

DRUG AND ALCOHOL USE AND DRUG TESTING

PURPOSE

The purpose of this policy is to ensure that XXXXX Care provides a safe workplace free of inappropriate use of drugs and alcohol.

POLICY

In order to prevent and eliminate the use of illegal drugs, alcohol, and controlled substances at our work sites and during work time, XXXXX Care has developed a “zero tolerance” policy / approach.

The manufacture, distribution, dispensation, possession, purchase or use of any illegal drug, alcohol, or controlled substance while on organization premises or work time is strictly prohibited. Reporting to work or working under the influence of drugs or alcohol (defined as any detectable level) is also prohibited. The organization has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of drugs or alcohol on the job may pose serious safety and health risks to employees and the public. Employees in violation of this policy are subject to disciplinary action, up to and including termination of employment.

“Illegal drugs” means: any drug (a) which is not legally obtainable, or (b) which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

Legal Drugs:

Except as provided below, possession, consumption, or being under the influence of any legally obtained drug by any employee while performing organization business, on organization property, is prohibited to the extent such possession, use, or influence may affect the safety of coworkers or members of the public, the employee’s job performance, or the safe or efficient operation of the organization’s facility.

If an employee is using any prescription or over-the-counter medication which may limit or impair their ability to perform on the job, they must report that treatment to their supervisor in writing prior to beginning work. The employee must also provide written medical authorization to return to work from a physician. This information will be treated as confidential and documentation retained in the employee’s HR medical file. Failure to report use of such medication to the appropriate supervisor shall be cause for disciplinary action up to and including termination. If the employee is taking medication, it is their responsibility to determine from their physician whether the prescribed or over-the-counter medication may impair their job performance.

Drug and Alcohol Testing:

Employees may be tested for drugs and/or alcohol as follows:

Post-Accident/Injury: Employees involved in an accident resulting in physical injury requiring off-site medical attention or property damage in excess of \$200, may be subject to post-accident

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drug and/or alcohol testing regardless of whether a reasonable suspicion of drug or alcohol use exists.

Reasonable Suspicion: If the organization has a reasonable suspicion an employee is under the influence of alcohol or an illegal drug, the employee will be asked to submit to drug and/or alcohol testing. Reasonable suspicion can be based on observed appearance, speech, or behavior, including (but not be limited to) physical symptoms such as, slurred speech, poor performance, substantial loss of productivity or attendance problems. Prior drug impairment on the job also constitutes reasonable suspicion.

Random: Employees may be subject to random, unannounced drug and/or alcohol testing at the organization's election.

Searches: Whenever necessary to ensure compliance with these policies, in the organization's discretion, work areas (i.e., desks, file cabinets, vehicles, etc.) and personal belongings (i.e., brief cases, handbags, etc.) may be subject to a search with or without notice. An employee's consent to such a search is required as a condition of employment. Any employee's refusal to consent may result in disciplinary action, up to and including discharge.

Test Results / Test Refusal: A positive test result, defined as any detectable level of alcohol or illegal drugs, may result in disciplinary action, up to and including termination. Refusal to test or to cooperate with the testing process, or obstruction or tampering with the test or testing process, may result in disciplinary action, up to and including termination.

Mandatory Reporting: An employee shall promptly inform the organization if charged and/or convicted of any criminal drug violation, or if charged and/or convicted of driving under the influence of alcohol. The employee must notify the Company no later than five (5) days after the charge or conviction. Failure to timely report a charge or conviction, and/or a conviction of drug or alcohol crime, may result in disciplinary action, up to and including termination.

Pre-employment: Job applicants will be required to complete a drug and alcohol test (through the designated XXXXX Care vendor and at XXXXX Care cost) prior to being offered employment by XXXXX Care. Test results must be favorable and must not result in findings that would be in violation of XXXXX Care's Drug and Alcohol policy. Applicants whose results fail the pre-employment drug test guidelines may be reconsidered for employment following a six-month waiting period following the original date of test failure.