its subsidiaries and affiliated organizations (IHC, IHF, PBD, Nova, Reliance, DxID)

Type of Policy: Internal External

Data Classification: Confidential Restricted Public

Applies to (Line of Business):

- Corporate (All)
- State Products, if yes which plan(s): MediSource; MediSource Connect; Child Health Plus; Essential Plan
- Medicare, if yes, which plan(s): MAPD; PDP
- Commercial, if yes, which type: Large Group; Small Group; Individual

Excluded Products within the Selected Lines of Business (LOB)

N/A

Applicable to Vendors? Yes No

Purpose and Applicability:

Independent Health Association, it subsidiaries and affiliated organizations have always been committed to a drug-free workplace. Federal law requires Independent Health Association to formally state its policy regarding a drug-free workplace. Additionally, to maintain the safety and health of our

associates, our customers and the public, this policy also prohibits the abuse of alcohol in the workplace.

Policy:

It is the intent and obligation of Independent Health Association to provide a drug-free environment. Independent Health Association, its subsidiaries and affiliated organizations (hereinafter the “Company”) absolutely prohibit the unlawful manufacture, distribution, dispensing, sale, possession or use of a controlled substance on its premises or while conducting company business off company premises. (Note: Any certified patient or registered caregiver must be in possession of his/her registry identification card at all times when in immediate possession of medical marijuana.) The dispensing, sale, or use of alcohol is also prohibited on its premises, unless at an approved company-sponsored event. All associates are prohibited from performing their employment duties while impaired by a controlled substance or alcohol. This includes any associate who is a certified patient under the law. This policy also covers **contingent workers** when they are on-site and/or performing services for the Company.

Any associate who has knowledge of another associate or contingent worker violating this policy should immediately contact his or her department leader or human resources business partner. In the enforcement of this policy, Independent Health complies with the Americans with Disabilities Act (ADA), New York Human Rights Law and other applicable state laws and regulations.

Independent Health requires that all **final candidates (Includes Reliance Rx transfers)** and **contingent workers** who have been selected for hire undergo a drug screening test prior to their hire date. All final candidates and contingent workers must pass the screening as a condition of employment. This also includes any external candidate or contingent worker who has been selected for re-hire with the company and has not had a drug screen within one year of re-hire, will be required to submit to a new drug screen before his/her re-hire date. Results must be received, reviewed and approved by Human Resources prior to the individual’s first day of work. Additionally, all new hires are required to sign off upon review of this policy.

As part of the company’s program to maintain a drug and alcohol-free work environment, an associate could be required to submit to a drug and/or alcohol test. (See below Reasonable suspicion testing)

Contingent workers working for Independent Health Association, its subsidiaries or affiliated organizations will be subject to screening completed by the agency/vendor. The SOW process requires the Contingent Worker Checklist is to be completed on each contingent worker. The vendor they are currently employed through will conduct the testing. This checklist is to be completed, signed and sent back to Human Resources prior to the first day of work. This checklist pertains to any contingent worker working on or offsite, and remotely with no physical access to our buildings.

Standard test for pre-hires and associates is a 10-panel urinalysis with an expanded opiates panel which includes:

6-Acetylmorphine (Heroin)
Amphetamines
Barbiturates

Restricted

Benzodiazepines
Cocaine
Methadone
Methaqualone
Opiates
Phencyclidine (PCP)
Propoxyphene

The urinalysis screen will also include creatine, nitrates and pH levels with abnormal levels to be reviewed by the MRO to validate against a false negative due to potential adulteration.

Conditions for Testing

Pre-hire testing: All job applicants who receive a conditional offer of employment with Independent Health, its subsidiary or affiliated organization are required to undergo testing for the presence of illegal drugs as a condition of employment. **Contingent workers** will also be required to undergo a drug screening test prior to their start date.

Should the company (other than Reliance Rx) extend an offer of employment to a current contingent worker, thus converting their employment status from contingent to associate status, the drug screening results completed by the agency will satisfy the pre-employment screening requirement as a condition of employment as long as the results were completed within a one-year period to the date of the offer of employment. Should the company be unable to obtain the screening results from the agency, the individual will be required to undergo the drug screening test again.

Reasonable suspicion testing: If any associate is found, or reasonably suspected to be, impaired by controlled substance or alcohol at work, he or she may be subject to drug or alcohol testing and transported to a company-testing facility. Accordingly, applicants and associates are required to sign a consent agreement and to submit voluntarily to a urinalysis and/or breathalyzer test at a laboratory chosen by the company and at the request of the company.

In the event there is a reasonable suspicion that an associate may be impaired by a controlled substance or alcohol while in the workplace or while performing his/her employment duties, the associate's manager or supervisor should immediately contact their human resources business partner. The human resources business partner will work with the manager or supervisor to determine if testing is warranted and/or the appropriate course of action. In the event the reasonable suspicion is confirmed and testing is necessary, the associate will be escorted by a company representative, and following the test, be given transportation home pending receipt of the results. The associate will be contacted by human resources regarding return to work status. In the event of reasonable suspicion of drug or alcohol abuse involving a contingent worker, the Company will work directly with the agency/vendor of the contingent worker. A confirmation of impairment or intoxication on company premises or while conducting company business off company premises, either through admission, testing, or refusal to test may result in disciplinary action up to and including termination of employment.

Examples of situations or events that could be indicators of substance abuse and constitute reasonable suspicion include, but are not limited to:

- Observed alcohol or drug use during work hours;
- Unusual or aberrant behavior or apparent physical state of impairment;
- Incoherent mental state;
- Possession, sale, or distribution of drugs and/or alcohol during working hours;
- Excessive absenteeism and/or tardiness;
- Serious accidents or incidents in which safety precautions were violated or unusually careless acts were performed; and
- Deteriorating work performance below acceptable standards not attributable to other factors

Inspection and search based upon reasonable suspicion:

All company lockers, desks, files and vehicles parked on company property are subject to inspection based upon reasonable suspicion that the user or operator is involved with controlled substances or alcohol abuse.

Effects of Positive Testing

In the event of a positive test result, the **Medical Review Officer (MRO)** from the contracted laboratory first contacts the associate or prospective associate with the results. The MRO then conducts an interview to determine if the result is due to any prescribed medication or extenuating circumstances. If there is verifiable evidence of a legally prescribed medication or any other medical reason for the confirmed positive result, the MRO has the authority to overturn this. A second drug test may be requested at that time. The MRO notifies the plan administrator designated to receive this confidential information.

Voluntary Reporting

Independent Health Association recognizes that alcohol and drug dependency and abuse are potential health, safety, and security problems. Independent Health Association recognizes that alcoholism and drug addiction are diseases and associates needing help in dealing with such problems, or a potential drug or alcohol abuse problem, are encouraged to use our Employee Assistance Program and health insurance plans as appropriate. Independent Health Association recognizes an individual may be a recovered/recovering alcoholic or drug addict and as such efforts to seek such help will not jeopardize any associate's job and will not be noted in any personnel record. For this reason, the Company will not initiate disciplinary action against any associate who meets all three of these conditions:

- Voluntarily identifies him/herself as abusing drugs or alcohol before they are identified through other means;
- Obtains counseling or rehabilitation through a designated treatment program; and
- Thereafter refrains from the abuse of drugs and alcohol.

Because the key to this provision's rehabilitative effectiveness is an associate's willingness to admit his or her problem, this provision is not available to an associate who requests protection under this provision after:

- Being asked to provide a breathalyzer test and/or urine or blood sample in accordance with this policy; or
- Having been found to have used illegal drugs through direct observation; evidence obtained from an arrest or criminal conviction; a verified positive test result.

As an individual who is currently using drugs illegally is not protected in this regard. As defined under the New York Human Rights law, the current illegal use of drugs means the illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real or on-going problem.

Impact to Pre-Hires: Applicants who fail the drug test are denied employment. Such applicants may reapply for employment after a period of 12 months.

Associates: Associates will be subject to an assessment by a recognized treatment program in lieu of discharge whereby the associate would be required to complete any directives given by medical personnel. This may involve a leave of absence and/or any inpatient or out-patient treatment program, follow-up counseling, therapy, appointments and similar care. The associate is responsible for any such expenses of rehabilitation, although he/she may qualify for disability benefits during a leave of absence. Associate must authorize the release of information and assist Independent Health or its affiliate in obtaining what information is needed to monitor progress in rehabilitation. An associate's refusal to participate in and satisfactorily complete any required treatment will result in discipline, up to and including termination.

Any associate who agrees to participate in a recognized drug and/or alcohol rehabilitation program as a condition of continued employment or when the associate is cleared to return to work from such program is required to submit to unannounced drug/alcohol tests for the next three (3) years at the discretion of the company. A positive result from an unannounced drug or alcohol test could result in disciplinary action up to and including termination.

Prohibited Workplace Conduct: The unlawful manufacture, distribution, dispensing, sale, possession or use of a controlled substance on its premises or while conducting company business off company premises. Additionally, the distribution, dispensing, sale, possession or use of alcohol is also prohibited on its premises, unless at an approved company-sponsored event. (An associate who under the law is a certified patient or registered caregiver must be in possession of his/her registry identification card at all times when in immediate possession of medical marijuana.) Conduct also prohibited under this policy includes:

- Reporting to work intoxicated or impaired by alcohol or controlled substances.
- Knowingly allowing another associate to violate this policy.
- Switching or adulterating any urine or blood sample submitted for testing.
- Refusing to participate in a drug test or Breathalyzer test.
- Refusing to cooperate in an investigation under this policy.
- Failing to adhere to requirements of a treatment program.

Insubordination: Refusal to cooperate in any and all areas of this policy could lead to immediate suspension and/or termination.

Illegal Conduct: Conduct whereby the associate has been charged with the unlawful manufacture, distribution, dispensation, sale, possession or use of an illegal substance. (Such associate is not permitted to return to work until the occurrence is investigated and a determination is made whether discipline may be appropriate as based on the disposition of the charges)

The severity of the corrective actions depends upon the circumstances of each case, and the nature of conduct for any violation as outlined under this policy and may include termination of employment.

Confidentiality

Independent Health guarantees that all information attained from the process will only be used as part of the employment process and kept strictly confidential. Such records shall remain confidential, locked and accessible only to authorized individuals involved in the process and kept separate from the regular personnel files. Talent Acquisition will be notified of any drug screen results obtained in connection with any applicants as part of the hiring process. The results of any verified positive test on a current associate will be given to the Human Resources Business Partner for appropriate action and follow-up with the associate and the associate's manager/supervisor.

Adherence & Reporting

Associates must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off company premises or while conducting company business. A report of a conviction must be made to human resources within five (5) days after the conviction as mandated by the Drug-Free Workplace Act of 1988. Any violations of this policy may result in disciplinary action up to and including termination.

Anti-Retaliation

Independent Health will not tolerate retaliatory action of any kind, taken by a supervisor or associate against an associate who has followed Independent Health's policies to notify Independent Health Management of on-the-job drug use or safety violations under this policy.

Definitions

Contingent workers - Temporaries (including interns), contractors, consultants, vendors and Board members who are on-site either for an extended period of time or come on-site frequently due to nature of work performed.

Final Candidate - external candidate who has been extended a contingent offer for employment. (This does not include associates who transfer between Independent Health, its subsidiaries and affiliated organizations, other than transfers to Reliance Rx.)

Reliance Rx Transfer - An internal candidate within the Independent Health family of companies (Independent Health Association, its subsidiaries and affiliated organizations) taking a position with Reliance Rx.

Medical Marijuana - is a plant-based medicine from the *Cannabis* species with three major active compounds: THC, CBD, and CBN.

Medical Review Officer (MRO) - licensed physician (M.D.) with training in substance abuse who utilizes their in-depth understanding of the protocols and chain of custody requirements involved in drug testing to protect the rights and confidentiality of both employer and employee.

References

Related Policies, Processes and Other Documents

Associate Handbook

Regulatory References

- Americans with Disabilities Act (ADA)
- New York Human Rights Law
- New York Compassionate Care Act
- Drug-Free Workplace Act of 1988

Version Control

Sponsored By:

Name sponsor: Patricia Clabeaux

Title of sponsor: EVP, Chief HR Officer

Signature of sponsor:



Revision Date	Owner	Notes
5/21/2013	Amy Schweizer	Revised
4/2/2015	Jen Barr	Reviewed and Revised
10/1/2015	Jen Barr	Revised (Drug Free Workplace Act)
3/1/2016	Jen Barr	Revised
7/21/2016	Jen Barr	Revised
3/24/2017	Jen Barr	Reviewed and revised
5/10/2017	Jen Barr	Revised
10/23/2017	Jen Bar	Revised- expanded test panel
12/20/2017	Jen Barr	Revised to specify rehires
1/9/2018	Jen Barr	Revised re: Reliance
11/1/2019	Jen Barr	Updated
4/15/2020	Jen Barr	Revised contingent conversion pre-employment screening process
7/8/2020	Jen Barr	Updated (removed marijuana from screening)
11/17/2020	Jen Barr	Added Heroin and pH to screening panel
12/1/2020	Jen Barr	Put Creatinine and Nitrates back on the

		panel. Hydrocodone and Hydromorphone and/or Oxycodone and Oxymorphone are now part of the Opiates category
6/1/2021	Jen Barr	Update to panel