

## Substance-free Workplace Policy

### Scope

This policy applies to all Staff and Temporary employees on Company B premises or while conducting Company B business off Company B premises.

### Policy Statement

1. Company B absolutely prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol on Company B premises or while conducting Company B business off Company B premises. Violation of this policy may result in immediate termination of employment.
2. Lawful dispensation, possession or use of alcoholic beverages on Company B property is limited to specifically authorized events.
3. In compliance with the Drug-Free Workplace Act of 1988, and as a condition of employment with Company B all employees must:
  - a. Abide by the prohibition in point. (See above.)
  - b. Notify the office designated for the Company of any conviction under a criminal drug statute for violations occurring on or off Company B premises while conducting Company B business, within 5 days of the conviction.
    - i. When the office receives notice of such a conviction, it will coordinate efforts to comply with the reporting requirements of the Drug-Free Workplace Act of 1988.
4. An employee who is (1) found to be under the influence of alcohol or a controlled substance while on Company B property, or in the course of a Company B activity, or (2) convicted of a criminal alcohol or drug statute violation occurring on Company B property, is subject to disciplinary action, up to and including termination.
  - a. An employee is determined to be under the influence according to the standard set by the applicable standard (e.g., Department of Transportation, State law).
  - b. It is lawful for an individual to be under the influence of a controlled substance in a public place if the individual can present positive proof of the following:
    - i. The individual is under the care of the Bureau of Addiction Services, a community mental health center, a managed care provider, or a licensed physician.
    - ii. The controlled substance constitutes medical treatment authorized by state and federal law.
5. All persons should be aware of the following health risks caused by alcohol:
  - a. Consumption of more than two average servings of alcohol in several hours can impair coordination and reasoning, and make driving an unsafe activity.
  - b. Consumption of alcohol by a pregnant woman can damage the unborn child. A pregnant woman should consult her physician about this risk.
  - c. Regular and heavy alcohol consumption can cause serious health problems such as damage to the liver and to the nervous and circulatory systems.
  - d. Drinking large amounts of alcohol in a short time may quickly produce unconsciousness, coma, and even death.

6. The health risks associated with controlled substances are numerous and varied depending on the drug. Nonetheless, the use of drugs not prescribed by a physician are harmful to the health. For example, drug use can cause the following conditions:
  - a. Impaired short-term memory or comprehension
  - b. Anxiety, delusions, and hallucinations
  - c. Loss of appetite resulting in damage to one's long-term health
  - d. A drug-dependent newborn, if the mother uses drugs during pregnancy
    - i. Pregnant women who use alcohol or drugs, or who smoke should consult their physician.
  - e. AIDS, as a result of drug users who share needles
  - f. Death from overdose

### **Reason For Policy**

1. To promote a safe, healthy working environment for all employees
2. To provide assistance toward rehabilitation for any employee who seeks help in overcoming an addiction or dependence on alcohol or drugs
3. To reduce the incidence of injury to person or property and to reduce absenteeism, tardiness, and poor job performance

### **Procedure**

1. Company B-Wide Procedures
  - a. When it is reasonably believed that an employee is under the influence of drugs or alcohol while on the job, contact the human resources office to implement the following guidelines—all of which must be applied in accordance with the applicable Corrective Action policy.
    - i. The employee may be removed from the workplace until the employee is no longer under the influence and during the time an investigation is underway. In such circumstances, the supervisor will arrange to have the employee transported home.
    - ii. The employee may be required to undergo drug or alcohol testing. This could occur both at the time the employee is suspected of being under the influence and/or before the employee is allowed to return to work as evidence the employee is no longer under the influence.
      1. The human resource office should coordinate with the appropriate campus unit the development of a confidential testing program for the campus and inform the campus of the program.
      2. The department director or designee should use the program to arrange for confidential testing of the employee.
      3. An employee's refusal to participate in requested drug and/or alcohol testing is a separate offense subject to corrective action.
    - iii. An employee found to be under the influence is subject to corrective action as provided in the Corrective Action policy.
    - iv. The supervisor may counsel the employee to seek assistance.

- b. An employee whose off-work use of alcohol or drugs can reasonably be established to be the cause of excessive absenteeism or tardiness, or the cause of accidents or poor work performance will be counseled to seek assistance.
  - i. Job performance problems are subject to the steps of the Corrective Action policy.
- c. Assistance and rehabilitation.
  - i. Employees requiring assistance in dealing with the use of alcohol or a controlled substance can receive such assistance in two ways: self referral and Company B referral.
  - ii. Employees are encouraged to seek confidential information and referral assistance from the following:
    - 1. Physician and/or Employee Assistance Program (EAP). EAP counselors are available by toll-free call at XXX-XXX-XXXX. (Available to full-time appointed employees and their household members only.)
    - 2. List of local social service agencies. Employees are advised to check with their medical plan administrator for coverage information.
  - iii. An employee's off-work use of alcohol or drugs can cause excessive absenteeism or tardiness, or cause accidents or poor work performance. If this can reasonably be established, the employee will be counseled to seek assistance.
    - 1. An employee's needs for assistance or rehabilitation will be treated as confidential by the supervisor receiving it and only those persons "needing to know" will be made aware of the request.
    - 2. Rehabilitation is an acceptable purpose for a leave of absence subject to consideration of the other conditions listed in the Family Medical Leave Act (FMLA) Rights policy.
- 2. Additional Procedures for SM Employees at Location A, Location B, and Location C
  - a. Location A Service Maintenance Staff
    - i. An employee accused of being under the influence of alcohol or drugs may be required by the supervisor to undergo alcohol or drug testing or the employee may request an alcohol or drug test at the department's expense. The employee may be removed from duty pending test results. The department will provide, as soon as practical, written documentation of the basis for the required alcohol or drug test. If the results of the test are not positive, the employee will receive pay and benefits for any lost time due to drug or alcohol test requirement.
  - b. Location B Service Maintenance Staff
    - i. In connection with the implementation of this drug and alcohol testing policy, Company B is committed to having its employees trained in order to ensure, as far as possible, the consistent enforcement of the policy. Accordingly, in addition to arranging for training for its management staff, Company B will also offer training to the local staff and at least one union steward from each shift. Others may also be trained by mutual agreement of the parties.
    - ii. If an employee suspected of being under the influence of drugs or alcohol agrees to undergo drug testing, Company B will notify the union as soon as

practical. If an employee suspected of being under the influence of drugs or alcohol refuses to undergo drug testing, the employee will be offered the opportunity for union representation prior to removing the employee from the workplace pending corrective action whenever possible provided such representation is immediately available.

- c. Location C Service Maintenance Staff follow this policy and Location C procedure.

### **Definitions**

Controlled substances are those usually referred to as illegal drugs listed under the federal Controlled Substances Act.

### **Sanctions**

1. All employees are reminded that conviction under state and federal laws that prohibit alcohol and drug-related conduct can result in fines, confiscation of automobiles and other property, and imprisonment. A conviction can also result in the loss of a license to drive or to practice in certain professions, and barred opportunities from employment.
2. A person who exhibits alcohol-related behavior such as the following is at risk of arrest:
  - a. A person under 21 who possesses alcohol
  - b. A person who provides alcohol to a person under 21
  - c. A person who is intoxicated in public
  - d. A person who sells alcohol beverages without a license