



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

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 tobacco use.

Grace further expresses its intent through this policy to comply with federal and state rules, regulations, or laws relating to maintaining a workplace free from illegal drugs and alcohol.

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 guides supervisors and employees concerning their responsibilities for carrying out the program.

Scope: This policy applies to all departments, all employees, and all job applicants. The term "employee" includes contracted employees.

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 all those working with the user.

The abuse of alcohol and the 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.



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(Home) Human Resources

Definitions:

- 1.1 **Alcohol** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine, and distilled spirits.
- 1.2 **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.
- 1.3 **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.
- 1.4 **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.
- 1.5 **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.

- 1.6 **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.
- 1.7 **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



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

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.

- 1.8 **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 obvious to 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.

2. Education

- 2.1 Supervisors and other management personnel are to be trained in:
- Detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
 - Intervening in situations that may involve violations of this policy;
 - Recognizing the above activities as a direct job responsibility;
- 2.2 Employees are to be informed of the:
- Health and safety dangers associated with drug and alcohol use;
 - Provisions of this policy.

3. Prohibited Activities

3.1 Legal Drug

- 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's 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.
- 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.

3.2 Illegal Drugs and Alcohol.

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



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

- b. An employee arrested for driving while under the influence of alcohol or drugs, including illegal or prescription medications, whether on duty or off:
- Must report the arrest to the head of the human resources department. Failure to report such an arrest may result in disciplinary action, up to and including termination.
 - Will not be permitted to operate a Grace-owned/rental vehicle while charges are pending. Instead, they will be assigned to other appropriate positions, if available, until disposition of the charges.
 - Will be subject to testing for the presence of alcohol and/or drugs on request by the head of Human Resources or designate (VP of the employee), with or without cause or reasonable suspicion. Failure or refusal to consent to testing when requested will result in disciplinary action up to and including termination.
 - A plea of no contest shall be considered a guilty plea for the purposes of this policy. An employee's conviction or a plea of guilty to the crime of driving while under the influence of alcohol and/or drugs will result in disciplinary action, up to and including termination, regardless of whether the conviction is reversed on appeal.

4. Discipline and Legal Sanctions

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

distribution of alcohol and drugs. Indiana and federal law provide 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.

5. Drug and Alcohol Testing of Employees

5.1 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.

5.2 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.

5.3 Pursuant to 5.2(a)(b), if a supervisor suspects that an individual is at work and under the influence of alcohol and/or drugs, the supervisor should notify the head of Human Resources] and/or their Cabinet member in the organization to seek authorization to test the employee. Human Resources will authorize the testing of the employee if sufficient objective symptoms exist to indicate the employee may be under the influence of drugs and/or alcohol. There should be at least two symptoms present to authorize the test(s). Symptoms may include:

- a. Slurred speech
- b. Uneven gait
- c. Impaired mental functions
- d. Extremely dilated pupils
- e. The smell of alcohol
- f. Evidence of drugs and/or alcohol about the employee's person or in the employee's work vicinity
- g. Negative performance patterns
- h. Excessive or unexplained absenteeism or tardiness

The witnesses (usually a supervisor and another trained employee) should each make their own written record of the employee's name, the date, time, and



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

symptoms present. Use the Medstat form called "Observed Behavior Reasonable Suspicion Record" form. This documentation should be attached to the test results and kept in the confidential medical file in Human Resources as justification for why the tests were performed.

- 5.4 No one other than the employee's supervisor can request drug or alcohol testing.
- 5.5 If Human Resources authorizes a drug and/or alcohol test:
 - a. The employee will be driven immediately to the testing site by someone of the same gender appointed by Human Resources, Typically, this is a human resources employee or other trained supervisor.
 - b. The employee will be removed from all safety-sensitive responsibilities until authorized by Human Resources to resume those.
- 5.6 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.
- 5.7 Confirmation testing will be conducted for results of 0.02 or more.
- 5.8 An employee may be suspended pending results of testing when Grace has a reasonable belief that this policy is being violated.
- 5.9 Alcohol or drug testing might not be required for employees who voluntarily request help for a drug or alcohol problem about which a supervisor did not observe behaviors in possible violation of this policy.

Failure to Submit to Testing

Employees must submit to alcohol and drug testing. A refusal to submit to testing is treated the same as a failed alcohol test or a positive drug test.

An employee who refuses to be tested cannot continue to perform safety-sensitive functions, including driving Grace vehicles and operating Grace heavy equipment, until the employee has successfully completed the return-to-duty process.

An employee's refusal to submit to alcohol and/or drug testing will remain a part of the employee's personnel file for the next five years.

The following situations are considered a "refusal to submit" to an alcohol and/or drug test:

1. Failure to appear for any test within a reasonable time, typically within 1 hour of notification.
2. Failure to remain at the testing site until the testing process is complete.
3. Failure to provide a:



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Effective: 06/27/2023

(Home) Human Resources

- a. Urine specimen for drug testing or
- b. Saliva or breath specimen for alcohol testing
4. Failure to provide enough urine for drug testing or an adequate amount of saliva or breath for alcohol testing and there is no medical explanation for the failure.
5. In the case of a directly observed or monitored test collection, failing to permit observation or monitoring of the provision of the specimen.
6. For observed collection, failure to follow the observer's directions to raise or lower clothing to demonstrate the employee has no prosthetic or other devices that could be used to interfere with the collection process.
7. The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
8. The employee admits to the collector or medical officer that he or she adulterated or substituted to the specimen.
9. Failing or declining to take a second (confirmation) drug or alcohol test when directed by the collector.
10. Failure to undergo a medical examination or evaluation as part of:
 - a. The verification process for drug testing or as directed by the designated employer representative,
 - b. "Shy bladder" procedures for drug testing, or
 - c. Insufficient breath procedures for alcohol testing.
11. Failure to cooperate with any part of the testing process.

Return-to-Duty Process

6. Appeal of a Drug or Alcohol Test Result

- 6.1 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's human resources officials along with local health professionals, as appropriate, will judge whether an offered explanation merits further inquiry.
- 6.2 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.
- 6.3 The employee may use Grace's medical benefits, to the extent that coverage may apply, to meet the costs of (6.2.a) and (6.2.b)



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

6.4 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 active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay.

7. Rehabilitation and Employee Assistance

7.1 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.

7.2 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.

7.3 An employee whose rehabilitative therapy involves drug maintenance, hospitalization, or detoxification will not be considered for the exception from suspension described in (7.2).

7.4 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.

7.5 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.

7.6 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.



Policy: **Drug and Alcohol Abuse Employee Policy**

Effective: 06/27/2023

(Home) Human Resources

Note: The Employee Assistance Program (EAP) is a confidential resource designed to assist employees and their eligible dependents deal with challenges and problems such as substance abuse. Employees and/or eligible dependents can access Grace's EAP program on the Human Resources portal.

8. Inspections and Searches

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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 full cooperation may be given to any subsequent investigation. Substances that cannot be identified as illegal drugs by a layman's examination may be turned over to a forensic laboratory for scientific analysis.
- 8.5 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.

9. CONFIDENTIALITY

All information relating to drug or alcohol testing or the identification of persons as users of 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.

The information will be kept in the employee's medical file, which will be maintained separately from the employee's personnel file. These medical files will be kept secured, and access will be limited to certain individuals with a work-related reason to know.

Revision History:

Date	Description of Revision
06/26/2016	Creation and initial approval
07/07/2021	Address cannabis substances as illegal from a federal standpoint



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06/27/2023	Changes with 3.2b, Also, Drug and Alcohol Testing of Employees section, EAP assistance added and under the Confidentiality section.
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Lutheran Health Network

OBSERVED BEHAVIOR REASONABLE SUSPICION RECORD

Name of Employee _____ Date Observed: _____

Location _____

Time Observed: From: _____ AM _____ PM To: _____ AM _____ PM

When there is reasonable suspicion that an employee at work is unfit for duty, the supervisor or manager observing the behavior as well as another supervisor/manager as witness, if possible, must complete the checklist below. Where "Other" is checked, please describe.

Observation Checklist

Walking/: _____ Stumbling _____ Staggering _____ Falling _____ Unable to stand
 Balance _____ Swaying _____ Unsteady _____ Holding on _____ Rigid
 _____ Sagging at knees _____ Feet wide apart _____ Unable to stand _____ Unable to walk
 _____ Other _____

Speech: _____ Shouting _____ Whispering _____ Slow _____ Rambling
 _____ Slurred _____ Slobbering _____ Incoherent _____ Silent/Mute
 _____ Other _____

Actions: _____ Resisting communication _____ Insulting _____ Hostile _____ Drowsy
 _____ Fighting/insubordinate _____ Profanity _____ Threatening _____ Erratic
 _____ Hyperactive _____ Crying _____ Indifferent _____ Paranoid
 _____ Other _____

Eyes: _____ Bloodshot _____ Watery _____ Dilated _____ Glassy
 _____ Droopy _____ Closed _____ Wearing sunglasses
 _____ Other _____

Face: _____ Flushed _____ Pale _____ Sweaty
 _____ Other _____

Appearance/
Clothing _____ Disheveled _____ Messy _____ Dirty _____ Partially dressed
 _____ Having Odor _____ Stains on clothing _____ Excessive Sweating _____ Visible puncture marks
 _____ Other _____

Breath: _____ Alcoholic odor _____ Faint alcohol odor _____ No alcohol odor _____ Sweet/pungent odor
 _____ Chemical odor _____ Heavy use of breath spray
 _____ Other _____

Movements: _____ Fumbling _____ Jerky _____ Slow _____ Nervous
 _____ Hyperactive _____ Reduced reaction time _____ Not following tasks _____ Diminished coordination
 _____ Tremors
 _____ Other _____

Eating/
Chewing: _____ Gum _____ Candy _____ Mints _____ Tobacco
 _____ Always munching on something
 _____ Other _____

Demeanor: _____ Talkative _____ Rapid speech _____ Sleeping on job _____ Argumentative
 _____ Excited _____ Withdrawn _____ Mood swings _____ Overreacts
 _____ Excessive laughter _____ Forgetful
 _____ Other _____

Miscellaneous: Presence of alcohol and/or drugs in associate's possession or vicinity
 On-the-job misconduct by employee
 Employee admission concerning alcohol use and/or drug use or possession

Other observations: (if accident, provide details): _____

Employee's explanation of reasons for their conduct: _____

Once above portion of form has been completed by you and a witness, you are now ready to take a position with the employee. Be certain to follow company procedures as outlined in our drug-free policy.

(Check one)

Employee has agreed to testing Employee has not agreed to testing
 Employee referred to MAP/EAP No further action at this time

Supervisor/Manager Signature Date

Witness Signature Date

Witness Signature Date

ALCOHOL TEST MUST BE ADMINISTERED WITHIN EIGHT HOURS FOLLOWING A REASONABLE SUSPICION DETERMINATION.

MedStat Warsaw
1500 Provident Dr., Ste. A
M-F 7am-8pm; Sat & Sun 8am-4pm
P: 574-372-7637 F: 574-372-7689

MedStat Nappanee
1001 N. Main St., Ste. 1
M-F 7:30am-5:30pm
P: 574-773-2509 F: 574-773-2512