



## **Alcohol and Drug Policy**

**Draft Date: June 21, 2012, revised November 1, 2016**

**The following guidelines reflect our policy on eliminating substance abuse in the workplace; this document is intended to formalize our company policy.**

### **1. Purpose**

Two of the biggest health concerns in the United States are alcohol and drug abuse. The health and safety of each employee is of paramount concern. In order to provide the highest level of service and to minimize the risk of accident and injury, we are committed to providing a safe work environment to protect our employees.

### **2. General Policy**

It is the responsibility of each employee to deliver services in a safe and conscientious manner toward the public and their co-workers. Research and experience have proven that even limited quantities of narcotics, abused prescription drugs, or alcohol can impair an employee's reflexes and judgment. This impairment, even when not readily apparent, can have catastrophic results. Therefore, we have adopted a policy where each employee must report to work free from the presence of any drugs or alcohol in his/her system.

### **3. Drug Use/Distribution/Possession/Impairment**

All employees are prohibited from manufacturing, cultivating, distributing, dispensing, possessing or using any illegal drugs, unauthorized substances, mind-altering substances, or intoxicating substances while on Company property (including parking areas and grounds), or while otherwise performing their work duties away from the Company's property. Lawful controlled substances, which have been illegally or improperly obtained, are also prohibited. However, the possession and proper use of lawfully prescribed drugs, which are taken in accordance with the prescription and instructions by a physician, are excluded from the prohibition.

Employees are prohibited from having any illegal or unauthorized controlled substance, and excessive amounts of otherwise lawful controlled substance, in their system while at work or on duty.

### **4. Alcohol Use/Distribution/Possession/Impairment**

While at work or on duty, all employees are prohibited from distributing, dispensing, possessing and using alcohol. Employees are also prohibited from having alcohol in their system while at work or on duty.

## **5. Prescription Drugs**

Any medication that is prescribed by your physician and that is used in accordance with that prescription is not prohibited at work. However, employees are prohibited from misusing prescribed medication. Prescription drug use can create a safety hazard and affect the job performance of an employee by causing dizziness or drowsiness. Employees can report the use of prescription or non-prescription drugs that may affect drug tests by completing a written notification/consent form. It is the responsibility of the employee to determine from his/her physician whether a prescribed drug may impair job performance and if so, notify his/her supervisor. *Note: in CA, The Compassionate Use Act does not give marijuana the same legal status of other legal prescription drugs because marijuana is still an illegal drug under federal law. The courts have upheld that employers do not have to hire applicants or retain employees who use medical marijuana.*

## **6. Notification Of Impairment**

It shall be the responsibility of each employee to promptly report to their immediate supervisor when he/she has observed, or has any knowledge of, another employee whose condition is impaired and cannot perform their job duties, who presents a hazard to the safety and welfare of others, or who is in violation of this policy. Failure to do so may result in discipline, up to and including termination.

## **7. Who Is Tested**

The Company may conduct drug/alcohol tests in the following circumstances:

- a. **Application for Employment.** A drug/alcohol test is required from all job applicants. Refusal to submit or a positive confirmed drug/alcohol test may be used as a basis for refusal to hire the applicant.
- b. **Reasonable Suspicion.** If the Company has a reasonable suspicion that an employee may have violated any of the rules set forth in this policy, the employee may be required to submit to drug/alcohol screening at any time. Reasonable suspicion may arise from: supervisory observation, co-worker reports or complaints, performance decline, attendance or behavioral changes, results of drug searches or other detection methods, or involvement in a workplace or vehicular accident.

## **8. Discipline**

Any violation of this policy may result in discipline, up to and including termination.

## **9. Enforcement Policy**

In order to enforce this policy and procedures, the Company may investigate potential violations and require personnel to undergo drug/alcohol screening, including urinalysis, blood tests, hair tests, saliva tests or other similar tests and, where appropriate, searches of all areas of the Company's premises, including but not limited to, personal vehicles on Company premises, Company vehicles, lockers, work areas, toolboxes, desks, purses, briefcases, and other locations or belongings on Company premises. Employees will be subject to discipline, up to and including termination, for refusing to cooperate with searches or investigations, to submit to screening, or for failing to execute consent forms when requested.

## **10. Investigations/Searches**

Where a manager or supervisor has reasonable suspicion that an employee has violated this policy, the supervisor, or his designee, may inspect personal vehicles on Company premises, Company vehicles, lockers, work areas, toolboxes, desks, purses, briefcases, and other locations or belongings on Company premises, without prior notice, in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. All employees are hereby notified that locked areas or containers do not prevent a search and thus employees should understand *there is no expectation of privacy on Company premises*. When the employee is not present or refuses to remove a personal lock, the Company may do so for him or her, and compensate the employee for replacement of the lock, if damaged or destroyed. Any such searches will be coordinated with a representative of management. The Company also may use unannounced drug detection methods.

## **11. Employee Assistance**

The Company expects employees who suspect they have an alcohol or drug problem to seek treatment. The Company may help employees who abuse alcohol or drugs by providing a referral to an appropriate professional organization. However, it is the responsibility of the employee to seek and accept assistance before drug and alcohol problems lead to disciplinary action. Failure to enter, remain or successfully complete a prescribed treatment program may result in discipline, up to and including termination. Confidentiality of records and information will be maintained in accordance with all local, state, and federal laws.

Entrance into a treatment program does not relieve an employee of the obligation to satisfy the Company's standards regarding an employee's performance, and participation will not prevent the Company from administering discipline for violation of its policies, or relieve the employee of his/her responsibility to perform his/her job in a satisfactory, safe and efficient manner.

## **12. Confirmation Testing**

All urinalysis drug tests will utilize an initial immunoassay methodology or an equivalent. All positive results shall be confirmed by a licensed laboratory using gas chromatography/mass spectrometry (GC/MS), or an equivalent.

## **13. What Happens When An Employee Tests Positive For Prohibited Substances**

All employees who test positive in a confirmed substance test will be subject to discipline, up to and including termination. In those rare circumstances in which an employee is not immediately terminated for testing positive, or for some other violation of the policy, the Company, in its sole discretion, may allow the employee to return to work contingent upon the employee executing an agreement acknowledging:

- a. That they tested positive or otherwise violated the policy;
- b. That in exchange for not terminating him/her for violating the policy, they agree to undergo rehabilitation, counseling or other activities prescribed by the Company's coordinating physician in conjunction with management;

c. That in exchange for not terminating him/her for violating the policy, they agree to undergo periodic unannounced screening for a set period; and

d. That they are subject to immediate termination, without recourse, for any future violation of this, or any other, Company policy.

**14. Returning/ Continuing to Work**

Employees who test positive, admit to drug or alcohol use or related misconduct, or voluntarily seek assistance, and are not terminated, will not be returned to work or allowed to continue working until they have been evaluated by a Company selected physician who will determine if and/or when they can safely return to work.