

Drug-Free Workplace Policy

I. Purposes

1. To comply with the Drug-Free Workplace Act of 1988.
2. To establish and maintain a safe, healthy working environment for all employees.
3. To insure the reputation of the Agency and its employees as good, responsible citizens worthy of public employment and the public's trust.
4. To reduce the incidence of accidental injury to person or property.
5. To reduce absenteeism, tardiness and indifferent job performance.
6. To provide assistance toward rehabilitation for any employee who seeks the Agency's help in overcoming any addiction to, dependence upon, or problems with alcohol or drugs.

II. Definitions

1. **Alcohol or Alcoholic Beverage:** Any beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume.
2. **Drug:** Any substance (other than alcohol) capable of altering the mood, perception, pain level, or judgement of the individual consuming it.
3. **Prescribed Drug:** Any substance prescribed for the individual consuming it by a licensed medical practitioner.
4. **Illegal Drug:** Any drug or controlled substance, the sale or consumption of which is illegal.
5. **Reasonable Suspicion:** There are reasonable ground for suspecting that a drug test would turn up evidence that an employee is using (illegal) drugs.

III. General Rules

1. Alcoholic Beverages

- A. No alcoholic beverage will be brought into or consumed upon Agency premises.**
- B. Use of intoxicating beverages while on duty or reporting to work under the influence of alcohol or use of same on the premises is "just cause" for termination.**
- C. Any employees whose off-duty abuse of alcohol results in excessive absenteeism or tardiness or is the cause of accidents or poor work may be disciplined up to and including termination.**

2. Prescription Drugs

- A. No prescription drug shall be brought into the Agency workplace by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed.**
- B. Any employee whose abuse of prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work may be disciplined up to and including termination.**

3. Illegal Drugs

- A. The unlawful manufacture, distribution, dispensation, possession, use, sale or purchase of unauthorized or illegal drugs or substances on or off duty is cause for termination and for referral to law enforcement authorities.**
- B. The "occasional", "recreational" or "off – duty" use of illegal drugs will not be excused.**

IV. Employment Procedures

- 1. A person having a history of alcohol or drug dependency will not be knowingly employed unless there is evidence of rehabilitation satisfactory to the Agency.**

2. Applicants for employment may be required to take a pre-employment physical examination (including urinalysis and/or blood test). All pre-employment physical examinations will include urinalysis and/or blood test. No applicant whose examinations and interview, combined with general reference and background checks, indicate present alcohol or drug abuse will be hired.

V. Conditions of Continued Employment

1. The Agency may require medical screens as a condition of continued employment if reasonable suspicion exists that an employee's work performance or safety is impaired by the use of drugs or alcohol.
2. Where reasonable suspicion exists that an employee is in the possession of or using illegal drugs, alcohol or legally controlled substances on Agency's premises, the Agency may, in its discretion, inspect or search the employee's possessions on Agency premises to assure a drug-free environment.
3. Each employee, as a condition of continued employment will also be required, from time to time, to sign the "Drug-Free Workplace Certification Form".

VI. Employee Assistance Program

1. It is the Agency's intent that employees be provided with an opportunity, and an incentive, to discontinue the use of substances covered by this policy. In many cases this will be a simple voluntary act on the part of the employee. However, in other cases it will be found that a true dependence has developed which requires professional medical involvement. Assistance may be sought by writing in confidence to, or asking for a personal appointment with the Executive Director or Program Director. Except as required by law, each request for assistance will be treated as confidential by the Executive Director or Program Director and only those persons "needing to know" will be made aware of such request.

2. **The Executive Director or Program Director or such other person as he may specifically designate, will be responsible for developing contracts with local hospitals and community organizations offering alcohol or drug treatment programs (e.g. Care Units, Alcoholics Anonymous, Narcotics Anonymous, Community Health Center, etc.) and for referring employees seeking assistance to an appropriate treatment organization.**
3. **Rehabilitation itself is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug addiction will be entitled to benefits under the group medical insurance plans, if they have chosen to be covered by said plans. For employees enrolled in a formal treatment program, the Agency will grant sick leave and then annual leave until the same are exhausted and then leave without pay. To be eligible for continuation in employment the employee must provide certification that he is continuously enrolled in a treatment program and actively participating in that program.**
4. **Upon completion of a treatment program, the employee will be returned to work without reduction of pay or seniority.**
5. **Employees completing treatment shall be subject to urine or blood tests at any time, at the discretion of the Executive Director, for a period of one year from their return to work.**
6. **Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible for this Employee Assistance Program more than one time. The recurrence of an alcohol or drug problem will be cause for termination.**

VII. Effective Date

1. **The rules and regulations in this Policy are effective immediately upon notice to employees. Each present employee will be furnished a copy of this Policy and will sign a receipt for same. Later-hired employees will each be furnished a copy of the Policy at or before hiring and will be provided Drug-Free Workplace Training as soon as possible.**

VIII. Confidentiality

1. The results of physical examinations and blood and urine tests will be treated as confidential, and distribution limited to those having a "need to Know" to the extent permitted by law.

IX. Drug-Free Awareness Program

1. The Southwest Human Resource Agency shall establish a "drug-free awareness program" that will inform workers about the following:
 - A. Dangers of drug use, abuse, and dependency
 - B. Penalties for using them
 - C. Available drug-counseling programs

X. Reporting Convictions

1. All agency employees are required to notify the Program Director and their immediate supervisor if they are convicted of any offense involving the use, possession or distribution of alcohol or drugs, within five (5) days of their conviction, regardless of where the offense occurs or whether the conviction is appealed, and again within five (5) days after any conviction becomes final. The Executive Director shall, if appropriate, report the same to the federal government granting agency within ten (10) days of any final judgement of conviction.

XI. Discipline Upon Conviction

1. Any final conviction of a drug or alcohol related offense shall be punishable by appropriate disciplinary measure up to and including termination.

Those employees with drug and alcohol problems make up only a small fraction of the work force, and the Agency regrets any inconvenience that may be caused the many non-abusers by the problems of the few. It is believed, however, that the benefits to be derived from the deduction in number of accidents, the greater safety of all employees, and the rehabilitation or termination of those who, because of alcohol or drugs, are a burden upon all other employees, will more than make up for any inconvenience or loss the rest of us must be subject to. The Agency earnestly solicits the understanding and cooperation of all employees in implementing the Policies set forth herein.

Drug-Free Workplace Certification Form

I, _____, acknowledge that I have attended a drug awareness program as required by the Drug-Free Workplace Act of 1988.

BY PARTICIPATION IN THIS DRUG AWARENESS PROGRAM:

- I have received information on the dangers of illegal drug use.
- I have been given a copy of the Southwest Human Resource Agency's Drug-Free Workplace Policy.
- I have been given information on the Southwest Human Resource Agency's disciplinary policy on illegal drugs in the workplace and understand that penalties up to and including termination can be imposed on conviction of a drug related offense.
- I have been given information about resources for drug counseling and Rehabilitation.

I understand that the Agency intends to have a Drug-Free Workplace and wants to help any employee who has a problem.

I am aware that I must report any conviction of a drug related offense committed to my supervisor within five (5) days.

Employee's Signature

Date