


MAXIM HEALTHCARE SERVICES		Policies & Procedures	
SUBJECT SUBSTANCE ABUSE POLICY		REVISION DATES 01/06, 7/07	EFFECTIVE DATE 02/03
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1.0 POLICY:


Persons who are impaired by substance abuse endanger clients, co-workers, and themselves. By prohibiting substance abuse and establishing a program to determine whether employees are engaged in substance abuse, this policy seeks to prevent its risks and ill effects. This policy replaces all existing policies concerning substance abuse and drug testing of employees.

2.0 PROCEDURE:

- 2.1 In the later part of 1988, the federal government passed into law a requirement that all government contractors establish guidelines, which specifically identify a company's posture regarding the use, possession, and sale of drugs and alcohol by its employees. Maxim Healthcare Services, Inc. is fully committed to the idea of keeping drugs / alcohol out of the workplace and has established the Substance Abuse Policy.
- 2.2 It is the policy of Maxim Healthcare Services to prohibit in the workplace the unlawful possession, use, dispensation, distribution or manufacture of controlled substances, illegal drugs and alcohol. Violation of this policy will result in disciplinary action, up to and including termination of employment. Depending upon the circumstances, other action, including the notification of appropriate law enforcement and licensing agencies, may be taken against any violator of this policy.
- 2.3 In accordance with the Drug-Free Workplace Act of 1989, and as a condition of employment, employees must comply with this policy and notify management within five (5) days of conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in the immediate termination of employment. Any staff member arrested in connection with a criminal drug violation occurring in the workplace will be placed on an unpaid leave of absence and subject to termination of employment pending the outcome of any legal investigation and conviction.
- 2.4 Maxim reserves the right to require drug and alcohol test in the following situations: Pre-employment, reasonable cause or suspicion, post on-the-job incident which results in serious personal injury or property damage, or random / client-requested. All drug and alcohol testing will be performed by a state licensed laboratory, in accordance with the guidelines for Federal Workplace Testing and state drug testing regulations.

3.0 DEFINITONS:

- 3.1 **Drugs:** Drugs are defined as alcoholic beverages, any illegal substance, and / or any legal substance, such as a prescription drug, that is obtained illegally, is not being used for prescribed purposes, and / or is not being taken according to prescribed dosages.
- 3.2 **Substance Abuse:** The use or possession of any drug in a manner prohibited by law or the use of alcohol or any legal drug or other substance in such a way that the user's performance is impaired or endangers clients, co-workers, or themselves.
- 3.3 **Impaired:** Impaired shall mean that a persons mental or physical capabilities are reduced below their normal levels (with or without reasonable accommodation for a disability).

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- 3.4 Positive Drug Test: A positive drug test shall mean any drug test whose results indicate that the employee has committed substance abuse, according to the current National Institute on Drug Abuse (NIDA) standards and the definitions in this policy.
- 3.5 Negative Drug Test: A negative drug test shall mean any drug test whose results do not indicate a positive drug test.
- 3.6 Reasonable Cause: Reasonable cause shall mean that evidence which forms a reasonable basis for concluding that it is more likely than not that a person has engaged in substance abuse, such as the odor of alcohol or drugs, impaired behavior (slurred speech, decreased motor coordination, etc.), marked changes in personality or job performance, and unexplained accidents or injury.
- 3.7 Covered Employees: All employees at Maxim Healthcare Services are covered under this policy.

4.0 DRUG TESTING:

- 4.1 Pre-employment Drug Testing: Pre-employment drug testing may be required for some positions at Maxim Healthcare Services. An applicant who is tested as part of the hiring process is not subject to Maxim's company policies. As such, a pre-employment consent form should be completed and signed. The consent form should include permission to test the employee and for Maxim to receive the pre-employment drug test results from the Medical Review Officer. Any questions regarding the pre-employment test should be asked by the applicant and answered by Maxim prior to conducting the test. In some cases, a pre-employment drug test may be a condition of employment with Maxim.
- 4.2 Reasonable Cause or Suspicion Drug Testing: All covered employees shall undergo a drug screening test when reasonable cause exists to believe that they have committed substance abuse. If any employee has reason to believe that another employee is engaged in substance abuse in violation of this policy, they should report the suspected employee to a supervisor immediately. If reasonable cause exists, the supervisor should seek the appropriate authorization to request the suspected employee submit to a drug test.
- 4.3 Post-On-the-job Incident Drug Testing: Employees may be required to submit to a drug test in the event of an on-the-job incident that results in serious injury or property damage.
- 4.4 Random or Client-requested Drug Testing: Maxim reserves the right to conduct random, job-related drug testing on all covered employees. Also, some clients require employees to submit to a drug test prior to being assigned to a case. Active employees who are required to submit to a drug test at the request of a client are subject to both Maxim's Substance Abuse policy and the client's Substance Abuse policies.

5.0 DRUG TESTING PROCEDURES:

- 5.1 Once a request for an employee to submit to a drug test has been made, the employee will have twenty-four (24) hours in which to report to the designated state licensed facility where the test will be performed. Employees who fail to report to the appropriate facility to submit to a requested drug test within twenty-four hours, and employees who refuse to submit to a requested drug test, will be considered to have voluntarily resigned from their position at Maxim.

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- 5.2 An employee who has been asked to submit to a drug test may be placed on unpaid leave pending the results of the drug test.
- 5.3 The Medical Review Officer (MRO) will return the drug test results to Maxim's Corporate Human Resources department for review. The MRO will contact the Corporate Human Resources department or the employee's direct supervisor for all positive drug tests. The MRO may request documentation of legally prescribed controlled substances or proof of the use of over-the-counter substances. The employee should provide the documentation, as requested, to the MRO. Failure to provide the appropriate documentation within seventy-two (72) hours after requested may result in the termination of employment.
- 5.4 As safety is a priority for Maxim, the MRO may make recommendations regarding the employee's continued employment in his / her current capacity based on the drug testing results even after the employee has provided appropriate and adequate documentation substantiating a positive drug testing result.
- 5.5 An employee may request that any positive drug testing result be verified with a second clinical test on the same sample. This request should be made to the Corporate Human Resources department within seventy-two (72) hours of the employee's notification of a positive result.
- 5.6 A positive drug testing result may result in disciplinary action, up to and including the termination of employment. Maxim may also report a positive drug testing result to the appropriate law enforcement or licensing agencies.

6.0 ACKNOWLEDGEMENT OF SUBSTANCE ABUSE POLICY:

- 6.1 The Drug-Free Workplace Act requires that companies be able to document the notification and receipt of its policy by each employee. Please sign the acknowledgement below. You should retain a copy for yourself and a copy will be placed in your Personnel File so that Maxim can maintain its compliance with the federal regulations.

I, _____ (employee's printed name) have received and reviewed the Maxim Healthcare Services Substance Abuse Policy, have read and understood the provisions of the policy, and will comply in full with the policy.

Employee Signature: _____ Date: _____