# *<ABC COMPANY>* Substance Abuse Policy (Sample)

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Substance abuse on the job impairs the ability of employees to work safely and think and act rationally. This behavior inflicts additional responsibility of coworkers and poses a risk to the employee, their colleagues, customers, and property. It is the policy of *<ABC COMPANY>* to prohibit the use, storage, distribution, or sale of illegal or legal drugs or alcohol while on the job or on the premises of *<ABC COMPANY>.*

## **Scope**

The substance abuse policy:

* Prohibits the use, manufacture, distribution, storage, and/or sale of illegal drugs, legal drugs, prescription medications, and/or alcohol on company premises if their use impairs, or has the potential to impair, the employee’s or other’s ability to perform work safely and effectively;
* Prohibits employees from utilizing company equipment, tools, or vehicles while impaired and/or under the influence of drugs or alcohol;
* Applies to all employees, temporary/seasonal workers, contractors, interns, and volunteers of *<ABC COMPANY>* regardless of status or length of employment;
* Requires employees report behaviors they witness that may reasonably suggest a coworker may be working while impaired;
* Includes disciplinary action will be taken against any employee in violation of the policy that may include suspension or termination of employment, even for a first offense.

## **Required Testing**

*<ABC COMPANY>* reserves the right torequire substance testing for:

### **Pre-employment**

Applicants considered for a position at *<ABC COMPANY>* will be required to pass drug screening before their first day on the job. Failure to pass the test or declining to submit to testing will result in disqualification for work at *<ABC COMPANY>.*

### **Random Testing**

If allowed by law, employees may be subject to random drug testing. Employees will be selected at any time and without warning for tests. In accordance with applicable law, employees will be chosen from a lottery-type testing pool to ensure selection is randomized. *<ABC COMPANY>* uses a computerized random drug test generator to make selections. Employees who fail random drug tests or refuse to submit to testing may be subject to disciplinary action, up to and including termination, even for a first offense.

### **For Cause/Reasonable Suspicion**

Any employee of *<ABC COMPANY>* will be required to undergo drug testing and/or formal investigation if their behavior, speech, action, or appearance demonstrates a reasonable suspicion or direct cause to believe the employee is working while impaired. The test will be administered immediately or as soon as reasonably possible after the violation is discovered. Employees who fail drug tests or refuse to submit to testing may be subject to disciplinary action, up to and including termination, even for a first offense.

### **Post Accident/Incident**

Employees of *<ABC COMPANY>* will be required to undergo drug testing and/or formal investigation following an accident or incident on the job that results in, or had the potential to result in, physical injury to the employee, others, or property. This may include “near-miss” occurrences; negligent or dangerous use of equipment or tools; driving company vehicles or equipment while impaired; or other accidents or incidents that may have or posed a threat to others or property. Testing will be administered as soon as reasonably possible after the accident/incident has occurred. Employees who fail incident drug tests or refuse to submit to testing may be subject to disciplinary action, up to and including termination, even for a first offense.

### **Employee Responsibility**

All employees of *<ABC COMPANY>* are partners in safety in the workplace. Staff members who witness coworkers impaired on the premises are required to report reasonable suspicions immediately to their manager, supervisor, and/or the Human Resources Department. Employees may request anonymity when reporting a suspected violation of the policy. *<ABC COMPANY>* will maintain the confidentiality of the report whenever possible.

Employees are not required to intervene on behalf of *<ABC COMPANY>* unless the impaired coworker poses significant threat of imminent harm to themselves, others, or properly. Even with the threat of imminent harm, employees should only intervene if doing so poses no risk to themselves or others. Employees should immediately contact management team members to remove the suspected employee from the worksite, and take them to an area where they can safely be assessed and sent for testing, if applicable.

### **Reasonable Suspicion**

Employees and supervisory staff should act immediately if they reasonably suspect a coworker is impaired at work. Reasonable suspicion may include, but is not limited to:

* Odor of cannabis or alcohol
* Altered physical appearance including dilated pupils, watery eyes, drooping eyelids
* Abnormal behavior including staggering, falling, struggling with motor skills, drowsiness, sleeping/unconsciousness, volatile or unusual behavior or actions
* Speech that is slurred or the inability to verbalize or articulate

## **Disciplinary Action**

*<ABC COMPANY>* reserves the right to discipline any employee in violation of any section of this substance abuse policy up to and including termination of employment, even for a first offense. Disciplinary action will be determined on a case-by-case basis, but *<ABC COMPANY>* will not tolerate workplace impairment that poses a risk to employees, coworker, customers, or property.

Employees who refuse to submit to substance testing requested for any reason by *<ABC COMPANY>* may be subject to disciplinary action, including termination of employment, even for a first offense.

## **Last chance agreements (optional)**

*<ABC COMPANY*> may, at its discretion, reserve the right to reinstate an employee who tests positive for drugs and/or alcohol. Reinstated employees will be on a probationary employment period and are required to undergo routine drug and/or alcohol testing for a length of time determined by *<ABC COMPANY>*. Employees who test positive for drugs/alcohol during the probationary period or refuse to submit to drug/alcohol testing will be terminated with no opportunity for reinstatement or reemployment in the future.