



12.2 DRUG POLICY

EH.COC Version

PURPOSE

To establish a zero tolerance policy for the possession, sale, or use of alcohol, marijuana, illegal substances, or the misuse of prescription medication at any time while on duty. Additionally, employees can not be under the influence of any substance, legal or illegal, that may impair the employee's judgement and ability to do their job including keeping the people served safe. Employees must always be awake, alert and able to respond to emergencies to keep the people they serve and support safe.

SCOPE

This policy applies to all LADD employees.

POLICY

It is the policy of LADD to have zero tolerance for the possession, sale, or use of alcohol, marijuana, illegal substances, or the misuse of prescription medication at any time while on duty. Additionally, employees can not be under the influence of any substance, legal or illegal, that may impair the employee's judgement and ability to do their job including keeping the people served safe.

STANDARDS AND DEFINITIONS

Illegal drugs are defined as any drug or substances not obtainable by legal means.

Prescription drugs may also be defined as illegal drugs when they have been obtained or used in any manner other than medically prescribed which includes a substance for which the employee does not have a personal prescription.

Due to the nature of the job it is a violation of this policy for anyone to use prescriptions drugs illegally. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

The possession, sale, or use and ingestion of drugs or alcohol that affect job performance and/or Good Moral Character are prohibited at all times while on duty. All employees must continuously meet the Good Moral Character Job Essential/Requirements. Employees are required to keep the vulnerable people we support safe at all times and able to respond to emergencies. Employees must remain awake and alert while on shift. Any prescription that may put the employee in jeopardy or harm (i.e., drowsiness, change in behavior, etc.) should be disclosed to the Human Resource Department. Employees must be able to meet the job essentials with or without accommodations at all times while working with the people supported.

PROCEDURES

1. All LADD employees are required to participate in any screening or testing at any time. All employees are required to keep the people served safe and any unsafe conditions must be investigated. Drug/Alcohol screening or testing will be completed at any time that there is reasonable suspicion that an employee is under the influence of substances impairing their judgement which includes post accident/injury on the job.
2. Reasonable suspicion includes but not limited to smell, blood shot eyes, glassy eyes, slurring speech and other issues, tiredness, munchies, and failure to follow instruction. Staff is to follow the chain of command for reporting suspicion of a coworker being under the influence while on shift. After the chain of command is followed, Management will contact the Director of Human Resources for further direction. In the absence of the Director of Human Resources, Management would contact another Department Director. The Director of Human Resources (or Department Director if applicable) will review the information provided and will establish an expected arrival time to the company clinic for drug or alcohol testing. Management will communicate with the employee suspected of being under the influence that the employee must arrange a ride from the program and will be given instructions for the expected timeframe

for reporting to the company clinic for mandatory drug or alcohol testing. If the employee leaves the program and drives their own vehicle the police are to be contacted and informed of the circumstances of suspected drug or alcohol use.

3. **A refusal to submit to a drug or alcohol screen or test means that the employee has chosen to voluntary separate from employment.** Other behaviors will be considered a refusal such as: leaving the test site without completing the test, the inability to provide sufficient quantities of breath, saliva or urine to be tested without a valid medical explanation, tampering with or attempting to adulterate the specimen or collection procedure, not reporting to the collection site in the time allotted or leaving the scene of an accident without a valid reason before the tests have been conducted.

4. Drug or Alcohol Screening:

- a) Reasonable Suspicion Screening or Testing:

Management will counsel the employee on duty reviewing again the drug policy and the employee's requirement to follow the drug policy requirements to remain employed. The employee will have an opportunity via Issues to Be Reviewed to explain the incident. Management may coordinate transportation to the collection site as soon as possible or have on-site screening or testing if necessary. Management is also authorized to call for police intervention if the employee's behavior poses a threat. If the screen or test is negative, the employee will be notified to return to work with no loss in pay and no cost of payment of any additional screenings. If the test is positive showing the employee is 'under the influence' as defined by the State of Michigan law, it will result in separation from employment. People who seek rehabilitation and can provide some type of proof that they actively sought and successfully completed treatment are welcome to re-apply for employment.

- b) Post-Accident Screening or testing:

Whether or not the accident is the employee's fault, any employee involved in any kind of work related accident may be required to take a post-accident drug/alcohol test as soon as possible following the accident. Failure to notify management of the incident in a timely manner can result in disciplinary action up to and including separation from employment and possible loss of Worker's Compensation Benefits. In the event the employee is hospitalized, arrangements will be made for the drug/alcohol screening or testing to be done there.

5. LADD may conduct screenings and/or contract with an independent certified drug and alcohol testing agency in conjunction with their own testing. If an employee is subject to and has a positive drug or alcohol screen result, they may request to go to the certified drug and alcohol testing agency for additional screening/testing. The cost for the additional screening or testing is paid by the employee if a second screening is requested by the employee unless screening results are negative.
6. The drug/alcohol testing officer will make the final decision as to a positive or negative test result. Employees must understand that the certified drug/alcohol testing officer may perform a direct observation collection if deemed necessary. Any diluted or tampered/adulterated samples will not be accepted, and the employee will be immediately separated from employment. If the first test comes back positive, the certified officer will notify the employee and discuss any prescription medicines that the employee may be taking at the time of the collection. The employee may be required to provide proof for prescription medications. All medications must be verified by the certified officer. At this time, the employee has the right to request a lab confirmation on any positive test. The employee is responsible to do this in writing immediately; before leaving the premises.
7. The employee is responsible to pay all costs associated with the lab confirmation. If the lab confirmation screening or testing is negative, the employee will be re-instated for employment and LADD will pay for the cost of the lab fee.
8. The procedure for collection of the sample and the chain of custody will adhere to requirements and guidelines established for these purposes by applicable State and Federal Laws as well as the collection site and screening or testing laboratory personnel.
9. A positive test result for presence in the body while working on shift for alcohol or marijuana, illegal substances or the misuse of prescription medication as revealed by the drug or breath alcohol screen or test will result in immediate separation from employment.

10. If an employee tests positive and are exhibiting signs of impairment; i.e., glassy eyes, slurred speech, disoriented; then their ability to drive is impaired and they will be responsible for finding alternate transportation from the facility. If an employee attempts to operate a vehicle while under the influence, LADD will contact the police immediately and inform the employee they are doing so.
11. The results of all screening or testing will be strictly confidential and disclosure shall only occur where there is “need to know”. The actual result of drug/alcohol screens/tests become part of the Personnel file; and therefore is subject to review by monitoring agencies, state or federal government or other agencies as required by all regulatory rules/agencies.

Policy is located within the online LADD Directory in the Personnel & Employment tab.