

SECTION:	Human Resources	SUBJECT:	Drug-Free Workplace
DATE OF ORIGIN:	5/1/04	REVIEW DATES:	10/1/05, 8/7/09, 6/10/11, 6/1/13, 8/15/14, 9/11/15, 7/12/16, 12/20/17, 12/6/18, 1/1/20, 3/1/21, 9/28/21
EFFECTIVE DATE:	9/28/21		
APPROVED BY:			_____ EXECUTIVE DIRECTOR

I. PURPOSE

To maintain Network180 as a drug and alcohol-free workplace.

II. SCOPE

This policy applies to all employees.

III. REFERENCES/LEGAL AUTHORITY

Drug-Free Workplace Act of 1988 (41 U.S.C. 81)

IV. DEFINITIONS

See Attachment D

V. POLICY

Network180 is hopeful that any employee who has a substance abuse problem will seek and obtain appropriate treatment. The Employee Assistance Program is available to all employees and can provide referrals to appropriate treatment programs.

Network180 is committed to providing a safe and appropriate workplace. All employees and applicants are subject to the following procedures whenever conducting business or representing Network180. Any violation of this policy will be subject to corrective/disciplinary action, up to and including termination of employment.

Employees are prohibited from manufacturing, using, possessing, selling, trading, and/or offering for sale alcohol, marijuana, illegal drugs, or intoxicants on Network180 premises or while performing work duties during the course of employment.

Any employee who is convicted of a criminal drug violation for a violation occurring in the workplace must notify Human Resources in writing within five calendar days of the conviction. Network180 will take appropriate action within 30 days notification. Federal contracting agencies will be notified within 10 days when appropriate.

Network180 shall comply with all federal, state, and local laws and regulations, where applicable.

VI. PROCEDURE

A. Required Tests

1. Pre-Employment: No potential employee may be hired unless they have satisfactorily passed a pre-employment drug test. A potential employee will be ineligible for employment for a period of six months upon submitting a confirmed positive drug test. After six months, the potential employee may reapply for an open position by following the appropriate application and pre-employment policies.
2. Return to Work: Any employee who is “work” inactive for a period of more than 180 days will be required to submit a drug test before being reinstated.
3. Reasonable Cause Testing: In the event a supervisor has observed behavior that would lead them to believe an employee is under the influence, the supervisor will have the behavior corroborated by another member of management. If they concur there is reasonable cause for drug/alcohol testing, they will notify Human Resources immediately. Human Resources will then notify the employee of the need to report to the clinic for a reasonable cause substance abuse test. The employee will be suspended until further notice. Reasonable cause includes, but is not limited to, abnormal physical impairments, behavior, or other related symptoms of substance abuse, including slurred speech, lack of coordination, inability to stand, abrupt mood swings, smell of alcohol or marijuana, accidents, physical indications such as needle marks, nose bleeds and frequent illnesses not medically explained, and/or possession of drug paraphernalia.
4. Post-Accident: Employees who are involved in a work related accident that involves either property damage or requires medical treatment may be required to be tested for drugs and alcohol. This test must be conducted within eight hours following the accident.

Employees may be subject to testing as part of any recommended follow up, last chance agreement or fitness for duty evaluation as determined by Network180.

B. Testing Procedure

To ensure the accuracy and fairness of our testing program, all testing will be conducted by Med-1 according to DHHS/SAMHSA guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician’s prescription, for the positive result; and a documented chain of custody. As part of the chain of custody each employee tested will be asked to sign a consent form

authorizing a drug testing facility to perform a drug and/or alcohol test, and to release the results of the analysis to the employer. Proof of a valid prescription may be required. Refusing to sign the consent form or chain of custody form will constitute grounds for discharge. All drug-testing information will be maintained in separate confidential records.

1. Donor Identification: Donors must provide photo identification (e.g., driver's license) and Social Security number when submitting a sample.
2. Refusal to Submit: Employees who refuse to submit to drug testing, refuse to cooperate, and/or refuse to sign the applicable authorization forms will be subject to immediate termination. Samples that have been adulterated and/or hydrated will be considered tampered and will result in corrective/disciplinary action and/or termination of employment. If the employee (donor) is unable to provide an adequate sample the employee will remain at the collection site and will be given water to drink in accordance to DHHS procedures. If after two hours the employee still cannot produce an adequate sample, the employee will be evaluated by a licensed physician to determine whether the condition is medically related. A retest may be initiated if an adequate sample is unable to be collected. Refusing to provide an adequate sample may be grounds for corrective/disciplinary action and/or termination of employment.
3. Marijuana Testing: While legal to consume in Michigan, Network180 has a policy of zero tolerance for marijuana use. Test results showing THC amounts will be considered a positive test for purposes of this policy regardless of when the employee/applicant claims to have last used.
4. Breath Alcohol: A breath alcohol test will be conducted by a trained technician to determine alcohol levels. Detection levels will be evaluated against applicable state and federal levels.
5. Urine Drug Tests: Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine. Drugs to be tested for include marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines, and their metabolites.

C. Results

1. Negative or Negative – Dilute: Test result that comes back negative requires no additional follow up. Test result that states Negative – Dilute will require another test within 24-48 hours. If a second test result of Negative – Dilute is received, the result of the test will be considered Negative.
2. Dilute or Dilute – Invalid: Test result of Dilute or Dilute – Invalid will require another test within 24-48 hours. If a second test result is Dilute or Dilute – Invalid, the result will be considered a positive drug test.
3. Positive Drug Tests: Employees who submit a confirmed positive drug and/or alcohol test will be immediately suspended without pay and referred to a Substance Abuse Professional (SAP) for assessment. Refusal to follow the treatment plan outlined by the SAP will be grounds for termination of

employment. Failure to schedule an appointment with a SAP within 36 hours of being notified of the positive test will be grounds for termination. The SAP and the employee will determine the appropriate course and duration of treatment. The cost of this program will be at the expense of the employee (may be covered under employee health insurance plan).

4. Employee Reinstatement: Employees may be reinstated under the terms of a “last chance agreement.” Employees must provide verification of their drug and/or alcohol free condition and validation that they have met the requirements of the SAP. The employee will be subject to fitness for duty and continued follow up testing for a period of two years upon completing the rehabilitation program. The follow up testing will consist of a series of six random tests for a period of two years. Reinstatement of an employee may occur while the employee is enrolled in the treatment program, provided the SAP gives clearance and a negative fitness for duty test, including a negative drug/alcohol screen has been submitted. The fitness for duty test must be conducted within 24 hours of being cleared by the SAP. The “last chance agreement” must be executed by the employee and their union representative (if applicable) and the Human Resources Director.
5. Second Positive Drug and/or Alcohol Test: Employees who have been reinstated and test positive for drugs and/or alcohol a second time shall be dismissed immediately and shall not be eligible for rehire or work in any capacity.

D. Self-Referrals

Network180 recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
2. Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
3. Network180 will provide an employee with up to 12 weeks leave of absence for participation in an inpatient substance abuse program in accordance with any applicable leave of absence policies. The employee will be required to use any accrued benefit time while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee. The SAP will recommend to the employer a plan for employment during the course of treatment. The employee will also be required to authorize the SAP to communicate directly to the employer regarding attendance/participation in treatment. Reinstatement of an employee may occur while the employee is enrolled in the treatment program, provided the SAP

gives clearance and a negative fitness for duty test, including a negative drug/alcohol screen has been submitted. The self-referral request must be made before the employee is required to submit to a drug or alcohol test required by this policy. Employees may not use this self-identification provision to avoid being disciplined for receiving a positive test result or for refusing to submit to a test.

E. Searches

Network180 reserves the right to conduct searches consistent with the *Use of Network180 Resources* Human Resources policy.

F. Notification of Convictions

Network180 will take appropriate action within 30 days of said notification. Federal agencies will be notified when appropriate.

VII. RESPONSIBILITIES

- Employee: Submit to required testing and searches as applicable. Comply with treatment plans. Any employee who is convicted of a criminal drug violation in the workplace must notify Network180 in writing within five calendar days of the conviction.
- Supervisor: In the event a supervisor has observed behavior that would lead them to believe an employee is under the influence, the supervisor will have the behavior collaborated by another member of management. If they concur there is reasonable cause for drug/alcohol testing, they will notify Human Resources immediately and complete Attachment C.
- Human Resources: Act upon employee conviction notification within 30 days of the notification. Arrange applicant and employee testing as appropriate. Institute appropriate personnel action as required.

VIII. ATTACHMENTS

- A. Drug Screening Policy Acknowledgement
- B. Pre-Employment Drug Screening
- C. Reasonable Suspicion Drug and Alcohol Test Report
- D. Definitions