

## **DRUG FREE WORKPLACE POLICY SUMMARY**

[The organization] is committed to safeguard the health of employees and to provide a safe working environment for everyone. To this end [The organization] has established this Drug-Free Workplace Policy.

### **The essential parts of the policy are:**

1. [The organization] prohibits the illegal use, possession, sale, manufacture, or distribution of drugs, alcohol or other controlled substances on work premises. It is also policy not to report to work, or to work, under the influence of drugs or alcohol.

### **2. Drug Testing of Applicants:**

- a. All applicants considered final candidates for a position will be tested for the presence of drugs as part of the application process.
- b. Applicants will be asked to sign the Acknowledgement and Consent to Testing form. If an applicant refuses, they will not be considered for employment
- c. And the employment application process will terminate.
- d. If an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that they have failed to meet employment requirements.

### **3. Testing of Employees:**

- a. Post Accident Testing: Employees who caused or contributed to an accident will be tested.
- b. Reasonable Suspicion Testing: Employees will be tested when there is a reasonable suspicion that an employee is using or has used drugs or alcohol.
- c. Supervisor Testing: All employees hired or promoted to a supervisory or managerial position will be tested.
- d. Follow-up Testing: All employees who have been determined to have used drugs or alcohol and are permitted by [The organization] to return to work will be subject to unannounced follow-up drug tests.
- e. Return to Duty Testing: Employees permitted to return to work after a positive drug test will be subject to periodic testing.
- f. Additional Testing: Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by [The organization].
- g. Refusal to Test: Employees who refuse to submit to a test will be terminated.

#### **4. Alcohol and Drug Use Prohibitions:**

- a. The use, sale, purchase, possession, distribution, or dispensing of drugs or alcohol on duty or on work premises is cause for immediate discharge.
  - b. It is against policy to report to work or work under the influence of alcohol or drugs. Employees who violate this policy are subject to discipline up to and including discharge. In the case of a first-time violation of the **[The organization]** policy, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, dispensation, or purchase of drugs or alcohol on work premises or while on duty), the employee will be subject to discipline up to and including discharge.
  - c. For the purpose of this policy an individual is presumed to be under the influence of alcohol or drugs if an alcohol or drug test is positive.
  - d. **[The organization]** may suspend employees without pay under this policy pending the results of a drug test or investigation.
5. All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by **[The organization]** as part of this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, **[The organization]** will not release such information without a written consent form signed voluntarily by the person tested.
6. A Drug-Use Information Form which is a confidential report must be filled out by employees before being drug tested. This form permits individuals to list all prescription and non-prescription drugs they are currently using or have used in the last month, as well as any other information they consider relevant to the test.
7. Prior to testing, employee will be given a list of the most common medications by brand name or common name and chemical name, which may alter or affect a drug test.
8. Any employee who refuses to submit to a drug test may be terminated from employment or otherwise disciplined by the employer. When appropriate, the results of a drug or alcohol test taken pursuant to this policy may be used as evidence to deny an employee medical and indemnity benefits under workers' compensation.
9. An employee who receives a positive confirmed drug test result may contest or explain the result to the employer within five (5) days after written notification of the positive test result.
10. An employee has the responsibility of notifying the drug-testing laboratory of any administrative or civil action brought regarding the test. The lab will maintain the sample until the case or administrative appeal is settled.

11. The following is a list of all drugs (described by brand name, common name and/or chemical name) for which the employer may test:

- Alcohol (booze, drink)
- Amphetamines (Amphetamine, Desoxyn, Dexedrine)
- Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, grass, weed, reefer)
- Cocaine (coke, blow, nose candy, snow, flake, crack)
- Phencyclidine (PCP, angel dust, hog)
- Methaqualone
- Opiates (opium, Dover's powder, paregoric, parepectolin)
- Barbiturates (Phenobarbital, Tuinal, Amytal)
- Benzodiazophines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Poxipan, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
- Methodone (Dolophine, Methodose)
- Propoxyphene (Darvocet, Darvon N, Dolene)

12. Employees have the right to consult testing laboratory for technical information regarding prescription and non-prescription education.

13. To ensure that drugs and alcohol do not enter or affect the workplace, **[The organization]** reserves the right to search all containers, lockers, or other items on work premises in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon request.

14. Failure to consent to search or display for visual inspection will be grounds for termination or reason for denial of access to work premises by any others.

15. Searches of employee's personal property will take place only in the employee's presence. All searches under this policy will occur with the utmost discretion and consideration for the employees involved.

16. Details of this policy may be obtained from an officer or manager of **[The organization]**.

17. The contents of these drug and alcohol guidelines are presented as statements of **[The organization]** policy and may be changed and updated by **[The organization]**. These guidelines are not intended to create a contract between **[The organization]** and any employee. Nothing in these guidelines binds **[The organization]** to a specific or definite period of employment or to any specific policies, procedures, actions, rules or terms and conditions of employment.

18. Employees, as a condition of employment, are required to abide by these guidelines.

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**Note:** *all sample policies should be reviewed by a legal consultant, such as a labor/employment attorney, prior to distribution and implementation.*