

WORKPLACE DRUG & ALCOHOL POLICY WORKSHOP

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today's goals



- value of policy
- understand Nevada law
- review best practices
- earmarks of a good policy
- policy content



disclaimer. not a lawyer

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pre-work

some things to know first



position descriptions

define who is safety sensitive and who is not

- EEOC – must be able to show that the employee's inability or impaired ability to perform job-related tasks could result in a **direct threat**



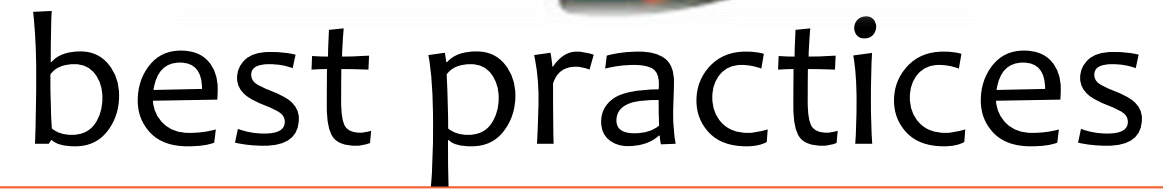
*articulate why each position description should/may not operate under-the-influence of drugs/alcohol

things to consider

- DO NOT implement a drug/alcohol testing program without a policy in place that has been communicated to your workforce
- avoid “case-by-case” scenarios as a policy catch-all
- under-the-influence vs. impaired
- use certified collections professionals
- use the correct testing products
- perform the right type of drug test
- use an MRO

<input type="checkbox"/>	yes
<input type="checkbox"/>	no
<input type="checkbox"/>	maybe



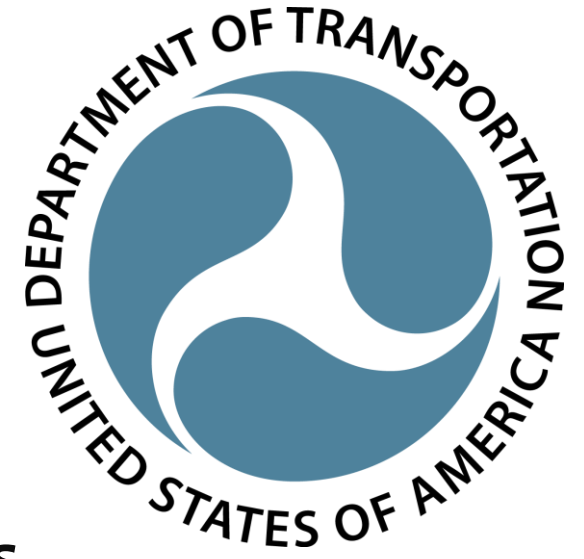


FIVE MINUTES
of **courage**
marijuana facts

a word about D.O.T.

U.S. Department of Transportation C.F.R. 49 Part 40

if you have D.O.T. and non-D.O.T. employees
you must have TWO separate workplace
drug & alcohol policies. One specifically
for D.O.T. employees and one
specifically for non-D.O.T. employees



www.odapc.gov



a word about D.O.T.

U.S. Department of Transportation C.F.R. 49 Part 40



www.odapc.gov

- best practice
- federal mandates
- only rule of law in the U.S. pertaining to the full body of workplace drug & alcohol testing
- repeatedly upheld in courts of law
- a very good model for your policy



what's the big deal about a policy?

your policy is your company's rule of practice

- provides clarity of expectations
- outlines consequences for violations
- creates accountability
- addresses issues pertaining to liability



what's the big deal about a policy?

Garcia v. Tractor Supply Company

Roe v. TeleTech Customer Care Management

Emerald Steel Fabricators, Inc. v. Bureau of Labor and Industries

Barrett v. Robert Half Corp

Ross v. Raging Wire Telecomm, Inc.

Casias v. Wal-Mart Stores, Inc.

Coats v. Dish Network



winds of change

Callaghan v. Darlington Fabrics Corp, RI Superior Court, 2017

Barbuto v. Advantage Sales & Marketing MA Supreme Judicial Court, 2017

Noffsinger v. SSC Niantic Operating Company, CT U.S. District Court, 2018

Terry v. United Parcel Service Incorporated, AZ U.S. District Court, 2019

Wild v. Carriage Funeral Holding, Inc, NJ Superior Court, 2019

New Jersey Compassionate Use MMJ Act

Arkansas Medical Cannabis ACT

OK Unity Bill

NYC Job Applicant Testing Barred unless safety-sensitive

Deitchler D, McKenna E. Insight. *Littler*. [Online] January 11, 2019. [Cited: August 28, 2019.] [littler.com/publication-press/publication/connecticut-continues-extend-protections-employees-under-state-medical](https://www.littler.com/publication-press/publication/connecticut-continues-extend-protections-employees-under-state-medical).

what's the big deal about a policy?



Safe & Drug Free Workplace
Workers Compensation
State laws
Reasonable Cause Situations
Liability Issues

what's the big deal about a policy?
*people in the community know whether or not
your company is “drug-friendly”*

The screenshot shows the Jobs2Careers website interface. At the top, there's a navigation bar with 'Jobs2Careers', 'Reno, NV', 'Popular', 'Advice', 'For Employers', and 'Post Jobs'. Below this, there's a search bar with 'No Drug Test' entered. The search results are displayed in a grid format, showing various job categories and their counts. A pink circle highlights the text '337 No Drug Test jobs in Reno, NV!'.

Search by Popularity in Reno, Nevada			
1,034 Customer...	356 Retail Jobs	259 Administrative Jobs	364 Customer...
343 Felony...	108 Alorica Call...	456 Walmart...	161 Cna Jobs
155 Information...	46 Bookkeeper Jobs	117 Manufacturing...	118 Mechanic Jobs
434 Administrative...	173 Warehouse...	78 Construction...	70 Assembler Jobs
366 Warehouse...	66 15 An Hour Jobs	296 Dignity Health Jobs	48 Customer...

flexibility. change it up

- think of your policy as a “living/breathing” document
- review annually
- change it when necessary
- sometimes trends don’t last – but sometimes they become ingrained
- common sense decisions don’t necessarily require policy changes



medical marijuana accommodation



if you choose to make allowances in your policy:

- be very specific
- be consistent
- safety sensitive does not qualify
- keep detailed documentation of accommodations



state laws



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illinois law



- Illinois does not encourage OR prohibit testing
- Employers have the right to a drug-free workplace
- It is not illegal for employers to require testing for those who have been or are in a drug rehab program
- There ***IS*** a discrimination law
 - Prescribed medication = ADA protections
 - Singling out protected groups (age, race, gender, etc.)
 - Protect privacy

<https://www.nolo.com/legal-encyclopedia/illinois-drug-testing-laws.html>
<https://www.loriecker.com/employee-rights/drug-testing-workplace>
<https://www.goldmanandehrich.com/drug-testing-look-like-illinois/>



illinois law



- A potential employee can be drug tested providing they have been given a conditional job offer based upon the drug testing results.
- Any employer that receives funding from the federal government must require drug test of all potential employees.
- Employers desiring to receive the funding to promote their drug-free work environment must comply with specific rules that include posting or publishing a notification of their policy for a drug-free work environment.
- Employer's receiving funding must set up an awareness program delineating the harmful effects of drugs.

<https://www.nolo.com/legal-encyclopedia/illinois-drug-testing-laws.html>
<https://www.loriecker.com/employee-rights/drug-testing-workplace>
<https://www.goldmanandehrich.com/drug-testing-look-like-illinois/>



illinois law



- Employers must provide a written policy of drug-free regulations to each employee and post a copy of the regulations where all employees will have access to it.
- Employers must provide a written statement of the penalties imposed for failure to pass a drug test.
- Employees testing positive for drugs or alcohol must be given the opportunity for rehabilitation, counseling, and treatment.
- Potential employees who fail the drug tests will have their job offer withdrawn.

<https://www.nolo.com/legal-encyclopedia/illinois-drug-testing-laws.html>
<https://www.loriecker.com/employee-rights/drug-testing-workplace>
<https://www.goldmananddehrlich.com/drug-testing-look-like-illinois/>

ADA law

DOES NOT:

- require any employer to accommodate/allow the medical use of marijuana **in the workplace**
- require an employer to ***modify the job or working conditions*** of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer
- **BUT** the employer **must** *attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:
 - pose a threat of harm or danger to persons or property or impose an undue hardship on the employer
 - prohibit the employee from fulfilling any and all of his or her job responsibilities.

****must “attempt” to meet the needs***

ADA law



does **NOT** require an employer to:

- provide health care to pay for medical marijuana
- allow the use of medical marijuana at work
- modify the job or working conditions of a person who uses medical marijuana

IF the modification

- creates a threat of harm to persons or property
- creates an undue hardship for employer
- prohibits the employee from completing any assigned duties & responsibilities



medical marijuana accommodation

some examples of “reasonable accommodations” by EEOC:

- allow the employee to work from home
- make existing facilities readily accessible by individuals with disabilities
- job restructuring to p/t or modified work schedules; reassignment to a vacant position
- acquisition or modification of equipment or devices
- appropriate adjustment or modification of examinations, training materials or policies,
- provide qualified readers or interpreters



illinois law



- Against the law in IL to *possess, manufacture or sell* substances or methods that help people cheat on drug tests. This includes synthetic urine, adulterants, or devices intended to help people smuggle these things in.
- *Illegal to substitute or adulterate* your specimen.
- For the purposes of this Section, ‘drug or alcohol screening test’ includes, but is not limited to, urine testing, hair follicle testing, perspiration testing, saliva testing, blood testing, fingernail testing, and eye drug testing.
- A violation of this Section is a Class 4 felony for which the court shall impose a minimum fine of \$1,000.

Public Act 093-0691

<https://www.inoutlabs.com/drug-test-test-cheating-felony/>





earmarks of a good policy

making sure there is value in it



your workplace drug & alcohol policy

-  create culture
-  clarity
-  complete
-  consistent
-  communicate it



your workplace drug & alcohol policy



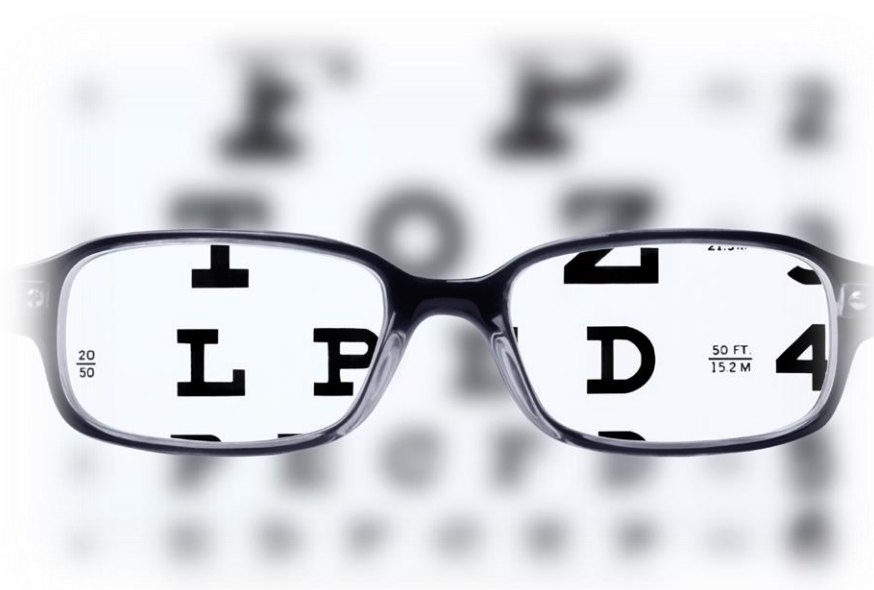
create culture

- set the tone you desire for your company environment
- what are your company values?

your workplace drug & alcohol policy

clarity

- what are violations?
- what are consequences?
- do **NOT** be vague



your workplace drug & alcohol policy

complete

- avoid gaps
- leave yourself opportunities



your workplace drug & alcohol policy

consistent

- commit to the policy
- follow-through. every. single. time.



your workplace drug & alcohol policy

communicate



- plan for communication company-wide
- review, repeat, reiterate, remind



policy content

putting it all together



questions to answer

- ☐ what is your purpose – or – the mission statement for your D&A policy?
- ☐ how will you make your employees aware of your policy?
- ☐ what are the boundaries & expectations?
- ☐ to whom does your policy pertain?
- ☐ when, why & how will you test for substances?
- ☐ which substances will be subject to testing?
- ☐ what are the consequences for policy violations?
- ☐ what resources will you provide for those who violate the policy?



purpose/mission statement

- explicitly describe your agency's mission; how will substance use impact the accomplishment of that mission?
- review the adverse impact substance use has/could have on your agency
- think about personnel records, security clearance revocations, EAP records, Merit Systems Protection Board actions, and other relevant items to glean examples regarding past public health, safety or security risks
- large numbers are neither necessary nor essential. The preamble focuses on the magnitude of risk for even one employee

purpose/mission statement

[Company Name] is committed to protecting the safety, health, and well-being of its employees and all people who come into contact with its workplace(s) and property, and/or use its products and services.

Recognizing that drug and alcohol abuse pose a direct and significant threat to this goal, [Company Name] is committed to ensuring a substance-free working environment for all of its employees.



purpose/mission statement

[Company Name] has a vital interest in maintaining a safe and efficient environment for its employees, clients and customers. Employees who are under the influence of drugs or alcohol on the job pose serious safety risks not only for the user but also to co-workers and others. The possession, use or unauthorized sale of an illegal drug or alcohol may also pose unacceptable risks for safe and efficient operations. Accordingly, it is the right, obligation and intent of the Company to maintain a safe and healthy environment for all of its employees and guests and to protect Company property, equipment and operations.

The Company has adopted a drug-free workplace policy to ensure that our business is functioning safely, efficiently and cost-effectively. In doing so, the Company will comply with all federal and state drug-free workplace requirements.

employee awareness

- ✓ new employee interviews
- ✓ handbook sign-off sheet
- ✓ orientation
- ✓ job performance reviews

- ✓ company-wide meetings
- ✓ safety meetings
- ✓ team meetings
- ✓ reminders whenever pertinent

who qualifies?

to whom does your policy apply?

- is anyone exempt?
- f/t and p/t
- contractors & sub-contractors
- seasonal employees
- vendors
- applicants



5 MINUTES
of courage
marijuana facts

who qualifies?

This policy applies to all job applicants, full-time and part-time employees and contract employees of the Company when they are on Company business or on Company premises, including but not limited to all properties, facilities, land, platforms, buildings, structures, fixtures, installations, automobiles, trucks and other vehicles whether owned, leased or used by the Company or for Company purposes.

This policy also covers the use of drugs or alcohol while off Company premises if the employee is "under the influence," as defined in this policy, when representing the Company. All Company property will be subject to search at the discretion of the Company.

Additionally, regardless of the event or situation employees are always responsible for their actions and behavior at Company-related events or activities.

who qualifies?

Applicants

All applicants are covered by this policy inasmuch as the Company has extended a conditional offer of employment and a pre-employment drug test is required.

Applicants are not entitled to Company-paid retests or any other services that may be made available to employees in this policy unless stipulated by applicable state or federal law.

boundaries/expectations

what is acceptable behavior and what is not

- drugs (illicit, prescription, synthetic)
- alcohol
- paraphernalia
- under-the-influence
- unsafe behaviors



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boundaries/expectations

The Company employees are prohibited from:

Being under the influence of drugs as defined in this policy (i.e., a confirmed positive drug test and/or demonstrating the signs and symptoms of being under the influence of drugs);

Being under the influence of alcohol as defined in this policy (i.e., a BAC of 0.02 or higher as demonstrated by an alcohol test and/or demonstrating the signs and symptoms of being under the influence of alcohol). (See the Alcohol Use Exceptions section of this policy.);

Testing positive for drugs or alcohol;

Failing to notify a supervisor or manager if the employee believes that he or she is under the influence of drugs or alcohol;

boundaries/expectations

Bringing illegal drugs, alcohol, controlled substances or drug paraphernalia to work and/or storing such items on Company property;

Possessing, using, manufacturing, distributing or attempting to distribute, sell or dispense drugs or controlled substances off Company property that may adversely affect the Company, the worker's job performance, or place at risk the safety or wellbeing of the worker or others.

Abusing prescription drugs, which includes exceeding the recommended prescribed dosage or using others' prescribed medications;

Switching, tampering with or adulterating any specimen or sample collected under the Company's policy for the purpose of testing for drugs or alcohol;

boundaries/expectations

Disclosing information related to a drug or alcohol test result, and/or substance abuse treatment referrals, except as required by this policy;

Refusing to cooperate with the terms and conditions of this policy. Failure to cooperate includes, but is not limited to:

- Refusal to be tested
- Failure to provide an adequate sample without a valid medical excuse
- Refusal to sign required paperwork (including, but not limited to, consent forms, acknowledgement forms, and chain of custody forms)
- Failure to show up at an assigned collection site to provide a specimen
- Failure to be reasonably available to be tested once the employee has been notified

boundaries/expectations

Alcohol-Use

Alcohol use will not be tolerated at the workplace, but may be permitted at the discretion of management when employees are representing the Company during professional functions. However, alcohol consumption by employees will not be permitted on Company property. The Company expects employees to exercise good judgment at all times when representing the Company. At no time are employees permitted to be under the influence of alcohol or to operate a motor vehicle while under the influence of alcohol.

Alcohol-Use Circumstances	Company Policy
Will on-duty alcohol use be permitted?	No
Who can/must authorize on-duty alcohol use?	[Name of Supervisor]
Will drinking be permitted at Company-sponsored events?	Yes, At the discretion of management
Will drinking be permitted at professional functions/meetings?	Yes, At the discretion of management
Will drinking be permitted while traveling and/or entertaining on behalf of the Company?	Yes, At the discretion of management
Will the company pay for transportation expenses for an employee who is unable to drive?	Yes
Are employees permitted to consume alcohol and operate a company vehicle?	No

why will you test?

- drug testing is a vital piece of a viable policy
- it is the tool that enforces the words on the page
- consider any union agreements/obligations

why will you test?

pre-employment – upon conditional offer of employment

random – must be scientifically selected

post-accident – define what constitutes an accident

reasonable suspicion/cause – define conditions and who can determine

return-to-duty – following a failed drug screen, if allowed to return to work

follow-up – series of random drug tests TBD by the SAP

why will you test?

Pre-Employment Drug Testing

All applicants for employment with the Company, including applicants for safety-sensitive positions, will be required to submit to a drug test once a conditional offer of employment has been extended and accepted. All offers of employment are contingent on a negative test result. Applicants will be required to sign an acknowledgement and consent form.

A positive drug test, failure or refusal to participate in a drug test, failure to sign the acknowledgement and consent form, or any effort to tamper with a sample or to alter a test result will disqualify an applicant from employment. Candidates that fail the pre-employment drug test may not re-apply or be considered for employment for one year.

Applicants previously employed by the Company, regardless of the length of time they were away, will be subject to a pre-employment drug test as outlined above.

why will you test?

Random Drug Testing

The Company reserves the right to conduct random testing. When random testing is conducted all employees may be subject to random, unannounced drug testing.

Employees subject to random testing will have an equal probability of being neutrally selected for such testing. The Company does not have the right to waive the selection of any employee who has been randomly chosen.

Random tests will be unannounced and performed at reasonable intervals throughout the year. The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employee identification numbers (i.e., Social Security numbers, payroll identification numbers, or other comparable identifying numbers).



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why will you test?

Random Drug Testing (cont)

Random testing will be conducted at a frequency rate of 50 percent, meaning that the Company will conduct random testing of 50 percent of the total number of employees in a given year. The names of individuals who are randomly selected for testing will be returned to the eligibility list for future selection during the same year.

Whenever an employee is selected for a random test, he or she will be notified of the selection and instructed to report to a collection site within 15 minutes (plus travel time). If the individual is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employee must cease performing the safety-sensitive function and proceed to the testing site as soon as possible.

when will you test?

- how often will you run a random pool?
 - annually, bi-annually, quarterly, monthly
- who will make the frequency determination?
- who will run the random pool? (TPA, HR Manager)
- avoid predictability of timing

why will you test?

Post-Accident Drug & Alcohol Testing

All employees who are believed to have caused an accident during work time or while on Company business or on Company property, regardless if an injury occurs or not, will be subject to a drug and/or alcohol test.

Accidents that include any of the following will result in a drug and/or alcohol test:

- A fatality
- Any injury that requires medical attention away from the scene of the accident
- An injury that results in lost work time
- Damage to Company in the amount of \$_____

A post-accident drug test must take place within 24 hours of the time of the accident. A post-accident alcohol test must take place within 8 hours of the time of the accident. Any employee who fails to report a work-related accident is in violation of this policy and is subject to disciplinary action up to and including termination.

why will you test?

Reasonable Suspicion Drug and Alcohol Testing

Employees will be required to submit to a drug and/or alcohol test when a trained supervisor or manager has a rational basis, whether from direct observation or from the reports of others, to believe that an employee has violated this policy or is under the influence of legal or illegal drugs or alcohol that has an impact on the individual or the work environment. Reasonable suspicion will be documented and not based on rumor, speculation, or unsubstantiated information. Referrals will be made according to the procedures set forth by the Company.

Behavior that could prompt reasonable suspicion of drug or alcohol use in violation of the Company's policy includes, but is not limited to, the following:

- Direct observation of reckless or risky behavior, that may indicate an individual is impaired by or under the influence of intoxicants or illegal drugs;
- Direct observation of speech, odor or appearance that may indicate an individual is impaired by or under the influence of intoxicants or illegal drugs;

why will you test?

Reasonable Suspicion Drug and Alcohol Testing (cont)

- Reports or information that an individual was seen taking, selling, dispensing, or using illegal drugs, or telling other employees of being involved in such activities
- Evidence of an attempt to alter a drug or alcohol test sample or result; and/or
- Patterns of abnormal/erratic conduct such as, but not limited to, increased absenteeism, excessive tardiness, or lack of expected or required work performance.

Reasonable suspicion does not mean that the Company must be correct in its belief, only that it has some rational basis for believing the employee is somehow involved in the use, sale, or possession of drugs and/or alcohol.

If the individual is to be sent home after providing a sample, the Company will make arrangements to get them home. For liability reasons it is not acceptable for a Company representative to drive the employee home.

Under no circumstances is the individual allowed to drive home if he or she may be under the influence.

If the individual insists on driving home, the Company is obligated to notify local police.



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when will you test?

- who will determine reasonable suspicion?
- does a supervisor need to verify?
- does a second party need to witness?
- what training is required for supervisors?
- what documentation is required?

why will you test?

Return-to-Duty and Follow-up Drug & Alcohol Testing

Any employee who has been removed from work to enter drug or alcohol treatment must submit to and provide a negative drug test result prior to returning to his/her job duties. Employee must provide a release statement indicating that the individual has completed a treatment program.

Employees who successfully complete substance abuse treatment may be eligible for reinstatement and, if re-instated, will be subject to follow-up unannounced testing. Employees will be subject to follow-up drug or alcohol testing (or both depending on what substance or substances they were being treated for) according to the recommendations of their medical provider or at the discretion of the Company.



how will you test?

what type of test meets your needs?

- Urinalysis
- hair
- oral fluid/saliva
- instant test
- lab-based test
- lab confirmation only

- what panel of drugs?
- certified collections professionals





how will you test?

All sample collection and testing for drugs and alcohol will be performed according to the following conditions:

Collection—The collection of samples shall be performed under reasonable and sanitary conditions.

Chain-of Custody—Sample collections will be documented and these documentation procedures will include both of the following:

- (a) **Labeling of samples** in order to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided.
- (b) An **opportunity for the person to be tested to provide any information** that may be considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.

testing procedures

Integrity of the Process—Sample collection, storage and transportation to the place of testing shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration or misidentification.

Certified Laboratory—Sample testing will comply with scientifically accepted analytical methods and procedures. When drug testing is conducted at a laboratory, the lab will be approved or certified by the U.S. Department of HHS, the College of American Pathologists or the DHS

Instant-Result Testing—When drug testing is conducted using instant-results, point-of-collection devices, the device used will be cleared by the U.S.F.D.A. with laboratory confirmation.

Confirmation Testing—Drug testing will include confirmation of any positive drug test results for employees. Confirmation of positive drug test results for employees will be by use of a different chemical process than was used in the initial drug screen. The second or confirmatory drug test will be gas chromatography-mass spectrometry (GC/MS) or another comparably reliable analytical method.



substances to be tested



The Company will test individuals for drugs utilizing urine and oral fluid testing technologies, both in a laboratory and with instant-result, point-of-collection devices. The Company reserves the right to utilize other testing technologies in accordance with applicable laws and when circumstances require an alternative. The Company will test for the following drugs:

Amphetamines, Methamphetamine, Cannabinoid (marijuana), Cocaine, Opiates, Opioids, Barbiturates Benzodiazepine, Methadone, Phencyclidine (PCP) , MDMA, or any other altering substances, non-medical use of prescription drugs or prescription medications not used by pharmacist's instructions

An individual who tests positive for any of the substances cited above will be subject to adverse employment action. (See the Consequences section of this policy for more information.)

Q: will you test for nicotine? will you allow e-cigarettes/vape devices?

substances to be tested

Marijuana Federally Illegal

Medical Review Officers will not verify a drug test as negative based upon information that a physician recommended that the employee use “medical marijuana.”

Marijuana remains a drug listed in Schedule I of the Controlled Substances Act.

It remains unacceptable for any safety-sensitive employee subject to drug testing under the Company’s drug testing regulations to use marijuana.

The federal language alone does not protect you ... there must be specific parameters & consequences listed pertaining to this language.

substances to be tested

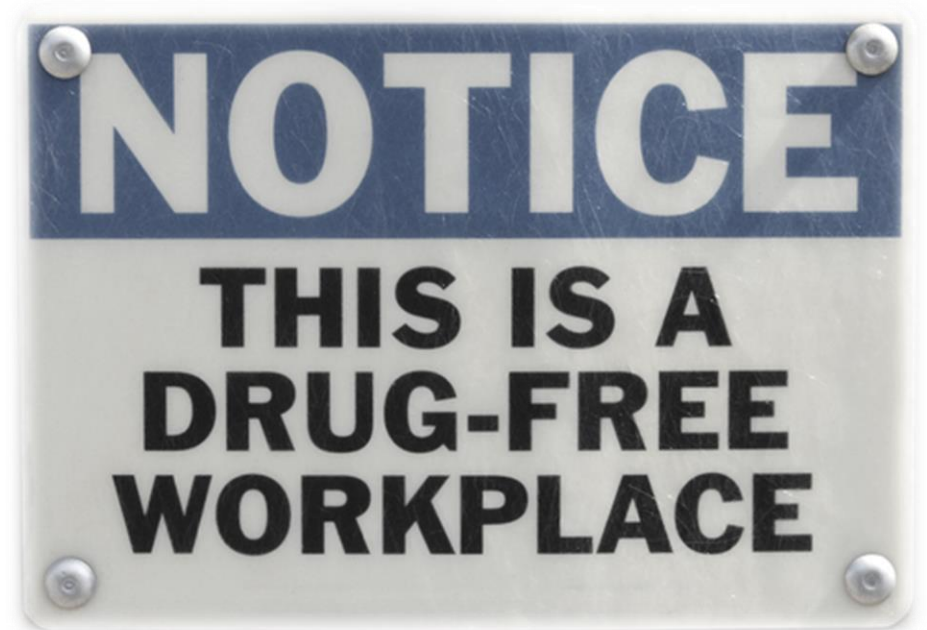
Alcohol

The Company will test individuals for alcohol utilizing breath testing technologies. The Company reserves the right to utilize other testing technologies in accordance with applicable laws and when circumstances require an alternative. A blood alcohol content (BAC) level up to 0.019 will result in an employee being removed from performing safety-sensitive functions until the individual tests 0.00 BAC. A BAC of 0.02 or higher will be considered a positive result. (See the Consequences section of this policy for more information.)



violations/consequences

- what are the consequences of violating the policy?
- what are the procedures for determining whether an employee has violated the policy?
- what are the procedures for appealing a determination that an employee may have violated the policy?
- 2nd chances? zero tolerance? suspensions?





violations/consequences

Employees who violate any of the conditions of this policy will be subject to adverse employment action up to and including termination at the Company's sole discretion. Employees should understand that certain policy violations such as the use of alcohol (including possession of an open container) unless otherwise approved or any illegal drug activities (including the possession, sale, or use of illegal drugs) on Company premises or on Company time may result in immediate termination. Individuals who refuse to cooperate with the Company's policy in any way will be subject to immediate termination.

Individuals who test positive for illicit drugs, including marijuana, will be terminated. Individuals who test positive for marijuana and possess a valid medical marijuana card will not be terminated but may be removed from performing certain safety sensitive tasks at the discretion of management. All individuals using medical marijuana, or any other prescription drugs that can cause impairment as stated on the label, may not be under the influence while at work.



violations/consequences

Applicant Positives—Job applicants who test positive will not be hired.

First-time Positives—Individuals who test positive for drugs in violation of this policy will be terminated.

Refusal to Cooperate— Refusal by an employee or prospective employee to provide a sample will result in termination of employment for the employee and the rescinding of a conditional job offer to an applicant.

Tampering and/or Adulteration—Individuals attempting to alter a drug/alcohol test result or test sample by means of tampering with, adulterating, switching, or dilution will be treated as a positive test result.

Suspensions—Employees involved in a post-accident or reasonable suspicion drug/alcohol test will be removed from their positions and suspended until the Company receives the test results. Negative results will be reinstated & paid for time missed during the suspension.

Verified Positive Results – Individual will be subject to adverse employment action up to and including termination.

EAP/SAP

what resources will you provide for those who violate the policy?

- explain how to get help
- include information on any existing employee assistance program(s)
- describe the benefits offered by any existing health insurance plan
- identify local resources that may be available
 - supply a list of treatment providers, substance abuse professionals, AA meetings, NA meetings, any local resources that may be helpful



EAP/SAP

The Company does not maintain an Employee Assistance Program (EAP) but will provide a list of resources. Employees are responsible for all costs associated with substance abuse counseling, treatment or rehabilitation.

Employees will not be discharged, disciplined or discriminated against for voluntarily seeking treatment for a drug/alcohol related problem if that individual has not previously tested positive for drugs or alcohol in violation of the Company's policy, entered an employee assistance program for substance abuse-related issues, or entered an alcohol and drug rehabilitation program.



ADA considerations

In accordance with the Americans with Disabilities Act, the Company does not discriminate against any qualified individuals with a disability who are not currently using illegal drugs and who have either successfully completed rehabilitation or who may be currently participating in a supervised rehabilitation program and are no longer using illegal drugs. Nothing contained in this policy shall be construed to, or be applied in such a way that its application will, result in discrimination against any individual with a disability or handicap as those terms are defined by the Americans with Disabilities Act.

A current disability of any kind, however, does not entitle an employee and/or job applicant to violate any provisions of this policy.

****MRO – may provide a Fit For Duty exam in cases of behavior that could affect safety**



other items

- confidentiality
- reservation of rights
- definitions of terms
- acknowledgement/consent
- reasonable cause checklist



Policy



WORKPLACE DRUG & ALCOHOL POLICY WORKSHOP

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