

Policy: Substance Abuse Policy

Dated: October 23, 2006 Board

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It is SVCA's intent to provide a drug-free, healthful, and safe workplace, and has a zero tolerance of the illegal use of drugs and alcohol by employees. To support this non-negotiable Board policy, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on duty on SVCA premises and while conducting business-related activities off SVCA premises, no employee may consume alcohol or be under the influence of alcohol, nor use, possess, distribute, sell, or engage in the unlawful manufacture or dispensation of illegal drugs including but not limited to marijuana, . Violations of this policy will lead to disciplinary action, up to and including immediate termination of employment. Such violations may also lead to legal consequences. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

- 2.1. **Impairment.** Any employee who is observed coming to or returning to the job in an obviously impaired condition will be removed from the job at once and taken for drug testing. A responsible supervisor shall attempt to arrange for transportation to the test lab for the employee. Local police will be notified by calling 911 if the employee insists on driving.
- 2.2. **Enforcement.** To ensure compliance with rules of conduct, SVCA may conduct tests to determine the presence of any illegal drugs or other unlawful or unauthorized substances in an employee's body. Employees will be tested under the following circumstances:
 - a. Pre-employment: A successful applicant for employment shall submit to a urinalysis to determine the presence of illegal drugs or other unlawful or unauthorized substances prior to beginning work. The applicant shall be requested to sign a consent and release form prior to such test, subject to any applicable state or local laws and regulations. If drugs are detected, the offer of employment will be rescinded. Persons who test positive may re-submit an application for employment after 90 days.

- b. For Cause. When there is reasonable suspicion that substance abuse has led to a violation of employee conduct rules, or is a contributing factor to an employee's documented pattern of poor job performance, SVCA may request immediate urine testing.

Examples of Reasonable Cause include:

- 1. Documentation of unsatisfactory performance.
 - 2. Physical symptoms consistent with substance abuse.
 - 3. Evidence of illegal substance use, possession, sale or delivery.
 - 4. Fights (meaning physical contact), assaults.
 - 5. Flagrant violations of established security or other operating procedures.
- c. **Training Enforcement:**
Training will occur annually for all staff in this policy content, safety areas within this policy's influence and expectations, how to determine if a staff member is under the influence and the necessary management reporting steps. Every new hire, during their orientation, will receive a copy of this policy and sign acknowledgment of its receipt. A signed copy by both the employee and SVCA management will be filed in each personnel file. Training and orientation in this area will be recorded in each HR record.
 - d. **Safety Incidents/Violations.** SVCA has the right to require that an employee submit to testing after any accident, safety incident or in the event an employee is injured on the job. In the event the employee is hospitalized, SVCA will advise the treatment facility of our testing policy and ask them to perform the test.
 - e. **Random Testing:** Random substance testing of employees is a critical component to any meaningful substance testing program. To ensure that the tests are truly random, they will be done by using a random number generating program administered by Whatcom Occupational Health.

- f. **Employee-Requested Retest:** Not later than 30 days after receipt of a confirmed positive test result, an employee may request in writing that a sample of the original specimen be provided to the original or another SVCA-approved laboratory for retesting. The employee will pay all costs associated with the additional test.

In the unlikely event that mechanical breakdown or human error results in a positive test report that is subsequently proven to be false, SVCA shall pay for the cost of any retest and pay the employee for wages lost due to suspension or leave of absence required or granted under this policy.

SVCA will bear the cost of all drug screens required to comply with this policy except where specified otherwise. The employee is responsible for any costs associated with treatment and rehabilitation. Medical plan reimbursement for these services will be based upon the individual's medical coverage. For employees under SVCA's medical plans, treatment for substance abuse may be a covered benefit, however, each plan has its own requirements. It is the responsibility of each employee to contact the appropriate carrier for clarification. Leaves of absence as a result of rehabilitation shall be treated by SVCA as any other leaves of absence (see Policy, Leaves of Absence Personal).

- 2.3. **Confidentiality/Privacy:** The fact that a test has been requested or administered, the results of that test, and communications with the employee regarding substance use and abuse are considered private and confidential and access to this information is limited to those with a business or legal right to know.
- 2.4. **Disciplinary Action:** Employees shall be subject to appropriate discipline, up to and including discharge, for violating the rules of employee conduct relating to substance abuse.
 - a. **Refusal to Allow Test:** Employees who do not voluntarily consent to testing shall be considered insubordinate and discharged.
 - b. **Positive Test Results.** If an employee tests positive for drugs or alcohol as the result of one of the described tests, SVCA has the right to terminate the individual's employment immediately.

- c. **Off-The-Job Conduct.** An employee's off-the-job use of illegal drugs or unlawful or unauthorized substances which adversely affects the employee's job performance or jeopardizes the safety of other employees or the security of SVCA's premises shall be considered a violation of SVCA's rule prohibiting the use of illegal drugs or unlawful or unauthorized substances. If an employee is convicted of or pleads guilty or no contest to off-the-job manufacture, sale, purchase, transfer, use or possession of illegal drugs or unauthorized substances such employee shall be discharged.