**DRUG AND ALCOHOL POLICY (Drug-Free Workplace)**

 **[COMPANY] is strongly committed to the goal of maintaining a drug and alcohol free workplace. Achieving this goal is necessary to ensure the safety and quality of the work environment, the safety and health of our employees, and the overall integrity of the service we provide to our customers. Our commitment to maintaining a safe workplace requires a clear policy of preventing, detecting and treating employee substance abuse.**

 **This policy is applicable to all Company employees while on the job and in situations where an employee's off-the-job or off-premises conduct affects work performance, other employees, or customer confidence in the Company. Further, while [COMPANY] has no intention of intruding into the private lives of its employees, we expect that they will report to work with no illegal drugs or alcohol in their bodies. Compliance with this requirement is an essential qualification for all job assignments.**

 **[COMPANY] hopes that all employees will recognize that a co-worker impaired by drugs or alcohol can pose a significant threat to his or her own safety, as well as the safety of all people around him or her. We look to you to support the Drug and Alcohol Policy. Employees are expected to discourage coworkers from violating the policy, and are asked to cooperate with the Company's efforts to enforce the policy.**

 **Discussed below is a statement of the general rules that will be enforced to maintain an environment free from the effects of substance abuse.**

**GENERAL RULES**

 **1. The use, sale, possession or distribution of illegal drugs, being under the influence of illegal drugs, or having illegal drugs in one's system while on the job or on the company premises is prohibited. An employee who violates this provision will be subject to discipline up to and including immediate termination. Illegal substances shall be taken into the custody of management, and appropriate law enforcement agencies shall be notified.**

 **2. [COMPANY] prohibits the misuse of any prescription or over-the-counter medication while working or while on the company premises. Employees who are taking prescribed medication or over-the-counter mediation which may create impaired judgment, substandard performance, or inappropriate conduct must report the use of the medication to the Company. In certain cases, appropriate job restrictions may be imposed to ensure the safety of the employee, co-workers and customers. An employee who fails to disclose the use of medication, especially when a safety risk is created, is subject to discipline, up to and including termination.**

 **3. The Company prohibits any employee from the use or possession of alcohol while working, or from reporting to work under the influence of alcohol. An initial violation of this provision will require the employee to execute a mandatory “Last Chance Agreement.” A second violation within a five (5) year period will result in immediate termination.**

 **4. Upon reasonable suspicion, [COMPANY] has the right to search at any time an employee's personal effects and/or person, including, but not limited to, an employee's lockers, desks, tool boxes, purses, briefcases, or vehicles parked on company property. An employee's refusal to consent or cooperate with a search may result in disciplinary action, up to and including termination.**

 **5. [COMPANY] reserves the right to order employees to undergo drug and/or alcohol testing whenever supervisors or management has a reasonable suspicion that an employee is under the influence of drugs and/or alcohol.**

**All applicants for employment with the Company are required to submit to urinalysis screening, and those who fail or refuse to take the test will be denied employment (provided that the initial test result is confirmed.) All employees may be subject to random drug/alcohol or other diagnostic tests.**

**Any initial positive test result will be confirmed. The confirmatory test shall use gas chromatography/mass spectrometry, or another comparably reliable analytic method. Employees will also have the right to request further testing at an approved laboratory of the employee’s choice, at the employee’s cost.**

**Employees who test positive an initial time shall be placed on probation and required to sign a Last Chance Agreement (i) acknowledging their violation of this Policy, and (ii) agreeing that in exchange for not being discharged, they will undergo counseling and/or treatment as prescribed by a physician acceptable to the Company, to be subject to unannounced testing for a set period, and to be subject to immediate discharge for any violation of this Policy or the Last Chance Agreement between them and the Company.**

 **6. Any employee who voluntarily identifies him or herself to the Company as having a problem with drug and/or alcohol use will not be disciplined for admitting that problem, but he or she may be granted a “last chance” at the discretion of the Company. However, a voluntary request for assistance will not prevent discipline for any violations of the Drug and Alcohol Policy. [COMPANY] will keep any disclosures of drug and/or alcohol dependence confidential, with no information being shared within or outside the company without the prior written consent of the employee. The Company will attempt to refer the employee to appropriate community-based programs for help, which will be at the employee's sole cost and expense, unless the charge is specifically covered by the Company's health insurance program.**

**An employee who successfully completes a rehabilitation program will be allowed to return to work on a probationary status, provided the employee complies with any follow-up requirements of the program. For two years after an employee's return from a rehabilitation program, he or she will be subject to random drug and alcohol testing. A positive test during that period will result in disciplinary action, up to and including termination.**

 **7. Any third party (a friend or relative of an employee) will be subject to this Drug and Alcohol Policy. If found in violation of the policy, he or she will be removed from the premises. In appropriate circumstances, law enforcement officials will be notified.**

 **8. Neither the adoption or implementation of this policy should be construed as modifying the employee-at-will relationship between you and [COMPANY]. The Company reserves the right to modify or rescind this policy in whole or in part at any time with or without notice.**

**DEFINITIONS**

 **Company Premises includes all of the property, buildings, structures, grounds, parking lots and project work sites, as well as cars, trucks, and other vehicles owned, leased or used by [COMPANY], or any vehicle brought onto the Company Premises by an employee.**

 **Drug and Alcohol Testing means the use of any test selected by the Company at its sole discretion to detect or infer the past or present use of alcohol or drugs.**

 **Illegal Drug means any drug that is not legally obtainable, a drug that is legally obtainable but which has been illegally obtained, or a legal drug which is being used in a manner or for a purpose other than that prescribed.**

 **Reasonable Suspicion means circumstances, conditions, or employee behavior indicating drug or alcohol use. It includes, but is not limited to direct observation of the physical symptoms of being under the influence, an unexplained pattern of abnormal conduct, an arrest or conviction for a drug-related offense or for driving while under the influence of an illegal drug or alcohol, information provided by reliable and credible sources, or evidence that an employee tampered with a previously administered drug test.**

 **Under the Influence means that (1) an employee is affected in any detectable manner by alcohol, drugs, or any combination thereof; and/or (2) after an appropriate drug and alcohol test, an employee is determined to have a blood alcohol content of .04% or any amount of illegal drugs. Symptoms may be demonstrated by misbehavior, impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance, or other observable factors like a hangover.**