
POLICY TITLE: Drug/Alcohol Testing and Substance Abuse

ORIGINAL EFFECTIVE DATE: 5/2000

REVISION DATE: 11/2015, 10/2019

PURPOSE

Hunt Electric Corporation places a high priority on workplace safety. The dangers and costs which alcohol and other chemical abuse can create in our workplace have a significant impact on productivity and safety. We are committed to combat and eliminate substance abuse in our workplace. We are also committed to a program that includes a strong rehabilitation component where appropriate. This program is subject to all applicable laws and regulations, procedural safeguards, scientific principles, and legitimate interests of privacy and confidentiality. When drug and alcohol testing is performed, all testing shall be conducted in accordance with the policies and procedures outlined in this program.

POLICY

This policy applies to all employees and applicants with the only exceptions being drivers who are covered by the Department of Transportation’s Drug and Alcohol Testing Regulations and employees and applicants covered by a customer specific testing program.

I. Definitions

- A. Company Premises – The term “Company Premises” as used in this program includes all property, facilities, land, buildings, structures, automobiles, trucks, and other vehicles owned, leased, or used by the company, or that the company has responsibility for, including any job site.
- B. Prohibited Items and Substances – Prohibited items and substances include illegal drugs, defined as controlled substances under Minnesota Statute § 152.01, subdivision 4, alcoholic beverages, and drug paraphernalia in the possession of or being used by an employee on the company premises. The moderate, responsible use of alcohol at company approved meetings, in connection with business meals, travel or entertainment or in an appropriate company sponsored social setting is not prohibited by the program, provided it does not impair an employee’s job performance. For employees working in the State of Minnesota, Hunt Electric Corporation will not discipline employees for their use of prescribed medical marijuana, nor will Hunt Electric Corporation discipline an employee as the result of testing positive on a confirmatory test provided appropriate documentation is provided. Employees are still prohibited from using medical marijuana at the work site or during work hours, possessing medical marijuana at the work site or during work hours, or being impaired by medical marijuana while at work. Testing positive for marijuana, even if the employee was legally prescribed the marijuana, may result in discipline up to and including discharge if it is concluded that the employee was impaired at work. In accordance with any applicable state law, the company will treat marijuana like they would alcohol; the company is not required to tolerate individuals being under the influence while at work, or on customer property. The company will not permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace.
- C. Employee – Individuals who perform work including, but not limited to management, supervision,

engineering, craft workers, and clerical personnel.

- D. Applicant – A person who has been given a conditional offer of employment contingent upon the person passing a drug and alcohol test.
- E. Accident – Any event resulting in injury to a person or property damage to which an employee contributed.
- F. Reasonable Suspicion – A belief based on specific facts and rational inferences drawn from these facts sufficient to lead someone to suspect that the person is using drugs or alcohol. Criteria for determination are listed on the “Checklist for Reasonable Suspicion”.
- G. Individual Reasonable Suspicion Orientation Program – A class to train individuals to recognize and handle reasonable suspicion situations.
- H. Checklist for Reasonable Suspicion – A preapproved form used to document suspicious substance abuse behavior and appearance.
- I. E.A.P. – Employee Assistance Program.
- J. Evaluator – A non-bargaining unit individual trained in Reasonable Suspicion Assessment, who fills out the Reasonable Suspicion Checklist.

II. Confidentiality

- A. All parties to this program have only the interest of employees in mind and therefore encourage any employee with a substance abuse problem to come forward and voluntarily accept our assistance in dealing with the illness. An employee assistance program will provide guidance and direction for you during your recovery period. If an employee volunteers for help, the company will make reasonable efforts to return the employee to work upon recovery. The company will take action to assure the employee’s illness is handled in a confidential manner.
- B. All actions taken under this program will be confidential and disclosed only to those with a “need to know” pursuant to Minnesota Statute Section 181.954.
- C. When a lab test is required, the specimen will be identified with a code number, not by a name, to ensure the confidentiality of the donor. Each specimen container will be properly labeled and made tamperproof. The donor must witness this procedure.
- D. Unless an initial positive result is confirmed as positive, it will be deemed negative and reported by the laboratory as such.
- E. The handling and transportation of each specimen will be properly documented through strict chain of custody procedures, as well as other reliable and fair safeguards as required by Minnesota Statute Section 181.953.

III. Rules – Disciplinary Actions – Grievance Procedures

- A. Rules – All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Except for medications taken pursuant to a physician’s prescription, employees shall not:
 - 1. Use, possess, dispense, or receive prohibited substances on company premises.
 - 2. Report to work with any amount above the thresholds of prohibited substances in the program in their system.
- B. Discipline – When the company has reasonable suspicion to believe an employee is under the influence of a prohibited substance, for reasons of safety, the employee may be suspended until the employee’s test results are available. If the employee’s test results prove negative, the employee shall be reinstated with back pay and with no adverse personnel action taken against the employee.

In all other cases:

1. When applicants test positive for prohibited substance use the conditional offer of employment will be withdrawn and the applicant will not be hired. An applicant that who has tested positive for prohibited substances will be encouraged to seek assistance.
 2. Employees who test positive for the first time on an initial and confirmatory test will be offered an opportunity to participate in an appropriate counseling or rehabilitation program recommended by the E.A.P. However, if the employee refuses to participate in the treatment program recommended by E.A.P. or fails to successfully complete the program, the employee will be terminated.
 3. Employees who test positive for a second time on an initial and confirmatory test will be terminated.
 4. Employees have the right to refuse to undergo drug and alcohol testing. However, any refusal shall result in disciplinary action up to and including termination.
 5. Employees found selling, distribution, or using prohibited items and substances as defined in this program on company premises will be terminated. The moderate, responsible use of alcohol at company approved meetings, in connection with business meals, travel or entertainment or in an appropriate company sponsored social setting is not prohibited by the program, provided it does not impair an employee's job performance. The use of prescribed medical cannabis off premises, outside of working hours is not prohibited and is protected from discrimination under Minnesota Statute § 152.32, subdivision 3(c).
- C. Prescription Drugs – Employees using a prescription medication should consult with their physician to determine whether the medication may impair the employee's ability to perform the essential functions of the job safely, including mental and motor functions. If the employee and the physician determine that the medication may impair the employee's ability to perform the job safely, the employee should notify a supervisor of such medications use. Upon being informed of the medications use, the company will work with the employee to attempt to accommodate the employee's needs which may include making an appropriate reassignment. However, if a reassignment or other reasonable accommodation is not available, the employee will be placed on temporary medical leave until released as fit for duty by the prescribing physician.
- D. Medical Marijuana. Unless otherwise required by state law, Hunt Electric Corporation does not accept an employee or applicant's use of prescribed medical marijuana as a valid excuse for testing positive on a confirmatory test. For employees working in the State of Minnesota, Hunt Electric Corporation will not discipline employees for their use of prescribed medical marijuana, nor will Hunt Electric Corporation discipline an employee as the result of testing positive on a confirmatory test provided appropriate documentation is provided. Employees are still prohibited from using medical marijuana at the work site or during work hours, possessing medical marijuana at the work site or during work hours, or being impaired by medical marijuana while at work. Testing positive for marijuana, even if the employee was legally prescribed the marijuana, may result in discipline up to and including discharge if it is concluded that the employee was impaired at work. In accordance with any applicable state law, the company will treat marijuana like they would alcohol; the company is not required to tolerate individuals being under the influence while at work, or on customer property. Testing positive for marijuana, even if the employee was legally prescribed the marijuana, may result in discipline up to and including discharge if it is concluded that the employee was impaired at work, unless otherwise prohibited by law. The company will not permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace.

- E. Grievance – For bargaining unit employees, all aspects of this program shall be subject to the grievance procedures of the applicable collective bargaining agreement.

IV. Drug and Alcohol Testing

The company may require testing under the following conditions:

- A. Applicants
- B. We will require that an employee undergo a drug or alcohol test if we have reasonable suspicion that the employee:
 1. Is under the influence of drugs or alcohol, has violated the rules contained in this program prohibiting the use, possession, sale manufacture, distribution, transfer, or being under the influence of alcohol or other controlled substances (other than those used for bona fide medical purposes consistent with a doctor's prescription) while working, while on company premises (including meal breaks and other rest periods) or while using machinery, equipment, or vehicles.
 2. Reasonable suspicion will be determined using the checklist for reasonable suspicion administered only by individuals that have completed the individual orientation program.
 3. Employees covered by collective bargaining agreements have the right to request a union representative to be present when the when the reasonable suspicion evaluation is conducted. Whenever possible the employee's representative should be notified prior to a reasonable suspicion evaluation.
- C. Has sustained a work-related personal injury or caused another employee to sustain a work-related personal injury.
- D. Has caused a work-related accident or was operating or assisting another to operate machinery, equipment or vehicles involved in a work-related accident.
- E. When required by our customer prior to starting work on their project—consistent with all applicable state laws.
- F. An employee who has been referred for chemical dependency assessment or evaluation or treatment by Hunt Electric Corporation, who is participating in a chemical dependency program under an employee benefit plan, or who has been referred to chemical dependency education, programming or training following a confirmed positive test, may be requested or required to undergo a drug and/or alcohol test without prior notice at any time during the evaluation and treatment period, and for up to two years following completion of any prescribed chemical dependency treatment program. Each employee and applicant will be required to sign an acknowledgement authorizing the test and chain of custody form, assuring proper documentation and accuracy. An employee or applicant has the right to refuse to sign the form authorizing the test, but ongoing employment by the company will be terminated and any conditional offer of employment will be withdrawn.

Prohibited substance testing will be conducted by an independent laboratory as permitted by Minnesota Statutes section 181.953. For an initial screening test for drugs or alcohol, the laboratory may use any scientifically reliable process allowed under Minnesota law. The applicable threshold detection levels will be those that are established by the federal Department of Transportation or customer requirements. If an initial test is positive, a confirmatory test using any scientifically reliable process allowed under Minnesota law will be given.

We will not discriminate against a patient enrolled in the medical cannabis registry program based on a positive drug test for cannabis components or metabolites, unless the patient used, possessed, or

was impaired by medical cannabis on the premises or place of employment or during the hours of employment as provided in Minnesota Statute section 152.32, subdivision 3(c).

We will inform the employee or applicant in writing of the test results within three (3) working days after receipt of a report from the testing laboratory. Also, within three (3) working days of a positive test result, the employee or applicant may submit to the company any information to explain the test result.

An employee or applicant may request a confirmatory retest of the original sample at the employee's or applicant's own expense within five (5) days after notice of a confirmatory positive test result. Within three (3) working days after receipt of a notice of an employee's or applicant's request for a confirmatory retest, the company will notify the original testing laboratory that the employee or applicant has requested a confirmatory retest of the original sample or that the original testing laboratory should transfer the sample to another laboratory licensed under state law to conduct the confirmatory retest.

The company will bear the costs of all testing procedures except confirmatory retests.

V. Rehabilitation and Employee Assistance Program

- A. If an employee tests positive for substance abuse on an initial and confirmatory test the company will refer the employee to the E.A.P. for recommendations for treatment. The employee will also receive counseling regarding medical benefits available under any employee benefit plans.
- B. If treatment necessitates time away from work, the company shall provide for the employee an unpaid leave of absence for purposes of participation in a recommended treatment program. An employee who successfully completes a recommended rehabilitation program shall be reinstated to their former employment status, if work for which they are qualified exists.

VI. Summary of Employee Rights

- A. You may not be asked to submit to a drug and alcohol test unless the employer has a reasonable suspicion, such as a work place accident, a personal injury, or other specific facts that lead the employer to believe that you are under the influence of alcohol or drugs. Employers may not request a test on an arbitrary basis which means the testing program must be enforced fairly and consistently.
- B. You may not be tested unless you have had the opportunity to review employer's program.
- C. You have the right to refuse to be tested, but note that the employer has the right to terminate your employment if you refuse to be tested.
- D. If you are employed under the terms of a collective bargaining agreement, you have the right to contact your job steward and/or union representative to be present when an employer demands that you be tested, but this will not stop the testing procedures.
- E. The specimen must be tested by a laboratory approved by Minnesota law.
- F. If notified of a positive test result, you have the right to explain the results within three (3) working days, including the use of prescription medication. Note that an employer may not discharge or discriminate against you on the basis of medical history revealed to explain a positive test.
- G. You have right to request a confirmatory retest of the original sample at your own cost.
- H. You have the right to request a copy of the test report.
- I. You have the right to any information in your personnel file relating to the positive test.

- J. The results of the test are confidential and can only be revealed to those in the company with a need to know or those authorized by you to receive the information.
- K. If you test positive on an initial and confirmatory test for the first time, you must first be offered the opportunity to participate in a drug or alcohol counseling or rehabilitation program recommended by an Employee Assistance Program or a chemical use and dependency evaluation. An employer shall terminate those that refuse to successfully complete the recommended treatment program. The employee shall provide the Employer with proof of successful completion of the treatment program. An employer shall also terminate your employment if you have had a second positive initial and confirmatory test.
- L. If you are suspended awaiting a confirmatory test or retest and you are later reinstated because the confirmatory test or retest is negative, you will be entitled to back pay and no adverse personnel action can be taken against you.
- M. Positive test results may not be used against you as evidence in a criminal action.

VII. Summary of Employer Responsibilities Under Minnesota's Drug and Alcohol Testing Law

Listed below is a checklist outlining the responsibilities of Employers when testing employees for drugs and alcohol. The Minnesota Statute Section is listed under each item for reference:

- A. Employers shall provide written notice of their testing policy to employees and applicants, and post notice of the policy in a conspicuous location. Minn. Stat. Sec. 181.952, Subd. 2.
- B. Employers may not request or require an employee or job applicant to undergo drug and alcohol testing on an arbitrary basis. Minn. Stat. Sec. 181.951, Subd. 2.
- C. Employers may require an applicant to submit to a drug test only as a condition of employment. If the job offer is withdrawn, the employer shall inform the job applicant of the reason for their action. Minn. Stat. Sec. 181.951, Subd.2.
- D. Employers shall only use the services of a testing laboratory that meets the licensing and accreditation criteria of the statute. Minn. Stat. Sec. 181.953, Subd. 1.
- E. Employers shall pay for all required drug tests and may not request or require an employee or job applicant to pay for the cost of testing, except for a confirmatory retest. Minn. Stat. Sec. 181.953, Subd. 4, 9.
- F. Employers must comply with chain-of-custody procedures which require that:
 - 1. Possession of a sample must be traceable;
 - 2. At all times, the sample must be in the possession of, in view of, or placed in a secured area by a person authorized to handle the sample;
 - 3. A sample must be accompanied by a written chain-of-custody record;
 - 4. Individuals relinquishing or accepting the sample must record the time sample was transferred and must sign and date the chain of custody record at the time of transfer. Minn. Stat, Sec181.953, subd. 5 and Minn. Rule 4740.1070, subd. 8.
- G. Before requesting an employee or job applicant to undergo testing, an employer shall provide a form which:
 - 1. Acknowledges that the employee or job applicant has seen the employer's testing policy.
- H. Within three (3) working days after receipt of a negative test result from the testing laboratory, an employer shall inform in writing an employee or job applicant who has undergone testing of:
 - 1. A negative test result;

2. The right to receive a copy of the test result report. Minn. Stat. Sec. 181.953, Subd. 7 and 8
- I. In the case of a positive test result, the employer may request that the employee or applicant indicate any over the counter or prescription medication or any other information relevant to the positive test result. Minn. Stat. Sec. 181.953, Subd. 6(b).
- J. In the case of a positive test result, the employer shall adhere to, and inform the employee or job applicant in writing of the following rights, whichever applies:
 1. That within three (3) working days after notice of a confirmed positive test result, the employee or applicant may submit information to the employer to explain the result. The employee or applicant may also request a confirmatory retest of the original sample at the expense of the employee or applicant within five (5) working days after receiving notice of the confirmed positive test result. Within three (3) working days after receipt of a notice requesting a confirmatory retest of due original sample, the employer shall notify the original testing lab of the request.
 2. That the employee or applicant has the right to request and receive a copy of. tie test result report on any test.
 3. That the employer may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
 4. That the employer may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee unless the following have been met:
 - i. the employer has given the employee an opportunity to participate in either a counseling or rehabilitation program; and
 - ii. the employee has either refused to participate or has failed to successfully complete the program.
 5. That an employee must be given access to information in the employee's personnel file relating to die positive test result reports.
 6. That an employer may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of medical history information revealed to the employer to explain a positive test result. An employer may discharge or discipline an employee for medical information learned as a result of a positive test if the employee had a duty to previously disclose such information had has not done so.
 7. That if a job applicant has received a job offer made contingent on the applicant passing a test, the employer may not withdraw the offer based on a positive test result from an initial test that has not been verified by a confirmatory test.
 8. That an employee suspended without pay pending the outcome of a confirmatory test must be reinstated with back pay if the outcome of the confirmatory test is negative. Minn. Stat. Sec. 181.953, Subd. 10(c).
- K. Test result reports and other information acquired in the testing process are private and confidential information and may not be disclosed without the written consent of the employee or job applicant tested. Minn. Stat. Sec. 181.954, Subds.1 and 2.
 1. Exceptions: See Minn. Stat. Sec 181.954, Subd. 3.
- L. Positive test results from an employer testing program may not be used as evidence in a criminal action against the employee or applicant tested. Minn. Stat Sec. 181.954, Subd. 4.