

# SUBSTANCE ABUSE POLICY

## Scope—Statement of Philosophy

Our company has a strong commitment to provide a safe work place and to establish programs promoting high standards of employee health, safety and productivity. While our company will not intrude into the personal lives of employees, we do recognize that abuse of drugs or alcohol off the job will adversely affect job performance. Employees experiencing a drug or alcohol problem are strongly encouraged to voluntarily seek assistance through the individual Employee Assistance Program. Employees are required to be in appropriate mental and physical condition for work and to perform their jobs satisfactorily. Seeking voluntary assistance for drug and alcohol related problems would not in itself subject an employee to disciplinary action.

This policy statement is a posted notice for all employees to read and understand.

## Purpose

The purpose of these work rules is as follows:

- To establish and maintain a safe, healthy working environment for all employees.
- To reduce the possibility of accidental injury to persons or property.
- To reduce absenteeism, tardiness, and indifferent job performance.
- To follow all applicable state, federal, and local requirements, including federal Department of Transportation regulations governing drivers of commercial motor vehicles.

## Definitions

### Alcohol or alcoholic beverage

Defined as any beverage that may be legally sold as alcohol. This includes, but is not limited to, fermented malt beverages, intoxicating liquor and wine.

### Alcohol concentration

Breath alcohol concentration is defined in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. For example, .04 grams of alcohol in 210 liters of expired deep lung air are analogous to a blood alcohol concentration of .04.

### Alcohol use

The ingestion of a given amount of alcohol produces the same blood alcohol concentration in an individual regardless of where it comes from. Therefore, consumption of any substance containing alcohol, including such things as cough syrups and liquor-filled chocolates, are considered alcohol use.



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## **Substance abuse professional**

Only substance abuse professionals may perform some functions outlined in the rules. Under the rules, such professionals include licensed physicians, limited to medical doctors and doctors of osteopathy; licensed or certified psychologists, social workers, employee assistance professional, and alcohol and drug abuse counselors defined by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission.

## **Drug**

Means any substance other than alcohol, which is capable of altering the mood, perception, pain level or judgment of the individual consuming it, and which is recognized as a drug.

## **Illegal drug**

Means any drug or controlled substance, including prescription drugs, that is not used legally.

## **Authorized prescribed drug**

Means a drug prescribed by a licensed practitioner, and used in the manner, combination, and quantity prescribed, by the person for whom the drug is prescribed.

## **Procedures**

### **Prohibited conduct includes the following:**

- Employees shall not introduce, manufacture, distribute, dispense, possess, use or consume alcoholic beverages, drugs, illegal drugs, and unauthorized prescribed drugs in or upon the premises of building or property of our company. Violation of this policy will be cause for disciplinary action, up to and including termination.
- Reporting for work under the influence of an illegal drug, alcohol, drug or unauthorized prescribed drug is cause for disciplinary action, up to and including termination.
- No prescription drugs shall be brought upon the premises of building or property of our company by any person other than the person for whom the drug is prescribed by a licensed practitioner, and shall be used in the manner, combination and quantity prescribed. When the use of drugs for medical purposes may affect behavior or performance, employees should advise their supervisor that they are taking such drugs.

## **EAP**

Consistent with our company's philosophy that its employees are its most valuable resource, the company has established an Employee Assistance Program (EAP) designed to provide employees and their families with assistance in resolving any personal problems you may have, including chemical dependency or substance abuse. Employees are encouraged to voluntarily seek counseling from our company's Employee Assistance Program before any job-related problems arise.



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## Testing Circumstances: When will the company test employees?

### Pre-employment

- Our company will conduct a drug test of all applicants after the applicants' receive a conditional offer of employment. Our company employment applications shall include a notification that our company will perform pre-employment drug testing. Our company will not test applicants for the presence of alcohol.
- Failure to submit to pre-employment testing will be grounds to deny the applicant employment.
- Test results must be returned negative in order to be determined acceptable for employment. If an applicant tests positive, the conditional offer of employment shall be withdrawn, and the applicant may reapply for employment after one year.

### Reasonable Cause

- Our company will conduct a drug and alcohol test when reasonable cause exists to suspect an employee has reported to work impaired or has used alcohol or other drugs while on company property. Reasonable cause shall be determined by a supervisor, and where based upon visual observation.
- A supervisor shall be deemed to have reasonable cause to order a drug and alcohol test when an employee exhibits excessive absenteeism, tardiness or unacceptable work performance.
- A supervisor shall be deemed to have reasonable cause to order a drug and alcohol test if an employee is found to possess drugs, alcohol or drug paraphernalia or when such alcohol or drugs are found in an area controlled or used by the employee, including, but not limited to the employee's desk, locker, etc.
- An employee undergoing a test under this subsection will be suspended immediately pending the outcome of the tests.

### Post-accident

- Our company may conduct a drug and alcohol test for employees who are directly involved in, or whose actions contributed to, an accident on the job if there is reasonable suspicion that there is a connection between the incident and the use of drugs or alcohol. Accidents include all Occupational Health and Safety Administration (OSHA) recordable incidents, actions or omissions that result in near-miss accidents, and accidents involving injury requiring first aid or off-site medical attention. Accidents also include property damage caused by human error.
- Our company will also conduct a drug and alcohol test whenever a driver of a commercial motor vehicle receives a traffic citation for a moving violation.
- Our company's drivers of commercial motor vehicles must submit to a test as soon as possible after an accident but not to exceed 32 hours for drug testing or 8 hours for alcohol testing.
- An employee other than a commercial motor vehicle driver undergoing a test in this subsection will return to work pending the outcome of the tests, unless restricted by a physician, or deemed by a supervisor to require testing based on reasonable cause.



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- If the driver is too seriously injured to provide a urine sample, he or she must authorize release of their hospital records.
- The driver will be suspended from all safety sensitive duties, including driving, until the test results are determined.
- A driver shall be disqualified by issuance of a letter of disqualification for a period of one year for refusing to give a urine or breath sample or for testing positive for controlled substances when the driver has been involved in a fatal accident.

## **Random**

- As required by DOT regulations, our company will randomly test drivers of its commercial motor vehicles for both alcohol and drugs.
- Our company will test other employees under the following circumstances:
- Our company shall use an unbiased random selection process to select and request an employee to be tested for the use of controlled substances. This process ensures that all employees have an equal chance of being selected.
- When selected, the employee must submit to the testing.
- An employee undergoing a test under this subsection will return to work pending the outcome of the test results.

## **Post-rehabilitation/Follow-up**

- If an employee has previously tested positive and completed a rehabilitation program, the employee must test negative before returning to work, and may be subject to an indefinite number of unannounced and unscheduled tests for drugs or alcohol by our company during the two-year period following the positive test.
- If an employee is still employed by our company, a second violation of this policy (as indicated by positive test results) within 24 calendar months may result in termination. Each case will be treated on an individual basis.

## **Accompanying promotion to management or transfer to safety sensitive position**

- Our company will conduct a drug test whenever any employee is considered for a management position. This includes all supervisory and managerial positions within the company. Testing will occur only after an offer for the management position has been made.
- Our company will also conduct a drug test before any employee begins working a safety sensitive position, including but not limited to driving commercial motor vehicles for our company.

## **Refusal to Test**

Refusal to submit to a drug or alcohol test for all types of testing circumstances will be considered as positive results.



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## Specimen Collection Procedures

- Specimen collection will occur at a qualified facility of the company's choosing and consists, for drug testing, of having an individual urinate into a collection container in a secured area. Before leaving the collection area, the specimen is transferred to one or more specimen bottles, which are labeled, and sealed with tamper-evident tape. For alcohol testing, a breath sample will be obtained.
- Our company will be responsible for all employee transportation to and from the collection site, except that our company will not be responsible for employee transportation when pre-employment and post-rehabilitation testing is required.
- Any employee refusing to submit to a drug or alcohol test or leaving the company premises without permission will be subject to disciplinary action up to and including termination, and in the discretion of the company law enforcement officials could be notified of the possible impairment.
- No test will be conducted without the employee's consent, but refusal to consent, provide a specimen or cooperate with the testing procedure, or the adulteration of the specimen, will constitute presumption of substance abuse and the employee will be subject to disciplinary action, up to and including termination.

## Testing Methodology

### Screening Test

- A screening test, which is done at the company's designated medical facility, is the first step in determining the presence or absence of alcohol, drugs or drug metabolites in a urine/ breath sample establishing probable identity of the drug. It is important that all positive screening results be rechecked with a more specific confirmatory method. Positive screening tests are not reported until a confirmatory test is run. If the confirmation test is negative, the results are reported as negative or none detected.
- A five-panel screening will be used for the urine specimens, which includes the following commonly used drugs:

Drug Class	Screening Cut-off Limit (ng/ml)	Confirmation Cut-off Limit (ng/ml)
Amphetamines	1000	500
Benzoylcegonine (Cocaine Metabolite)	300	150
Cannabinoids (THC)	50	15
Opiates	300	300
Phencyclidine (PCP)	25	25

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## Confirmatory Test

- If an initial drug test is positive, a confirmation test will be performed on the same specimen. A confirmatory test is a chemically different follow-up test performed on positive screening results to confirm whether drug or drug metabolites are present. The designated laboratory of our company will be using Gas Chromatography-Mass Spectrometry (GC/MS).
- A blood alcohol level of .04% shall be considered a prohibited level.

## Notification of Test Results and Record Keeping

- The Medical Review Officer (M.R.O.) shall report to our company whether a driver's test was positive or negative and, if positive, the identity of the controlled substance.
- Our company will notify its driver or driver applicant of the testing results.
- The M.R.O. shall be the sole custodian of individuals test results.
- Our company shall maintain their records in accordance with Federal Motor carrier regulations 391.87 (1) – (5).

## Medical Review Officer (M.R.O)

- Until further notice, NAME PHYSICIAN will serve as our company's M.R.O. He/she will notify and discuss positive test results with the employee and has the authority and responsibility of reporting these results to our company's Human Resources Director.

## Action and Consequences on Test Results

### Negative Test Results

- If the results of a drug and alcohol test are negative, the employee will be reinstated with authorization from the M.R.O., with no loss of seniority and will be awarded full back pay.

### Positive Test Results

- *For all employees other than drivers of commercial motor vehicles*
  - An employee who tests positive must, at a minimum, access the Employee Assistance Program within five working days and sign the required release of information forms to allow effective communication. Nothing in this or any other provision shall limit our company's right to terminate any employee at any time.
  - The decision whether to suspend an employee, and the length of any suspension will be determined by our company after consultation with the EAP counselor on the best course of rehabilitation.
- *For all drivers of commercial motor vehicles*
  - If a driver tests positive for a controlled substance, the driver will be deemed medically unqualified to operate a commercial motor vehicle until such time as the driver no longer uses controlled substances, tests negative for controlled substances, and is medically re-certified.



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- If positive, a driver who is not terminated will be offered the opportunity to participate in our company's EAP, which will operate in conjunction with DOT regulations.
- Refusal to participate in our company's EAP or other certified rehabilitation program will result in termination.
- If a driver tests between .02% - .04% for alcohol, the driver at a minimum, will be suspended at least 24 hours from all safety sensitive duties.
- If a driver tests .04% or greater for alcohol the driver will be deemed unqualified to operate a commercial motor vehicle until the proper counseling or training has been completed.
- The driver must under-go professional evaluation by our company's EAP, and if necessary treatment.
- A substance abuse professional must find the employee has successfully completed a recommended course of treatment.
- The driver must test at less than .02% on a return to duty alcohol test.

## EAP and Rehabilitation

The employee must follow and successfully complete the EAP recommendation, including but not limited to the following:

- Any random drug testing as required
- Attending all counseling sessions
- Attending any group meetings required
- Following any referral made
- Sign a release, authorizing the EAP to discuss any and all facts of the employee's rehabilitation program.

If an employee's chemical dependency can be treated under the company's EAP without the employee having to be granted a Medical leave of absence, the employee will be allowed to return to work without loss of seniority, but with a loss of pay for the period of any suspension.

The employee will be expected to actively participate in the program. Regular attendance will be required. Unexcused absences, or the employee's failure to participate in the program, will be treated as if the employee made himself/herself unfit for employment with the company. In addition, the employee will be expected to meet existing job performance standards and established work rules and policies while participating in the program.



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If the employee insists that he/she is under the use of a prescribed medication, a test should still be performed. If the test results show the presence of a drug prescribed by a licensed physician and can be verified, no disciplinary action shall be taken unless there is evidence of abuse. If the prescribed medication is making the employee unable to perform his/her job, our company will make reasonable accommodations for them.

After testing positive and completing all EAP training and counseling, the driver must test negative before returning to our company, and once reinstated will be subject to follow-up testing no longer than 60 months.

## Confidentiality

Our company will maintain the highest standards for confidentiality for all records and information concerning alcohol and drug dependencies. The Human Resource Director/Supervisor or designee will keep all information relating to tests confidential. Non-employees, contractors, vendors and agencies that disclose unauthorized information will be subject to legal recourse.

All of our company's designated laboratories, Medical Review Officers, and medical facilities will keep all records and information concerning alcohol and drug testing results confidential.

## Closing Statements About Policy

It is not the intention of this policy to restrict the normal life activities of employees who by circumstance of position or job activity, may be called to work unexpectedly. Employees are encouraged to use good judgment about performing any work activities if they are called to work unexpectedly after consuming alcoholic beverages. If this is the case, employees may decline to return to unscheduled work if they feel that they are in any way impaired.

Nothing in this statement of policy should be interpreted as constituting a waiver of management's responsibility to maintain discipline, or the right to take disciplinary measures in the case of poor performance or misconduct. In addition, the company has the right to carry out reasonable inspections, based on reasonable suspicion of individuals and personal effects, including, but not limited to, lockers, desks, lunch boxes, purses, and private vehicles, if parked on the company premises.





# OPIOIDS IN THE WORKPLACE RISK ASSESSMENT SCORECARD

**Opioid abuse kills over 90 Americans every day** and costs employers an estimated \$18 billion annually. This crisis has been surging in recent years, fueled by over-prescribed painkillers and their illegally manufactured offshoots. Complete this scorecard to evaluate the risk opioids present for your organization and understand ways to help employees who are suffering.

**INSTRUCTIONS** Begin by answering the questions below. Each response will be given a numerical value depending on the answer. After completing the questions, total your score using the scale.

**YES** 0 pts | **NO** 2 pts | **UNSURE** 2 pts

	Question	Yes	No	Unsure	PTS
1	Does your organization have an employee assistance program (EAP) that offers substance abuse services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Have you reviewed your internal substance abuse policies within the last two years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Have you discussed prescription drug limits with your pharmacy benefit manager (PBM) and/or carrier?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	Are you regularly engaging with employees about the risks of prescription opioids?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5	Have you reviewed substance abuse training for managers within the last two years and adjusted for the newfound prominence of prescription painkillers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Are your internal policies up to date, especially those concerning FMLA and the ADA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7	Have your policies been reviewed by legal counsel to account for an increasing employee need for substance abuse rehabilitation services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8	Have you reviewed your substance abuse testing procedures within the last year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9	Do you offer pain management solutions besides prescription opioids, like acupuncture, physical therapy, and over-the-counter alternatives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10	Have you analyzed your prescription drug benefits to assess exactly how much opioids are costing your business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## TOTAL SCORE

■ **0-6 pts** Low risk    
 ■ **7-13 pts** Moderate risk    
 ■ **14-20 pts** High risk



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