

Safety Tips from the WorkSafe People

Sample Corporate Drug and Alcohol Policy*

(Name of Company)

(Date)

Please note: Some states have enacted laws addressing workplace drug testing. In others, legal principles have evolved through the courts. Consultation with legal counsel is highly recommended before implementing a Drug and Alcohol Policy.

Purpose

The goal of this policy is to maintain a work environment which is free from the adverse effects of drugs and alcohol.

The company is committed to programs that promote employee safety, health and well-being as well as successful job performance. In support of that commitment, the company has established the following drug and alcohol policy. It is not an employment contract between the company and the employee.

I. Applicants under Final Consideration for Employment

- A. All applicants offered employment will be screened for controlled substances and alcohol as part of the final pre-employment process. Test results will be reviewed prior to employment and any offer of employment is specifically conditioned on passing a drug and alcohol test.
- B. Prior to the screen, applicants must sign a consent form, (Exhibit A), authorizing the company-designated laboratory to perform the drug-and-alcohol screening test and release the results of that test to the company.
- C. Applicants must successfully pass the drug and alcohol screening test in order to be hired. The company reserves the right to determine the definition of “successfully pass.” The definition will be based on relevant toxicological information and local legal parameters for alcohol. For controlled substances, “successfully pass” means no trace of such substances. The definition of “successfully pass” will be the same for all employees.
- D. Test results are to be treated as confidential and may be communicated to the applicant by the company’s designated representative.

* This is intended as a sample policy only. It is designed to serve as a reference tool as you develop your own company policy.

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II. Prohibitions (the following are expressly prohibited by any employee):

- A. While on company business or on company premises, the use, possession, transportation, solicitation, promotion, sale or transfer of controlled substances as defined by law, except for individual use of prescribed medication.
“Company premises” includes, but is not limited to, all property, buildings, structures, customer job sites, parking lots and means of transportation owned, leased, or rented by the company or otherwise being used by the company. “Company business” means any time during which the employee is being compensated (or any time during which the employee is performing services on behalf of the company), specifically including all time between starting and quitting times, including lunches and breaks, whether paid or unpaid.
- B. The use of over-the-counter drugs and/or prescribed drugs in a manner other than recommended by the manufacturer or as prescribed by the physician (misuse of controlled substances).
- C. The unauthorized possession or use of alcohol on company premises.
- D. Being significantly impaired by alcohol or illegal or un-prescribed controlled substances while on company business or while on company premises.

III. Right to Search

- A. The company reserves the right to search for controlled substances and alcohol on company premises, including the search of personal possessions of employees, where reasonable cause to believe or suspicion exists that drugs and/or alcohol are on company premises.
- B. “Reasonable cause to believe” will be based on medical and/or professional guidelines, physical, behavioral, observations, or performance indications of the possibility of controlled substances or alcohol use or abuse.
- C. Any evidence obtained by the company during an investigation of the use, possession, transfer, transportation, solicitation, promotion or sale of illegal or controlled substances may be turned over to the appropriate law enforcement agencies.

IV. Employee Drug and Alcohol Tests

- A. Employees will, at the option of the company, be screened (tested) when there is reasonable cause to believe or suspect the employee is using illegal or un-prescribed controlled substances, or is substantially impaired by alcohol, illegal or un-prescribed controlled substances, e.g. an unexplained change in job performance or aberrant behavior; or other physical, behavioral or performance indications of alcohol or controlled substance use on company premises or while on company business.

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- B. Any employee that sustains an on-the-job injury or who is involved in an on-the-job accident may be screened for controlled substances and alcohol on the day of the injury or accident at the company's discretion. Should the injury or accident be so severe that the screening cannot be done on the day of the injury or accident, then a screening will be done as soon as possible and before the employee can return to work.
On-the-job injury is any injury which warrants medical treatment at a medical facility. On-the-job accident means any accident resulting in significant (as determined by the company) injury to personnel and/or damage to material, equipment, vehicles or products.
- C. If it is suspected that an injury or accident is caused by the action of another employee(s), those employee(s) will also be screened.

V. Failure to Comply

- A. Failure to comply with any provisions of the drug and alcohol policy may result in discharge.
- B. Employees who are required to submit to a drug and alcohol screening will be asked to sign a consent form (Exhibit A). Failure to sign the consent form constitutes noncompliance with the policy. Employees initiating delay in submitting to screening also constitutes noncompliance with the policy.
- C. If the test of an employee is confirmed positive, the company may offer the employee the following alternatives:
 - 1. Participate in and successfully complete a certified treatment program approved by the company.
 - 2. Resign
 - 3. Discharge

Note: Offering the employee the opportunity to participate in a treatment program does not obligate the company to pay for the cost of the program.

Participation in a treatment program does not mean the past performance problems will be removed from an employee's records.
- D. As a condition of continuing or re-employment, any employee who is enrolled in a controlled substance treatment program will be required to grant the company the right to conduct follow-up tests with or without cause and without prior notice at any time during the subsequent twelve (12) month period. Should any of the follow-up test results be confirmed positive, the employee will not be eligible to participate in another company coordinated treatment program and will be given the following options:
 - 1. Resign
 - 2. Discharge

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VI. Voluntary Referral

Any employee of the company who has a drug and/or alcohol problem may:

- A. Request referral for treatment.
- B. Requests for referral should be made through the employee's supervisor or to the company's Human Resources Manager at the facility.
- C. Employees who voluntarily enter a treatment program must successfully complete the treatment program or be terminated.
- D. Any employee who successfully completes a treatment program may be discharged just like any other employee if, at any time he/she is diagnosed and confirmed positive on a screening or in any other way fails to comply with the company's drug and alcohol policy.

VII. Government Requirements

- A. In event the Department of Transportation, Department of Defense or other government substance and alcohol abuse programs are mandated at certain company operations which conflict with this drug and alcohol policy, the conflicting provisions of the government mandated policy shall be followed.
- B. In the event that a customer mandates that its drug and alcohol abuse policy be followed for work on its premises, such mandated policy will be followed with the prior review of the company for work done on that customer's premises.

VIII. Union Contract Requirements

At time of implementation of this policy, drug and alcohol testing of union bargaining unit employees in some company operations and customer sites have been agreed upon by the union. In the event of conflicts between this policy and drug and alcohol testing established for various bargaining units, the union contract policy shall be followed pending discussions of adopting this policy with the various unions. The intent of such discussions will be the adoption of this policy so that it will apply to all employees.

IX. Consent to Policy

Each new employee shall be required to give his/her consent as provided on the following page and to execute Exhibit A, Physical Examination Consent Form, prior to hire. The signed documents shall be made a part of the employee's personnel file.

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Consent

I have received and carefully and thoroughly read the company Drug and Alcohol Policy. Any questions I had have been answered and the policy is understood. I agree, without reservations, to comply with the policy.

Date

Employee's signature

Employee's name (printed)

Disposition: A copy of this policy will be distributed to each new company employee at time of his/her employment and will be posted initially on company bulletin boards and as necessary to remind employees regarding the policy.

Exhibit A

Physical Examination Consent Form

I agree to undergo a physical examination including drug and alcohol tests and give urine specimens as required by the company, and conducted by the company clinic, and authorize the release to the company of all medical history, physical examination, and specimen analysis information.

I further agree to waive any right to receive or review the results of these examinations, although I may be informed verbally of the results by the examining physician. I understand that if I do not cooperate fully with the clinic or in giving of a urine specimen, or if my specimen fails to pass drug screening, my employment application will be rejected.

I release the company, its employees and agents, and the medical clinic that performed the tests from any and all liability whatsoever arising out of this request for a urine specimen, the testing of the specimen and decisions made regarding my application for employment based on the results of the analysis.

Applicant's signature

Date

Witnessed by