

**SUPPLEMENTAL AGREEMENT
DRUG AND ALCOHOL TESTING
HAWAII HEALTH SYSTEMS CORPORATION**

This Supplemental Agreement is made and entered on this ____ day of _____, 2023, by and between the HAWAII HEALTH SYSTEMS CORPORATION (HHSC), hereafter the "Employer" and the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME. Local 152, AFL-CIO, hereafter the "Union" on behalf of Employees in Bargaining Units 02, 03, 04, 09 and 13.

Pursuant to Article 50 for Bargaining Units 02, 04 and 13, Article 52 for Bargaining Unit 03, Article 55 for Bargaining Unit 09, both parties agree to the following:

WHEREAS, the EMPLOYER and UNION recognize that the use and/or abuse of drug and/or alcohol may adversely affect the employee's health, safety and job performance, and the health and safety of co-workers and the general public;

WHEREAS, the EMPLOYER and the UNION had agreed to a Drug and Alcohol Testing Agreement on February 14, 2003; and

WHEREAS, the Drug and Alcohol Testing Agreement does not address medical marijuana prescribed by a licensed physician for positions in Bargaining Unit 02, 03, 04, 09 and 13;

NOW, THEREFORE, the EMPLOYER and the UNION agree to amend the DRUG AND ALCOHOL TESTING AGREEMENT (DAT) as follows:

Part I. REASONABLE SUSPICION ALCOHOL AND CONTROLLED SUBSTANCE TESTING

IV. PROHIBITIONS.

B. CONTROLLED SUBSTANCE.

4. Refuse to submit to a required controlled substance test.

Prior to making a final decision to verify or report a positive test, the Medical Review Officer (MRO) shall give the Employee an opportunity to discuss the test. If the MRO determines there is a legitimate medical explanation, including, but not limited to medical marijuana prescribed by a licensed physician, for the positive test, the MRO shall take no further action and report the test as negative.

Part II. RANDOM ALCOHOL AND CONTROLLED SUBSTANCE TESTING

SUPPLEMENTAL AGREEMENT
DRUG AND ALCOHOL TESTING
BU 02, 03, 04, 09, and 13

R-IV. PROHIBITIONS.

B. CONTROLLED SUBSTANCE.

4. Refuse to submit to a required controlled substance test.

Prior to making a final decision to verify or report a positive test, the Medical Review Officer (MRO) shall give the Employee an opportunity to discuss the test. If the MRO determines there is a legitimate medical explanation, including, but not limited to medical marijuana prescribed by a licensed physician, for the positive test, the MRO shall take no further action and report the test as negative.

This SUPPLEMENTAL AGREEMENT shall become effective on July 1, 2023 and shall continue in force until either party hereto gives sixty (60) days written notice of its desire to modify, amend or terminate this Agreement.

IN WITNESS WHEREOF, the parties hereto, by their authorized representatives, have executed this SUPPLEMENTAL AGREEMENT on the day and year herein set forth.

FOR THE EMPLOYER

FOR THE UNION

LINDA ROSEN, M.D., M.P.H.
President and CEO
Hawaii Health Systems Corporation

RANDY PERREIRA
Executive Director
Hawaii Government Employees Association