



POLICY AND PROCEDURE MANUAL

<b>Chapter:</b>	Health, Safety & Security Management		
<b>Title:</b>	Drug and Alcohol Free Facilities		
<b>Policy:</b> <input checked="" type="checkbox"/> <b>Procedure:</b> <input type="checkbox"/>	<b>Review Cycle:</b> Triennial <b>Author:</b> CEO/Designee	<b>Adopted Date:</b> 11.2020 <b>Review Date:</b> 05.2023	<b>Related Policies:</b> Progressive Discipline

**Purpose:**

Hopeful Horizons (HH) is committed to promoting the health, well-being, and safety of employees, clients, and others visiting HH by providing drug and alcohol free facilities. This policy is established to comply with the Drug-Free Workplace Act of 1988.

**Scope:**

This policy applies to

- All HH Staff                       Selected HH Staff, as specified:
- HH Board Members               HH Volunteers
- Other: Clients, Contractors and others visiting HHs' operated facilities

**Policy:**

HH has an obligation to its employees, clients, and the public at large to reasonably ensure safety in the workplace and service settings by providing a drug and alcohol free workplace. HH is covered by the Drug-Free Workplace Act. Our policy against drugs and unauthorized alcohol in HH operated facilities shall be strictly enforced in accordance with the following:

- A. Use, possession, distribution, sale, purchase, transfer, or being under the influence of unauthorized alcoholic beverages, illegal drugs, or other intoxicants at any time on HHs' premises, by any person, or while on employer business is prohibited.
- B. The legal use of prescription drugs on the job or HH premises is permitted only if it does not impair an employee's ability to perform the essential functions of the job, with or without reasonable accommodations, and in a safe manner that does not endanger others in the workplace or community. Determination of whether an employee is impaired while using prescribed medications is at the sole discretion of HHs' administration and may be considered in consultation with a physician.
- C. Employees may be required to submit to alcohol and/or drug testing, with or without notice, for reasons including but not limited to the following: 1) reasonable suspicion, smell of alcohol, observable behavior, post-accident that results in property damage; 2) possession of alcohol or illegal drugs while on HHs' premises; or 3) otherwise as determined by HHs' management.

Failure to submit to testing or tampering with test samples may be grounds for termination of employment. HH does not discriminate against employees with disabilities protected by the Americans with Disabilities Act. The results of such testing may be kept in a confidential file separate from the employee's personnel file, and access will be limited to only those with a need to know.

- D. Any employee convicted of violating a criminal drug statute must inform Human Resources of such conviction (including pleas of guilty or no contest) in writing within five (5) calendar days of such conviction. Failure to inform HH will result in disciplinary action, up to and including termination.

By law, HH shall notify the federal grant contracting officer within ten (10) days of receiving notification from an employee or otherwise receiving notice of such conviction. Such a conviction is considered a violation of this policy, and prompt disciplinary action will be taken upon notice of the conviction.

HH reserves the right to offer employees convicted of violating a criminal drug statute participation in an approved rehabilitation or drug/alcohol abuse assistance program as an alternative to, or in addition to, discipline with the employee required to participate satisfactorily as a condition of continued employment.

- E. HH offers an Employee Assistance Program (EAP), and substance abuse treatment is available through employee medical insurance. Both provide resources and referral services for assistance for such problems as drug or alcohol abuse or addiction. It is HHs' position that these resources are best used voluntarily before workplace problems occur. It is the employee's responsibility to seek assistance prior to reaching a point where their behavior, judgment, or performance is subject to disciplinary action. If an employee has failed to avail him or herself of help and problems do occur, HH will have to take action in the interest of protecting clients and other employees. Participation in and assistance from such resources will not preclude disciplinary action for violations of this policy.
- F. All employees are required to acknowledge that they have been informed of HHs' Drug and Alcohol Free Workplace Policy by signing our Drug and Alcohol Free Workplace Policy statement and agree to abide by it in all respects. By law, such acknowledgment and agreement are required of all employees as a condition of employment.
- G. An employee who violates this Drug and Alcohol Free Workplace Policy is subject to corrective action, up to and including termination of employment. Notwithstanding anything else to the contrary herein, HH reserves the right to immediately terminate any employee, whether it is a first or subsequent violation, depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Additionally, nothing in this Policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

The employment relationship between HH and its employees is at-will and can be terminated by either the employee or HH at any time for cause or without cause. Termination can occur with or without notice.

- H. Employees with questions on this policy should contact their supervisor or Human Resources.

**Communication and Training:**

This policy shall be reviewed at the time of initial employee orientation and during the periodic review process. Once the policy is approved/reaffirmed by the Board, employees will be notified

of substantive changes. HH policies are available on the website and procedures are available on the employee portal.

**Definitions:**

1. Conviction: Means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
2. Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
3. Drug Free Workplace: Means a site for the performance of work done in connection with a specific federal grant or contract. Employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Drug-Free Workplace Act.
4. Grantee: Means the department, division, or other unit of a person responsible for the performance under an awarded federal grant.
5. Illegal Drugs: Drugs or controlled substances which are (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. Examples include cocaine and marijuana as well as prescription drugs that are not lawfully obtained, lawfully distributed or properly used in the prescribed manner and dosage. The term “Illegal Drugs” also refers to mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for mind-altering or behavior altering effect.

**Other Related Materials:**

Drug and Alcohol-Free Workplace Policy Employee Attestation

**References/Legal Authority:**

[Drug-Free Workplace Requirements for Federal Grant Recipients, Drug-Free Workplace, Public Contracts, US Code – 2009, Title 41, Chapter 10 – Sec. 702.](#)

**Change Log:**

Date of Change	Description of Change	Responsible Party
5.2023	Updates the policy template; Broadens the scope to drugs and alcohol; Adds definitions, communication & training and appropriate legal references.	N. Miller, Prog. Eval. Consultant