

## Policy 8.11

<b>POLICY TITLE:</b>	<b>DRUG AND ALCOHOL FREE WORKPLACE</b>	<b>POLICY # 8.11</b>	
<b>Topic Area:</b>	<b>HUMAN RESOURCES</b>	Page 1 of 5	<b>REVIEW DATES</b>
<b>Applies to:</b>	LRE STAFF	<b>ISSUED BY:</b> Chief Executive Officer	3/20/14      5/1/15 1/23/17      2/5/18
<b>Developed and Maintained by:</b>	LRE CEO, LRE HR Coordinator	<b>APPROVED BY:</b> Board of Directors	
<b>Supersedes:</b>	N/A	<b>Effective Date:</b> April 1, 2014	<b>Revised Date:</b> 2/20/18

### I. POLICY

Lakeshore Regional Entity (LRE) prohibits the possession of illegal drugs and/or being impaired, as identified through any detectable amounts of use, caused by illegal drugs, prescription medications, or alcohol during working hours including lunches and breaks or while on Employer properties (including parking lots and Employer vehicles).

In instances where an employee fails to comply with the rules and standards of this policy, an attempt may be made to correct the employee's conduct through the use of progressive discipline, but commission of an offense or any other improper employee action may result in disciplinary action up to and including discharge, depending on the seriousness of the offense in the judgment of the LRE.

### II. PURPOSE

To establish policy and procedures to provide employees with a workplace that is free of drugs and alcohol. The LRE has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency and success at the LRE. As a result, the Lakeshore Regional Entity has prohibitions against on-the-job use of alcohol, being under the influence of alcohol on-the-job, having possession of open alcohol while on-the-job, on-the-job intoxication, use, possession, or being under the influence of illegal drugs, or having any detectable amount of drugs or alcohol during working hours.

### III. APPLICABILITY AND RESPONSIBILITY

- A. This policy applies to all LRE employees.
- B. Lakeshore Regional Entity is responsible for complying with all Federal, State, and local laws/regulations where applicable.

#### IV. MONITORING AND REVIEW

The LRE shall review at least annually, and as necessary, to maintain an adequate and acceptable standard of compliance and oversight as a Prepaid Inpatient Health Plan.

#### V. DEFINITIONS

- A. **Influence:** Changes in character, performance, or behavior due to a foreign substance.
- B. **Unreasonable Impairment:** Being diminished, weakened or inadequate in the performance of one's job responsibilities as to increase the risk of safety or mistakes on the job.
- C. **Legal drug:** any prescribed or over-the-counter medication which has been legally obtained and is being used for its intended purpose and in accordance with the prescription, if any.
- D. **Illegal substance:** any illegal or controlled drug or other substance which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescription drugs which have not been properly prescribed by a licensed physician or are not being used for the prescribed purposes or in a prescribed manner. It also includes medical marijuana.

The use of any Federal Controlled Substances Act Schedule I drug, whether for non-medical or ostensible medical purpose, violates Federal law and the Federal Drug-Free Workplace Program. It is also inconsistent with workplace safety.

Regardless of any State law or statute, marijuana remains a Schedule I drug. Under the Department of Transportation regulations and the LRE drug testing program, Medical Review Officers shall not accept a prescription or the verbal or written recommendation of a physician for marijuana as a legitimate medical explanation for the presence of marijuana. Any employee receiving a verified positive for marijuana shall be disciplined according to the provisions in this policy.

#### VI. PROCEDURES

##### A. Required Tests

1. **Pre-Employment:** No potential employee may be hired unless they have satisfactorily passed a pre-employment drug test. A potential employee will be ineligible for employment for a period of six months upon submitting a confirmed positive drug test. After six months, the potential employee may reapply for an open position by following the appropriate application and pre-employment policies.
2. **Return to Work:** Any employee who is "work" inactive (such as taking a leave

of absence) for a period of more than 180 days will be required to submit a drug test before being reinstated.

3. **Reasonable Cause Testing:** Reasonable cause includes, but is not limited to, abnormal physical impairments, behavior or other related symptoms of substance abuse, including slurred speech, lack of coordination, inability to stand, abrupt mood swings, smell of alcohol or marijuana, accidents, physical indications like needle marks, nose bleeds and frequent illnesses not medically explained, and/or possession of drug paraphernalia. If there is suspicion that an employee is impaired, it should be immediately reported to a supervisor.

Employees will be asked to submit to a drug and/or alcohol test if reasonable cause exists to suggest that the employee's health or ability to perform expected job duties is impaired. If a supervisor suspects an employee is under the influence of drugs or alcohol when reporting to work or during work hours, they can order the individual to undergo a reasonable suspicion alcohol breath test or a reasonable suspicion drug urine test at an LRE approved medical facility.

Upon *reasonable cause* to believe that an employee is using alcohol or illegal drugs in the workplace, is abusing controlled substances in the workplace, or is performing official duties while under the influence of alcohol, illegal drugs, or controlled substance abuse the following actions are to be taken:

- a. The supervisor must immediately notify their Chief and the Human Resources Coordinator. If possible, the supervisor should have another supervisor also observe and evaluate the employee's behavior.
- b. The employee in question will be escorted to a location away from other employees, consumers, or the public so that the employee in question can be interviewed privately and confidentially.
- c. In the presence of the supervisor's Chief or another supervisor, if possible, the employee will be asked to explain the situation and condition surrounding the incident and/or behavior. The explanation will be documented. If the explanation is not considered by the supervisor(s) to be a reasonable one, the supervisor may require the employee to take a drug test as stipulated by this policy.
- d. The employee will be informed of the implications of the testing, the possible outcome for their employment, and the consequences if the employee refuses to submit to the testing.

- e. The supervisor, with the assistance of the Human Resources Coordinator, will arrange for the employee to be escorted to the designated medical facility for testing.
  - f. Prior to testing, the employee must sign a consent form agreeing to the testing and authorizing the release of test results based on the need to know. Employees who refuse to sign the consent form or refuse testing will not be tested and will be discharged from employment.
  - g. Employees who are tested due to reasonable cause to suspect alcohol or drug use/abuse will be placed on administrative leave without pay until the employee's test results are received by the LRE.
  - h. If the test results are negative, the employee on leave without pay will be compensated for the time off on leave. If the test results are positive, the employee may be discharged or referred to an approved treatment program, as a condition of consideration for continuing employment.
4. **Post Accident:** Employees who are involved in a work related accident that involves either property damage or requires medical treatment may be required to be tested for drugs and alcohol. This test must be conducted within eight hours following the accident.

Employees may be subject to testing and/or a mandatory Employee Assistance Program (EAP) referral as part of any recommended follow up, last chance agreement or fitness for duty evaluation as determined by Lakeshore Regional Entity.

**B. RESPONSIBILITIES:**

- 1. **Employee:**
  - 1. Employees must submit to required testing and searches as applicable. Employees will comply with treatment plans. Any employee who is convicted of a criminal drug violation in the workplace must notify Lakeshore Regional Entity in writing within five calendar days of the conviction.
  - 2. Each employee must report to work free of alcohol and illegal drugs. Failure to do so is cause for disciplinary action, up to and including termination.
  - 3. Use or possession of an alcoholic beverage in an open container, illegal drug/narcotic not prescribed for the use of possessor, or controlled substance (including medical marijuana) on Employer property, in an Employer vehicle, or while performing Employer

business is strictly prohibited and will result in immediate termination.

4. Reporting for work while using medication that impairs the employee's ability to safely and accurately complete employment responsibilities is prohibited and may result in disciplinary action, drug testing, an EAP referral, or even termination, based on the most appropriate response for the offense, severity, and nature of the incident.
  5. Employees using legal drugs are responsible for being aware of any adverse effects such drugs may have on their ability to safely and efficiently perform their duties and reporting it to his/her supervisor. An employee will disclose their job description to the prescribing physician to determine whether there is a conflict with the drugs prescribed.
  6. Sale, transfer or purchase of any illegal drug/narcotic or controlled substance on Employer property or while performing Employer business is strictly prohibited and will result in immediate termination. This includes any employee possessing or selling marijuana with a Michigan Medical Marihuana Program (MMMP) ID card.
2. Chief Operating Officer: The COO acts upon employee and applicant criminal drug conviction notifications within 30 days of the notification, and arranges for the applicant and/or employee testing as appropriate. Also institutes appropriate personnel action which may result in disciplinary action up to and including discharge, in consultation with the Human Resources Coordinator, as required.

## **VII. RELATED POLICIES AND PROCEDURES**

- 8.1 Code of Conduct
- 8.4 Driving Responsibilities
- 8.5 Hiring Background Checks
- 8.16 Employee Assistance Program