

# Substance Abuse Policy

## Applicability

**(Company Name)** believes that it has an obligation and right to have alert, drug/alcohol free personnel on the job, and must provide a safe work environment. This means that during working hours, all staff members are expected to be free from any substance, whether legal or illegal, that can negatively affect job performance or risk the health and safety of employees and the public.

## Purpose and Scope

The purpose of this testing policy is to protect the physical and psychological well-being of all the staff at this organization's facilities and job sites and protect the safety of the public. Use of intoxicants and drugs that alter the ability to function on the job in an effective and safe manner will not be tolerated. The use of or condition of being under the influence of drugs/alcohol while at work can affect the morale of other personnel as well as increase accidents, theft, and absenteeism. This testing policy is a critical step in establishing and maintaining an efficient and safe work force and will be applied in conjunction with all established company policies, procedures, and programs.

The organization will vigorously pursue the enforcement of this policy and will make efforts to protect the privacy of its staff members. It is the intent of this policy to encourage and support personnel recovery from substance abuse through the Staff Assistance Program (SAP), unless the SAP proves ineffective for that staff member.

## Implementation

Implementation of this procedure is the responsibility of the management.

## Requirements

### A. Policy on Alcohol and Drugs in the Workplace

**(Company Name)** has a strong commitment to its personnel to providing a safe environment and to promoting high standards of personnel health. Consistent with the spirit and intent of this commitment, we have established this policy on drug and alcohol use. Our goal is to establish and maintain a work environment that is completely free from the effects on employees of alcohol and drug use.

Drug and alcohol abuse is a threat to us all. It threatens your safety on the job. It threatens your job security. If you are yourself a drug or alcohol abuser, it threatens your right to a healthy, productive, and rewarding life.

We have no intention of interfering with the private lives of our staff. However, we expect staff members to report to work in a condition to perform their duties in a safe, effective, and efficient manner. A staff member's "privacy" right to his or her "personal life" does not mean that he/she has the "right" to endanger their self or any co-worker by working under the influence of drugs and alcohol.

#### 1. STAFF ASSISTANCE PROGRAM (EAP)

A staff member who believes that she/he has a problem involving the use of alcohol and drugs can ask the personnel supervisor for assistance. No discipline or discrimination will result from an employee asking for such assistance. We will work with the staff member to identify programs that may be available to help deal with the problem. The request for help and any later treatment program will be kept as confidential as possible under all the factual circumstances.

A "last-chance agreement" or performance contract will be required of a staff member once the problems have been identified or assessed and a treatment program started. Failure to sign the agreement/contract or failure to comply with all treatment program obligations will be grounds for discipline, up to and including termination.

The organization encourages personnel to ask for assistance if they believe they have a problem involving the use of alcohol or drugs. Although we recognize that alcohol and drug abuse can sometimes be successfully treated and we are willing to work with personnel who may suffer from such problems, it is each staff member's responsibility to seek such assistance before drug and alcohol problems lead to on-the-job safety or misconduct incidents, or violation of our policy and to corresponding disciplinary action. After a violation of our policy occurs, willingness to seek organization or outside assistance will NOT "excuse" the violation and most often the staff member will be fired.

#### 2. ALCOHOL

The possession, sale, consumption or being under the influence of any intoxicating liquor while on, or in route to, organization property, work time, or in other circumstances we believe will adversely affect our operations or safety, may result in immediate discharge.

The conduct prohibited includes consumption of any intoxicating liquor prior to reporting to work or during breaks or lunch period. A staff member who tests positive for alcohol to any degree will be deemed "under the influence" for purposes of this rule.

a) Organization functions: There may be some organizational functions (for example, awards, banquets or social holiday parties) where beer or wine will

be served. Alcohol will only be served with prior approval from management in these situations, and consumption will be strictly monitored and controlled.

### 3. DRUGS

The possession, sale, consumption or being under the influence of any illegal drug while on, or in route to, organization property, work time; or in other circumstances we believe might affect our operations or safety, will be subject to discharge. The conduct prohibited by this rule includes consumption of any such substance. Prior to reporting for work or during breaks or lunch period. A staff member who tests "positive" for any such substance by screening and confirmation tests will be deemed "under the influence" for purpose of this rule.

### 4. RIGHT TO TEST AND SEARCH

Where evidence indicates to us that a staff member may have violated either of the above rules, the employee may be required to submit to search of her/his possessions and to submit to chemical testing.

When reasonable grounds exist to believe a staff member has consumed-or is under the influence of alcohol or any substance in violation of this policy, the organization may search the staff member's possessions located on organization property or job site, including clothes, locker, lunch box, tool box, desk, car, etc. The organization, in such circumstances, may also require the employee to submit to appropriate tests for alcohol or prohibited drugs or substances in her/his system, including urinalysis, blood and breath tests. Failure to promptly permit such searches and tests will be grounds for immediate discharge.

Among the situations where the organization may exercise its "reasonable cause" right to test and search include the following:

- a) An observable symptom of a staff member being under the influence of drugs or alcohol.
- b) On the job accidents involving medical treatment or property damage
- c) Unexplained significant changes in behavior (e.g., abusive behavior, repeated disregard of safety rules or procedures, insubordination, etc.)
- d) Failure to complete or comply with a treatment program already started.
- e) Failure to sign a "Last Chance" or work performance contract after treatment has started.
- f) Personnel admissions regarding drug or alcohol use

These are examples of situations in which the organization may ask a staff member to submit to a chemical test or search. The organization will enforce this policy rationally based on each individual factual circumstance and at its discretion. In some cases, it may, based on all factual circumstances, decide not to search or test a staff member, despite the fact that it could do so under this

policy. Such individual situations of Company discretion shall not affect the organization's right to enforce the policy in other situations.

Personnel are subject to discharge under Section 4 shall be offered the opportunity to participate in a chemical dependency rehabilitation program as an alternative to discharge, provided the employee voluntarily agrees to the terms of a "Last Chance" agreement. This option will only apply to a first-time violation of the drug-free policy. All treatment and other associated costs incurred from a rehabilitation program will be the sole responsibility of the staff member.

## B. TESTING PROCEDURES

### 1. PRE-EMPLOYMENT TESTING

Personnel applying for positions may be required to pass a chemical screen test as a condition of employment. This will be completed before any job offers are finalized. If a pre-staffing chemical screen is diluted, the job applicant shall be warned that a second dilute test will result in the job offer being withdrawn.

### 2. REASONABLE SUSPICION

All staff members will be tested for drugs and/or alcohol when there is reasonable suspicion to believe that the staff member has violated the organization drug and alcohol policy. Whether reasonable suspicion exists depends on the indicators used to determine that a staff member may use or be under the influence of drugs or alcohol. Reasonable suspicion also exists when the staff member has been arrested during non-working hours for drug or alcohol use.

It is the responsibility of the staff to notify employer of arrests made for alcohol or drug offenses. Personnel who are instructed to submit to testing under reasonable suspicion will be escorted to the collection facility; they will not be allowed to operate a motor vehicle or return to work until the test results are confirmed. If the test results are negative the employee will be compensated for the normal number of hours that they would have worked while waiting for the results. If the test is positive, no compensation is given for time loss.

### 3. POST-ACCIDENT

Post-accident testing may be required when a staff member is involved in an accident, whether the staff member is responsible for the accident in whole or in part when another person is operating the equipment or motor vehicle. Post-accident testing may be required in the event of an injury requiring medical care, damage to property or in a near miss situation that could have resulted in injury or damage.

#### 4. FOLLOW UP TESTING

If the "Last Chance" contract requires chemical or alcohol monitoring, then the staff member will submit to all unannounced requests for drug or alcohol screening during the term of the "Last Chance" agreement. Refusal or failing to show up for the test within 2 hours of a request will result in a presumption that the staff member was incapable of passing the test and the test results would have indicated an unacceptable level of prohibited substances. If a "Last Chance" follow-up drug or alcohol test is positive during the term of the contract the employee will, in most cases, be terminated.

#### 5. RANDOM TESTING

Random selections will be facilitated by computer-generated random number selection or by other valid method. Each employee will have an equal chance of being selected. Refusal or failing to show up for the test within 2 hours of a request will result in a presumption that the employee was incapable of passing the test and that the test results would have indicated an unacceptable level of prohibited substances.

#### 6. TEST RESULTS

The staff members' test results, positive or negative, and the fact that a test was performed, will be kept as confidential as possible under all the factual circumstances. Positive test results will be considered with medical and other evidence to determine what action, if any, is to be taken.

If a staff member is currently using legal prescription or non-prescription medications, the staff member may be asked to identify any such medications on the consent form prior to testing. If the medication was properly authorized and appropriately used, a positive test result related to such medication will not be cause for discharge or discipline unless the staff member failed to notify the organization prior to the test of the use of a medication that could impair the staff member's ability to work safely. However, personnel are responsible for knowing the effects of any such medications. If a staff member is taking any medication which may interfere with her or his ability to perform the job, such as medications which cause drowsiness, the employee must report the use of such medication to her or his supervisor before reporting to work.

If a chemical or alcohol specimen screen is determined to be invalid or unreliable by the clinic or certified lab due to circumstances unrelated to the conduct of the staff member, the staff member will be notified of the circumstances that require a retest and will have the option of immediately collecting a new specimen.

If a chemical screen or breath specimen is determined to be invalid or unreliable by the clinic or the certified lab because of circumstances related to the conduct of the staff member, a presumption will arise that the staff member was

incapable of passing the test, and that the test results would have indicated an adverse level of prohibited substances, subjecting the staff member to termination as prescribed by the organization policy.

7. MEDICINAL USE OF MARIJUANA

The organization considers marijuana as an illicit substance as defined by the federal government as a class I controlled substance. The organization prohibits personnel from having any detectable level of marijuana in their system while working for this company. However, if a staff member is taking marijuana upon the advice of a State-licensed medical provider and the staff member can provide conclusive evidence of recommended use by submitting a formal recommendation document signed by the licensed provider it will be taken into consideration.

8. REFUSALS TO TEST

Failure to test includes failure to cooperate with the testing process in a manner which does not allow the test to be conducted, refusal to offer an adequate specimen, failure to immediately report to the collection location when requested, adulterating, or tampering with a specimen or other behavior that interferes with the testing. Consequences of refusals to test will, in most cases, result in termination from employment.

9. SITUATIONS NOT COVERED BY POLICY

We recognize that situations may arise which are not specifically covered by these guidelines. We deal with them on a "case by case" basis taking into account such things as the nature of the situation or problem, the staff members' overall employment record and job assignment, the potential impact on safety, production and customer service, etc.

Effective Date: \_\_\_\_\_

I understand that failure to comply, in whole or in part, with all of the terms and conditions of this policy will result in disciplinary action, up to and including termination of employment with \_\_\_\_\_.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Date

\* Pre-employment Consent Form\*

Part of the hiring process includes testing for controlled or illegal substances. If you wish to complete the application process, you must participate in such testing and consent to such testing by signing this form.

Do you consent to testing on a specimen provided by you in order to determine the presence of controlled substances and recognize that the results of an analysis of such specimen will be used to determine suitability for employment?

Yes                       No

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

The testing may detect the presence of controlled substances which you are properly taking pursuant to a doctor's prescription. Therefore, it is important for us to know whether you are currently under such medication and that nature of the medication.

Are you under current medication?                      Yes                       No

If so, please give the name of the medication.

\_\_\_\_\_

Site Rule

Personnel shall be subject to discipline up to and including discharge for use, possession, sale or being under the influence of alcohol or controlled substances while on company premises. The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given the personnel director prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance. For purposes of this rule, 'being under the influence of alcohol or controlled substances' means having any measurable quantity in one's system.

Consent Form'

I hereby authorize (name) Company to perform a urinalysis or other test to determine the use of alcohol or controlled substances on a specimen provided by me. I recognize that (name) Company will utilize the report on the results of an analysis of such specimen to determine suitability for continued employment.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Check with your drug testing laboratory for appropriate consent and chain of custody forms.