

## **FITNESS-FOR-DUTY 2.20**

### **I. PURPOSE**

Employees are expected at all times to report to work in both a physical and a mental condition that allows them to fully perform the functions of their respective jobs. Employees must, therefore, be able to perform their jobs without any adverse effect resulting from the use or abuse of any drug or alcohol, as those terms are defined below.

### **II. DEFINITIONS**

For the purpose of this policy, the terms below are defined as follows:

A. **Drugs are defined to Include**

1. any illegal or non-prescribed controlled substance;
2. any prescribed medication;
3. any over-the-counter medication; or
4. any alcoholic beverage.

B. **Inappropriate behavior**

Behavior which is unsuitable for the workplace, including but not limited to misconduct or observable physical or mental impairment which prevents the employee from performing the functions of his/her job.

C. **Under the influence**

Inappropriate or irregular behavior or abnormal conduct which is or appears to be induced or affected by drugs or alcohol in any detectable manner, often (but not necessarily) observed because of factors such as perceptible alcohol odor, staggering, abnormal speech, uncharacteristic behavior, unusual or different physical appearance, etc.

D. **Impaired**

Any decrease in judgment and/or physical or mental performance, coordination, acuity or responsiveness.

E. **Reasonable Suspicion**

An employee will be tested for drugs/alcohol when reasonable suspicion exists that he/she is under the influence of drugs or alcohol. Such a belief may be based on, among other things:

1. observable phenomena, such as direct observation of the use or possession of drugs/alcohol or the physical symptoms of being under the influence of drugs or alcohol;
2. abnormal conduct or erratic behavior;
3. arrest or a conviction for a drug-related offense, or identification of the individual by legitimate police or prosecutorial authorities as the focus of a criminal investigation into alleged criminal activities such as drug possession, use, or trafficking;
4. information provided by a reliable and credible source(s);
5. reason to believe that an employee has tampered in some way with a drug test or attempted drug testing by the employer or its agent;
6. medications and/or other medical supplies missing from the facility or unit in which the employee works, if the employee had access to the medications/supplies at the time when, to the employer's knowledge, they were first removed.
7. absenteeism or excessive tardiness;
8. declining productivity or performance;
9. violation of company safety policies;
10. involvement in an accident or near accident;
11. discovery or presence of substances in an employee's possession or near the employee's work place;
12. suspect behavior such as stumbling, slurred or incoherent speech, apparent confusion and disorientation, emotional outbursts, odor of alcohol and/or residual odor peculiar to some chemical or controlled substance; and
13. a prior positive drug test result.

### **III. POLICY**

- A. Employees are expected to report to work without any adverse effects from the use of drugs or alcohol. An employee may not be in a physical or mental condition which may impair his/her ability to perform his/her job functions.
- B. An employee using over-the-counter or prescribed medications which he/she believes, or has reason to believe, may impair his/her performance of any of his/her job junctions must immediately notify the divisional health and safety nurse, or his/her supervisor or department-head, of the possibility of impaired

performance (the employee is not required to disclose the condition for which he/she is undergoing treatment).

- C. Allied Services will take such actions it determines appropriate against any employee who appears to be impaired or under the influence.
- D. Allied Services may require an employee to submit to drug/alcohol testing at any time if he/she engages in inappropriate behavior or if reasonable suspicion exists.
- E. Any employee involved in a work-related accident may be required to submit to a post-accident drug test if drug testing is warranted, as set forth in Policy 2.44 A (Workers' Compensation).
- G. Drug/Alcohol testing consists of comprehensive urine drug toxicology, blood, saliva, breathalyzer alcohol testing, or other forms of testing in accordance with recognized standards and procedures. Allied Services reserves the right to test for any drug (or alcohol) it reasonably suspects is a cause for an employee being under the influence or acting inappropriately. Failure to submit to testing may result in disciplinary action up to and including termination from employment.
- H. Employees may also be medically unfit from performing the essential functions of their positions. Should a supervisor feel that their employee is medically unfit to perform their job duties, they should contact the Human Resources department for guidance. Employees may be required to get a release from their primary care physician or health care professional prior to returning to work. The physician must certify that the employee can return to work with or without reasonable accommodations.

#### **IV. REHABILITATION**

- A. If drug and/or alcohol testing is positive, the employee will be referred to EAP for an evaluation. Upon an employee's admission of a substance abuse problem, and/or if otherwise recommended by the EAP, the employee may be offered the opportunity to participate in a substance abuse rehabilitation program. Being offered the opportunity to participate in a substance abuse rehabilitation program does not mean that an employee will not be subject to discipline for violations of this Policy.
- B. An alcohol test will be considered positive if the employee's blood alcohol level is .02 or greater. This is the standard established by the US Department of Transportation. If an employee's alcohol test level falls between .02 and .039, the employee will be suspended for the remainder of his/her shift. He/she may voluntarily consult the EAP. If the results of the alcohol testing is .04 or higher, the employee will not be permitted to return to work until evaluated by EAP as the Corporation requires, and, if necessary, an appropriate health care provider or substance abuse counselor. No employee will be permitted to return to work until he/she has complied with all EAP recommendations and has submitted a

release to return to work from an appropriate physician or other health care provider.

- C. A drug toxicology test screen will be considered to be positive if the employee does not have a valid prescription for the drug, tests positive for an illegal drug, or toxicology results illustrate inappropriate use of a prescribed drug. If an employee tests positive for a non-prescribed or illegal drug, he/she will not be permitted to return to work until evaluated by the EAP, as the Corporation requires, and, if necessary, an appropriated health or substance abuse counselor. Rehabilitation is the responsibility of the employee. If an employee rejects the option of rehabilitation, or leaves a treatment program prior to its successful completion, employment will be immediately terminated.
- E. An employee who enters a rehabilitation program may be eligible for a Family & Medical Leave Act (FMLA) leave of absence for the period of rehabilitation. If the employee's underlying misconduct was serious, Allied Services may terminate his/her employment regardless of his/her entering the rehabilitation program. If termination of employment does occur, the employee will still be offered EAP services and encouraged to enter a rehabilitation program.
- F. If the cause of an employee's abnormal, erratic, inappropriate and/or irregular behaviors continue after a negative test result the employee will be referred to the EAP and/or an appropriate health care professional for monitoring and appropriate counseling.

## **V. RETURN TO WORK**

- A. If an employee is permitted to return to work, he/she will participate in a "Return-to-Work Conference" with a designated supervisor or manager, a Human Resources Department representative, and/or an EAP counselor. Before the employee returns to work, a "Return-to-Work Agreement" must be signed by him/her as a condition of his/her return.

He/she will thereafter, as a condition of his/her employment, be required to comply with all terms of the "Return-to-Work Agreement." The returning employee will also, as a condition of his/her employment, be subject to periodic, random drug testing for a period of three (3) years after returning to work. For employees covered by the Impaired Professional Program, the guideline of that program will be applied and followed where Allied deems it appropriate.

- B. If an employee is allowed to return to work pursuant to a Return-to-Work Agreement, and subsequently tests positive for drugs or alcohol, his/her employment will be immediately terminated.