

DRUG FREE WORKPLACE

The objective of this policy is to provide a workplace and environment that are free from the effects of substance abuse. Furthermore, we have a responsibility to our employees and to the general public to ensure safe operating and working conditions. To satisfy our drug free workplace objective and meet these responsibilities, we must establish a work environment where employees are free from the effects of drugs, alcohol, or other impairing substances. Accordingly, we have adopted substance abuse policies.

The following conditions and activities are expressly prohibited on our premises or property or during work time or while representing us in any work-related fashion:

- Manufacturing, selling, attempting to sell, using, or possessing alcohol or other controlled or illegal substances that impair job performance or pose a hazard when use or possession occurs (except strictly in accordance with medical authorization);
- Reporting for work under the influence of alcohol, illegal drugs, or controlled/other substances in a manner that may impair work performance.

If your doctor prescribes over-the-counter or pharmaceutical drugs, you are responsible for ensuring that your ability to work safely will not be affected by taking the medication. If you are taking a prescribed medication that clearly limits your ability to perform your duties (such as driving), you must report this to your supervisor so that you may be assigned appropriate work. If you are in doubt, please discuss this with your supervisor or Human Resources before beginning work. You are *not* required to disclose your medical condition; only what affects or limitations your medication may have on your work. Any medical issues discussed will be kept confidential. While at work, using prescription medications inconsistent with the physician's dosing instructions or using medications that are not prescribed for you, is strictly prohibited.

If you have a problem with drugs and/or alcohol and wish to undertake rehabilitation, you will be granted an unpaid leave of absence for this purpose. It is your responsibility to seek help before the problem adversely affects your work performance, or results in a violation of this policy. If you need assistance in seeking this help, you may talk to the Human Resources Manager. No one will be discriminated against for undertaking rehabilitation. Employees may not request assistance to avoid disciplinary consequences after being asked to take a drug test, or following a positive drug test result.

For purposes of this policy, having any detectable level of an illegal or controlled drug in one's system, or being impaired to a perceptible degree from a legal substance, while covered by this policy will be considered to be a violation. Where we have a reasonable suspicion that an employee is in violation of this policy, the employee will be required to submit to testing to determine the presence of, use of, or involvement with alcohol, drugs or inhalants. We reserve the right to determine whether reasonable suspicion exists.

The following definitions apply:

- Reasonable suspicion is defined as specific describable observations concerning such circumstances as the work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior, speech, or being involved in an accident while working or in a City vehicle that results in physical injury or property damage.

- Under the influence is defined as any amount of alcohol or drugs in an employee's blood or urine that exceeds the level prescribed by federal DOT standards, or any noticeable or perceptible impairment of the employee's mental or physical faculties due to use of alcohol or illegal or controlled substances.
- Controlled Substances 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.
- Over-the-counter drugs are defined as those that are generally available without a prescription from a medical doctor.
- Prescription drugs are defined as those drugs that are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Any employee who is found to be in violation of this policy, who refuses to submit to testing, refuses to cooperate, or attempts to subvert the testing process will be subject to corrective action, up to and including termination from employment. We also reserve the right to involve law enforcement officials for any conduct that we believe might be in violation of state or federal law.

If a substance abuse professional has made an assessment that you require alcohol or drug treatment, your continued employment may be conditioned upon your entering into and successfully completing a treatment program (including follow-up recommendations). You also may be required to sign and live up to the terms of a performance agreement in order to demonstrate your commitment to rehabilitation and staying alcohol/drug-free. This course of action is likely if you come forward on your own and ask for help in overcoming your problem. If you are caught selling, using, or being under the influence of drugs or alcohol while at work, we may terminate your employment without offering you the opportunity to participate in a treatment program.

Voluntary Testing

If you voluntarily request assistance in dealing with a personal drug and/or alcohol problem, you may do so through the Employee Assistance Program or Human Resources Manager. The request for assistance will not jeopardize your employment as long as this assistance is sought before work performance has deteriorated or disciplinary problems have begun. Other treatment programs for drug and alcohol problems may be available through our health insurance coverage.

As a result of corrective action arising from drug or alcohol abuse, you may be required to participate in a drug or alcohol treatment program. If so required, you will regularly be evaluated for drug and alcohol use by a substance abuse professional. When such an evaluation is scheduled, we will pay the cost. You may also be required to participate in follow-up care as part of a comprehensive alcohol and drug treatment program. Depending upon the nature of the conduct that led to your mandated participation in an alcohol and drug treatment program, you may be required to submit to random or unannounced screening for alcohol and/or drugs for a specified period of time. You may also be required to meet various performance standards that are imposed as a condition of continuing employment. All treatment will be at your own expense. Health insurance may pay for some or all of this cost.

Post-Accident Testing

If you are involved in a job-related accident resulting in property damage, or physical injury, you will be required to submit to testing to determine the presence of alcohol or drugs. We may waive this requirement only if we determine, in our discretion, that the accident could not have been caused by alcohol or drug use.

Reasonable Suspicion Testing

A supervisor with a reasonable suspicion that an employee is impaired or under the influence of substances while on the job, can require an employee to be tested for the presence of drugs or alcohol. The supervisor must be able to articulate and document specific describable observations that warrant testing, such as work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), speech, or behavior. Supervisors should first be trained in the recognition of the signs and symptoms of impairment. Additionally, a second manager (preferably also with the recommended training) should concur that reasonable suspicion exists before an employee is required to test, although the second manager does not have to make independent observations.

Random Testing

If you are in a “safety sensitive” position, such as those requiring a Commercial Driver’s License (CDL) to perform your job, you will be required to submit to testing on a random or unannounced basis to determine the presence of, use of, or involvement with drugs or alcohol. This may include testing by random selection, testing of an entire department or work unit, or testing of specific identified categories of employees as a group.

Return to Duty/Follow-up Testing

If an employee tests positive under any of the above testing procedures, they may be offered rehabilitative treatment through a qualified substance abuse professional (“counselor”). The employee will not be eligible to return to work until that counselor has evaluated the employee, the employee has completed the treatment as recommended by the counselor, the counselor recommends return to work, and the employee passes a return-to-duty test. That counselor will also make a recommendation on how many random follow-up tests are prescribed during the 12-month period following return to duty. The number of tests shall not be less than 6.

When being tested, all samples will be split into two parts; with one part tested and the other retained by the testing laboratory for future re-testing in the event of a positive test result. If you request a re-test, it will be at your expense.

All other specifics of the drug testing process, including laboratory methodology, are contained in the Drug & Alcohol Testing Procedures.