

## SUBSTANCE ABUSE AND SUBSTANCE ABUSE TESTING POLICY & CONSENT RELEASE FORM

ALTRES and the ALTRES client company for whom you work (“your employer”) have a vital interest in maintaining safe, healthful, and productive working conditions for all employees. Severe problems and/or safety risks can occur if you are under the influence or in possession of a drug or alcohol while on the job. The possession, use, sale, purchase, or being under the influence of an illegal drug or alcohol in the workplace is unacceptable. Accordingly, your employer has established the following zero-tolerance Substance Abuse and Substance Abuse Testing Policy (“Policy”) to be applied to employees and applicants for employment. All tests will be administered in accordance with state and federal law and the results obtained by ALTRES on behalf of your employer and/or directly by your employer will remain confidential.

### Rules on Alcohol and Drug Use

- **Alcohol**

Possession, use, sale, purchase, or being under the influence of alcohol by you during work hours and/or at the workplace is prohibited. An alcohol test which reveals a concentration of 0.05 percent or more of alcohol in your bloodstream (or such lower percentage as may be set by federal or state law for a driving under the influence (DUI) violation) will be considered conclusive evidence that you are “under the influence” of alcohol within the meaning of this Policy. However, evidence of a lesser concentration of alcohol may be considered along with other factors indicating impairment in determining whether you are under the influence.

- **Illegal Drugs**

“Illegal Drug” means any drug (a) which is not legally obtainable by you under Hawaii law or (b) which is not legally obtainable by you under Federal law, or (c) which is legally obtainable by you under Hawaii or Federal law but has not been legally obtained by you. Such drugs include, but are not limited to, marijuana, cocaine, opiates, amphetamines (including crystal methamphetamine), and phencyclidine (PCP). The term “illegal drug” also includes controlled substances not legally obtained and controlled substances that were prescribed but are not being used for prescribed purposes. “Illegal drug” also means a substance analogue of any drug not legally obtainable by you under Hawaii or Federal law and the isomers, esters, ethers, and salts of any drug not legally obtainable by you under Hawaii or Federal law. “Illegal drug” will also mean any drug named, described, or scheduled as a controlled substance in 21 U.S.C. § 812, as amended, Part 1308 of Title 21 of the Code of Federal Regulations, as amended, Hawaii Revised Statutes Chapter 329 as amended, the Hawaii Administrative Rules implementing and interpreting Haw. Rev. Stat. Ch. 329, and the controlled substances schedules published from time to time by the Hawaii Department of Public Safety.

**SPECIAL NOTE AND WARNING REGARDING “MEDICAL” MARIJUANA:**  
**REGARDLESS OF HAWAII’S MEDICAL MARIJUANA LAW, WHICH OFFERS ONLY AN AFFIRMATIVE DEFENSE TO PROSECUTION BY THE STATE OF HAWAII (BUT NOT BY THE FEDERAL GOVERNMENT) FOR SOME MARIJUANA-RELATED OFFENSES, MARIJUANA REMAINS A “SCHEDULE I” ILLEGAL DRUG UNDER BOTH HAWAII AND FEDERAL LAW. ACCORDINGLY, MARIJUANA, EVEN IF “PRESCRIBED” UNDER HAWAII’S MEDICAL MARIJUANA LAW, IS AN “ILLEGAL DRUG” UNDER BOTH HAWAII AND FEDERAL LAW, IS AN “ILLEGAL DRUG” UNDER THIS POLICY, AND IS AN “ILLEGAL DRUG” FOR PURPOSES OF YOUR EMPLOYMENT. NEITHER ALTRES NOR YOUR EMPLOYER WILL RECOGNIZE OR ACCEPT YOUR USE OF MEDICAL MARIJUANA AS AN EXCUSE OR DEFENSE TO A VIOLATION OF THESE POLICIES. YOU MUST NOT RELY ON HAVING A MEDICAL MARIJUANA CERTIFICATE OR “BLUE CARD” AS AN EXCUSE OR DEFENSE TO A VIOLATION OF THESE POLICIES AS NEITHER ALTRES NOR YOUR EMPLOYER ACCEPT MEDICAL MARIJUANA CERTIFICATES OR “BLUE CARDS” AS AN EXCUSE OR DEFENSE TO A VIOLATION OF THESE POLICIES. IF YOU TEST POSITIVE FOR MARIJUANA,**

**YOU WILL BE DEEMED IN VIOLATION OF THESE POLICIES, AND YOU WILL BE SUBJECT TO THE CONSEQUENCES FOR SUCH A VIOLATION, WITHOUT REGARD FOR OR CONSIDERATION OF YOUR STATUS AS A USER OF MEDICAL MARIJUANA UNDER HAWAII LAW AND/OR YOUR POSSESSION OF A MEDICAL MARIJUANA CERTIFICATE OR “BLUE CARD.”**

Possession, use, sale, purchase, being under the influence of, or having within your tissues, muscles, blood, urine, or other bodily fluids, an illegal drug during work hours and/or at the workplace is prohibited. If a drug test reveals that you have illegal drugs in your system, the test results will be considered evidence that you are “under the influence” of illegal drugs within the meaning of this Policy.

- **Legal Drugs**

“Legal Drug” means any prescribed drug or over-the-counter drug that has been legally obtained by you and is being used by you for the purpose as prescribed, manufactured, and/or directed. The use of a legal drug can pose a significant risk to your safety or that of others. The use of, or being under the influence of, any legally obtained drug by you during work hours and/or at the workplace is prohibited if such use or influence may affect your safety or the safety of your coworkers or the general public.

If you have reason to believe that the use of a legal drug may present a safety risk to yourself or others, you must report such drug use to your workplace supervisor to determine job-related consequences. ALTRES and/or your employer may require you to take a leave of absence or comply with other appropriate remedies determined by management.

## **Searches**

ALTRES and/or your employer may conduct searches for illegal drugs or alcohol when there is reasonable cause to suspect that illegal drugs or alcohol are present.

Searches may include your personal property at the workplace including, but not limited to, your automobile, clothing, lunch box, cooler, locker, desk, desk drawers, purse, parcels, and similar items or enclosed spaces or places.

Any illegal drugs or alcohol or suspected illegal drugs or alcohol may be impounded and turned over to third parties, including but not limited to testing laboratories and law enforcement agencies, for examination, testing, and/or any other form of analysis. A receipt will be issued for the impounded property.

## **Testing**

In order to protect the well-being of our employees, your employer’s employees, our business, your employer’s business, and the community in which we live, and as a condition of employment or continued employment, you will be required, upon demand, to submit to breath, blood, and/or urine tests for determining the use of drugs and/or alcohol.

If you are required to be tested under this Policy, you must execute the appropriate consent and release forms to enable a qualified physician, technician, and/or laboratory to perform such a test and release the result of the test to ALTRES and your employer. Failure to execute the appropriate consent and release forms will be considered a refusal to be tested and will be grounds for disciplinary action, up to and including immediate dismissal (or, in the event of pre-employment testing, will be grounds for revocation of the employment offer). In addition, your refusal to submit to a drug/alcohol test under the provisions of this Policy will also result in immediate dismissal (or revocation of employment offer), even for a first refusal.

Breath, blood, and/or urine tests for determining the use of drugs and/or alcohol will be performed by a qualified physician, technician, and/or laboratory of ALTRES’ and/or your workplace’s choosing. Such tests include, but are not limited to, the following:

- **Pre-Employment Testing (if applicable)**

All applicants for employment may be required to submit to a test for illegal drugs. Applicants will be screened for illegal drugs after being offered an employment position. That job offer will be conditional upon the applicant passing the controlled substance test. If an applicant registers positive, the job offer will be revoked and that applicant will not be eligible for employment in any capacity.

- **Reasonable Suspicion Testing**

ALTRES and/or your employer will require a blood test, breathalyzer test, urinalysis, or other drug/alcohol test if ALTRES and/or your employer have reasonable suspicion to believe that you have used drugs or alcohol during work hours and/or at the workplace or have otherwise violated this Policy. Reasonable suspicion as grounds for a screening test means that ALTRES and/or your employer reasonably and in good faith believe that your actions, appearance, and/or conduct suggest the use or being under the influence of alcohol or an illegal drug, even if the belief turns out to be incorrect.

Factors which may be considered in determining reasonable suspicion include, but are not limited to, excessive absenteeism, frequent or unexplained absence from job site, poor interpersonal relations on the job, abnormal work performance or personal behavior, discovery of drugs or drug paraphernalia at the workplace, physical conditions or symptoms that suggest alcohol or drug use, and objective evidence of illegal drug use or sale provided by a federal, state, or local law enforcement agency.

The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, or, in some cases, by a layperson's opinion. Notwithstanding any of the foregoing, reasonable suspicion sufficient to test you under this Policy will always be deemed present whenever you have been involved in a work-related accident involving bodily injury and may also be deemed present in accidents involving property damage.

- **Post-Accident Testing**

ALTRES and your employer will require a blood test, breathalyzer test, urinalysis, or other drug/alcohol testing if you are involved in a work-related accident involving bodily injury and may require such test(s) if you are involved in an accident while operating a vehicle on behalf of the company or if you are involved in a work-related accident involving property damage. If you are involved in any of these accidents, you are required to remain readily available for such post-accident testing or will be deemed by ALTRES and your employer as having refused to submit to an alcohol or controlled substances test. Breath, blood, or urine tests for alcohol and/or illegal drugs conducted by federal, state, or local officials having independent authority for the tests may be substituted for post-accident tests conducted by ALTRES and your employer. Findings made by an administrative body or court of law on the basis of the objective perceptions of such federal, state, or local officials may also be substituted for post-accident tests conducted by ALTRES and your employer.

- **Random and/or Periodic Drug and Alcohol Testing**

ALTRES and your employer may also require random and/or periodic drug testing. You will not be entitled to prior notice of the dates or persons selected for random or periodic drug testing.

- **Commercial Drivers (if applicable)**

All commercial drivers subject to regulation by the Department of Transportation (DOT) must submit to drug and alcohol testing as required under DOT regulations and other federal and state requirements.

## Drug and Alcohol Listing

Any administered test will evaluate various drug and alcohol substances, including but not limited to:

Cannabinoids such as THC (Marijuana)	Benzodiazepines
Cocaine, Metabolites as Benzoyllecgonine	Methadone
Phencyclidine (PCP, Angel Dust)	Ethanol Alcohol
Opiates (Codeine, Morphine)	Blood Alcohol
Amphetamines (including crystal methamphetamine)	Urine Alcohol
Barbiturates	

You are advised that over-the-counter medications or prescribed drugs may result in a positive test result. If you are taking over-the-counter medications or prescribed drugs at the time of the test, you may wish to discuss your taking of over-the-counter medications or prescribed drugs and the possible effect of such over-the-counter medications or prescribed drugs with the laboratory personnel and/or the Medical Review Officer. The laboratory should provide you with a medication disclosure form before the test is administered. You may use this form to disclose any over-the-counter medications or prescribed drugs you have taken within the past thirty days. If you are not given this form before the test is administered, please request one from the laboratory personnel administering the test to you. Information contained in the medication disclosure form will not be released to ALTRES and/or your employer.

## Disciplinary Action

Disciplinary action will be taken against you if you violate any of the provisions of this zero-tolerance Policy. The level of disciplinary action taken against you for violation of this Policy will be within the sole discretion of ALTRES and your employer.

In particular, but without limitation to the following, you will be subject to disciplinary action, up to and including immediate dismissal (even for a first offense), if you:

- Refuse to submit to a drug/alcohol search or test under the provisions of this Policy.
- Fail to execute the appropriate consent and release forms for testing (which will be considered a refusal to submit to testing).
- Test positive for an illegal drug(s) in your system.
- Test above the allowable limit for alcohol concentration.
- Admit to being under the influence of a controlled substance during work hours.
- Submit a falsified or substituted sample for any substance abuse test.

## Policy Changes

ALTRES and your employer reserve the right to modify and/or terminate any provision of this Policy at any time, except as may be limited by applicable federal or state law. This Policy supersedes any previous oral or written policies or procedures regarding substance abuse and/or testing.

Should any provision within this Policy be invalidated under law, that provision alone shall be deemed unenforceable and the rest of this Policy shall continue in full force and effect.

You are required, upon demand, to submit to substance abuse testing for any of the following reason(s):

- Pre-Employment Testing
- Reasonable Suspicion Testing
- DOT requirement
- Post-Accident Testing
- Random or Periodic Drug and Alcohol Testing

**Acknowledgement of Receipt of Substance Abuse and Substance Abuse Testing Policy & Consent Release Form**

I acknowledge that I have received a copy of ALTRES' Substance Abuse and Substance Abuse Testing Policy. I further acknowledge that I have read ALTRES' Substance Abuse and Substance Abuse Testing Policy and understand that it is my responsibility to adhere to it **(INCLUDING BUT NOT LIMITED TO THE "SPECIAL NOTE AND WARNING REGARDING MEDICAL" MARIJUANA)**.

I understand and acknowledge that employment with ALTRES and/or my employer is at-will and that the provisions contained in ALTRES' Substance Abuse and Substance Abuse Testing Policy do not constitute an implied or express contract of employment or alter the at-will employment relationship in any way; therefore, I will not invoke ALTRES' Substance Abuse and Substance Abuse Testing Policy to claim that I have an implied or express contract of employment with ALTRES and/or my employer.

Pursuant to Haw. Rev. Stat. § 329B-6, I hereby consent to the release of any and all result(s) from any and all substance abuse test(s) to ALTRES, Inc. and/or my employer.

Print Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone Number: \_\_\_\_\_

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

**If Employee is a Minor:**

I am providing consent for my child, \_\_\_\_\_, to obtain a Physical and Medical examination in anticipation of employment at Lāna'i Community Health Center.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Child \_\_\_\_\_

**NOTE: If not the natural parent with legal custody of the child, please attach appropriate documentation.**