substance abuse POLICY

**Purpose**

To establish ABC Company as a drug-free workplace.

**Policy**

ABC Company recognizes that the future of the company is dependent on the physical and psychological health of its employees. The company also recognizes drug and alcohol dependency as an illness and a major health problem.

ABC Company will utilize every reasonable means to maintain a drug-free work environment for its employees, including supervisor training, employee education, providing employees access to information concerning drug and alcohol abuse programs, and implementing substance abuse testing of employees and job applicants to detect use of illegal substances.

It is the responsibility of the company’s supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor’s job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

**Definitions**

As used in this policy, the term:

A. *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

B. *Drug* means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualene, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.

C. *Employee* means any person who works for salary, wages, or other remuneration for ABC Company.

D. *Job applicant* means a person who has applied for a position with ABC Company and has been offered employment conditioned upon successfully passing a substance abuse test and may have begun work pending the results of the substance abuse test.

E. *Nonprescription medication* means a drug or medication authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

F. *Prescription medication* means a drug or medication lawfully prescribed by a physician for an individual and taken in accordance with such prescription.

G. *Substance* means drugs or alcohol.

**Prohibited Conduct**

The primary goal of ABC Company is to maintain a safe, productive, and drug-free working environment. For this reason, the company has established the following policy:

A. It is a violation of company policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.

B. It is a violation of company policy for anyone to report to work under the influence of illegal drugs or alcohol.

C. It is a violation of company policy for anyone to use prescription drugs illegally. However, nothing in this policy precludes the appropriate use of prescription or non-prescription medications.

Violations of this policy are subject to disciplinary action up to and including termination.

**Pre-Employment Drug Testing**

A. Applicants being considered for employment may be asked to undergo pre-employment screening to test for the presence of alcohol and any unlawful drugs or controlled substances. Such testing will be conducted only after ABC Company has made a conditional offer of employment to the applicant.

B. Job applicants will be required to submit voluntarily to a drug test at a laboratory chosen by this company and, by signing a consent agreement, will release ABC Company from liability.

C. Any applicant with a confirmed positive test will be denied employment.

D. Refusal to submit to a drug test will be interpreted as a voluntary withdrawal of application for employment.

E. If the physician, medical official, or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

F. ABC Company will not discriminate against applicants for employment because of a past history of drug abuse. It is the current use of drugs that is prohibited.

G. Applicants with a confirmed positive test result may, at their option and expense, have a second confirmation test made *on the same specimen*. An applicant will not be allowed to submit another specimen for testing. Applicants must present themselves drug-free as demonstrated by the drug testing selected by this company.

H. Individuals who have failed a pre-employment test may initiate another inquiry with the company after a period of not less than six months. However, they must present themselves drug-free as demonstrated by the drug testing selected by this company.

**Employee Drug Testing – General Procedures**

A. An employee reporting to work visibly impaired will be deemed unable to properly perform required duties and will not be allowed to work. If possible, the employee’s supervisor will first seek another supervisor’s opinion to confirm the employee’s status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether illegal drug use has occurred. If, in the opinion of the supervisor, there is reasonable suspicion to believe the employee is impaired, a drug test may be required. If a drug test is not immediately possible, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative depending on the determination of the observed impairment) and accompanied by the supervisor or another employee if necessary. An impaired employee will not be allowed to drive.

B. To ensure that the decision to test is reasonable, the supervisor will discuss with the appropriate departmental supervisor his or her reasons for believing that testing is warranted. If the employee is a departmental supervisor, the Company president will instead be consulted.

**Employee Drug Testing**

A. ABC Company has adopted testing practices to identify employees who use illegal drugs on or off the job. It shall be a condition of employment for all employees to submit to drug testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is using illegal drugs. The following circumstances could cause reasonable suspicion:

a. Observable phenomena while at work such as direct observation of drug use or of the physical symptoms or manifestations of being impaired due to drug use

b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance

c. A report of drug use provided by a reliable and credible source;

d. Evidence that an individual has tampered with any drug test during his or her employment with ABC Company

e. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the company’s premises or while operating the company’s vehicle, machinery, or equipment.

An employee who has been asked to undergo reasonable suspicion testing may be required to transfer to another position at the company’s discretion, pending the results of the testing.

2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of worktime. *Loss of worktime* means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider.

3. As part of a follow-up program of treatment for drug abuse.

4. When a drug test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of ABC Company’s established policy or that is scheduled routinely for all members of an employment classification or group.

5. As part of ABC Company’s random drug testing policy. All employees are subject to random testing. Employees will be notified if they have been randomly selected for substance abuse testing. Employees must provide a specimen within 12 hours from the time of notification, by means of the drug testing method selected by the company. A copy of documentation, detailing in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant testing, shall be provided to the employee upon request.

B. Employees with a confirmed positive test result may, at their option and expense, have a second confirmation test made *on the same specimen*. An employee will not be allowed to submit another specimen for testing. An employee will be suspended without pay pending the results of the second confirmation test.

C. If the physician, medical official, or lab personnel has reasonable suspicion to believe that the employee has tampered with the specimen, the employee is subject to disciplinary action up to and including termination.

D. ABC Company may terminate any employee with a confirmed positive test result. If a decision not to terminate is made, the employee is suspended without pay pending a confirmed negative test result. The employee must provide a confirmed negative test result, at the employee’s own expense, within 30 days from the date of the positive test result.

**Alcohol Abuse**

A. An employee who is under the influence of alcohol, as defined in subpart B, at any time while on company business or at any time during the hours between the beginning and ending of the employee’s work day, whether on duty or not and whether on ABC Company business or property or not, shall be guilty of misconduct and is subject to discipline up to and including termination.

B. An employee shall be determined to be under the influence of alcohol if either of the following applies:

1. the employee’s normal faculties are impaired due to the consumption of alcohol

2. the employee has a blood alcohol level of .05 or higher.

**Employee Assistance**

ABC Company offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file, which is located in the administrative department of each of the divisions of ABC Company. In addition, we will distribute this information to employees for their confidential use.

**Employee Education and Supervisor Training**

A. Each year, all employees including supervisory personnel shall be required to participate in two one-hour educational programs on substance abuse and its effects on the workplace.

B. In addition, all supervisory personnel shall be required to participate in a minimum of two hours of supervisory training each year on how to recognize signs of employee substance abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance abusing employees to the proper treatment providers.

**Confidentiality**

ABC Company shall treat as confidential all information received by the company through its drug and alcohol testing program, consistent with the provisions of the Drug-Free Workplace Act, and other applicable federal, state, and local laws. Except as provided therein, release of such information shall be solely pursuant to a written consent form signed by the person tested.

THIS POLICY IS LEGALLY DESIRABLE