

UNITEDHEALTH GROUP
PRE-EMPLOYMENT DRUG TESTING POLICY FOR MAINE
APPLICANTS

(FOR TESTING CONDUCTED IN MAINE ONLY)

1.0 COVERED ESTABLISHMENT AND LOCATIONS

1.1 Employer's headquarters:

UnitedHealth Group
9900 Bren Road E
Minnetonka, MN 55343
Tel.: (800) 328-5979

1.2 Employer's contact regarding substance abuse testing policy:

Nora Kaitfors
Associate General Counsel
9900 Bren Road E, T-502
Minnetonka, MN 55343
Tel.: (953) 936-1345
nora.kaitfors@uhg.com

1.3 Employer Locations in Maine Covered by this Policy:

UnitedHealth Group
300 Southborough Drive
South Portland, ME 04106
Tel.: (207) 482-2471

UnitedHealth Group
53 Darling Avenue
South Portland, ME 04106
Tel.: (207) 228-1215

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

1.5 Applicants will be notified at the time of initial application that they may be tested for substance abuse and will be advised where they may review the policy and statute.

- 1.6 Prior to testing, an applicant, as defined in Section 3.0 of this policy, shall be provided with a copy of the policy and statute.

2.0 STATEMENT OF PURPOSE

- 2.1 UnitedHealth Group (hereafter referred to as “Company”), is firmly committed to ensuring a safe, healthy, productive and efficient work environment for its employees, as well as its customers and the public in general. The Company has a vital interest in ensuring a safe, healthy and efficient working environment and in preventing accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace presents a danger to everyone. For these reasons, the Company has established the following substance abuse policy for applicants. As provided below, pre-employment drug testing is an integral part of our substance abuse policy for applicants.

3.0 REQUIRED PRE-EMPLOYMENT DRUG TESTING OF ALL APPLICANTS

- 3.1 This policy applies to applicants in the state of Maine, including applicants for managerial and supervisory positions.
- 3.2 All applicants to whom the Company has given a conditional offer of employment, as well as all applicants who have been offered a position by the Company on a roster of eligibility from which applicants are selected for employment, are required to submit to a pre-employment drug test and must receive a negative result as a condition of employment. For purposes of this policy, an “applicant” will not be any person separated from employment by the Company while receiving a mandated benefit from or on account of the Company, including but not limited to Workers’ Compensation and Family and Medical Leave and for a period of 30 days beyond the termination of the benefit, nor will an “applicant” be any person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.
- 3.3 Questions regarding the meaning or application of this policy should be directed to HRdirect.
- 3.4 This policy is not a contract of employment. If an applicant fails to comply with this policy, the applicant will be ineligible for employment.

4.0 CONSEQUENCES FOR POLICY VIOLATIONS

- 4.1 Positive Test Results: Any applicant who receives a confirmed positive drug test result will be ineligible for employment with the Company.
- 4.2 Refusal To Submit: Any applicant who refuses to submit to a test will be ineligible for employment with the Company. The following conduct will be considered as refusing to submit to a test:
- a. refusing to provide a urine specimen, or failing to provide an adequate amount of urine without a legitimate medical explanation;
 - b. refusing to complete the chain-of-custody or another form whose completion is required and necessary to conduct the test;
 - c. refusing or failing to report promptly to the site where the drug test will be conducted after the applicant is notified that he or she must submit to the test;
 - d. delaying the collection, testing or verification process;
 - e. adulterating or substituting a urine specimen, or attempting to adulterate or substitute a specimen; or
 - f. otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.
- 4.3 Action to be Taken Pending Receipt of Test Results: No applicant will be permitted to commence work until the Company has received a negative test result.
- 4.4 Consumption of Food or Food-Products Containing Hemp: The consumption of food and food-products containing hemp may cause an applicant to test positive. A test result that is positive as a result of an applicant's consumption of food or food-products containing or made from hemp or hemp products will be reported as a positive test.

5.0 DRUG TESTING PROCEDURES

- 5.1 The Company's drug testing procedures comply with state law. The Company's procedures ensure the integrity, confidentiality and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. The procedures also minimize the impact upon the privacy and dignity of applicants undergoing such tests.

5.2 Collection Facilities: Applicants will be sent to collection facilities for drug testing, including the following:

Central Maine Partners in Health
254 Western Avenue
South Portland, Maine 04106

Concentra Medical Center – Portland
85 Western Avenue Suites 6, 7 and 8
South Portland, Maine 04106

US Healthworks – Scarborough
400 Southborough Drive
South Portland, Maine 04106

5.3 Testing Laboratory: All drug tests conducted pursuant to this policy shall be performed by “qualified testing laboratories” as set forth in 26 M.R.S.A. Sec. 683. The Company shall use the following testing laboratories:

Quest Diagnostics Laboratory
400 Egypt Road
Norristown, PA 19403

Quest Diagnostics Laboratory
10101 Renner Blvd
Lenexa, KS 66219

Laboratory Corporation of America Holdings
69 First Ave
Raritan, NJ 08869

Laboratory Corporation of America Holdings
1904 Alexander Drive
Research Triangle Park, NC 27709

Alere Toxicology Service, Inc.
450 Southlake Blvd
Richmond, VA 23236

Alere Toxicology Service, Inc.
1111 Newton St
Gretna, LA 70053

- 5.4 Medical Review Officer: All laboratory reports on substance abuse testing will be submitted directly to the Company's Medical Review Officer ("MRO") and shall not be submitted to the Company.
- 5.5 Screening Tests: All screening tests will be conducted by the Emit (Enzyme Multiplied Immunoassay Test) methodology. The cut-off concentrations (in urine), are as follows:

Panel to be used for applicants for non-clinical positions:

Amphetamine/Methamphetamine 500 NG/ML
Barbiturates 300 NG/ML
Benzodiazepines 300 NG/ML
Cannabinoids 50 NG/ML
Cocaine and/or Metabolites 150 NG/ML
Methadone 300 NG/ML
Opiates 2000 NG/ML
Phencyclidine ("PCP") 25 NG/ML

Panel to be used for applicants for clinical positions:

Amphetamine/Methamphetamine 500 NG/ML
Barbiturates 300 NG/ML
Benzodiazepines 300 NG/ML
Cannabinoids 50 NG/ML
Cocaine and/or Metabolites 150 NG/ML
MDMA (Ecstasy) 500 NG/ML
Methadone 300 NG/ML
Opiates 2000 NG/ML
6-AM 10 NG/ML
Oxycodone 2000 NG/ML
Phencyclidine ("PCP") 25 NG/ML

- 5.6 Confirmation Tests:
- a. All positive drug test results will be confirmed by gas chromatography and mass spectrometry ("GC/MS") methodology. The cut-off concentrations (in urine), are as follows:

Panel to be used for applicants for non-clinical positions:

Amphetamine/Methamphetamine 250 NG/ML
Barbiturates 300 NG/ML
Benzodiazepines 300 NG/ML
Cannabinoids 15 NG/ML
Cocaine and/or Metabolites 100 NG/ML
Methadone 300 NG/ML

Opiates 2000 NG/ML
Phencyclidine ("PCP") 25 NG/ML

Panel to be used for applicants for clinical positions:

Amphetamine/Methamphetamine 250 NG/ML
Barbiturates 300 NG/ML
Benzodiazepines 300 NG/ML
Cannabinoids 15 NG/ML
Cocaine and/or Metabolites 100 NG/ML
MDMA (Ecstasy) 250 NG/ML
Methadone 300 NG/ML
Opiates 2000 NG/ML
 6-AM 10 NG/ML
 Oxycodone 2000 NG/ML
Phencyclidine ("PCP") 25 NG/ML

- b. The MRO will report to the Company 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 applicant to evaluate whether there is a medical basis for an applicant's drug usage which could have led to a confirmed positive laboratory report. The MRO shall contact the applicant and, upon the applicant's authorization, may contact the applicant's physician to obtain verified information upon the applicant'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 test result to the Company. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a confirmed positive test.

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 which may result from legitimate and prescribed drug usage. The MRO process has the additional benefit of protecting applicant confidentiality in the case of confirmed positive laboratory results which, in the judgment of the MRO, are ultimately reported as negative results to the Company.

- c. All confirmed adulterated or substituted test results will be reviewed by the MRO to determine whether there is any legitimate medical explanation for the laboratory findings. It is the applicant's burden of proof to show that there is a legitimate medical explanation. If the MRO determines that

the applicant's explanation does not present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO will report the test to the Program Administrator or other designated employer representative and the individual tested as a verified refusal to submit to a test because of adulteration or substitution.

- d. If an applicant refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the applicant.

- 5.7 Procedure to segregate a portion of the specimen at the applicant's request: At the request of the applicant, at the time that the specimen is taken, a portion of the specimen collected, sealed and labeled according to Maine regulations and this policy, will be segregated for that applicant's own testing (in the event of a positive test result). This specimen will be stored by the laboratory and chain of custody shall be maintained as provided in this policy. Within 5 days after notice of a positive test result is given to the applicant, the applicant shall notify the Company and the facility of the testing laboratory selected for that person's own testing. The laboratory so selected must be licensed by the Maine Department of Human Services. The Company's laboratory shall promptly send the segregated portion of the specimen to the selected laboratory, subject to the same chain of custody and security requirements as observed for the employer's specimen. The applicant will be required to pay for the segregation of a second specimen as well as the expense of said additional testing only if and when the applicant notifies the Company that the applicant actually wishes the test to be made and the applicant notifies the Company of the choice of laboratory to which the second specimen is to be sent. The applicant will instruct the laboratory that he/she selects to send the split-specimen test results to the Company's MRO. If the split-specimen fails to reconfirm the presence of the drug(s) found in the primary specimen, or if the split-specimen is unavailable, or inadequate for testing or untestable, the MRO will cancel the test and report the cancellation and the reasons for it to the Company and the applicant. However, if the split-specimen reconfirms the presence of the drug(s) or drug metabolite(s), the MRO will notify the Company and the applicant that the test result was confirmed "positive."
- 5.8 Procedure for an applicant to appeal and contest the accuracy of a confirmed positive test result: If the applicant chose to segregate a portion of his/her specimen and elects to submit that specimen to a laboratory of their choice, the results of the second test will be controlling. The MRO process will serve as the appeal if the applicant has not chosen to segregate their specimen or chose not to pay for testing of the segregated specimen.
- 5.9 Inability to provide adequate amount of urine specimen: Applicants must provide at least 45 milliliters of urine for a drug test. If the applicant is unable to provide

such a quantity of urine, then the individual will be instructed to drink a set amount of fluids and, after a set period of time, again directed to provide a complete specimen. If the applicant refuses to drink the fluids as directed, or refuses to provide a new urine specimen, this will constitute a refusal to submit to a test. Under such circumstances an applicant will be ineligible for employment with the Company. If an applicant has not provided a sufficient specimen within three hours after the first unsuccessful attempt to provide the specimen, the collection will be discontinued. The Program Administrator, after consulting with the MRO, will then direct the applicant to obtain, within five working days, a medical evaluation. Failure to undergo such an evaluation constitutes a refusal to test. The purpose of the evaluation is to determine whether the applicant has a medical condition that has, or with a high degree of probability could have, precluded the applicant from providing a sufficient amount of urine.

5.10 Privacy: The Company will not require an applicant to remove any clothing for the purpose of collecting a urine specimen, except that the Company will require that an applicant leave any personal belongings other than clothing and any unnecessary coat, jacket or similar outer garments outside the collection area. No applicant may be required to provide a urine specimen while being observed, directly or indirectly, by another individual.

5.11 Storage of Specimen:

a. At the collection site: Specimens 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 applicant. 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 applicant. All information on the label will be written clearly and with indelible ink. Specimen will be transported or shipped promptly to the testing laboratory in a secure fashion, so as to prevent tampering. If shipment or transport is not feasible, the specimens shall be refrigerated within one hour, at less than 6 degrees Centigrade for no more than three days, or frozen at -20 degrees Centigrade or less, for no more than two weeks before shipment.

b. At the testing laboratory: All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 degrees Centigrade or less) for at least 12 months from the date of collection. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

5.12 Chain of Custody:

- a. Labeling and Packaging at the Collection site: Immediately upon collection of each specimen, a chain of custody record will be established for that specimen, indicating the identity of each specimen, a chain of custody record will be established for that specimen, indicating the identity of each person having control over the sample, and the times and dates of all transfers or other actions pertaining to the specimen.
- b. Transport: Specimens will be picked up from the facility within 24 hours of collecting the specimen and will be transported in a secure fashion, so as to avoid tampering. Each person who takes custody of the specimen in the course of transport will record on the chain of custody log the date, time, transporter's name and Company's name, origin and destination of the specimen.
- c. At the Laboratory: When a specimen arrives at the lab, the person receiving the specimen shall record the time of receipt and the location of each specimen in the lab's storage system. Any technician or other person who removes the specimen from storage or opens the specimen shall record the date, time, their name and the purpose for removal or opening of the specimen.

6.0 NOTIFICATION OF TEST RESULTS AND TESTING EXPENSES

- 6.1 The Company will pay for all drug tests required by the Company, which includes a confirmation drug test performed on an applicant's primary urine specimen. Applicants must pay for testing their urine split-specimen, but will be reimbursed if the test result is negative.
- 6.2 The applicant will be notified by personal telephone call and confirmed by mail unless the applicant otherwise instructs.
- 6.3 All laboratory reports, including the screening, confirmation and quality control data shall be reviewed by the MRO as accurate. The report will identify the name of the laboratory, the drugs and metabolites tested for, whether the test results were negative or confirmed positive, and the cutoff levels for each substance. The report will include any available information concerning the margin of accuracy and precision of the test methods employed.
- 6.4 Unless agreed upon by the applicant, no report shall show the quantity of substance detected, but only the presence or absence of that substance relative to the cutoff level.
- 6.5 No report will show that a substance was detected in a screening test, unless the presence of the substance was confirmed in the confirmatory test. Test results

will be randomly delayed from 2 to 5 days so that the Company cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to the Company at a single rate per specimen tested (which may be periodically adjusted by the laboratory).

- 6.6 No substance may be reported as present if the Company did not request analysis for that substance.
- 6.7 Reports of specimens segregated at the applicant's request, for testing by the applicant's choice of laboratory, will be provided to the applicant, the Company and the MRO.
- 6.8 The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.

7.0 ACCESS TO RECORDS AND CONFIDENTIALITY OF TEST RESULTS

- 7.1 All test results and any information acquired by the Company and the MRO in the testing process is confidential. The laboratory may disclose an applicant's drug test results only to the MRO. Unless an applicable law otherwise requires, the MRO may disclose test results only: (1) to the applicant; (2) to designated Company representatives; and (3) to courts of law and administrative tribunals to the extent permitted or required by law. Beyond that, test results shall not be released to any person without the applicant's written consent. However, this does not prevent the disclosure of results or information if:
 - (a) Release of information is required or permitted by state and federal law, including as required under 26 M.R.S.A. Sec. 683(8)(D), or,
 - (b) The use of this information is part of any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.
 - (c) The results of any test may not be required, requested or suggested by the Company to be used in any criminal proceeding, as set forth in 26 M.R.S.A. Sec. 685(3)(B).
- 7.2 The Company will maintain records of its substance abuse program in a secure location with controlled access.