

GRACE COLLEGE AND SEMINARY
Drug and Alcohol Abuse Employee Policy

Policy: The use, sale, purchase, transfer, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol, therefore, poses unacceptable risks for safe, healthy and efficient operations. As a condition of employment, all employees are required to abide by the terms of this policy and to notify Grace’s management of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

In addition, the College recognizes that tobacco is a harmful substance, even if lawful, and has a policy of discouraging the use of tobacco.

Grace further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

1. Purpose

Grace has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the organization’s property, information, equipment, operations and reputation.

This policy outlines the goals and objectives of Grace’s drug and alcohol testing program and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program.

2. Scope

This policy applies to all departments, all employees, and all job applicants. The term “employee” includes contracted employees.

3. Health and Other Risks

Grace College & Seminary has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job also poses serious safety and health risks to the user and to all those who work with the user.

The abuse of alcohol and use of illicit drugs are known to be detrimental to physical and psychological well-being. Almost every system in the body can be negatively affected by excessive or chronic alcohol consumption or drug use. Their use is associated with a wide variety of health risks such as severe weight loss, anemia, physical and mental dependence, impaired learning, depression, high-risk sexual behavior, changes in the reproductive system,

damage to the lungs, cardiovascular disease, cancer, liver disease, seizures, brain damage, acute and chronic illness, and even death. Because many who abuse alcohol and drugs also smoke, the health risks are further compounded.

In addition, the abuse of alcohol and drug use are associated with risks to the community and may include such things as impaired and unsafe work performance, violence, injuries, accidents, drunk driving, and acquaintance rape.

4. Definitions

4.1 **Alcohol** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine, and distilled spirits.

4.2 **Company premises or company facilities** means all property of Grace including, but not limited to, the offices, facilities and surrounding areas on Grace-owned or –leased property, parking lots, and storage areas. The term also includes Grace-owned or –leased vehicles and equipment wherever located.

4.3 **Drug Paraphernalia** means any equipment, product, or material of any kind that is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body.

4.4 **Drug testing** means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug or alcohol.

4.5 **Illegal drug** means:

- a. any drug that is not legally obtainable
- b. any drug that is legally obtainable but has not been legally obtained
- c. any prescribed drug not legally obtained
- d. any prescribed drug not being used for the prescribed purpose
- e. any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer
- f. any drug being used for a purpose not in accordance with bona fide medical therapy

Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

4.6 Legal drugs means any prescribed or over-the-counter drug that has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

4.7 Reasonable belief means a belief based on objective facts sufficient to lead a reasonable person to reach a particular conclusion, in this case to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may be manifested by such things as decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior or other facts. Accidents, deviations from safe working practices, and erratic conduct indicative of impairment are examples of "reasonable belief" situations.

4.8 Under the influence means a condition in which a person is affected by a drug or by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, such as urinalysis or blood analysis, and in some cases by the opinion of a layperson.

5. Education

5.1 Supervisors and other management personnel are to be trained in:

- a. Detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
- b. Intervening in situations that may involve violations of this policy;
- c. Recognizing the above activities as a direct job responsibility;

5.2 Employees are to be informed of the:

- a. Health and safety dangers associated with drug and alcohol use;
- b. Provisions of this policy.

6. Prohibited Activities

6.1 Legal Drug

- a. An employee whose medical therapy requires the use of a legal drug that may

have an effect on the employee's work performance must report such use to his or her supervisor prior to the performance of Grace business. The supervisor who is so informed will contact human resources for guidance. While employees need not inform management of all medications taken, it is better to err on the side of disclosure if the medication may have an effect on work performance.

- b. Grace at all times reserves the right to judge the effect that a legal drug may have on job performance and to restrict the using employee's work activity or presence at the workplace accordingly.

6.2 Illegal Drugs and Alcohol. The use, sale, purchase, transfer, or possession of an illegal drug or of alcohol by any employee while on Grace premises or while performing Grace business is prohibited.

7. Discipline and Legal Sanctions

7.1 Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on Grace premises or while on Grace business will be subject to disciplinary action, up to and including discharge.

7.2 Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline up to and including discharge.

7.3 Any employee who is found to be in possession of drug paraphernalia in violation of this policy will be subject to discipline up to and including discharge.

7.4 Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or of alcohol will be subject to discipline up to and including discharge except that, depending on the circumstances of the case and the employee involved, the employee may be offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by Grace. During rehabilitation, the employee will be subject to unannounced drug or alcohol testing. Upon return to work from rehabilitation, the employee will be subject to unannounced drug or alcohol testing for a period of 60 months. Any test that is confirmed as positive during or following rehabilitation will result in discharge.

7.5 In addition to the disciplinary action by the College, local, state, and federal laws strictly outline penalties, including fines and jail terms, for the illegal use, possession or distribution of alcohol and drugs. Indiana and federal law provides for fines and/or imprisonment for the unlawful possession, sale, manufacture, or distribution of drugs

or alcohol. The amount of the fines and the length of imprisonment vary according to the type and amount of the substance involved, prior violations for such offenses, and a variety of other factors. Legal sanctions for the unlawful distribution of drugs increase if the substance is distributed to a person under twenty-one years of age or within one thousand feet of the property of a college.

8. Drug and Alcohol Testing of Employees

8.1 Grace will notify employees of this policy by:

- a. Providing to each employee a copy of the policy, and obtaining a written acknowledgement from each employee that the policy has been received and read.
- b. Announcing the policy in various written communications and making presentations at employee meetings.

8.2 Grace may perform drug or alcohol testing:

- a. Of any employee who manifests behavior that gives rise to a reasonable belief that the person is violating this policy.
- b. Of any employee who is involved in an accident that results or could result in property damage or personal injury.
- c. On a random basis of any employee.
- d. Of any employee who is subject to drug or alcohol testing pursuant to federal or state rules, regulations, or laws.

8.3 An employee is required to consent to submit to drug or alcohol testing as a condition of employment and the employee's refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal.

8.4 An employee may be suspended pending results of testing when Grace has a reasonable belief that this policy is being violated.

9. Appeal of a Drug or Alcohol Test Result

9.1 An applicant or employee whose drug or alcohol test reported positive will be offered the opportunity of a meeting to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding is in error or could have resulted from some cause other than drug or alcohol use. Grace, through its health and/or human resource officials, will judge whether an offered explanation merits further inquiry.

9.2 An employee whose drug or alcohol test is reported positive will be offered the opportunity to:

- a. Obtain an independent test, at the employee's expense, using the remaining portion of the specimen that yielded the positive result;

- b. Obtain the written test result and submit it to an independent medical review at the employee's expense.

9.3 The employee may use Grace's medical benefits, to the extent that coverage may apply, for meeting the costs of (9.2.a) and (9.2.b)

9.4 During the period of an appeal and any resulting inquiries, the employment status of an employee may be suspended. An employee who is suspended pending appeal will be permitted to use any available annual leave in order to remain in an active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay.

10. Rehabilitation and Employee Assistance

10.1 Rehabilitation assistance in lieu of discharge may be offered:

- a. To any employee who has requested rehabilitation assistance provided that the request is unrelated to an identification of the employee as a violator of this policy.
- b. To any employee who has violated this policy provided that the violation does not involve selling or transferring illegal drugs, or serious misconduct.

10.2 An employee who is in rehabilitation will be suspended, except that—when indicated by the circumstances of the case and the written recommendation of a licensed physician or recognized rehabilitation professional—an employee may be permitted to work while undergoing rehabilitation on an outside-of-work basis. The written recommendation must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-workers or others.

10.3 An employee whose rehabilitative therapy involves drug maintenance, hospitalization or detoxification will not be considered for the exception from suspension described in (10.2).

10.4 An employee who is in rehabilitation or who has completed rehabilitation may be allowed to return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-worker or others.

10.5 Rehabilitation assistance given by Grace will be:

- a. Limited to those medical benefits that may be available in the employee's medical benefits plan.

- b. Obtained through a rehabilitation program that has been pre-approved by Grace.
- c. Obtained by the employee during times that will not conflict with the employee's work time, except that the employee may use any available leave to be absent from the job with pay.

10.6 Grace will provide to any employee, upon request and at no cost to the employee, information concerning local resources that are available for the treatment of drug and alcohol related problems.

11. Inspections and Searches

11.1 Grace may conduct unannounced general inspections and searches for drugs or alcohol on Grace premises or in Grace vehicles or equipment wherever located. Employees are expected to cooperate.

11.2 Search of an employee and his or her personal property may be made when there is reasonable belief to conclude that the employee is in violation of this policy.

11.3 An employee is required as a condition of employment to consent to a search, and the employee's refusal to consent may result in disciplinary action, including discharge, even for a first refusal.

11.4 Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on Grace property may be turned over to the appropriate law enforcement agency and the full cooperation given to any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman's examination may be turned over to a forensic laboratory for scientific analysis.

11.5 If an employee is the subject of a drug-related investigation by Grace or by a law enforcement agency, the employee may be suspended pending completion of the investigation.

12. CONFIDENTIALITY

All information relating to drug or alcohol testing or the identification of persons as users if drugs and alcohol will be protected by Grace as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

Source: <http://www.nationaldrugscreen.com/dfmanual-sample-drug-alcohol-abuse-policy.html;jsessionid=7BF481E3520496AAE8DA3E938DC4C021>