



Alcohol and Controlled Substance Abuse Policy

(Revised 11-12)

Purpose:

The purpose of this policy is to define the Orlando Utilities Commission's position regarding employees whose job performance is adversely affected by alcohol and/or controlled substance abuse and who violate Commission rules regarding controlled substances and/or alcohol, or who engage in illegal controlled substance activity.

Philosophy:

Illegal controlled substance and alcohol use, whether on or off the job, may adversely affect an employee's job performance, attendance, and/or conduct. It also may jeopardize the safety of other employees, the public and the reliability of the Commission's operations and/or equipment.

OUC recognizes alcoholism and controlled substance addiction as treatable illnesses. As such, the Commission will assist those employees who recognize their problem with alcohol and/or controlled substances and who request assistance with their rehabilitation. However, request for assistance must be made before the employee is selected/asked to be tested.

However, where employees are required to take a controlled substance and/or alcohol test under the guidelines set forth below, and either refuse to take the test or test positive, corrective action up to and including termination of employment will be taken. Also, alcohol or controlled substance abuse does not relieve an affected employee of the responsibility of performing a satisfactory job. If performance is unsatisfactory, any employee will be subject to corrective action in accordance with the Performance Improvement Plan policy.

Policy:

All employees are absolutely prohibited from manufacturing, distributing, dispensing, possessing, using or being under the influence of illegal controlled substances on Commission property or any work site at any time or while on Commission business at any place at any time. Employees are further prohibited from being under the influence or impairment of alcohol at any work site and while on Commission business at any place. (Rev. 2-90) Violation of this policy shall subject the employee to corrective action up to and including immediate termination. Where an employee is arrested for



possessing, distributing, selling, attempting to sell or being under the influence of controlled substances, he or she may be suspended without pay pending resolution of the criminal charges and/or an investigation by the Commission.

Testing of Current Employees

Any employee may be required by his or her supervisor, or the supervisor's designee, to submit to a controlled substance and/or alcohol test under the following circumstances:

- *Where the Commission has "reasonable suspicion" to believe that the employee has engaged in prohibited conduct. A finding of reasonable suspicion shall be based on specific facts and inferences reasonably drawn from these facts in light of experience which would lead a prudent person to reasonably suspect that the employee was under the influence of controlled substances. The employee under these circumstances should be observed by two supervisors who have been trained to recognize the effects of illegal drug use and alcohol misuse whenever possible.*
- *When an employee is found in possession of suspected controlled substances or controlled substance paraphernalia, when suspected controlled substances or paraphernalia are found in an area controlled or used exclusively by the employee, or where an employee is reasonably suspected of possessing controlled substances or paraphernalia;*
- *In accordance with CDL regulations, following a serious accident or incident when safety precautions were violated or unusually careless acts were performed and there is "reasonable suspicion" to believe these actions were the result of using controlled substances, or there is no other reasonable explanation for the conduct of the employee involved.*
- *Employees who are within the probationary period, or extended probationary period, are subject to random alcohol/ controlled substance testing at any time during the probationary period.*

Employees who are directed to submit to a controlled substance and/or alcohol test and refuse or fail to do so as directed will be subject to immediate termination. If test results reveal the presence of controlled substances and/or alcohol in the employee's system, the employee will be subject to corrective action up to and including termination.

Employees who have been found to have engaged in adulteration or substitution of any testing sample taken shall likewise be subject to immediate corrective action up to and including termination. Employees, who are convicted of any work related or non-work



related controlled substance crimes, including pleas of guilty or nolo contendere, will be subject to appropriate corrective action up to and including termination.

Any employee charged with violating a criminal controlled substance statute must immediately inform the Commission of such charge. Failure to do so will subject the employee to corrective action up to and including termination.

Voluntary Rehabilitation

Employees who voluntarily inform the Commission that they have been using or misusing controlled substances and/or alcohol and desire to attend a rehabilitation program will be permitted to take time off from work to attend such a program under the following guidelines:

- *The employee will be eligible to take time off from work, using unused sick time or vacation at regular pay as determined by the Employee Assistance Plan Administrator and in keeping with the Family Medical Leave Act (FMLA). If accumulated sick time has been exhausted the employee may apply for disability pursuant to OUC's disability policy.*
- *Employees entering an OUC approved rehabilitation or treatment center in connection with the Employee Assistance Plan must complete the treatment program according to the EAP requirements and receive clearance through the OUC Medical Director in order to return to work. Participants failing to satisfactorily complete the program according to the EAP requirements will not be allowed to return to work and are therefore subject to termination. Exceptions due to extraordinary circumstances are subject to the approval of the General Manager and Chief Executive Officer.*
- *Following completion of the treatment program, if the employee's job performance, attendance, or conduct is again adversely affected by alcohol or controlled substance abuse and the employee voluntarily re-enters EAP, he or she will be given time off from work without pay to enter a rehabilitation center for treatment a second time for a time period not to exceed the remaining amount of time available to the employee as family medical leave in accordance with the FMLA.*
- *If an employee's job performance, attendance, or conduct continues to be unsatisfactory after rehabilitation, the employee will be subject to corrective action in accordance with the Performance Improvement Plan policy or the Progressive Discipline Policy.*



- *Employees required to seek assistance through either inpatient or outpatient treatment may do so only contingent upon continued acceptable performance. Employees who do not complete the program required by the EAP Administrator will be subject to corrective action, up to and including termination.*

Applicants

All applicants for employment may be tested, at the Commission's discretion, for the presence of illegal controlled substances. An applicant who refuses or fails to take such a test as directed by the Commission will be disqualified from employment consideration. An applicant who tests positive for the presence of controlled substances and/or alcohol will be disqualified from employment consideration.

Miscellaneous Provisions

Any employee who in good faith, based on reasonable suspicion, reports an alleged violation of this policy, or any supervisory or managerial employee who investigates or takes action in good faith, based on reasonable suspicion, shall not be harassed, retaliated against, or discriminated against in any way for making reports or participating in any investigation or action based thereon.

Employees must notify their supervisor and or Human Resources when under medically prescribed treatment with a controlled substance that may limit their ability to perform their job. Verification of required medication in this circumstance will be submitted by providing a prescription copy or physician's statement showing medication required and dates of use and all restrictions. In consultation with OUC's Occupational Medical Physician, OUC will determine if the employee may return to work and what if any accommodation may be available.

Related policies:

- Physical Examination
- Alcohol and Controlled Substance Testing Policy (for Safety-Sensitive Positions)
- Employee Benefits
 - Employee Assistance Program
 - Medical and Dental Benefits