



## DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE POLICY – MAINE

### Definition

**Alcohol** means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes beer, wine, spirits, and medications such as cough syrup that contain alcohol.

**Alcohol screening** is a test performed on a specimen to determine the presence of alcohol at a concentration of .04 or more.

**Illegal drugs** mean all controlled substances, controlled substance analogues, cannabinoids (including cannabidiol (CBD) and CBD products that contain unlawful amounts of THC), marijuana extracts, synthetic drugs, designer drugs, and other substances that are not being used or possessed under the supervision of a licensed health care professional or that are not being used in accordance with the licensed health care professional's prescription or whose use or possession is otherwise unlawful under the federal Controlled Substances Act. (Controlled substances are listed in Schedules I-V of 21 U.S.C. § 812 and 21 C.F.R. Part 1308.)

**Drug screening** is a test performed on a specimen to determine the presence or absence of drugs in specific concentration levels, and if positive, the identity of the drug(s).

**Individual** refers to both employees and candidates who have received a conditional offer of employment with Kelly Services ("Kelly").

### Policy

Kelly is committed to ensuring the safety and health of its employees and maintaining the Company's reputation for providing quality services. As a government contractor, Kelly complies with the federal Drug-Free Workplace Act of 1988 and similar state and local laws and requires all of its employees to comply as well. This program is designed to help create a safe working environment for all employees.

Kelly prohibits substance abuse and the illegal use, possession, sale, exchange, or manufacture of drugs and drug paraphernalia on Kelly's or its customers' premises, in a Kelly- or customer-supplied vehicle, or in any connection with one's employment with Kelly. The dangers of drug use in the workplace include: impaired job performance and judgment; risk to the health and safety of co-workers; and significantly reduced coordination, concentration, memory, and reflexes.

Individuals are prohibited from being under the influence of drugs at all times during work hours.

All test results and information relating to an individual's substance abuse or use of medication is confidential.

Kelly will report to law enforcement authorities illegal drug-related activities, such as the sale of illegal drugs, that occur on Kelly's or its customer's premises, and will cooperate in any criminal investigation of such activities. Kelly requires individuals to provide notice to their Kelly supervisor within five (5) days of conviction for a criminal drug-related offense.

### Covered Establishments

- Kelly Services, Inc. and its subsidiaries
- Kelly Services branch office located in the State of Maine is: Branch 3026 – Auburn, 232 Center St. Auburn, ME 04210-6136

## Contact Regarding Substance Abuse Screening Policy

### Employment Compliance

Telephone: 877-576-3681

Fax: 844-930-0542

E-mail: [EMPLCOM@kellyservices.com](mailto:EMPLCOM@kellyservices.com)

Outlook: [Mailbox Employment Compliance](#)

This policy complies with the Maine Substance Abuse Testing Law (26 M.R.S.A. Sec. 681-690) and the Maine Department of Labor Rules relating to Substance Abuse Testing (adopted October 27, 1989).

Candidates will be notified at the time of initial application that they may be screened for substance abuse and will be given a copy of the policy.

## Scope of Screening

### 1. Substances to be screened (procedure and cut-off limit for positive initial screening results):

- The initial screening will use the EMIT (Enzyme Multiplied Immunoassay Test) methodology or a screen technology of similar or greater accuracy and reliability approved by the Maine Department of Health and Human Services.
- The substance to be screened for in the initial screening and the substance concentration levels in urine to produce positive screen results are identified below:

Drug Classification	Screening Cut-Off Limit (ng/mL)	Confirmation Cut-Off Limit (ng/mL)
Amphetamine/Methamphetamine	500	250
Barbiturates	300	300
Benzodiazepines	300	200
Cannabinoids	50	15
Cocaine and/or Metabolites	150	100
Methadone	300	300
Methaqualone	300	300
Opiates	2000	2000
Phencyclidine	25	25
6-Acetylmorphine	N/A (Only if morphine > 2000)	10

- **Any sample which produces positive results in the initial screening will be subject to a confirmation screening. The confirmation screening procedure and cut-off limits are as follows:**

- The confirmation screening will use GC/MS (gas chromatography/mass spectrometry) methodology.
- The substance concentration levels in urine to produce positive confirmation screening results are shown in the previous chart.

### 2. Candidate and Employee Screening

Screening will be conducted in accordance with customer requirements. For positions that require screening, substance abuse screens will be administered to individuals who have been offered:

1. Conditional employment with Kelly; or
2. A position by Kelly and are on a roster of eligibility from which candidates shall be selected for employment.

Additional reasons for screening are outlined in the "Testing Procedures" section below.

## Actions to Be Taken

In most cases, a candidate will **not** be hired prior to the receipt of the screening results. If the final screening results are considered unfavorable by Kelly or the customer, Kelly may deny employment.

Individuals who fail to appear for a pre-assignment drug test will be permitted to reapply for employment and submit to another pre-assignment drug test.

Individuals who otherwise refuse to cooperate in a drug and/or alcohol test will be denied employment, removed from an assignment, or terminated.

Upon a confirmed positive result or voluntary admission of a substance abuse problem, Kelly will provide the employee with an opportunity to participate for up to six months in a rehabilitation program and to participate in an employee assistance program. If the employee refuses to participate in the rehabilitation program or receives a subsequent confirmed positive result from a test administered by Kelly, the employee will be terminated.

Kelly will not take any disciplinary action while an employee is participating in a rehabilitation program, except that Kelly or the customer may change the employee's work assignment or suspend the employee from active duty to reduce any possible safety hazard. However, if the rehabilitation or treatment provider notifies Kelly that the employee has refused to comply with the prescribed rehabilitation program before the expiration of the 6-month period, Kelly may take adverse employment action, including but not limited to, denial of employment, removal from assignment, and/or termination.

Individuals who are denied employment or whose employment is terminated may become eligible for rehire under certain conditions. The individuals must provide a negative drug test result for, at minimum, the same drug panel for which there was a positive result. The results must come from a certified laboratory and must be obtained by the individual at the individual's own expense. Individuals may then be considered for future assignments for which they are qualified. Those individuals also will be subject to any applicable pre-assignment drug testing required for the relevant assignment in addition to the test obtained the individual.

## Testing

At the request of Kelly's customers, Kelly may, as a condition of an assignment, request its employees or candidates to submit to its customers' drug and alcohol screening requirements. Kelly also may conduct the following types of tests:

- Pre-assignment
- Probable Cause/Reasonable Suspicion
- Random
- Arbitrary (customer-required)

## Testing Procedures

All urine samples will be collected at one of the following specimen collection facilities:

### **Bayside Employee Health Center**

50 Sewall St.  
Portland, ME 04102  
Ph: 207-780-6631  
Hours: Mon. – Fri. 8:00 – 5:00  
Lab: Quest Diagnostics

### **Concentra Medical Center**

34 Gilman Rd.  
Bangor, ME 04401  
Ph: 207-941-8300  
Hours: Mon. – Fri. 7:30 – 5:00  
Lab: Quest Diagnostics

### **Concentra Medical Center**

29 Winter St.  
Norway, ME 04240  
Ph: 207-743-7399  
Hours: Mon., Wed. 8:00 – 4:00  
Tue. 1:00 – 4:00

### **Concentra Medical Center**

219 Capital St., Suite 2  
Augusta, ME 04330  
Ph: 207-629-5005  
Hours: Mon. – Fri. 8:00 – 5:00  
Lab: Quest Diagnostics

Thu. Closed  
Fri. 8:00 – 11:30  
Lab: Quest Diagnostics

**Occupational Health and Rehab, Inc.**

59 East Avenue  
Lewiston, ME 04240  
Ph: 207-284-1680  
Hours: M-F 8-5  
Lab: Quest Diagnostics

**Workplace Health**

10 Caldwell Rd.  
Augusta, ME 04330  
Ph: 207-626-7250  
Hours: Mon. – Fri. 7:30 – 5:00  
Lab: Quest Diagnostics

**Workplace Health**

30 Chase Ave.  
Waterville, ME 04901  
Ph: 207-872-4260  
Hours: Mon. – Fri. 7:30 – 5:00  
Lab: Quest Diagnostics

**Sample Collection Method**

• **Candidate-or Employee-Requested Sample Segregation**

At the request of the individual, at the time the screen sample is taken, a portion of the sample collected, sealed, and labeled according to State regulations and these procedures, will be segregated for that person’s own screening.

- The laboratory will store this sample and custody and control shall be maintained as provided in this policy.
- Within five (5) days after notice of the screen result is given to the individual, the individual shall notify Kelly and the facility of the screening laboratory selected for that person’s own screening. The laboratory so selected must be licensed by the Maine Department of Health and Human Services.
- The laboratory shall promptly send the segregated portion of the specimen to the selected laboratory, subject to the same custody and control and security requirements as observed for Kelly’s specimen.
- The individual will be required to pay for the segregation of a second sample, as well as the expense of said additional screening, only if and when the individual notifies Kelly that the individual actually wishes the screen to be made and the individual notifies Kelly of the choice of laboratory to which the second sample is to be sent.

• **Collection Procedure**

Kelly will not require an individual to remove any clothing for the purpose of collecting a urine sample, except that Kelly will require that an individual leave any personal belongings other than clothing and any unnecessary coat, jacket, or similar outer garments outside the collection area.

No individual may be required to provide a urine sample while being observed, directly or indirectly, by another individual.

If the collector believes the individual to have substituted, adulterated, diluted or otherwise tampered with the sample, the specimen will be rejected, and the individual will be given an opportunity to provide a second specimen. For urine samples, the individual will remain under observation at the medical facility and may be given liquids until the second specimen is provided.

If the second specimen fails to meet any assessment standard, the individual is considered to have refused testing.

• **Employee’s election of a blood test**

For an alcohol or marijuana test, the employee may request that a blood sample be taken for testing. The employee must make this request at the time a test sample is taken. If the employee requests a blood

test, no other sample from the employee will be tested for alcohol or marijuana. However, the employee may be required to provide a urine sample for testing of other drugs.

- **Procedure to collect blood**

Blood specimens (upon request by the employee for alcohol or marijuana) shall be collected in new vacuum-activated blood collection tubes, with such preservatives as may be specified by the testing laboratory, and shall be sealed with tamperproof seals, covering the cap and extending over the sides of the container.

Blood samples shall be taken by a licensed physician, registered physician's assistant, registered nurse, or a person certified by the Department of Health and Human Services to draw blood. Each specimen container shall be clearly and indelibly labeled with the date and time of collection and the same or other identifier associated with the employee from whom the specimen was obtained. Sealing and labeling shall occur under the observation of the employee being tested.

## **Storage of Sample**

- **At the collection point:**

Samples will be collected in new, clean containers manufactured for the purpose of urine collection. Immediately after assessment, the container will be sealed with tamper-proof tape and labeled in the presence of the individual. The seal will cover the cap and extend over the sides of the container. The label will contain the date and time of collection, and the identifying number of the individual. All information on the label will be written clearly and with indelible ink.

Samples will be transported or shipped promptly to the screening laboratory in a secure fashion, so as to prevent tampering. If a shipment or transport is not feasible, the specimens shall be refrigerated within one hour at less than 6 °C for no more than three (3) days, or frozen at -20 °C or less, for no more than two weeks before shipment.

- **At the laboratory:**

All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 °C or less) for at least twelve (12) months.

Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

## **Custody and Control**

- **Labeling and packaging:**

Immediately upon collection of each sample, a custody and control record will be established for that sample, indicating the identity of each person having control over the sample, and the times and dates of transfers or other actions pertaining to the sample.

- **Transport:**

Samples will be picked up from the facility within 24 hours of collecting the sample and will be transported in a secure fashion, so as to avoid tampering. Each person who takes custody of the sample in the course of transport will record on the custody and control log the date, time, transporter's name, and employer's name, origin, and destination of the sample at the laboratory.

- **At the laboratory:**

When a sample arrives at the laboratory, the person receiving the sample shall record the time of receipt and the location of each sample in the laboratory's storage system. Any technician or other person who removes the sample from storage or opens the sample shall record the date, time, their name, and the purpose for removal or opening of the sample.

## Screening Facilities

All specimens collected for Kelly at the collections listed in the **Screening Procedures** section shall be screened at one of the following laboratories:

All specimens collected for Kelly at the collections listed in the **Screening Procedures** section shall be screened at the following laboratory:

Quest Diagnostics  
400 Egypt Road  
Norristown, PA 19403  
Telephone: 800-523-5447

480 Quadrangle Drive,  
Ste. A1  
Bolingbrook, IL 60440  
866-441-5350

Dr. Kirk Roberts, M.D.  
8140 Ward Parkway,  
Ste. 275  
Kansas City, MO 64114  
888-382-2281

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## Procedure for Notifying Candidate or Employee of the Result

The individual will be notified by telephone or mail of the substance abuse screen results, unless the individual otherwise instructs. Such notification will include the name, address, and telephone number of the Medical Review Officer (MRO) who reviewed the laboratory report. In the event of a confirmed result, the individual will have an opportunity to speak with the MRO in order to validate the reason for the positive result (i.e. a valid prescription) prior to the final report being sent to Kelly.

All laboratory reports, including the screening, confirmation, and quality control data shall be reviewed for accuracy by Kelly's approved third-party administrator. The report will identify the name of the laboratory, the drugs and metabolites screened, whether the screen results were negative or confirmed positive, and the cut-off levels for each substance.

The report will include any available information concerning the margin of accuracy and precision of the screen methods employed.

- Unless agreed upon by the individual, no report shall show the quantity of substance detected, but only the presence or absence of that substance relative to the cut-off level.
- No report will show that a substance was detected in a screening, unless the presence of the substance was confirmed in the confirmatory screen. Screen results will be randomly delayed from two (2) to five (5) days so Kelly cannot gauge screening results from the time results are reported. In addition, all screening will be billed to Kelly at a single rate per sample screened (which may be periodically adjusted by the laboratory).
- No substance may be reported as present if Kelly did not request analysis for that substance.
- Reports of samples segregated at the individual's request for screening by the individual's choice of laboratory will be provided to the individual, Kelly, and the MRO.
- Unless the individual consents, all screen results and any information acquired by Kelly and the MRO in the screening process are confidential and may not be released to anyone except the individual screened.
  - This requirement applies to the personnel of all laboratory and collection facilities involved, to the MRO, and to Kelly. However, this does not prevent the disclosure of results or information if:
    - Release of information is required or permitted by state and federal law including release under 26 M.R.S.A. Sec. 683 (8) (D), or
    - The use of this information is part of any grievance procedure, administrative hearing, or civil action relating to the imposition of the screen or the use of screen results.

The results of any screen may not be required, requested, or suggested by Kelly to be used in any criminal proceeding as provided by 26 M.R.S.A. Sec. 685 (30) (B).

- The MRO shall retain records of confirmed positive results in a numerical or quantitative form for at least two (2) years.
- All laboratory reports on substance abuse screening will be submitted directly to the MRO and shall not be submitted to Kelly. The MRO shall be selected and assigned by Kelly's third-party administrator.
  - The MRO will report to Kelly's local branch office all negative laboratory reports as negative.
  - When the MRO receives a confirmed positive laboratory report, the MRO will review any available information submitted by the candidate to evaluate whether there is a medical basis for a candidate's drug usage that could have led to a confirmed positive laboratory report.
  - The MRO shall contact the candidate\* and, upon the candidate's authorization, may contact the candidate's physician to obtain verified information upon the candidate's legitimate drug usage.
  - If, in the opinion of the MRO, there is a legitimate authorized medical explanation for a confirmed positive result from the specimen obtained, the MRO will report a negative screen result to Kelly.
  - The purpose of the MRO is to serve as a no-cost appeal of the result and to provide further medical advice concerning confirmed positive laboratory reports that may result from legitimate and prescribed drug usage.
  - The MRO process has the additional benefit of protecting candidate confidentiality in the case of confirmed positive laboratory results which, in the judgment of the MRO, are ultimately reported as negative results to Kelly.

*\* If the MRO is unable to contact the candidate, the MRO or third-party administrator will advise Kelly, who will attempt to contact the candidate and advise him/her to call the MRO at the number provided by the MRO. The candidate will be advised that he/she must contact the MRO within 24 hours or he/she will not be hired and any conditional offer of employment shall be deemed to have been withdrawn.*

### **Procedure for a Candidate or Employee to Appeal and Contest the Accuracy of a Confirmed Positive Result**

If the individual chooses to segregate a portion of their sample and elects to submit that sample to a laboratory of their choice, the results of the second test will be controlling. To appeal the results of a confirmed positive result in lieu of testing the segregated sample, the individual must fill out and sign the attached "Substance Use Test Appeal" form submitting information explaining or contesting the results, within five (5) working days after notice of a confirmed-positive test result.

The appeal process will be conducted without cost to the individual. The individual will then be scheduled to meet within 14 days with **list title(s) of person(s) who will review the appeal**. The individual will explain the basis for the appeal and may be asked questions. After the meeting concludes, a written report of findings and conclusions will be prepared, and a copy sent to the individual.