

Ability Building Center

Drug and Alcohol Policy

Policy : It is the policy of Ability Building Center to support a workplace free from the effects of drugs, alcohol, chemicals, and abuse of prescription medications. This policy applies to all of our employees, subcontractors, and volunteers (employees).

I. PURPOSE

Alcohol and drug abuse adversely affects job performance, the kind of work an employee performs, and an employee's opportunities for successful employment. It is the intent of this document to provide employees with Ability Building Center's policy regarding the use of drugs and alcohol while at work. Ability Building Center does not intend to intrude into the private lives of its employees, but strongly believes that a drug-free workplace is in the best interest of employee and non-employees alike.

II. SCOPE

This policy applies to all applicants for employment and to all employees including contract or temporary employees. The policy is applicable at Ability Building Center facilities or whenever Ability Building Center employees are performing company business.

III. DISCLAIMER

Employment at Ability Building Center is at-will. This policy is not a unilateral employment contract and should not be interpreted as creating a unilateral employment contract.

IV. PROHIBITIONS

A. No employee shall report to work under the influence of alcohol, any controlled substances, or any other drugs or medications that may affect the employee's alertness, coordination, reaction, response, judgment, decision-making, or safety.

B. No employee shall operate, use or drive any equipment, machinery or vehicle of Ability Building Center while under the influence of alcohol, any controlled substances, or any other drugs or medications that may adversely affect the employee's ability to operate such equipment, machinery, or vehicle. Employees are under an affirmative duty to immediately notify their supervisor if they are not in an appropriate mental or physical condition to operate, use, or drive any equipment machinery, or vehicle or otherwise safely perform their job duties.

C. No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever Ability Building Center's work is being performed.

D. Engaging in off-duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his/her work for Ability Building Center. In such circumstances, the employee will be subject to disciplinary action up to and including termination.

E. When an employee is taking medically authorized drugs or other substances that may alter job performance, the employee is under an affirmative duty to notify his/her supervisor of the temporary inability to perform his/her job duties.

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F. Ability Building Center shall notify the appropriate law enforcement agency, licensing boards, and other relevant authorities when it has reasonable suspicion to believe that an employee may have illegal drugs in his/her possession at work or on company premises.

G. Employees of ABC should not directly provide alcohol to others at any time while working for or representing ABC. Employees engaged in the normal course of business, or at ABC sponsored events, shall be prohibited from consuming alcoholic beverages or illegal drugs. "Normal course of business" does not include external events, open to the public, such as fundraising or public relations activities.

V. ALCOHOL AND DRUG TESTING

As part of Ability Building Center's commitment to an alcohol and drug-free workplace, Ability Building Center reserves the right to require that applicants and employees submit to drug or alcohol testing in accordance with the provisions of Minnesota law. This policy represents the notice required under Minnesota law and a copy will be provided to all applicants and employees who are requested to undergo testing. In the event of any conflict between this policy and Minnesota law in effect at the time of the test, the law will control.

A. Who may be subject to drug/alcohol testing:

1. Pre-employment Drug Testing

All ABC job applicants will be subject to drug testing following their acceptance of a "conditional offer" of employment and prior to the actual start date of employment with Ability Building Center. Individuals testing positive, or refusing testing will have their offer of employment withdrawn. If there is evidence that an applicant has altered a specimen, that applicant will not be considered for hire.

2. Other times when ABC will do drug testing

(a) Reasonable Suspicion:

In addition to post job offer drug testing, employees may be tested for drugs and/or alcohol thereafter based on reasonable suspicion.

Reasonable suspicion may include, but is not limited to:

*There is reasonable suspicion the employee is impaired, is under the influence of drugs or alcohol, or has the odor of alcohol (regardless of behavior) while at work.

*There is reasonable suspicion the employee has violated the policy prohibiting the illegal or unauthorized use, possession, sale, or transfer of drugs or alcohol.

*There is reasonable suspicion that the employee has sustained a personal injury in the course of work, has caused a work-related accident or injured another employee, or was operating machinery, equipment or vehicles involved in a work related accident while under the influence of alcohol or an unauthorized substance.

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(b) Testing related to operating motor vehicles

Mandatory:

*If there is a fatality, post-accident testing is required.

*If any individual suffers a bodily injury and received immediate medical treatment away from the accident, post-accident testing is required.

*If there was disabling damage to a vehicle as a result of the occurrence that required it to be transported away via a tow truck or some other means, post-accident testing is required.

*If there was resulting damage to another vehicle or property that our driver contributed to, post-accident testing will be required.

*If there was a citation issued to our driver as a result of a motor vehicle incident, post-incident testing will be required.

*If loss of control of a vehicle results in it leaving the road, post-incident testing will be required.

(c) Treatment Program Testing. Ability Building Center may require an employee who has been referred for chemical dependency treatment or evaluation or is participating in a treatment program under an employee benefit plan to undergo drug or alcohol testing on a random basis and without advance notice during the evaluation or treatment period and for up to two years following the completion of any treatment program.

(d) Routine Physical Examination Testing. Ability Building Center may require employees to undergo a drug or alcohol test once a year as part of a routine physical examination. Affected employees will be given two weeks written notice that they will be tested for drugs or alcohol as part of a routine physical.

(e) These may or may not require testing;

The following will be evaluated individually and determinations to drug test or not will be made by any of the following positions based on availability; Executive Director, Operations Director, Program Director, Controller, or Human Resources Director.

Should one of the above named positions be involved in an accident/incident the Executive Director (or either the Controller or Program Director in his/her absence) will make the determination whether to drug test or not. Should the Executive Director be involved the Board President will be responsible for making the determination to drug test or not.

*Incidents resulting in minor damage to our vehicles or property only. (i.e., staff struck a snow bank while backing up and scratched the bumper).

*Accidents in which the driver appeared to have no control over.

1. Vehicle rear-ended while stopped at an intersection.

2. Vehicle struck while parked.

3. Vehicle struck by a deer or other animal.

*Incidents which may be reported to the person's supervisor or other ABC staff (Receptionist)

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- A. Driving concerns reported by the general public.
- B. Violation of company transportation policies (cell phone us, etc)

B. Conducting the Testing.

1. Consent. All employees required to undergo testing will be required to complete and sign the employee consent form attached as Appendix A.
2. Refusal to Participate. An employee or job applicant has the right to refuse testing. However, a refusal of testing will be treated as a failure to comply with Ability Building Center's policy and may result in withdrawal of a job offer or disciplinary action up to and including termination of employment.
3. The Laboratory. Ability Building Center will use a laboratory certified by the National Institute on Drug Abuse (NIDA) or its successor, the College of American Pathologists (CAP), or the Minnesota State Department of Health or other licensing body recognized by Minnesota law to perform all drug and alcohol tests.
4. Test Results.

The laboratory will conduct both an initial test and a confirmatory test if the initial test is positive. A negative result on either the initial or confirmatory test will be deemed a negative test result (i.e. the employee passed the test). A positive result on both the initial and confirmatory test will be deemed a positive test result (i.e. the employee failed the test.)

- a. Negative Test Result. An employee or applicant who tests negative for drugs or alcohol will be given written notice of passing the test within three working days of Ability Building Center receiving the test results from the testing laboratory.

- b. Positive Test Result. An employee or applicant who tests positive for drugs or alcohol will be given written notice of failing the test within three working days of Ability Building Center receiving the test results from the testing laboratory. The employee or applicant will then be given the opportunity to provide any information to explain the positive result, including any over-the-counter or prescription medications the employee or applicant may have taken. An employee or applicant who wishes to submit any explanatory information must do so within three working days after being notified of the positive test result.

An employee or applicant who has a positive test result may also request a retest of the original sample by the same or different certified laboratory at his or her own expense. An employee or applicant who wishes to conduct a retest must notify Ability Building Center in writing of their intent to conduct such a retest within five working days after being notified of the positive test result. If the results of the retest are negative, the test will be considered a negative test result.

An employee or applicant who tests positive as a result of an alcohol breathalyzer test and disputes the test result will be immediately taken to an emergency room for a blood alcohol test.

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- c. Right to Test Result. An employee or job applicant has the right to request and receive from Ability Building Center a copy of the test result report on any drug or alcohol test.

C. Costs. All costs related to alcohol and drug testing will be paid by Ability Building Center, with the exception of any retests requested by the employee or applicant following a positive test result.

D. Disciplinary Action in Response to a Positive Test Result.

2. Interim Discipline and Action: Ability Building Center reserves the right to temporarily suspend an employee or transfer the employee to another position at the same rate of pay pending the outcome of any drug or alcohol test. An employee who is suspended without pay will be reinstated with back pay if the test or any requested retest is negative.

3. Applicants. Ability Building Center reserves the right to withdraw the conditional job offer of any job applicant with a positive test result, without the opportunity to complete evaluation or treatment.

4. Employee-First Positive Test Result – Termination: Ability Building Center will not discharge an employee for the first positive test result. Instead, the employee will be given the opportunity to participate in an appropriate drug or alcohol counseling or rehabilitation program as determined by a certified chemical abuse counselor or physician trained in the diagnosis and treatment of chemical dependency chosen by Ability Building Center. The employee will be responsible for paying all costs associated with any evaluation and subsequent treatment or pursuant to coverage under an employee benefit plan. An employee who refuses or fails to participate in, cooperate with, or complete the evaluation or recommended treatment may be terminated. An employee who successfully completes treatment may be subject to random follow-up testing for a period of up to two years in accordance with section V.A.5. of this policy.

5. Employees – First Positive Test Result—Discipline: Ability Building Center reserves the right to take any other disciplinary action short of discharge it deems warranted following a first positive test result.

6. Employees-Subsequent Positive Test Result: An employee who has more than one positive test result may be terminated immediately following any second or subsequent positive test result without referral to or the opportunity to complete additional chemical dependency counseling or rehabilitation.

E. Privacy of Test Results.

1. Test results and other information acquired as a result of the testing program are private and confidential information and will not be disclosed by Ability Building Center or the testing laboratory to another employee or to third party individuals, government agencies, or private organizations without written consent of the employee or applicant being tested.

2. Evidence of a positive test result, however, may be used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing, or a judicial proceeding, provided the information is relevant to the hearing or proceeding. Such evidence may also be disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order. Evidence of a positive test result may also be disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment.

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3. Ability Building Center will provide an employee with access to information in the employee's file relating to positive test result reports and other information acquired in the testing process as well as conclusions drawn from or actions taken based upon such information.

F. Reporting Drug Conviction

Employees working on Federal contacts must notify Ability Building Center of any drug conviction occurring in the workplace. This notification must be made in writing to ABC within five calendar days of the conviction. This notification requirement does not apply, however to drug offenses occurring outside the workplace. Employees are not required to report drug arrests, only convictions.

Policy reviewed and authorized by: Steven Hill, Executive Director _____

Date of last policy review: 12/3/15

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