

ALCOHOL & DRUG TESTING POLICY

In order to test reliably for the presence of drugs or alcohol, ___(Company)___ may require samples from its employees and prospective employees and may require presentation of reliable individual identification from the person being tested to the person collecting the samples. Collection of samples shall conform to the requirements of this policy. ___(Company)___ may designate the type of sample to be used for this testing.

Any drug testing or alcohol impairment testing by ___(Company)___ for employees normally shall occur during, or immediately before or after, regular work. The testing by ___(Company)___ shall be deemed work time for the purposes of compensation and benefits for current employees.

___(Company)___ shall pay actual costs for drug testing or alcohol impairment testing required of employees by ___(Company)___. ___(Company)___ may, at its discretion, pay the cost for drug testing of prospective employees.

___(Company)___ shall pay reasonable transportation costs to current employees if the required tests are conducted at a location other than the employee's normal work site.

The collection of samples shall be performed under reasonable and sanitary conditions.

Sample collections shall be documented and documentation procedures shall include both of the following

- (a) labeling of samples in order to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided;
- (b) an opportunity for the person to be tested to provide notification of any information that may be considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.

Sample collection, storage and transportation to the place of testing shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration or misidentification.

Sample testing shall comply with scientifically accepted analytical methods and procedures. Drug testing shall be conducted at a laboratory approved or certified by the United States Department of Health and Human Services, the College of American Pathologist or the Department of Health Services.

Drug testing shall include confirmation of any positive drug test results for employees. Confirmation of positive drug test results for employees shall be by use of a different chemical process than was used in the initial drug screen. The second or confirmatory drug test shall be a chromatographic technique such as gas chromatography-mass spectrometry or another comparably reliable analytical method.

The employee shall have the right, on request, to obtain the written test results. The employee shall have the right, on request, to explain, in a confidential setting, a positive test result.

___(Company)___ will keep all tests and test results confidential.

All communications received by an employer relevant to drug testing or alcohol impairment test results and received through the employer's testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, except in a proceeding related to an action taken by an employer or employee under this article or except disclosure to:

1. The tested employee or prospective employee or any other person designated in writing by that employee or prospective employee.
2. Individuals designated by the employer to receive and evaluate test results or hear the explanation of the employee or prospective employee.
3. An arbitrator or mediator, or a court or governmental agency as authorized by state or federal law.

The tested employee has a right of access to the written test results that pertain to the individual, subject to the maintenance of confidentiality for other individuals.

No sample taken for testing pursuant to this policy shall be tested for any substance or condition except unlawful drugs or alcohol as defined in this policy.

Testing or retesting for the presence of drugs or alcohol by ___(Company)___ shall be carried out within the terms of this policy. The policy shall be distributed to each employee subject to testing and shall be included in any employee manual of personnel practices.

___(Company)___ intends to have its work place a drug and alcohol free environment. Any use of drugs or alcohol on the job or in proximate time to being on the job which could affect an employee's judgment or abilities on the job is absolutely prohibited.

All persons employed by ___(Company)___ are subject to this drug policy including officers, directors and supervisors.

___(Company)___ may require the collection and testing of samples for any job related purposes consistent with business necessity, including:

1. Investigation of possible individual employee impairment.
2. Investigation of accidents in the work place. Employees may be required to undergo drug testing or alcohol impairment testing for accidents if the test is taken as soon as practicable after an accident and the test is administered to employees who the employer reasonably believes contributed to the accident.
3. Maintenance of safety for employees, customers, clients or the public at large.
4. Maintenance of productivity, quality of products or services or security of property or

information.

5. Reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that use may adversely affect the job performance of the work environment.

In addition to the above circumstances, employees or groups of employees may be required to undergo drug testing on a random or chance basis.

Upon receipt of a positive drug test or alcohol impairment test result that indicates a violation of employer's written policy, or the refusal of an employee or prospective employee to provide a drug testing sample or on the refusal of an employee to provide an alcohol impairment testing sample, an employer may use that test result or test refusal as a basis for disciplinary or rehabilitative actions that may include any of the following:

1. A requirement that the employee enroll in an employer provided or employer approved rehabilitation, treatment or counseling program, which may include additional drug testing and alcohol impairment testing, participation in which may be a condition of continued employment and the costs of which may or may not be covered by the employer's health plan or policies.
2. Suspending the employee with or without pay for a designated period of time.
3. Termination of employment.
4. In the case of drug testing, refusal to hire a prospective employee.
5. Other adverse employment action.