

# ALCOHOL AND DRUG ABUSE

## All Employees

### ◆ POLICY 7.00 ◆

It is the policy of NOCAC to provide a working environment free of drugs and alcohol that may adversely affect the workplace. This policy applies to all employees.

#### **A. Prohibitions on Drug and Alcohol**

As a condition of employment, no employee shall unlawfully manufacture, sell, distribute, dispense, possess or use any controlled substance as defined in federal or state law, or any other drug that might impair performance, while engaged in NOCAC business, regardless of the location. Prescription or over-the-counter drug use must be within the limits of a valid prescription and/or manufacturer's guidelines. Such use must not adversely impair the individual's ability to function safely and effectively or adversely affect judgment or perception.

Employees are also strictly prohibited from possessing or using alcohol in the workplace or while on NOCAC business. In addition, employees are not to be at work while under the influence of alcohol.

Off-the-job possession, sale, use or involvement with drugs or alcohol that leads to adverse publicity or impacts NOCAC's credibility or reputation, or has the potential for that publicity or impact, as determined solely by NOCAC, will be dealt with on an individual case basis.

No employee shall manufacture, sell, distribute, dispense, possess or use any equipment or paraphernalia that is employed to manufacture or use any drug or alcohol prohibited by this policy, while engaged in NOCAC business, regardless of the location.

Employees who violate this policy may be subject to discipline, up to and including termination of employment, in accordance with applicable law, board policy and any applicable collective bargaining agreement. NOCAC may also require an employee who violates this policy to undergo assessment and/or participate satisfactorily, at the employee's expense, in treatment (including a drug and/or alcohol abuse intervention or rehabilitation program) prescribed by a qualified facility under the employee assistance program and approved by NOCAC. If an employee fails to enroll in or satisfactorily complete an assessment and/or treatment (including a drug and/or alcohol abuse intervention or rehabilitation program) as required, s/he will be terminated from employment, unless otherwise required by law. Employees who violate this policy may also be referred to the appropriate authorities for criminal prosecution, as applicable.

Employees must notify the Executive Director immediately in writing of any criminal drug and/or alcohol statute conviction. A conviction means a finding a guilt (including a plea of *nolo contendere* or no contest) or imposition of a sentence or both. If an employee fails to notify the Executive Director of conviction as required by this policy, then he/she will be subject to disciplinary action, up to and including termination, and may also be held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

NOCAC reserves the right to investigate potential violations of this policy in a reasonable manner, including (i) observing behavior and performance, (ii) requiring individual drug and/or alcohol testing, and (iii) undertaking property searches. Consistent with the foregoing, NOCAC reserves the right to search, at any time and for any reason, any and all lockers, desks, storage drawers and cabinets, office cubicles, and any other work areas provided by NOCAC, all of which shall at all times remain NOCAC property. In addition, NOCAC reserves the right to search vehicles brought onto NOCAC-owned or controlled property (including parking lots), as well as outer garments, purses, handbags, knapsacks and the like, when it has a reasonable basis for doing so and the search is reasonable in its scope. Anything uncovered in a search and suspected of being a drug or alcohol may be confiscated until ownership and/or composition is determined. Where warranted, confiscated items may be turned over to appropriate law enforcement authorities.

## **B. Drug and Alcohol Testing**

NOCAC's drug and alcohol testing program includes pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return-to-duty testing and follow-up testing after assessment or treatment. NOCAC will use a 5 panel test for the following drugs: Amphetamines, Marijuana, Opiates, Cocaine and Phencyclidine. A confirmatory test is performed if the initial test is positive.

As a condition of employment, each employee must sign the applicable consent/release form(s) authorizing the testing required under this policy, authorizing release of any drug and/or alcohol test results to NOCAC, and authorizing the release of any and all other medical information that may be relevant in conducting a complete and thorough investigation of a work-related accident. In addition, if an employee responsible for a work-related accident is injured, it is a condition of employment that the employee authorize attending medical personnel to obtain appropriate specimens (breath, urine and/or blood) for the purpose of conducting drug and/or alcohol testing.

The cost of any drug and/or alcohol test is paid for by NOCAC, except that the employee must pay for any follow-up testing after return to duty following assessment and/or treatment and must pay for any re-test that he/she requests.

If a re-test is negative, NOCAC will reimburse the employee for his/her out-of-pocket expense.

- Pre-employment Testing

As a condition of employment, an applicant selected for employment with NOCAC must consent to a pre-employment drug test. Failure to pass the test will result in withdrawal of the job offer.

- Reasonable Suspicion Testing

Employees shall be required to submit to "reasonable suspicion" drug and/or alcohol testing. "Reasonable suspicion" testing is premised on a reasonable belief that the employee is using or has used drugs or alcohol and/or is under the influence of drugs or alcohol in violation of this policy. Reasonable belief may be based upon, among other things, observable behavior, unusual conduct, appearance or action, or erratic behavior, deterioration in work performance, report of a potential violation of this policy from a credible source which has been corroborated by supervisor, or injury requiring medical treatment.

An employee sent for reasonable suspicion testing shall not be permitted to drive him/herself to the collection site or home.

- Random Drug Testing

NOCAC will conduct random drug and/or alcohol tests annually on 15 percent of all CDL holders. NOCAC will also conduct drug and/or alcohol tests annually on 15 percent of the workforce. When an employee is selected for a random drug and/or alcohol test, the employee will be notified by their supervisor and must go immediately to the testing facility.

- Post Accident Testing

All employees who may have caused or contributed to an on-the-job accident, as defined by the Ohio BWC, will be required to submit to a "post-accident" drug and/or alcohol test. An on-the-job accident shall include an accident resulting in vehicular damage in apparent excess of \$5,000.00 and/or non-vehicular damage in apparent excess of \$5,000.00. In addition, all employees will be required to submit to post-accident testing as required by DOT/FMCSA for CDL holders.

An employee sent for post-accident testing shall not be permitted to drive him/herself to the collection site or home.

- Return-To-Duty and Follow-Up Testing

Employees will be required to submit to return-to-duty testing before returning to work after assessment or treatment and to follow-up testing after return to duty from assessment or treatment, as NOCAC deems necessary and in accordance with legal requirements.

- Confidentiality of Test Results

All test results will be provided to the Executive Director, who will notify only those NOCAC personnel with a need to know about the test results. Test results and other information provided to administrative personnel as to any problem related to alcohol and other drug abuse or chemical dependency shall be considered part of the employee's confidential medical records, except for information and records relating to discipline or termination of an employee for violation of this policy, which may be redacted as necessary to comply with legal requirements for confidentiality. Except as may be required by law, no person may discuss or otherwise divulge any information concerning such matters.

- Consequences Related To Testing

Any employee may be disciplined, up to and including immediate termination, if the employee refuses testing or if the employee complies and the test result is positive. In the case of an employee serving his or her probationary period, the employee will be terminated from employment if s/he refuses or fails any drug and/or alcohol testing.

In addition or in the alternative, NOCAC may require any employee who refuses testing or who fails drug and/or alcohol testing to undergo assessment and participate satisfactorily, at the employee's expense, in any treatment (including a drug and/or alcohol abuse intervention or rehabilitation program) prescribed by a qualified facility under the employee assistance program and approved by NOCAC, with return-to-duty testing, follow-up testing and random testing required upon return to work.

If an employee fails to enroll in or satisfactorily complete an assessment and/or treatment (including a drug and/or alcohol abuse intervention or rehabilitation program) as required, s/he will be terminated from employment, unless otherwise required by law. In addition, any employee failing a second drug and/or alcohol test or failing a return-to-duty or follow-up test upon return to work will be terminated, unless otherwise required by law.

A refusal to submit to testing is defined to include the following:

- An attempt to adulterate or substitute a specimen or otherwise interfere with the integrity of the testing process.
- A refusal to provide a specimen.
- A failure to appear for a test within a reasonable time after being directed to do so.
- A failure to cooperate with any part of the testing process.
- A refusal to sign the applicable consent and release forms.
- A failure to complete a test.

An employee who tests positive on any drug and/or alcohol test will be removed immediately from safety-sensitive duties.

### **C. Employees Receipt of Policy and Employee Education**

Upon hire, new employees will be provided with a copy of this policy and some educational materials regarding substance issues. All employees, either upon hire or upon adoption of this policy, must sign a statement acknowledging that they have received, read and understand this policy and that they agree to abide by its terms.

As part of its ongoing drug-free awareness program, NOCAC will provide information to all employees annually about the dangers of drug abuse in the workplace and about any available drug counseling, rehabilitation, and employee assistance programs.

Supervisors will be provided additional training on drug and alcohol awareness and on testing responsibilities, in accordance with the requirements of the Ohio BWC drug-free workplace program.

Drug and/or alcohol abuse can have devastating effects on employees personally, as well as on their ability to safely and efficiently perform their job duties. NOCAC encourages employees, if they believe they have a problem, to seek professional help before it impacts upon job performance. Employees can obtain information about rehabilitation services, substance assessment and/or counseling, employee assistance programs, and other related community resources available to them or their families, by contacting the Executive Director.

Rehabilitation undertaken voluntarily shall be entirely at the employee's expense, and without pay, except as may be covered by group health plan terms, sick leave policies or other leave of absence policies.

**D. Other Drug & Alcohol Testing Issues**

Notwithstanding this policy, employees who are CDL holders or any other employees that drive for NOCAC business will be subject to any additional drug & alcohol testing and/or conflicting requirements of applicable State or Federal laws or program specific requirements.

Amended 6/30/06, 11/1/06, 6/14/12