

## SAMPLE Drug and Alcohol-Free Workplace Policy (EDITS REQUIRED)



### Drug-Free & Alcohol-Free Workplace

Our employees' health and well-being are important to us. In addition, the Company has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, the Company is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy provides an overview of important the practices and procedures designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of the Company.

#### *Drug-Free Awareness*

Drug and alcohol misuse have a number of adverse health and safety consequences. This can have an impact on employee success and productivity at work. Employees should speak with a trusted healthcare provide for information about the impacts of drug and alcohol misuse.

On a case-by-case basis, the Company commits to assist and support employees who voluntarily seek help for drug or alcohol abuse problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued time off benefits, placed on leaves of absence, referred to treatment providers, and otherwise accommodated as required by federal, state and local law. Employees who remain employed and are seeking help for drug or alcohol abuse problems may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. The Company permits the legal use of prescribed drugs on the job if they do not impair your ability to perform the essential functions of your job effectively and safely without endangering others. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor.

#### *Work Rules*

*The following work rules apply to all employees:*

- Whenever employees are working, operating any company vehicle, present on company premises (including parking garages or parking lots), or are conducting related work off-site, they are prohibited from:
  - Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
  - Being under the influence of alcohol, marijuana or an illegal drug as defined in this policy.

*Would you like a little assistance crafting a drug and alcohol-free workplace policy that fits for your organization?* Contact your HR Consultant, Niki Ramirez at 602-715-1300 or [nramirez@hranswers.org](mailto:nramirez@hranswers.org)

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- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
- The Company will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
- Any illegal drugs or drug paraphernalia will be turned over by the Company to an appropriate law enforcement agency and may result in criminal prosecution.

### *Required Testing*

The company retains the right to require the following tests:

**Pre-Employment:** All candidates who have received a written offer of employment will be required to undergo testing for commonly abused controlled substances in accordance with this policy.

**Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession, or impairment. The owner must be consulted before sending an employee for reasonable suspicion testing.

**Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a company vehicle, machinery, equipment or property, and/or result in an injury to himself, herself, or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

**Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, the Company may offer an employee who violates this policy or tests positive the opportunity to return to work on a "last-chance" basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

### *Substances Covered by Drug and Alcohol Testing*

Candidates will be tested for their use of commonly abused controlled substances, including amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances

Candidates must advise the testing lab of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing lab personnel.

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### *Testing Methods and Procedure*

All testing will be conducted by a licensed independent medical laboratory, which will follow established testing standards. Testing will be conducted on a urine sample provided by the candidate to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

[Company Name] will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with state law, so that a candidate may request a retest of the sample at his or her own expense if he or she disagrees with the test result.

### *Consequences*

Employees who refuse to cooperate immediately in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and [Human Resources]. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

### *Confidentiality*

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

### *Inspections*

The Company reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

**PLEASE NOTE:** different states have different rules and regulations in place that impact whether or not drug testing is allowed under a variety of circumstances. A full-scope consultation is recommended prior to drafting and publishing a drug and alcohol-free workplace/drug testing policy.

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