

# OCCUPATIONAL DEVELOPMENT CENTER, INC.

## Safety Procedures Manual

Rev. 8/06

**Section:** SP-17

**Topic:** Alcohol and Drug Abuse Policy

### I. Purpose

For the safety of all its employees, ODC intends to provide a safe working environment. As part of ensuring this safe environment, employees are expected to be in suitable condition at work, performing their jobs satisfactorily and behaving appropriately in the workplace.

ODC believes that customers have the right to know that the product or services they are purchasing are constructed or delivered by workers who are in suitable condition at all times and keenly aware of the quality they are putting into the product or service.

Because ODC supplies products and/or services to branches of the government, we comply with the Federal Drug-Free Workplace Act.

The purpose of this policy is to provide consistent guidelines for all employees regarding alcohol consumption and drug use on company premises or on company business.

### II. Definitions

“*Company premises*” include our buildings, grounds, parking lots and company-provided vehicles.

“*Drug paraphernalia*” are any items used or intended for use in making, packaging, concealing, injecting, inhaling, or consuming illegal drugs or inhalants.

An “*illegal drug*” is any substance that is illegal to use, possess, sell, or transfer.

An “*over-the-counter drug*” is one that is sold without a prescription.

A “*prescription drug*” is any substance prescribed for an individual by a licensed health care provider.

A “*substance*” includes alcohol, illegal drugs, prescription and over-the-counter drugs.

You are “*under the influence*” if any substance:

- impairs your behavior or ability to work safely and productively; or
- results in a physical or mental condition that creates a risk to your own safety, the safety of others or company property.

### III. Policy

- A. ODC prohibits the possession, transfer, sale or purchase of alcohol or drugs, legal or illegal, while on company premises, on company business, operating company vehicles and equipment, or during work hours or meal breaks. This includes all forms of alcohol, narcotics, depressants, stimulants, and hallucinogens.
- B. Use of alcohol or illegal drugs on ODC property, at work locations, or while on duty is prohibited.
- C. You may use prescription or over-the-counter drugs only if they do not affect your ability to work. Possible accommodations should be discussed with your supervisor, Chief Operating Officer or Director of Human Resources if your use of medication prescribed by a physician could affect anyone's safety or your ability to perform your job. In these instances, an employee may be required to take paid or unpaid sick/vacation leave, depending upon employment status.
- D. Reporting for work under the influence of illegal drugs or alcohol will result in disciplinary action.
- E. Reporting to work in a condition resulting from misuse of prescription or over-the-counter drugs may result in disciplinary action.
- F. Off duty use of drugs and alcohol which results in an employee's unsatisfactory attendance or performance or is otherwise detrimental to the company, in the sole discretion of management, may result in disciplinary action.
- G. Any employee convicted of a workplace related drug violation is required to report the conviction to their supervisor, Chief Operating Officer or Director of Human Resources within five (5) working days. This notice is required by the Federal Drug-Free Workplace Act. Any failure to report a conviction will subject the employee to immediate termination.
- H. If an employee is convicted of a workplace related drug violation and the employee convicted was or is working on a federal contract, the President/CEO is required to notify the Contracting Officer within ten (10) days of the notification.
- I. ODC may conduct unannounced general inspections and searches for drugs or alcohol on company premises or in vehicles or equipment. Employees are expected to cooperate, and failure to do so may result in disciplinary action, including discharge.
- J. Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on company premises will be turned over to the appropriate law enforcement agency and full cooperation will be given to any subsequent investigation.
- K. The only exceptions to these rules are moderate and safe use of alcohol in connection with (1) company sponsored social events approved by the President/CEO of ODC, Inc. and (2) customer or dealer business gatherings.

- L. Any violation of this policy is grounds for disciplinary action up to and including termination.

#### **IV. Drug and Alcohol Testing Program**

The ODC has adopted testing procedures to identify employees who use illegal drugs on and off the job or who abuse alcohol on the job (company sponsored activities which may include serving of alcoholic beverages are not included in this provision). It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

##### *A. Reasonable Suspicion*

When there is reasonable suspicion to believe that an employee is using illegal drugs or abusing alcohol. "Reasonable Suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the ODC's policy based on specific facts and rational inferences drawn from those facts. Among other things, such facts and inferences may be based upon, but not limited to, the following:

1. Observable impairment upon arrival to work or during work hours such as direct observation of substance or the physical symptoms of being impaired due to substance abuse;
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
3. A report of substance abuse provided by a reliable and credible source;
4. Evidence that an employee has tampered with any substance abuse test during his or her employment;
5. Information that an employee has caused or contributed to an accident while at work; or
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while on the employer's premises or while operating an ODC vehicle, machinery, or equipment.

##### *B. Post-Accident*

When an employee has caused or contributed to an on-the-job injury that results in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and seeks care from a licensed medical provider.

If an employee sustains an on-the-job injury and it is determined that his/her alcohol and/or drug impairment was the contributing cause of this injury, worker's compensation coverage will be denied and all related expenses will be the responsibility of the employee.

The ODC may also send an employee for a substance abuse test if they are involved in an on-the-job accident where damage to company property occurs.

C. *Treatment Program Follow-up*

The ODC may request or require an employee to undergo drug and alcohol testing when an employee has voluntarily entered a rehabilitation program because of a positive confirmed test result. The frequency of such testing shall be at a minimum of at least once a year for a two year period after completion of the rehabilitation program. Advance notice of testing shall not be given to the employee.

D. *Testing Procedures*

1. All tests will be performed by the collection of urine and blood specimens by an off-site qualified medical facility (Appendix A).
2. The custody of all specimens will be handled according to the procedures set by the participating laboratory.
3. Any employee who delays reporting a work-related injury to avoid testing will be subject to disciplinary action including termination.
4. Failure to submit to a substance abuse test is misconduct and the employee will be subject to termination.
5. The first time an employee tests positive for drugs or alcohol they will be required to attend counseling or rehabilitation at the employee's own expense or under the employee's benefit plan prior to any discipline being imposed. If an employee refuses to attend counseling or rehabilitation, the employee may be subject to discipline up to and including termination.
6. The second time an employee tests positive they may be subject to discipline or termination without being provided the opportunity for treatment.
7. If an employee has a positive test result, ODC may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest (see 9 below), provided his/her supervisor believes that it is reasonably necessary to protect the health and safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
8. Following a positive drug test result, a Medical Review Officer (MRO) will make telephone contact with the employee regarding diet and medications which may account for the positive laboratory results. If the employee presents a plausible medical explanation, the MRO will verify prescriptions or medical procedures.
9. The employee has the right to request a confirmatory retest of the original sample at the employee's own expense which must be paid in advance. This written request must be made within five (5) working days after notice of a positive test result to the Director of Human Resources.

10. Access to test results will be restricted to only authorized personnel. Except (1) where authorized in writing signed by the employee, (2) required by subpoena, or (3) when required by applicable law. Information about tests results will not be released to anyone except the employee tested or the Director of Human Resources or those others that the Director of Human Resources determines a need to know.

## **V. Education**

### **A. Supervisors will be trained in:**

11. Detecting the signs and behaviors of employees who may be using drugs or alcohol in violation of this policy.
12. Intervening in situations that may involve violations of this policy.
13. Recognizing the above activities as a direct job responsibility.

### **B. Employees will be informed of:**

1. The health and safety dangers associated with drug and alcohol use.
2. The provisions of this policy.

## **VI. Rehabilitation and Employee Assistance**

### **A. Rehabilitation assistance in lieu of discharge may be offered:**

1. To any employee who has requested rehabilitation assistance provided that the request is unrelated to an identification of the employee as a violator of this policy.
2. To any employee who has violated this policy, provided the violation does not involve selling or transferring illegal drugs, or serious misconduct as determined by management.

### **B. An employee who is in rehabilitation will be suspended, except that –when indicated by the circumstances of the case and the written recommendation of a licensed physician or recognized rehabilitation professional –an employee may be permitted to work while undergoing rehabilitation on an outside-of-work basis. The written recommendation must include a statement to the effect that the employee’s presence in the workplace will not constitute a safety hazard to the employee, co-workers or others.**

### **C. An employee whose rehabilitative therapy involves drug maintenance, hospitalization or detoxification will not be considered for the exception from suspension described in B.**

### **D. An employee who is in rehabilitation or who has completed rehabilitation will be allowed to return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee’s presence in the workplace will not constitute a safety hazard to the employee, co-worker or others.**

E. Rehabilitation assistance given by ODC will be:

1. Limited to those medical benefits that may be available in the employee's health insurance plan.
2. Obtained through a rehabilitation program that has been pre-approved by ODC.
3. Obtained by the employee during times that will not conflict with the employee's work time, except that the employee may use any available sick or vacation leave to be absent from the job with pay.

F. All approved leaves for rehabilitation purposes will be subject to the provisions of the Family Medical Leave Act (FMLA) of 1996.

## **VII. Resources**

ODC will provide to any employee, upon request and at no cost to the employee, information concerning local resources that are available for the treatment of drug and alcohol related problems. Requests may be made to either the Chief Operating Officer or the Director of Human Resources.

The *Substance Abuse and Mental Health Services Administration (SAMHSA)* also has a treatment Facility Locator available on the internet. The Locator includes more than 11,000 addiction treatment programs, including residential centers, outpatient treatment programs, and hospital inpatient programs for drug addiction and alcoholism. Listings include treatment programs for marijuana, cocaine, and heroin addiction as well as drug and alcohol treatment programs for adolescents and adults.

Contact Information: [www.findtreatment.samhsa.gov](http://www.findtreatment.samhsa.gov)  
SAMHSA  
U.S. Department of Health and Human Services  
Room 12-105 Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857  
(301)-443-5700

## **VIII. Confidentiality**

Information concerning an employee's drug or alcohol issues will be made available only to members of management who have a need to know this information, to individuals or entities to whom access is authorized by the employee, or in connection with valid legal process.