

DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE POLICY

Summary

This document outlines Kelly's policy regarding drug screenings in the United States for regular employees/applicants and temporary employees/candidates who have received a conditional offer of employment with Kelly Services ("Kelly").

Refer to **Appendix A: Drug/Substance Abuse Screening Matrix** of this document for city- and state-specific screening requirements (as applicable).

Definition

Drugs – For the purpose of this document, the term "drugs" refers to drugs, alcohol, inhalants, or controlled substances which include prescriptions not legally obtained and prescribed drugs not being used for prescribed purposes, in prescribed amounts, or by the person for whom they were prescribed.

A **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).

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

Policy

Kelly Services is committed to ensuring the safety and health of its employees and maintaining a reputation for providing quality services. As a federal 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.

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.

- Violation of this policy may result in adverse employment action including, but not limited to, denial of employment, removal from assignment, and/or termination of employment.
- If an individual refuses to take or delays a required drug screening, alters a specimen, or refuses to complete the necessary paperwork for a drug screening, such behavior may result in denial of employment, removal from an assignment, and/or termination of employment.
- If the final screening results are considered unfavorable by Kelly or the customer, Kelly may deny employment, end an assignment, and/or suspend or terminate employment. The results of the screening shall be conclusive.
- Individuals may be eligible to reapply one year from the date of termination or denial of employment with evidence of a negative result of a comparable drug test from a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified laboratory or College of American Pathologists (CAP)-certified laboratory. However, certain misconduct may disqualify individuals from rehire at any time. This misconduct includes, but is not limited to, threatening behavior, dishonesty, and/or safety violations.

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.

Screening Procedure

Drug and alcohol screening will be conducted within the parameters of any applicable federal and state laws. Kelly will use scientifically valid methods and procedures and may test urine, hair, blood, saliva, and/or breath.

All drug screenings will be performed in a SAMHSA-certified laboratory or a CAP-certified laboratory by qualified laboratory personnel and, if required, include a gas chromatography/mass spectrometry (GC/MS) confirmation test.

Individuals are expected to report to the collection site/Patient Service Center within a reasonable period of time but not to exceed two (2) business days after being instructed. Refusal to submit to a drug or alcohol screening may be grounds for termination or denial of employment.

All positive screening results are to be reviewed by a medical review officer (MRO) prior to their release. All individuals who test positive will be given the opportunity to discuss their test results in confidence with the MRO. Individuals must initiate contact with the MRO within 14 days of the MRO's initial and subsequent attempts to contact concerning a laboratory positive screening result.

At the request of Kelly customers, Kelly may, as a condition of an order, request its employees or candidates to submit to its customers' drug screening requirements. In addition to pre-order, initial on-order, random, or periodic drug screening as allowed by federal, state, or local law, these requirements may also include drug screening termed as Reasonable Cause to Believe or Post-Accident:

- Kelly may require a screening if Kelly or its customer has Reasonable Cause to believe the individual is under the influence of drugs, alcohol, or inhalants during work hours.
- Kelly may require Post-Accident drug screening (unless limited by federal, state, or local law).

Getting Help with a Substance Abuse Problem

To get help with a substance abuse problem, contact the National Center for Substance Abuse Treatment at 1-800-662-HELP (1-800-662-4357) or drughelp.org.

An Employee Assistance Program (EAP) is available to employees. Visit **myKelly.us** for more information.

Appendix A: Drug/Substance Abuse Screening Matrix

In addition to Kelly's Drug-Free Workplace and Substance Abuse Policy, the following city and states have unique drug testing requirements. Refer to the table below for details specific to your work location.

Location	Drug Testing Rights and Requirements
Boulder, Colorado	<p>A candidate or employee has the right to obtain, immediately upon request, a copy of all records maintained of his or her initial positive confirmatory result. Candidates and employees have the right to submit written information explaining any such results.</p> <p>Employees are permitted, at their own expense, to contract with a laboratory meeting the National Institute of Drug Abuse Standards to have a second confirmatory test performed on an untested portion of the original specimen, subject to the same chain-of-custody assurances for the original test.</p> <p>In accordance with City of Boulder Colorado Ordinance 5195 §§ 12-3-1 through 12-3-6 (1993), At the request of Kelly customers, Kelly may, as a condition of an order, request its employees or candidates to submit to its customers' drug screening requirements, which may include pre-employment screening and/or screening due to reasonable suspicion that the employee is under the influence of drugs or alcohol on the job, if an employee's performance is adversely affected by the use of drugs or alcohol or if an individual has agreed to the test as a part of an employee assistance program after a finding or admission of prior drug or alcohol abuse.</p>
Hawaii	<p>Pursuant to Kelly's Drug-Free Workplace and Substance Abuse Policy, if you are subject to a drug screening test then the following substances and/or their metabolites will specifically be tested for: Amphetamines, Cocaine, Marijuana, Opiates, Phenycyclidine, Barbiturates, Benzodiazepines, Methaqualone, Methadone, Propoxyphene, Oxycodone, Ecstasy, and Alcohol.</p> <p>In accordance with state law, a "substance abuse test" is any testing procedure designed to take and analyze body fluids or materials from the body for the purpose of measuring the amount of drugs, alcohol, or the metabolites of drugs in the sample tested, and may also be called "drug screening."</p> <p>In accordance with state law, a "substance abuse on-site screening test" is a portable substance abuse test that meets the requirements of the United States Food and Drug Administration for commercial distribution or is manufactured by a facility that is minimally certified as meeting the ISO 13485 standard established by the International Organization for Standardization and which may be used by an employer in the workplace.</p> <p>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 the over-the-counter medications or prescribed drugs and the possible effect of such over-the-counter medications or prescribed drugs with the laboratory personnel. 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.</p> <p>If a substance abuse on-site screening test is required, you will be provided with a medication disclosure form by the representative who is administering the test. If you do not receive a medication disclosure form, you must request one prior to testing.</p> <p>For substance abuse on-site screening testing Kelly follows the procedures under Hawaii Revised Statute section 329B-5.5 at the time of all substance abuse on-site screening tests. If an individual tests positive that individual shall report within four hours to a laboratory designated by Kelly. Refusal or failing to arrive for this test may be grounds for termination or denial of employment.</p>
Iowa	<p>A breath alcohol concentration of 0.04 g/dL or greater shall be deemed to violate this policy. If an employee's initial and confirmation breath alcohol test results are 0.04 g/dL or greater, the employee will be in violation of this policy.</p>

	<p>Kelly will notify individuals in writing of the results of the test. All drug and alcohol testing notices required by Iowa law shall also be provided to the parent of the individual, if the individual tested is a minor.</p> <p>Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than listed above, the employee may enroll in rehabilitation, treatment or a counseling program if the following are true:</p> <ul style="list-style-type: none"> • The employee has been employed by Kelly for at least 12 of the last 18 months; • The rehabilitation is agreed upon by the employee; and • The employee has not previously violated Kelly’s substance abuse prevention policy. <p>The program may include additional testing, participation and successful completion of which may be a condition of continued employment.</p>																																									
Minnesota	<p>Employees whose first confirmatory test is positive will be referred to a substance abuse professional and may be required to submit to further testing. Evidence of any continued use of controlled substances during or after treatment may result in termination of employment. Employees who refuse to participate in the assistance program may be terminated.</p>																																									
Montana	<p>The manufacture, distribution, possession or illegal use of controlled substances is illegal under state and federal law, and is subject to various criminal sanctions, including fines of up to \$8 million and prison sentences up to life in prison.</p> <p>All test results, interviews, reports, statements, memoranda, and information relating to an individual’s substance abuse or use of medication is confidential and unless the candidate consents all screen results and information acquired by Kelly and the MRO will not be disclosed to anyone except the tested individual or the designated representative of the individual except as required by local, state or federal law.</p> <p>This requirement applies to the personnel of all laboratory and collection facilities involved, to the MRO, and to Kelly. But this does not prevent the disclosure of results or information if:</p> <ul style="list-style-type: none"> • Release of information is required or permitted by local, state, or federal law including release under Mont. Code Ann. 39-2-207 (1) (j) (iii), • 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. <p>Kelly uses the standard cut-off levels recommended by the Department of Health and Human Services (for Panel 5 substances) and the standard cut-off levels recommended by the DHHS-certified laboratory (all other substances).</p> <table border="1" data-bbox="357 1270 1453 1963"> <thead> <tr> <th rowspan="2">Substance</th> <th colspan="2">Standard Cut-off Level</th> </tr> <tr> <th>Initial Test (EMIT)</th> <th>Confirmation Test (GC/MS)¹</th> </tr> </thead> <tbody> <tr> <td>Amphetamines</td> <td>1000 ng/mL</td> <td>500 ng/mL</td> </tr> <tr> <td>Barbiturates</td> <td>300 ng/mL</td> <td>300 ng/mL</td> </tr> <tr> <td>Benzodiazepines</td> <td>300 ng/mL</td> <td>300 ng/mL</td> </tr> <tr> <td>Cocaine</td> <td>300 ng/mL</td> <td>150 ng/mL</td> </tr> <tr> <td>Marijuana (THC)</td> <td>50 ng/mL</td> <td>15 ng/mL</td> </tr> <tr> <td>Methadone</td> <td>300 ng/mL</td> <td>300 ng/mL</td> </tr> <tr> <td>Methaqualone</td> <td>300 ng/mL</td> <td>300 ng/mL</td> </tr> <tr> <td>Opiates</td> <td>2000 ng/mL</td> <td>2000 ng/mL</td> </tr> <tr> <td>Phencyclidine (PCP)</td> <td>25 ng/mL</td> <td>25 ng/mL</td> </tr> <tr> <td>Propoxyphene</td> <td>300 ng/mL</td> <td>300 ng/mL</td> </tr> <tr> <td>Oxycodone</td> <td>300 ng/mL</td> <td>300 ng/mL</td> </tr> <tr> <td>Ecstasy</td> <td>500 ng/mL</td> <td>300 ng/mL</td> </tr> </tbody> </table> <p><i>1 The Confirmation Test (GC/MS) is conducted only if initial test is positive</i></p>	Substance	Standard Cut-off Level		Initial Test (EMIT)	Confirmation Test (GC/MS) ¹	Amphetamines	1000 ng/mL	500 ng/mL	Barbiturates	300 ng/mL	300 ng/mL	Benzodiazepines	300 ng/mL	300 ng/mL	Cocaine	300 ng/mL	150 ng/mL	Marijuana (THC)	50 ng/mL	15 ng/mL	Methadone	300 ng/mL	300 ng/mL	Methaqualone	300 ng/mL	300 ng/mL	Opiates	2000 ng/mL	2000 ng/mL	Phencyclidine (PCP)	25 ng/mL	25 ng/mL	Propoxyphene	300 ng/mL	300 ng/mL	Oxycodone	300 ng/mL	300 ng/mL	Ecstasy	500 ng/mL	300 ng/mL
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	<p>A breath alcohol concentration of 0.04 g/dL or greater shall be deemed to violate this policy. If an employee's initial and confirmation breath alcohol test results are 0.04 g/dL or greater, the employee will be terminated.</p> <ul style="list-style-type: none"> • 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. <p>Information obtained through testing that is unrelated to the use of a controlled substance or alcohol will be held in strict confidentiality by the MRO and will not be released to the employer.</p> <p><i>* If the MRO is unable to contact the candidate, the MRO or third party administrator will advise the Kelly office, 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.</i></p>
North Carolina	<p>In accordance with 13 NCAC 20.0401, an individual's rights and responsibilities under the N.C. Controlled Substance Examination Regulation Act ("CSERA") (Chapter 95, Article 20 of the N.C. General Statutes) and the corresponding administrative rules (Title 13, Chapter 20 of the N.C. Administration Code):</p> <ul style="list-style-type: none"> • Applicants may refuse this test, however, job or employment opportunities may be in jeopardy. • Although applicants may be screened by means of a "Quick Test," any positive results must be confirmed by an approved lab using gas chromatography with mass spectrometry (GS/MS) or equivalent scientifically accepted method before hiring decisions are made. • Current employees cannot be screened by means of a "Quick Test." • An approved laboratory must perform testing of samples. • Applicants can request a "re-test" of any positive sample. Retests must be of the same sample and must be paid for by the applicant. • Applicants can file a complaint with the N.C. Department of Labor – Wage and Hour Bureau at (919) 807-2796 or 1-800-NC-LABOR if it's believed that procedural requirements of the CSERA were violated. The Department has no jurisdiction regarding an employer's requirement for controlled substance testing or its decisions regarding results of controlled substance testing.
Oklahoma	<p>Individuals may be screened for the drugs and alcohol as defined in the Standards for Workplace Drug and Alcohol Testing Act, including controlled substances approved for testing by rule by the State Commissioner of Health.</p> <p>All test results and information relating to an individual's substance abuse or use of medication is confidential, however, an individual may request records related to his/her testing for inspection and copying after the receipt of a test result. Individuals may not transfer this right to another individual without expressly granting permission in writing.</p>

Rhode Island	<p>Employees whose first confirmatory test is positive will be referred to a substance abuse professional and may be required to submit to additional testing. Evidence of any continued use of controlled substances during or after treatment may result in termination of employment. Employees who refuse to participate in the assistance program may be terminated.</p>
Vermont	<p>Individuals may be screened for the following substances: alcohol, amphetamines, cocaine, marijuana (THC), opiates, phencyclidine (PCP), barbiturates, benzodiazepines, methaqualone, methadone, propoxyphene, ecstasy, and oxycodone. Therapeutic levels of medically-prescribed drugs tested will not be reported.</p> <p>If the final screening results are considered unfavorable by Kelly or the customer, Kelly may deny employment, end an assignment, and/or suspend or terminate employment. The results of the screening shall be conclusive. Employees whose confirmatory test is positive will be referred to a substance abuse professional and may be required to submit to additional testing. Evidence of any continued use of controlled substances during or after treatment may result in termination of employment. Employees who refuse to participate in the assistance program may be terminated.</p> <p>Under this policy an individual undergoing a urinalysis screening procedure may, at his or her own expense, request to have a blood sample drawn at the time a urine sample is provided to be preserved in such a way to allow for it to be tested later for the presence of drugs.</p> <p>Over-the-counter medications and other substances may result in a positive test.</p>