

## **DRUG-FREE WORKPLACE AND ALCOHOL/SUBSTANCE ABUSE POLICY**

\_\_\_\_\_ (Company name) is committed to maintaining a safe, healthy and efficient working environment for all its' employees. The presence of alcohol and drugs in the work place, and the influence of those substances on employees during working hours, pose serious safety and health risks to both the user and to all those who work with and around the user. Drug and alcohol impairment threaten everyone's safety and the success of our joint enterprise.

**DEFINITIONS** - For the purpose of this policy the following definitions are applicable:

- **LEGAL DRUGS** - Those drugs which have been prescribed by a physician, and over-the-counter drugs which have been legally obtained and are being used for the purposed for which they were prescribed or manufactured.
- **ILLEGAL DRUGS** - Any drug which is not legally obtainable or which is legally obtained, including prescribed drugs, but not being used for prescribed purposes or being used in amounts in excess of the prescribed dosages.
- **UNDER THE INFLUENCE** - The presence within the body of prohibited amounts of alcohol or drugs detectable by scientific tests. A blood alcohol content by volume of .04 percent, or a positive drug screen of illegal drugs, or a drug screen of a prescription drug indicating the presence of a controlled substance at greater than therapeutic levels, shall constitute being ~~A~~under the influence.

### **DRUG AND ALCOHOL SCREENING**

The Company shall conduct a drug and alcohol screening program for current employees who:

- 1) are involved in a work-related accident or injury;
- 2) who appear to be under the influence of a legal or illegal substance by exhibiting behavior consistent with impairment, including but not limited to, erratic behavior, impairment of physical or mental ability, unsafe performance, posing a threat to the employee or co-workers, and/or difficulty in maintaining balance, etc.;
- 3) who are assigned functions, which require such screening in accordance with any local, state, or federal regulations or laws;
- 4) on a random basis such that all employees are tested over a prescribed period of time.

## **RULES OF CONDUCT**

- The use, sale, purchase, manufacture, possession or transfer of alcohol or an illegal drug, or being under the influence of alcohol or of an illegal drug during working hours, or at any time while on or in company property, is strictly prohibited.
- The use, or being under the influence, of any legal drug by an employee during working hours, or at any time on or in company property, is strictly prohibited if such use or influence may detrimentally affect the safety of co-workers or members of the public, the employee's job performance or safety, and/or production efficiency. Any employee who believes that his or her use of the legal drug may result in such impairment must report such drug use to the Company.
- The use, sale, purchase, manufacture, possession or transfer of drug paraphernalia during working hours or any time while on or in company property, is strictly prohibited and will result in immediate termination.

## **PROCEDURES**

Drug Screening will be conducted in accordance with requirements and procedures as may be mandated by local, state, and/or federal laws. The Company will:

1. Investigate and evaluate work related accidents and injuries;
2. Evaluate an employee referred because of detectable symptoms of impairment;
3. Monitor drug screening requirements for employees and work assignments mandated by local, state or federal laws and regulations;
4. Make the decision and arrangement when a drug screen is deemed to be appropriate;
5. The drug screen will be administered with procedures that protect the employee's privacy;
6. The Company, at its sole discretion, will select the type of screening to be used, but shall not be limited to urine, blood, or chemical breath tests. The employee shall provide the required sample in an amount sufficient for the drug screen:
  - a) The test sample shall be collected at a time contemporaneous with the events establishing the probable cause as set forth in this policy.

- b) The collection and labeling of the test sample shall be performed by an independent health care professional.
  - c) The screening tests shall be performed by a laboratory approved by the United States Department of Health and Human Services or licensed by the Department of Health and Environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies.
  - d) A positive finding of any amounts of drugs verified by the drug screen shall be confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparable reliable analytical method, except that no confirmation shall be required for a blood alcohol sample.
  - e) The Company and or the medical facility shall maintain a chain of custody to ensure that the test results were from the same sample taken from the individual employee.
7. A drug screening authorization form must be signed for each screen as provided by the testing facility. An employee involved in a work-related accident or injury, or appears to be under the influence of a legal or illegal substance, or who is assigned functions which require such screening in accordance with any local, state or federal regulations or law as set forth in this policy, shall be discharged immediately if the individual refuses to submit to testing.
8. Being under the influence of any illegal drug or alcohol by any employee while performing business or while in a company facility is prohibited, and where such influence may affect the safety of workers or members of the public, the employee's job performance, or the safe or efficient operation of the Company facility, will result in immediate termination.
9. Any employee who disputes the positive finding of the drug screen may request, within ten days of notification, that the specimen be retested at the same facility at the employee's expense. Should the confirmation test return negative, the cost of such confirmation shall be paid by the Company and the employee shall be allowed to return to work. During the period starting with the employee's notification through the confirmation test, the employee shall be considered to be on an unpaid leave of absence.

10. An employee may be allowed to work while under the influence of a legal drug if the Administrator has determined that the employee does not pose a threat to the employee's own safety or the safety of co-workers, and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by the Company. In the event an employee becomes injured while under the influence of a legal drug and the employee has failed to notify the Administrator, the employee may be subject to disciplinary action or termination.

---

Employee signature

Date

---

Printed name

---

Supervisor signature

Date

*\*The information contained within our templates are solely suggested and should not be substituted for legal, financial or other professional advice. Any and all decisions and actions must be done through the advice and counsel of a qualified attorney, agent, financial advisor, CPA, or other professional. You should not rely on these as absolute or as legal advice. It is your responsibility to verify that your completed document is a truthful and accurate reflection of your company's policies and procedures. The safety of your employees depends not on the words on the paper but on your ensuring your company's adherence to the policies and procedures stated within your manual. We assume no liability for any Local/Industry/State/Country specific information which may or may not be covered. We urge you to periodically review the [www.OSHA.gov](http://www.OSHA.gov) website or other regulatory websites (that apply) for any regulation/ruling that may affect your business/organization.*

04/2019