



SAMPLE DRUG AND ALCOHOL POLICY STATEMENT

Statement of Commitment

The Board of Directors and employees of _____, state their common agreement that:

1. A healthy and motivated workforce is our greatest asset;
2. Employees have a basic right to a safe and healthy working environment;
3. Alcohol and drug abuse is a serious problem which affects both health and safety. Chemical dependency is a serious and complex, but treatable condition/disease that negatively affects the personal and family lives of employees, their productivity and the stability of their workplaces;
4. Both the Board of Directors and the employees are committed to addressing the problems of substance abuse in order to ensure the safety of the working environment, employees, and the public, and to provide employees with access to necessary treatment and rehabilitation assistance.

Statement of Policy

In order to assure a safe and efficient work environment, through maintaining a drug and alcohol free workplace, the following policy has been adopted to supplement existing personnel policies, practices and procedures:

Impairment:

No employee will report to work or will work impaired by any substance, drug or alcohol, lawful or unlawful, except with management's approval; such approval will be limited to lawful medications and based strictly on the employee's ability to perform his/her regular or other assigned duties safely and efficiently.

Each employee must report the use of medically authorized drugs or other substances which can impair job performance to his/her immediate supervisor and provide proper written medical approval from a physician to work while using such authorized drugs. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair his or her job performance. Any failure to report the use of such drugs or other substances, or failure to provide proper evidence of medical authorization, can result in disciplinary action.

Possession or use:

Use or possession of illegal drugs on the company worksite is strictly prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies by the Executive Director. "Worksite" means any office, building or property owned or operated by the employer, or at any other site at which an employee is to perform work for the employer.

The use of alcohol is prohibited on the company worksite. If alcohol is served at official events in the community, employees are prohibited from its consumption which results in impairment.

Employee taking physician-prescribed or over the counter medications must notify the Executive Director if there is a likelihood that such medication could affect job performance or safety.

Sale:

An employee who is found to be a seller or involved in the sale, solicitation, or dealing in illegal drugs will be discharged from the employment of the company and the case will be turned over to local law enforcement agencies.

Violation of Policy

Any employee found in violation of this policy will be subject to formal disciplinary action, up to and including dismissal. Any employee's drug related workplace conviction must be reported immediately (within 24 hours) to the Executive Director, or in the case of the Executive Director, to the Board of Directors.

As a result of disciplinary action arising from a violation of this policy, or from any performance deficiency which is found to be caused by alcohol/drug dependency, the employee will be offered the services of the Employee Assistance Program (below). Participation in the program is voluntary, and job security and promotional opportunities will not be affected by the employee's decision. Confidentiality of personal information (ie: nature of the problem, nature of treatment) will be observed in all EAP cases.

However, when the employee accepts the offer of EAP in lieu of serious discipline, the offer of EAP and the employee's decision will be documented. In addition, it is the employee's responsibility in this situation to arrange periodic reports from the EAP to the supervisor regarding the employee's continuing compliance with EAP recommendations.

Employee Awareness

All employees will read the company Drug Policy Statement and sign a consent statement indicating their agreement to comply with the policy. In addition, employees will receive on-going education about the company's Drug Free Workplace program and the dangers of drug abuse.

Implementation of Policy

The Executive Director carries the primary responsibility for implementing this policy. Provisions of this policy apply equally to all employees at every level within the organization.

Employees carry the primary responsibility for productive work performance, and for addressing personal problems which interfere with performance.

Employee Assistance Program

The company recognizes its commitment and responsibility to employees by seeking to provide through the Employee Assistance Program (EAP) an opportunity for employees to deal with drug and alcohol related problems. Any employee requesting assistance in dealing with personal drug and/or alcohol problem, either through self-referral or as a result of disciplinary action from a drug or alcohol problem, will be referred to the Employee Assistance Program.

All employees seeking assistance through the EAP will first be evaluated for drug and alcohol use by an accredited professional. The cost of such an evaluation shall be paid by the company. The employee may then be required to participate in some form of comprehensive alcohol/drug treatment program. Follow-up care, as part of a comprehensive alcohol and drug treatment program will be monitored by the Employee Assistance Program.

An employee's refusal to accept recommendations for diagnosis and treatment, while in itself is not a cause for disciplinary action, will be handled by dealing with the performance problem according to normal disciplinary procedures.

Depending upon the nature of the conduct which led to the employee's mandated participation in an alcohol and drug treatment program, the employee may be required to submit to random blood and/or urine screening for alcohol and/or drugs for a specified period of time to meet various performance standards which are imposed as a condition of continuing employment.

Testing

This company will test employees for drug use under the conditions listed below. Any employee who refuses to submit to testing for drugs under these conditions will be subject to immediate suspension to discharge. A complete testing policy also includes procedures for carrying out the drug testing procedures. Consult a drug testing collection site or laboratory for details.

Pre-Employment Screening:

All new hires will be required to submit to a drug screening before reporting to work. _____ or testing facility designated by management, will administer the drug testing. On a positive test result, the results will be sent to another lab for confirmation and analysis of the substance. New hires will not be permitted to begin working until the test results are available.

Reasonable Cause/Suspicion:

If facts, circumstances, physical evidence, physical symptoms, or a pattern of performance or behavior that would cause a supervisor to reasonably conclude that an employee may have used, or be under the influence or intoxicated by a drug or controlled substance, the supervisor is to contact _____ to discuss the situation. If it is determined that "reasonable cause" exists that the employee has used or is under the influence of alcohol or a controlled substance, the employee will be taken to a facility for testing. Examples of reasonable cause may include:

- Physical symptoms consistent with substance use.
- Evidence of illegal substance use, possession, sale or delivery.
- Occurrence of a serious or potentially serious accident possibly caused by human error.
- Serious motor vehicle offenses while on duty and/or in company vehicles.
- Fights (to mean physical contact), assaults, and flagrant violations of established safety, security or other operating procedures.

On-The-Job Injury

Any on-the-job injury requiring medical attention at a hospital or medical facility will also require the injured party to submit to a drug/alcohol screening. Supervisors are to notify _____ immediately upon hearing of an on-the-job injury so that the hospital or other treatment facility can be reminded of our drug program. If an employee seeks medical attention after hours or on the weekend, and files a claim, he/she will be required to take a drug test immediately upon Company notification of the injury. Persons refusing to take a test when instructed to do so by their supervisors, will be terminated. The test, the refusal to take the test, and its results affects employment and does not determine eligibility for Industrial Insurance Benefits.

Safety Sensitive Positions:

Positions which affect the safety of persons or product will be required to submit to a drug test on a random basis. These positions include those employees whose jobs include driving their own or company vehicles on public streets.

Return to Duty:

Persons who have previously tested positive and return to work will be tested on a random basis for a period of two (2) years.

Positive Test Results:

Following verification of a positive test result, the Medical Review Officer at the laboratory test site will refer the case to _____ (the company EAP or the management official empowered to recommend or take administrative action). The employee will then be given the opportunity to seek treatment to eliminate his/her use of drugs. Refusal to do so will be grounds for discharge from employment.

Negative Test Results:

Following a negative test result, no additional tests will be conducted on the employee. However, if additional circumstances arise under the policy conditions stated above, additional testing may be conducted at that time.

Compliance with Federal Drug Free Workplace Act

This Company certifies that it will provide a drug free workplace to its employees in compliance with the Drug Free Workplace Act of 1988. (Please note the attached copy of the company's compliance statement).

Provisions for Rehabilitation

Any employee who seeks and receives assistance and who completes the requirements of the treatment program shall, upon return to work, be encouraged to contact and avail themselves on a self-referral basis, of after-care services including (but not exclusive to) outpatient treatment, Alcoholics Anonymous, Narcotics Anonymous or other counseling opportunities. However, employees who relapse and for whom reasonable suspicion of substance use is established a second time, will be subject to disciplinary procedures up to and including discharge.

Definitions

For the purpose of this policy the following definitions are provided:

Alcohol: includes alcoholic beverages and any other intoxication liquid which contains alcohol.

Controlled substance: are defined as all forms of narcotics, depressants, stimulants, hallucinogens, and cannabis, whose sale, purchase, transfer, use or possession is prohibited or restricted by law.

Under the influence: is defined as any detectable level of alcohol or drugs in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties.

Statement of Confidentiality/Privacy

Any information about the employee concerning disciplinary action related to the use of drugs or the fact that a test has been requested or administered, the results of that test, and communications with the employee regarding substance use and abuse are considered private and confidential. Access to that information is limited to those who have a legitimate need to know, including _____. External communications shall be based on a case-by-case determination and may include counselors, medical professional and law enforcement personnel.

Agreement

By signing below, the undersigned certify that they have:

- read and understand the “Drug and Alcohol Policy Statement” and agree to abide by its full terms; and
- read and understand the “Compliance with the Drug Free Workplace Act” statement and agree to abide by its full terms; and
- agreed to make a good faith effort to continue to maintain a drug and alcohol free workplace; and
- been provided with a written copy of this policy.

Signature: _____ Date: _____

NOTE: This policy is provided as a sample policy only. It is not intended to be implemented or used without legal advice regarding specific circumstances of an employer’s operations. It is recommended that you consult with an attorney familiar with and experienced in employment law before any policy is adopted.

Resource: BWC Drug Free Workplace Manual