

**DISABILITY PARTNERS
DRUG AND ALCOHOL POLICY
Effective July 1, 2010**

Purpose

To establish guidelines which ensure a safe, healthy and productive drug-free work environment for the employees of Pathways.

Scope

This policy affects and applies to all employees.

Policy

Being under the influence of a drug or alcohol while on the job poses serious safety and health risks to the user and to co-workers. Therefore, Disability Partners has established the following policy to ensure a drug-free work environment:

The possession or use of the following substances on company premises poses unacceptable risks for safe, healthful and efficient operations, and **will not be tolerated:**

- an illegal drug
- a legal drug that is obtained or distributed illegally
- a legal drug which interferes with safe performance
- alcohol

The possession, use or sale of illegal drugs is also a criminal offense and **will not be tolerated.**

A drug/alcohol test **may be** required for employment at the discretion of the employer.

The Company may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

**Disability Partners
Drug and Alcohol Policy
July 1, 2010
Page 2**

A drug/alcohol test **may be** administered in the following situations:

- if an employee is involved in an accident while on company business
- if management has reason to believe that an employee is under the influence of alcohol or drugs.
- For cause as determined by the company

Failure to submit to a drug/alcohol test when requested is grounds for immediate termination.

Procedures

All tests will be done at a certified laboratory selected by the Executive Director. All testing will be consistent with the North Carolina Controlled Substance Act. If an initial drug test is positive, a confirmation test is performed on the same specimen using Gas Chromatography/Mass Spectrometry.

The Executive Director can authorize use of breathalyzers or other testing procedures to detect alcohol use or possible impairment of employees.

At the time an employment application is submitted, all applicants are provided a copy of Disability Partners Substance Abuse Policy including employee rights under the North Carolina Controlled Substance Examination Regulation Act (CSERA), NCGS 95-230- 95-235; administrative rules, 14 NCAC 20.0101 - .0602..

A Pre-employment Testing Procedures: (If required by the employer)

- Applicants may be required to submit to a drug/alcohol test after a conditional offer of employment.
- Applicants will be tested at a certified laboratory that meets the standards of the North Carolina Controlled Substance Act.
- Any applicant who tests positive will be notified in writing of the test results and their right to have the sample re-tested at the applicant's expense.

**Disability Partners
Drug and Alcohol Policy
July 1, 2010
Page 3**

B. Testing of Employees

- All employees tested will be notified in writing of their rights under the North Carolina Controlled Substance Act.
- Any employee, who tests positive on a drug/alcohol test, will be notified in writing of the right to have the sample re-tested at the employee's expense.
- Any employee who tests positive will be referred to a designated drug counseling center and disciplined up to three months suspension without pay or possible termination of employment.
- Results of drug/alcohol tests will be released to the Executive Director and results are kept confidential.

1. For-cause Testing

Employees can be asked to submit to a test if cause exists to indicate that their health or ability to perform work might be impaired. Examples of factors that could establish cause include, but are not limited to:

- 1) Sudden changes in work performance;
- 2) Repeated failure to follow instructions or operating procedures;
- 3) Personality changes or disorientation;
- 4) Discovery of illegal or suspicious substances or materials in any employee's possession or near the employee's work area;
- 5) Unexplained or frequent absenteeism;
- 6) Odor of alcohol and/or residual odor peculiar to some chemical or controlled substances.

2. Reasonable Suspicion Testing

If an authorized official of the company has cause to believe or has a reasonable suspicion that an employee is impaired or is using legal or illegal substances, these findings and observations are documented.

3. Post-Accident Testing

Any employee involved in an accident during work hours or while on company business will be required to submit to a drug test.

Disability Partners
Drug and Alcohol Policy
July 1, 2010
Page 4

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Administration

The Executive Director will administer this policy. The Executive Director has the right to designate a company representative to act on their behalf in administering this policy.

**DISABILITY PARTNERS
DRUG AND ALCOHOL POLICY**

**CONSENT FORM
FOR
ALCOHOL AND DRUG SCREENING**

I hereby give my consent and express my willingness to undergo a drug/alcohol test as requested by Pathways. I also consent to the release of the results of the drug/alcohol test to Pathways. I have received a copy of the "Initial Notice to Applicants or Employees."

With this agreement, I am also consenting to the collection of any blood or urine sample collected from me by Pathways's designated testing representative. I understand that if such a sample is collected, it is sent to a laboratory selected by the company, which conducts screening tests on it to detect the presence of illegal narcotics, including marijuana and other drugs, as well as signs of abuse of legal drugs. I consent to the release to Disability Partners of all my medical records related to this drug test.

I acknowledge and understand that if I do not satisfactorily complete this drug test, Disability Partners has the right to decide whether my continued employment is in the overall best interests of the organization.

In exchange for Pathways' scheduling and paying for the drug test, I release and discharge Disability Partners and any of its designated personnel, agents or authorized testing laboratories from any claims or potential liability arising out of or related to any physical or medical examination or the results of such examinations or tests.

I also agree not to file or pursue any complaints, claims or legal actions of any kind against Disability Partners or any of its employees, representatives or agents arising out of their activities or actions performed in connection with the drug/alcohol test.

Employee Signature

Date

Print Name

**DISABILITY PARTNERS
DRUG AND ALCOHOL POLICY
INITIAL NOTICE TO APPLICANTS AND EMPLOYEES**

North Carolina law gives you rights and responsibilities regarding an employment-related test for controlled substances (a drug test). The law covering this test is called the Controlled Substance Examination Regulation Act (SCERA), NCGS 95-230-235.

- **Do I have to take a drug test?**
No. However, the employers can make testing a condition of your employment. If you refuse to take the test, you may not get the job or you may be disciplined or fired.
- **What can the employer test?**
Your blood or urine.
- **What can the employer test for?**
Any controlled substance listed in NCGS 90-87(5) or a metabolite thereof. Most employers will test for five to ten controlled substances. Note that alcohol is not a controlled substance under CSERA so these rules do not apply to alcohol tests.
- **Who can be tested? When? Where? Why?**
CSERA doesn't answer these questions. These decisions are made by the employer. Other state and federal laws will protect an employee from drug testing that is done for illegal discriminatory purpose.
- **Where can the sample be collected?**
Anywhere the employer says as long as the conditions are safe and sanitary, your individual dignity is maintained, and the chain of custody is maintained on the sample.
- **What is required for the sample collection?**
The collector must follow the collection procedures established by the approved lab. You must follow the collector's instructions during the collection and paperwork processing. You must complete the paperwork-sign the strip after it is placed over the sealed bottle.
- **Who performs the drug test?**
For applicants (prospective employees), the sample may be initially screened (or tested) where it is collected. If this initial screen has a

positive result, the sample must be sent to an approved lab for a confirmation test using GC/MS. For current employees, the approved lab must perform the initial screen. If that initial screen has a positive result, the approved lab must run a confirmation test using GC/MS.

- **How will I learn of the results?**

You may not hear anything. The employer must tell you if the test result is positive. This notice of confirmed positive result must be in writing and given to you within 30 days of when the employer learned of the positive result. This notice must also tell you what your rights and responsibilities are regarding having the confirmed positive result retested. The approved laboratory that performed the test is required to keep the sample for at least 90 days from the time the result is sent to the employer.

- **Are the circumstances of the test and the test results confidential?**

Yes. With limited exceptions, the examiner, collector and approved lab must keep confidential all information relating to your drug test. However, if you want to protect this confidentiality, be careful not to discuss the examination process and results yourself.

- **Who pays for the drug test?**

The employer pays for drug test expenses, except for retest of confirmed positive result.

DISABILITY PARTNERS
DRUG AND ALCOHOL POLICY
POST TESTING NOTICE TO EXAMINEES

“PERSONAL AND CONFIDENTIAL”

North Carolina law gives you rights and responsibilities regarding an employment related test for controlled substances (a drug test). The law covering this test is called the Controlled Substance Examination Regulation Act (CSERA), NCGS 95-230- 95-235; administrative rules, 14 NCAC 20.0101 - .0602.

You are hereby notified that your drug test produced a positive result. The initial positive screening has been confirmed using GC/MS. You have the following rights and responsibilities under the law:

- The employer must tell you if the test result is positive. This notice of a confirmed positive result must be in writing and given to you within 30 days of when the employer learned of the positive result.
- The sample that produced the confirmed positive result has been preserved by the laboratory that conducted the test. This sample will be kept for a period of at least 90 days from the time the results of the confirmed positive examination were mailed or otherwise delivered to the employer (examiner).
- You have the right to retest a confirmed positive sample at the same or another approved laboratory, within 90 days, at your expense. You must request release of the sample in writing specifying to which approved laboratory the sample is to be sent.
- If you wish to have the sample retested, call the employer to learn what procedures to follow. Generally, you must make the request for retesting in writing and you must pay for it. You have a limited amount of time to have the sample retested.