

Appendix 108:H DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Section 1. Policy

- a. The manufacture, distribution, dispensation, possession, or use of alcohol or any controlled substance as defined in Section 5 Employee Responsibilities (below), is prohibited in both HACLA workplaces and wherever HACLA business is performed, except if the use is pursuant to the written instructions of a physician.
- b. An employee may notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of HACLA equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the HACLA may require medical clearance.
- c. Compliance with this policy is a condition of HACLA employment. Disciplinary action may be taken against those who violate this policy.

Section 2. Scope of Policy This policy applies to all represented and non-represented employees when they are on HACLA property or when performing HACLA-related business elsewhere.

Section 3. Searches In order to promote a safe, productive and efficient workplace, the HACLA has the right to search and inspect all HACLA property, including but not limited to lockers, storage areas, furniture and HACLA vehicles.

Section 4. Drug and Alcohol Testing. Prior to testing, management shall assess the employee. The employee shall retain the right to notify their union representative. HACLA has discretion to test a current employee for alcohol or controlled substance in the following instances:

Subd. 1. Reasonable Suspicion Testing. The HACLA may require a blood test, saliva test, breath test, urinalysis or any combination thereof of those employees reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the Director of Human Resources, the Department Director or Assistant Human Resources Director, Assistant Director or Chief Operating Officer.

"Reasonable suspicion" is the direct observation of drug and/or alcohol use or possession and/or the physical symptoms of being under the influence of drugs and/or alcohol

Physical symptoms include but are not limited to the following:

- unusually slurred speech

- dilated or constricted pupils
- impaired balance and/or coordination
- violent behavior
- alcohol odor
- a pattern of abnormal or erratic behavior
- aggressive/combatative/fighting
- damaged/destroyed property
- glaring/threatening
- bizarre/irrational

In order to receive authority to test under this policy, two management level employees must observe and record the factors that support reasonable suspicion on the (*Reasonable Suspicion Observation form*) prior to obtaining approval from the Director of Human Resources, the Department Director or Assistant Human Resources Director, Assistant Director, or Chief Operating Officer. If there is a reasonable suspicion of drug or alcohol abuse as defined above, the employee may be relieved from duty immediately and may be placed on paid administrative leave pending the outcome of the test results.

The employee shall be entitled to a copy of the Reasonable Suspicion Observation Form.

Subd. 2. Post-Accident and Unsafe Practice Testing

Employees involved in any automobile accident while performing work related duties, regardless of severity of injury or property damage shall be subject to drug and alcohol testing, if there is reasonable suspicion as defined above. Post-Accident testing may be done up to 72 hours after the incident.

Subd. 3. Reasonable Suspicion Testing Employees involved in an accident performing work related duties, regardless of severity of injury or property damage or who has engaged in unsafe activities that pose a danger to self, others, or the overall operation of the Authority, shall be subject to drug and alcohol testing if there is reasonable suspicion as defined above. Post-Accident testing may be done up to 72 hours after the accident.

Section 5. Testing Procedures

- Testing procedures will be based on those established by the Department of Health and Human Services, which include saliva, blood and urinalysis or any combination thereof.

- Only laboratories certified by Health and Human Services under the National Laboratory Certification Program may be used to safeguard the accuracy and protect privacy of test results.
- An employee who has tested positive for any substance will be notified by the testing facility prior to notification to the employer and may discuss the positive test results with a qualified Medical Reviewer Officer.

Section 6. Employee Responsibilities

A HACLA employee must:

Not report to work or be on standby or on-call status while his or her ability to perform job duties is impaired due to on or off duty alcohol or drug use.

Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time while on HACLA property or while on duty for the HACLA at any locations.

Not directly or through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty.

Consent to drug and alcohol testing if there is reasonable suspicion as defined above or may be subject to discipline for insubordination.

Section 7. Management Employee Responsibilities

HACLA management employees must:

Notify the state or federal granting agency which has funded the work or program, if any, of any criminal drug statute convictions for a violation that occurred at a site where work is/was being done with a specific grant or contract.

Record factors supporting "reasonable suspicion" on the reasonable suspicion observation form, as defined above and consult with the Director of Human Resources, the Department Director or Assistant Human Resources Director, Assistant Director or Chief Operating Officer in order to determine whether there is reasonable suspicion to test an employee as described by this policy.

Take appropriate action for the violation of this policy or for any criminal drug statute conviction that occurred in a HACLA workplace, up to and including termination, or require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program as a condition for returning to duty.

Section 8. Employee Assistance

Counseling and treatment of drug-related problems is available through the Employee Assistance Program provider. Employees are encouraged to voluntarily seek assistance. HACLA will be supportive of those who seek help for drug and alcohol related issues.