

Partnership for Children of Cumberland County, Inc.
Human Resources Policies and Procedures

Employment Information – Rules of Conduct

Section 506 – Drug and Alcohol Free Workplace Policy

1. General Information

It is the Partnership for Children of Cumberland County, Inc's (PFC) desire to provide a drug and alcohol free, healthful, and safe workplace and to provide policies and procedures for handling the impact of drug and alcohol use on job performance.

2. Policies

- a. The Partnership for Children of Cumberland County, Inc. is committed to providing an alcohol and drug free workplace for all employees. The use, consumption, possession, storage, manufacture, distribution, dispensation or sale of illegal drugs or illegal paraphernalia on PFC premises or any PFC work area, in PFC vehicles, or while on PFC business is prohibited with the exception of authorized consumption of alcoholic beverages at an approved PFC related function (e.g. attendance during evening and weekend social events). HR Policy 106 - Business Ethics and Conduct remains applicable.
- b. This policy will apply to applicants, regular and temporary employees and provides for:
 - i. Assistance in treatment and rehabilitation for employees who notify an appropriate authority of an abuse problem prior to begin discovered;
 - ii. Drug and Alcohol abuse testing; pre-employment, post-accident, reasonable suspicion, random, return to duty and follow-up;
 - iii. Accountability for violations or enforcement failures through appropriate disciplinary actions;
 - iv. Training and guidelines for employees and supervisors.
- c. This policy will comply with all applicable federal and state laws governing anti-drug and alcohol programs and is designed to safeguard employee privacy rights to the fullest extent of the law. Employees are responsible for knowing this policy and are subject to a drug test as follows:
 - i. Pre-employment for all applicants (internal and external)
 - ii. Reasonable suspicion during employment
 - iii. Random testing
 - iv. Post-accident
- d. Employees are expected to report to work and perform their jobs in a sober condition free of any illegal drugs or alcohol or abuse of any legally prescribed or over-the counter drugs.
- e. Employees shall inform their supervisor if they are taking or intend to take any prescribed or over the counter drugs or other substance which might impair their ability to satisfactorily and safely perform their job. They do not need to give their supervisor specific medical information, but rather inform the supervisor of the possible impact on the job performance to allow supervisor to evaluate and determine the appropriate course of action.

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- f. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify PFC of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within 5 days of conviction.
- g. Employees with drug or alcohol abuse problems that have not resulted in and are not the immediate subject of disciplinary action, been notified to be tested or tested positive for substance use may request approval to take unpaid leave (consistent with the Family Medical Leave Act) to participate in an appropriate and approved education or treatment program through PFC's health insurance benefit coverage. The employee will be allowed to use accumulated sick, vacation, and/or personal leave during this time. PFC reserves the right to reassign employees in a treatment program to other positions for safety, security and other appropriate reasons.
 - i. Employees may wish to discuss the matter with their supervisor or the Human Resource Manager to request assistance. The request will be reviewed by the President and/or COO and handled on a case by case basis.
 - ii. The employee must provide PFC with documentation of participation in a rehabilitation or treatment program. The documentation will be submitted to the Human Resource Manager.
 - iii. Enrollment in a treatment program or attending counseling does not permit an employee to violate any PFC policy or protect an employee from disciplinary actions for violations of PFC policies.
- h. After completion of the treatment program, employees will be subject to random tests, at PFC's expense, up to three (3) times a year for a period of up to two (2) years as a condition of continued employment.
 - i. If an employee tests positive for drugs or alcohol following the completion of the primary phase of the treatment program, the employee will face disciplinary actions to include termination of employment.
 - ii. If the employee does not complete the drug or alcohol treatment program or do not comply with the terms of the treatment program, the employee will face disciplinary actions to include termination of employment.
 - iii. Disciplinary actions resulting from a confirmed positive test result, refusal to participate in a test, altering results, failure to notify of convictions pertaining to drug or alcohol, or failure to complete a required referral to an education or treatment program shall be handled in accordance with HR Policy 502 – Progressive Discipline or there may be a withdraw of an employment offer (pre-employment).

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- i. PFC shall pay the cost of all drug and alcohol tests required in this policy. An employee shall pay the cost of any additional drug test or re-tests not required by PFC.
- j. All drug and alcohol test results will be maintained in a secure and confidential manner in the Human Resource Manager's office and will not be released without written consent of the applicant or employee except in the result of action initiated by or on behalf of the applicant, employee or in compliance with a legal subpoena reviewed and approved by PFC's legal representation.
- k. Supervisors should consult with the department head, Human Resource Manager, COO or President about what actions to take when there is a suspicion of an employee's drug or alcohol use.
 - i. Supervisors are responsible for protecting the privacy, confidentiality and dignity of employees by minimizing the employees who learn of suspicious involving an employee's drug and/or alcohol abuse or actions taken against the employee.

3. Policy Prohibitions

- a. A confirmed positive test result, refusal to participate in a test, altering results, or failure to complete a required referral to an education or treatment program.
- b. The use, consumption, possession or storage, manufacture distribution, dispensation or sale of illegal drugs or illegal paraphernalia on PFC premises or any PFC work area, PFC vehicle or while on PFC official business.
- c. Reporting to work or working while under the influence of alcohol, illegal drugs, and non-prescribed drugs on PFC premises or any PFC work area, PFC vehicles or while on PFC official business.
- d. The use or possession of alcohol off PFC premises and while not on duty where such conduct could likely have a direct and material adverse impact on the PFC's interest, including public image.
- e. Use, possession or selling of illegal drugs at any time or at any place.
- f. Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place.
- g. Conviction of any criminal drug or alcohol statute at any time or place may be evaluated on a per-case-basis for relevancy to job.
- h. Failure to notify PFC of any arrest or conviction under any criminal drug or alcohol statute by the employee's next work period following the arrest or conviction.

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- i. Failure to notify the employee’s supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
- j. Refusal to submit to an alcohol or drug test within the designated time period requested by PFC, in accordance with this policy.
- k. Failure to adhere to the requirements of any drug or alcohol treatment programs in which the employee is enrolled as a condition of continued employment.
- l. Tampering with or obstructing of a drug or alcohol test being administered for PFC.

4. Testing

- a. Pre- Employment - All applicants (both internal and external) accepting an conditional offer of employment in any position may be required to submit to a test before being hired.
- b. Reasonable Suspicion – Employees may be required to submit to a test of reasonable suspicion if illegal drug or alcohol use/or abuse exists. “Reasonable suspicion” is a belief based on objective facts sufficient to lead a reasonable person to suspect an employee is impaired and incapable of satisfactorily and safely performing assigned duties and responsibilities.

If the employee has been asked to submit to a drug or alcohol testing due to reasonable suspicion and agreed to testing, PFC will make arraignments for the employee to be transported to an approved contracted testing facility.

Reasonable suspicion is a quantity of proof or evidence that is more than just intuition or strong feelings; it must be based on facts. Facts supporting a reasonable suspicion determination include, but not limited to, any one or more of the following:

- i. Direct observation of prohibited drug or alcohol use.
- ii. Slurred speech, irregular or unusual speech patterns, impaired judgment, marijuana or alcohol odor, uncoordinated walking or movements, unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility or aggressiveness, deterioration in work performance, excessive tardiness and/or absenteeism.
- iii. Three or more unexplained preventable accidents.
- iv. Information based on specific, objective facts that an employee has caused or contributed to an accident at work while under the influence of alcohol or drugs.
- v. A report of alcohol or drugs use by an employee while at work by a credible source.
- vi. Evidence an employee is involved in the unauthorized possession, sale, solicitation or transfer of alcohol or drugs while working or while on PFC’s premises or operating a PFC vehicle.

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- vii. Arrests, citation and deferred prosecutions associated with drugs or alcohol.
- viii. Evidence that employee has tampered with drug testing.
- c. Random Testing – Employees that are assigned to safety sensitive or security sensitive positions will be subject to random unannounced drug and/ or alcohol testing. The position listing will be developed/ designated by the President and/or COO and updated as the need exists. Employees in positions on the list for random testing will be notified in writing. Every employee in the pool has an equal chance of being chosen each time a random selection is made.
- d. Post-Accident – Following an accident as described below, the employee must immediately notify the supervisor and submit to a test as soon as possible but no later than the employee's next work period after the accident. The employee must remain available for drug and alcohol testing or it will be considered a refusal, unless the employee is seriously injured. PFC is responsible for assuring the safe transport of the employee to the approved testing facility.

Employees will be tested following an on-the-job accident requiring medical treatment beyond first aid, or other occurrence that involves one or more of the following events:

- i. A fatality, a serious injury to another individual, substantial damage to vehicles or other property.
- ii. Employee receives a citation under state and/ or local law for a moving violation arising from the accident.

5. Guidelines

- a. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, the Human Resource Manager or consult with an employment law attorney without fear of reprisal.
- b. Drug and Alcohol related discipline will be handled pursuant to Section 502.