



Drug and Alcohol Free Workplace and Testing Policy

Effective Date: 6/1/2018

1 DRUG AND ALCOHOL FREE WORKPLACE POLICY

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 may also jeopardize the safety of other employees, the public and the reliability of OUC's operations and/or equipment. OUC believes in a healthy, safe, and productive work environment free from the effects of drugs and alcohol and it is our policy to create and maintain a drug and alcohol free workplace.

It is our policy that employees, contractors and others on OUC sites and in OUC facilities shall not be involved with the unlawful use, manufacture, possession, sale, distribution, or transfer of drugs in any manner which may impair their ability to perform assigned duties or otherwise adversely impact our business. It is our policy that employees shall not possess or consume alcoholic beverages in the work place, or during work time or rest and meal periods or breaks. Violation of this policy shall subject the employee to corrective action in accordance with OUC's Disciplinary Policy; up to and including termination; and will result in removal of contractors and others from OUC facilities and sites.

Training will be required and provided on an annual basis to assist management in recognizing potential symptoms of alcohol/drug abuse that may lead to, or be causing a performance problem.

2 TESTING

Job applicants who are deemed safety sensitive, who have been extended an offer of employment, as well as OUC employees, are susceptible for drug and alcohol testing under the terms of this Policy. All alcohol, and substance abuse investigation or testing will be performed with concern for each employee, employee's personal privacy, dignity, and confidentiality.

We reserve the right to search any person entering any of our facilities, entering or working at any work location and to search any property or equipment brought onto such facilities or sites for illegal drugs, drug paraphernalia, unauthorized controlled substances or alcohol.

OUC recognizes alcoholism and controlled substance addiction as treatable illnesses. As such, OUC will assist those employees who recognize their problem with alcohol and/or controlled substances and who request assistance with their rehabilitation through the Employee Assistance Program (EAP). However, request for assistance must be made before the employee is selected to be tested and will not prevent normal disciplinary action for violation(s) which may have already occurred nor will it relieve an employee of the responsibility to perform assigned duties in a safe and efficient manner.

Where applicants and/or employees are required to take a drug and/or alcohol test under the testing guidelines, and either refuse to take the test within the time provided or tests positive, such employee or applicant will be deemed ineligible for hire or subject to immediate corrective action (as applicable), up to and including termination of employment.

Any adulteration or substitution of testing sample will be considered a refusal to test. There will be no rehabilitation if the result is adulterated and the individual will be deemed ineligible for hire or subject to immediate corrective action, up to an including termination of employment. Adulteration of a test is a sample that has been tampered with and clearly obstructs the testing process.

3 TESTING REQUIREMENTS

3.1 PRE-EMPLOYMENT/REEMPLOYMENT

After a written conditional offer of employment has been presented to an applicant, applicants will be required to be tested for the presence of non-prescribed controlled substances. Pre-employment tests will be administered as part of the post-offer medical examination at a facility authorized by OUC. An applicant who refuses to take the test, tests positive, or has been found to have engaged in adulteration or substitution of any testing sample will be disqualified from employment consideration, the employment offer rescinded or if applicant received approval to begin employment, the applicant will be terminated immediately.

3.2 POST INCIDENT

Testing of Safety-Sensitive (defined under "Miscellaneous Provisions) and CMV operators or other positions where the employee was operating a vehicle in the course of OUC business and involved in an accident where the employee was (involved) In accordance with DOT regulations, testing will be required following a serious accident or incident when safety precautions were suspected to be or were confirmed to be violated, unusually careless acts were performed, and/or 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.

The test need not be confined to those incidents where there is suspicion that alcohol or a controlled substance was involved in the violation if a fatality, or bodily injury to a person is involved, or when one or more vehicles incur damage that requires the vehicle to be moved away from the scene. In such cases, the employee shall be tested for both alcohol and controlled substances. Safety sensitive employees and CMV operators, post-accident, must remain available for testing and if not available will be deemed to have refused to submit to testing.

If the employee has not been tested for alcohol within two (2) hours, the employee's supervisor shall prepare a record of it and forward it to Human Resources stating the reason the test was not promptly administered. In the event the supervisor is unable to do this, Human Resources should be notified and prepare a record and retain the file.

If the employee is not tested for alcohol within eight (8) hours following the accident, OUC will cease trying to conduct the test and a report stating the reason the test was not performed must be prepared.

If the employee has not been tested for controlled substances within thirty-two (32) hours following the accident, OUC will cease trying to conduct the test and a report stating the reason the test not was performed must be prepared.

Appropriate medical attention will not be delayed in order to meet the above requirement, nor is a person in a safety-sensitive position or a CMV Operator prohibited from leaving the accident area temporarily to obtain assistance or emergency medical care.

3.3 REASONABLE SUSPICION

Testing may be performed on any employee when there is 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 the facts in light of the observer's experience and training, which would lead a prudent person of similar experience and training to reasonably suspect that the employee was under the influence of a controlled substance or alcohol. The employee under these circumstances should be observed by a supervisor who has been trained to recognize the effects of illegal drug use and alcohol misuse whenever possible.

3.4 RANDOM TESTING

Employees in Safety Sensitive positions or CMV operators, whether in a probationary period or not, are subject to random controlled substance and alcohol testing at any time.

Dates and times for random testing will not be announced prior to individual notification. When notified, specific employees will proceed immediately to a designated collection site, at a facility authorized by OUC and will be conducted at any time during the employee's on-duty time. Employees who are directed to submit to an alcohol or controlled substance test and refuse or fail to do so, when and as directed, will be subject to immediate termination.

3.5 RETURN TO DUTY TESTING

Should any employee voluntarily seek assistance through the Employee Assistance Program (EAP) prior to a violation of the OUC Drug and Alcohol Free Workplace policy and the employee satisfactorily completes the prescribed EAP Program and returns to work, the employee shall submit to a return-to-duty alcohol and controlled substance test before resuming or performing his or her duties. The EAP Program may not, however, be used by employee(s) to avoid disciplinary action in accordance with the Progressive Discipline Policy. Further, prior to any CMV Operator and/or safety-sensitive employee returning to duty requiring performance of a CMV operation and/or safety-sensitive function after engaging in prohibited conduct concerning alcohol and/or controlled substance(s), the employee shall undergo a return-to-work test for alcohol and controlled substances.

The test results must indicate a breath alcohol concentration of less than 0.02 and a negative result of controlled substances. If test results are 0.02 or higher for alcohol concentration, a confirmation test must be conducted, in the event the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action will be based. A positive alcohol test showing a concentration of .08 or more, or a positive confirmation for prohibited controlled substances, will result in termination.

After returning to work under the above conditions, employee(s) shall be subject to unannounced follow-up testing. A minimum of six (6) tests will be conducted over a twelve (12) month period following return to work.

4 TESTING METHODOLOGY

No drug or alcohol test will be conducted without an applicant's or employee's written consent at the time of testing. The applicant/employee shall be required to sign a consent form. Refusal to give consent or a refusal to test may be cause for immediate termination or ineligibility for hire.

4.1 ALCOHOL TESTING

Breath alcohol tests will be conducted by certified technicians utilizing designated specific evidential breath testing devices. The administering technician who conducts the test will explain the testing procedures to the employee and ask the employee to sign a written consent and a certification.

Employees who do not provide enough breath to be tested are considered to have failed the test. The employee will be referred to an OUC approved medical provider to determine whether a medical condition exists which prevents the ability to provide enough breath for the breath alcohol test. If no such medical condition exists the individual will be considered to have refused to test.

If tests results are negative or less than 0.02 (DOT Standard), the technician will certify the results, the employee will sign the certification accordingly and OUC will be notified in a confidential manner. If the tests results are 0.02 or greater, a confirmation test must be conducted. If the test results are not identical the confirmation tests result is deemed to be the final result upon which any action will be based. The technician will certify the results, the employee will sign the certification accordingly and OUC will be notified in a confidential manner.

Employees who test positive (0.02 or greater) for alcohol or otherwise violate the alcohol standards must be relieved immediately from safety-sensitive related duties and cannot resume those duties and shall not report to work or remain at work for as long as the employee's blood alcohol level is 0.02 or greater. In addition, employees with an alcohol concentration of 0.04 or greater shall be evaluated by a professional within the Employee Assistance Program prior to participating in a return-to-work test for alcohol. Employees with an alcohol concentration of 0.02 to less than 0.08 will be subject to disciplinary action in accordance with the Progressive Disciplinary Policy. Employees with an alcohol concentration of 0.08 or greater are deemed legally intoxicated and will be terminated for violation of OUC's Drug and Alcohol Free Workplace policy.

4.2 CONTROLLED SUBSTANCE TESTING

Controlled substance tests will be conducted according to the currently approved procedures, which consist of a urine screening test and a confirmation test if the urine screening is positive.

Individuals who are unable to provide an adequate specimen will be allowed to drink up to eight (8) ounces of fluid every thirty (30) minutes during the initial testing period, or a minimum of forty (40) ounces of fluids within a three (3) hour period. After three (3) hours, if the individual cannot provide a specimen, the individual will be referred for medical evaluation to determine whether the inability to provide a sample is genuine or constitutes refusal to test.

If there is no medical reason for the individual not to provide a specimen, the process will be aborted, and the individual's test will be treated as refusal to test and the individual will be disqualified from employment consideration or subject to immediate termination for violation of OUC's Drug and Alcohol Free Workplace policy.

Positive lab results of controlled substance tests will be reviewed and verified by an OUC designated Medical Review Officer (MRO) and communicated directly to the individual for

discussion prior to notifying OUC. The MRO will also communicate negative results to OUC who will in turn notify the individual being tested.

Individuals who receive notice of a confirmed positive test of the first sample have seventy-two (72) hours (five working days for safety-sensitive positions) in which to request, through the MRO, a re-test of the split specimen (second bottle) by another certified laboratory. The individual requesting the re-test is responsible for payment to the MRO, via certified check; if requested by the employee within the allotted time frame to have the test performed; OUC will arrange to deduct the cost of the test from their payroll check. Pending split sample testing results, an employee will be placed on unpaid suspension. If the additional analysis of the split specimen fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, the MRO shall notify OUC and the individual being tested. OUC will pay the cost incurred as a result of this negative test.

If no request for a split sample test is received, the results of the first confirmation test will apply and/or if the final test is reconfirmed positive, the job applicant will be disqualified from employment consideration or, (as applicable) the employee will be subject to termination for violation of OUC's Drug and Alcohol Free Workplace policy.

5 MISCELLANEOUS PROVISIONS

5.1 SAFETY SENSITIVE

"Safety Sensitive" means all employees who 1) are in a job or position where that employee has the responsibility for his/her own safety or other people's safety and in which use of a controlled substance(s) or alcohol misuse constitutes an immediate or direct threat to public health or safety or in which a momentary lapse in attention could result in injury or death to themselves or another person and/or 2) operate a commercial motor vehicle (CMV) e.g., vehicles weighing 26,001 pounds or more, vehicles carrying hazardous materials, or vehicles designed to transport- 16 or more passengers (including the driver); including, but not be limited to regularly employed drivers, casual intermittent drivers, leased drivers, and independent owner-operated contractors who are either directly employed by or are under lease to OUC and who are required to possess a CDL or who operate a CMV at the direction or with the consent of OUC, as a job requirement; 3) operate, maintain, or service heavy equipment, and/or 4) work at safety sensitive activities, in hazardous conditions, or with machinery that may pose potential hazards to others (such as excavating, performing work involving high voltage or rotating equipment, working around hazardous waste or chemicals).

5.2 SEARCH

OUC reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas, vehicles, and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such searches are subject to appropriate discipline up to and including immediate termination.

5.3 MEDICALLY PRESCRIBED CONTROLLED SUBSTANCE(S)

Employees in Safety Sensitive positions must notify his/her Director or Manager or Human Resources immediately, 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 to the MRO. A physician's statement showing medication required and dates of use and all restrictions to the OUC MRO will be required as verification. 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.

5.4 VOLUNTARY REHABILITATION

Employees who voluntarily inform OUC 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 time at regular rate of pay as determined by the EAP 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 EAP treatment program must complete the program according to the EAP requirements and receive clearance through the OUC approved Occupational Medical Physician 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 subject to termination.
- Following completion of the EAP treatment program, if the employee's job performance, attendance, or conduct is adversely affected by alcohol or controlled substance abuse and the employee voluntarily re-enters the EAP program, he or she will be given time off from work without pay to enter a rehabilitation center for treatment a second time for a period not to exceed the remaining amount of time available left to the employee, as family medical leave, in accordance with the FMLA.
- If the 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 seeking 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.

6 SUPPORTING INFORMATION

6.1 RELATED PROCEDURES

N/A

6.2 RELATED TEMPLATES, FORMS, & GUIDANCE

[N/A](#)