

# Sample Drug & Alcohol Policy

## Workplace where drug testing is not used

### Purpose

The objective of this Policy is to develop a drug and alcohol-free workplace which will help ensure a safe and productive workplace and to provide education and treatment to our employees. In order to further this objective, the following rules regarding alcohol and illegal drugs in the workplace have been established.

### Policy

1. The company shall implement a comprehensive drug and alcohol abuse education program. As part of that program, information will be provided on the availability of Employee Assistance Program services.
2. Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment, and this will be an option as long as the employee cooperates. Employee Assistance Program (EAP) will be made available to assist employees.
3. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance on company property is prohibited.
4. Being under the influence of alcohol or illegal drugs on company property is prohibited. The unauthorized use or possession of prescription drugs or over-the-counter drugs on company property is prohibited.
5. Employees who violate this Policy are subject to appropriate disciplinary action including termination.
6. The Policy applies to all employees of the company regardless of rank or position and includes temporary and part-time employees.

### Definitions

**Company Premises** - All company property including vehicles, lockers, and parking lots.

**Company Property** - All company owned or leased property used by employees such as vehicles, lockers, desks, closets, etc.

**Controlled Substance** - Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended. Copies are maintained for employee review by Personnel and Health Services.

**Drug** - A drug is any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

**Drug Paraphernalia** - Equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.

**Fitness for Duty** - To work in a manner suitable for the job. To determine "fitness", a medical evaluation may include drug and/or alcohol testing.

**Illegal Drug** - An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any

other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally. Included is marijuana or cannabis in all forms.

**Reasonable Cause/Reasonable Suspicion** - Supported by evidence strong enough to establish that a Policy violation has occurred.

**Under the Influence** - A state of having a blood alcohol concentration of 0.10 or more, where "alcohol concentration" has the meaning assigned to it in Article 67011-1, Revised Statutes; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

## **General Policy Provisions**

Any of the following actions constitutes a violation of the Policy and may subject an employee to disciplinary action including immediate termination:

- Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting or assisting another to do so, while in the course of employment or engaged in a company sponsored activity, on premises, in owned, leased, or rented vehicles, or on business.
- Working or reporting to work, conducting company business or being on premises or in a company-owned, leased or rented vehicle while under the influence of an illegal drug, alcohol or in an impaired condition.

## **Preventive Acts**

- Employees taking drugs prescribed by an attending physician must advise their direct supervisor in writing of the possible effects of such medication regarding their job performance and physical/mental capabilities. This written information must be kept confidential and communicated to the direct supervisor prior to the employee commencing work. All medical information will be kept confidential and the employer, without exception, will punish any breach of privacy and confidentiality in this regard. All prescription drugs must be kept in their original container.
- Any employee involved in a work related accident where alcohol or drugs are believed to be a contributing factor will be referred to an employee assistance counselor in addition to any other accident investigation activities.

## **Supervisory and Employee Training**

Supervisors will receive training regarding the Drug and Alcohol Policy and the use of the Employee Assistance Program. All employees will receive copies of the Drug and Alcohol Policy and information about the Employee Assistance Program.

## **Employee Assistance Program**

The company will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be

provided without cost to the employee or family member. The cost of treatment, counseling, or rehabilitation resulting from EAP referral will be the responsibility of the employee.

When documented job impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance.

Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the company supervisor by the EAP. Refusal to participate in, or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself does not preclude company's use of corrective actions, participation in an EAP-directed program may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of sick leave or compensation time. Sick leave may be taken as needed, while compensation time must be pre-approved.

### **Coordination with Law Enforcement Agencies**

The sale, use, purchase, transfer, or possession of an illegal drug or drug paraphernalia is a violation of the law. The company will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. Searches will only be conducted of individuals based on reasonable cause and only of their vehicles, lockers, desks, or closets when based on reasonable suspicion. The company will cooperate fully in the prosecution and/or conviction of any violation of the law.

The company reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this Policy, or procedures or benefits discussed herein. Employees will be notified before implementation of any change.

Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the company retains the right to terminate any employee at any time, for any or no reason, without notice.

### **Other Laws and Regulations**

The provisions of this Policy shall apply in addition to, and shall be subordinated to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this Policy shall be deemed to be deleted.

### **When Implementing a Workplace Drug Policy . . .**

#### **Do**

Implement a meaningful drug policy.

Maintain effective employee communications to allow all employees to understand and have input into the drug policy.

Offer a responsive employee assistance program.

Involve both employees and management in the enforcement of the policy.

Provide each employee with a copy of the drug policy statement.

Keep drug test results confidential.

Provide each employee with a copy of the drug policy statement.

If testing, perform a second drug test if the first test reads positive.

Include rehabilitation in the drug policy.

Provide a Drug Awareness Program.

Maintain a good working relationship with local law enforcement and seek their expertise and advice.

Implement a drug testing program when appropriate.

#### **Don't**

Don't enforce your company policy inconsistently.

Don't act without the full support of top management and labor.

If drug testing is part of your policy, don't use uncertified labs.

Don't send impaired employees home behind the steering wheel of an automobile.

Don't delay confrontation and referral.

Don't cover up the problem.

Don't act as counselor.

Don't address drug abuse without a parallel program for alcohol abuse.

