

SAMPLE #3

DRUG AND ALCOHOL FREE WORKPLACE

[Note: The following Drug and Alcohol Free Workplace policy is designed for libraries that comply with the Ohio Bureau of Workers' Compensation (BWC) Drug Free Safety Program at either the Basic or Advanced Level. Differences in the policy for each level are noted below. This policy is not designed to address all requirements for compliance with the BWC's program, such as supervisor training and submission of annual reports to the BWC. This policy also complies with the Federal Drug-Free Workplace Act.]

I. Purpose of Policy

It is [Name of Library]'s desire to provide a healthful and safe workplace that is free of illegal drugs and alcohol. To promote this goal, [Name of Library] maintains a Drug and Alcohol Free Workplace policy that applies to all employees. Employees are required to report to work in appropriate mental and physical condition to perform their jobs. Use of alcohol or illegal drugs, including marijuana, whether on or off the job, can adversely affect your work performance, efficiency, and safety. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and library patrons.

II. Standards of Conduct

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications taken as prescribed and that does not compromise workplace safety. Employees must, however, consult with their doctors about the medication's effect on their fitness for duty and ability to work safely.

The following prohibitions are in effect at all times when an employee is at work, on [Name of Library] premises, operating a [Name of Library] vehicle, or attending a [Name of Library] function at which the employee performs services or functions on behalf of [Name of Library].

- No employee shall consume or use (including testing positive for substances prohibited by this policy even if the use occurred outside of work) alcohol, marijuana, illegal drugs, or medication or controlled substances used in a manner other than prescribed or as directed.
- No employee shall possess alcohol, illegal drugs, or other un-prescribed controlled substances.
- No employee shall work or be at work under the influence of alcohol, illegal drugs, or medication or controlled substances used in a manner other than prescribed or as directed.
- No employee shall sell, purchase, transfer, or traffic illegal or illicit drugs,

controlled substances, prescribed medication, or drug paraphernalia.

Violation of any of these prohibitions will result in disciplinary action up to and including termination of employment.

III. **Employee Assistance:**

[Note: Employee Assistance Programs are not required to comply with the Basic Level of the BWC's Drug-Free Safety Program. If you do not provide one for your employees, the following section should not be included in your policy. An Employee Assistance Program is required to comply with the Advanced Level of the BWC's Drug-Free Safety Program.]

We recognize that alcohol and drug abuse can be medical conditions, and they can be successfully treated. If you believe that substance use or abuse is a problem for you, you're encouraged to get confidential professional help by contacting:

[Name of Employee Assistance Program] at [phone number].

[Name of Library] assumes no responsibility for drug or alcohol rehabilitation of any employee. Employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination may be allowed to use accrued paid time off, placed on leaves of absence, and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests.

IV. **Types of Testing**

[Note: Random Testing is required to comply with the Advanced Level of the BWC's Drug-Free Safety Program, but is not required to comply with the Basic Level of the BWC's Drug-Free Safety Program.]

- A. **Pre-Employment Testing:** Each offer of employment will be conditioned, among other considerations, on the passing of a blood and/or urine test for alcohol and drugs.

- B. **Reasonable Suspicion:** Whenever [Name of Library] reasonably suspects any employee of using drugs or alcohol, being intoxicated, and/or being under the influence of a controlled substance while at work or on [Name of Library] premises, the employee will be required to submit to urine and/or blood testing, as soon as practical. A reasonable suspicion test may occur based on:
 - Observed behavior, such as direct observation of drug/alcohol use or possession and/or physical symptoms of drug and/or alcohol use;
 - A pattern of abnormal conduct or erratic behavior;
 - Arrest or conviction for a drug-related offense or identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee must notify the [Name of Library] within five (5) working days of any drug-related conviction;
 - Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use;
 - Newly discovered evidence the employee tampered with a previous drug or alcohol test;
 - Reasonable suspicion testing does not require certainty. Mere hunches,

however, do not justify testing.

- C. Post-Accident Testing: Whenever an accident occurs involving an employee, equipment, or property controlled by [Name of Library]'s employees, including, but not limited to an accident involving: (a) one or more deaths; (b) an injury requiring professional medical treatment beyond first aid and disabling an employee from performing his/her normal duties; and/or (c) substantial damage to property, [Name of Library] will require all employees involved in the accident who may have engaged in any activity that caused or tended to cause the accident, or that may have contributed to the accident, to submit to alcohol and drug testing, as soon as practical. The requirement to test will not prevent employees who are to be tested from performing duties in the aftermath of an accident or incident when their performance is needed to preserve life or property.
- D. Follow-up/Return-To-Duty Testing: [Name of Library] reserves the right to test employees who previously tested positive but whose employment was not terminated. [Name of Library] requires a negative return-to-duty test before we allow the employee to return to work. If the employee fails this test, this will result in discipline up to and including termination of employment. Once an employee tests negative and returns to duty, management will ensure additional tests occur. Any employee with a second positive test result will be subject to discipline up to and including termination of employment. Follow-up tests will be unannounced. They may occur at any time for a time period management considers reasonable. The intent is to deter any subsequent use that would violate [Name of Library]'s policy and result in termination of employment.
- E. Random Testing: [Name of Library] reserves the right to conduct such other alcohol and drug testing as it chooses, including random testing.

V. Consent To Testing And Reporting Results

It will be a condition of employment that applicants and employees subject to testing must sign a form consenting to the testing; the release of the test results to the [Name of Library]'s Medical Review Officer (MRO) and of positive test results to the [Name of Library]; and a release to the [Name of Library] of liability for such testing.

The MRO will report all positive alcohol or drug tests to the [Name of Library], and the [Name of Library] will take immediate steps, consistent with this Alcohol and Drug Policy, to remove any such employee from active employment to protect the safety and health of that employee, other employees, and the public.

VI. Testing Procedures

- A. Compliance with Applicable Law: It is [Name of Library]'s intent that the procedures used for testing for drugs and alcohol will comply with all applicable legal requirements. Should the procedure set forth below be inconsistent with any such requirements, these procedures will be modified as necessary to comply.
- B. Substances Tested For: All employees will be tested for: (1) marijuana; (2) cocaine; (3)

opiates; (4) phencyclidine (PCP); (5) amphetamines; (6) Barbiturates; (7) Benzodiazepines; (8) Methadone; (9) Propoxyphene; (10) Meperidine; (1 1) Oxycodone; (12) Methaqualone; (13) MDMA (Ecstasy); (14) Expanded Opiates; and (15) Alcohol. An employee “tests positive” for any of these substances if the test shows the presence of an amount of the substance equal to or exceeding applicable standards. The cut off level for alcohol is .04 blood alcohol content.

- C. Collection of Samples: Urine and/or blood samples for drug testing will be obtained by an independent contractor retained by the [Name of Library]. The contractor will obtain samples and maintain the chain of custody of these samples in accordance with reasonable standards. In the case of serious physical injury, urine and/or blood samples may be taken by treating medical personnel under the supervision of the independent contractor. In case of fatality, blood and/or urine samples will be taken by the appropriate local authority such as a medical examiner or coroner.
- D. Analysis: Samples whose integrity and chain of custody have been maintained by the independent contractor or treating medical personnel will be analyzed by a United States Department of Health and Human Services certified lab or a laboratory that meets or exceeds the Department’s certification standards to process the test results, selected by either the independent contractor or [Name of Library]. No sample test will be found to be positive for the presence of drugs or alcohol unless confirmed using the gas chromatography/spectrometry method. This method has been selected because it is virtually error free.
- E. Designated Medical Review Officer: Positive test results and past medical histories for individuals testing positive will be reviewed and interpreted by a licensed physician with experience in the field of drug abuse designated as the MRO. The MRO will not be a [Name of Library] employee. If, in the opinion of the MRO, the lab has properly identified a positive test result, the MRO will report those findings to the [Name of Library]. The findings of the MRO are binding on both the [Name of Library] and the employee.

VII. Consequences Of Violation Of This Policy

Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

An employee who refuses a drug or alcohol test required by [Name of Library], or tests positive for the presence of alcohol or drugs, will be subject to disciplinary action up to and including termination of employment. An employee who attempts to manipulate the results of a test through adulteration, dilution of a sample, or substitution of a sample will be subject to disciplinary action up to and including termination. An employee who has been terminated as a result of a positive drug test may be re-employed only if the MRO determines the individual to be drug free, and the employee consents to an unannounced testing program over a time period management considers reasonable.

Any employee who violates the policy on a second occasion will be subject to disciplinary action up to and including termination of employment.

VIII. Condition Of Employment

Compliance with [Name of Library]s' Alcohol and Drug Policy is one of the conditions of employment. Failure or refusal of an employee to cooperate fully, sign any required document, or submit to any inspection or test will subject that employee to disciplinary action up to and including termination of employment.

IX. Reservation Of Rights

[Name of Library] reserves the right to amend, interpret, change, modify, rescind, or depart from this policy, in whole or in part, retroactively or prospectively, with or without notice. Nothing in this policy creates or expands any legal or contractual right any employee might have.

X. Notification of Conviction

[Note: If you are not a federal grant recipient and do not need to comply with the federal Drug Free Workplace Act, then Section X is optional.]

Employees are required to notify [Name of Library] of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction. Within thirty (30) days after [Name of Library] receives notice of such a conviction, the convicted individual may be disciplined up to and including immediate discharge.

If you have questions about this policy, please contact [Name of Contact] and [telephone number].