

Policy: Drug and Alcohol Free Workplace

Purpose

MSD of Martinsville is committed to maintaining a safe workplace free from the influence of illegal drugs, controlled substances, or the ingestion of alcohol or other mind-altering substances. To ensure a safe and drug free environment, MSD of Martinsville has adopted a no drug and alcohol policy with zero tolerance. All MSD of Martinsville employees, including part-time contracted and temporary staff, are subject to this policy and to the testing procedures provided herein.

Under the Federal Drug-Free Workplace Act of 1988, The Federal Drug-Free Schools and Communities Amendments of 1989, and the State of Indiana Drug-Free Executive Order No. 90-5 of 1990, MSD of Martinsville is required to publish an approved policy that outlines the methods and philosophy of MSD of Martinsville in regards to all its commitment to maintaining a no-alcohol, no-drugs ban in the workplace.

As a condition of employment, all employees must abide by this policy.

Work Site Abuse

MSD of Martinsville prohibits the unlawful use, sale, purchase, dispensing, distribution, possession, or manufacture of controlled substances and the ingestion of alcohol and other mind-altering substances on MSD of Martinsville premises during working hours or at any affiliated work sites. Likewise, improper performance of your essential job duties is not excused by off-duty ingestion of any mind-altering substances, whether such performance is a result of the mind-altering effects of the substances or due to their after-effects, such as hangovers.

Off-Duty Abuse

MSD of Martinsville prohibits the unlawful use or sale of controlled substances, unlawful ingesting alcohol or other mind-altering substances, and/or prescription drugs to the extent those activities adversely affect MSD of Martinsville's reputation and credibility.

Reporting Obligation

Employees convicted of any criminal drug statute for a violation occurring in the workplace must report to the Superintendent no later than two (2) days after such arrest or conviction.

Right to Test

An applicant or employee will be requested to undergo a drug/alcohol test under any of the following circumstances:

- A. For Cause – When there is a reasonable suspicion to believe that an employee is under the influence of controlled substances, alcoholic beverages, and/or other mind-altering substances during working hours. Reasonable suspicion for “under the influence” includes, but is not limited to, the smell of alcohol, erratic and dangerous behavior, inability to perform work in a safe and productive manner, an arrest or conviction related to alcohol or drug use, or being in a physical or mental condition which creates risk to the safety and well-being to the employee, visitors, or the public.
- B. Post-Accident Testing – When an employee is involved in an on-the-job accident that requires medical treatment. Additionally, when a MSD of Martinsville vehicle, or an employee-owned vehicle being used for business purposes, is involved in a motor vehicle accident, all employee occupants of that vehicle will be subject to testing in accordance with local law enforcement.

Procedure for Testing

- A. For Cause – If there is reasonable suspicion that an employee is under the influence of either drugs, alcohol, or other mind-altering substances, the employee’s supervisor or an officer of MSD of Martinsville will be notified immediately. The supervisor or the officer will make arrangements to escort the employee to and from the test site and determine what further action is needed. Refusal to submit to testing will result in termination. All testing results will be forwarded to the supervisor or designee within five (5) days of the incident. The employee will be placed on suspension without pay pending investigation. If the test results are negative, the employee shall be reinstated with back pay for the actual time lost. If the result is positive, the employee has five (5) working days after receiving notice of a confirmed positive test result to submit information explaining or contesting the result(s). If the explanation or challenge of a positive test result is deemed medically unsatisfactory, the supervisor or other officer will provide the employee with a written explanation. Dilution and/or adulterated samples will be construed as a positive test result.
- B. Post-Accident Testing – The employee must report to the test site as soon as possible after a work related injury and no later than 24 hours after such an incident. An employee seriously injured who cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled/illegal/prohibited substances in his/her system. Refusal to be tested shall be grounds for suspension and subject to discharge. An escort is not required post accident unless there is reasonable suspicion of intoxication. Dilution and/or adulterated samples will be construed as a positive test result.

Violations of Policy and/or Procedure

Employees who violate this policy are subject to discipline, up to and including termination.

There are certain circumstances that may result in the employee’s immediate termination from MSD of Martinsville. These circumstances include, but are not limited to, the following:

- The unlawful use, sale, purchase, dispensing, distribution, possession, or manufacture of any controlled substances.
- The ingestion of alcohol and other mind-altering substances while at work or on MSD of Martinsville property or while conducting MSD of Martinsville official business.
- Refusal to submit immediately to the requested drug/alcohol test.
- Arrest or conviction relating to drugs and/or alcohol while employed by MSD of Martinsville.
- Engaging in the dilution and/or adulteration of samples.
- Failure to enroll or adhere to the requirements of a drug or alcohol treatment/counseling program as required a court of law.
- Switching or attempting to switch any specimen submitted for testing.
- Failure to notify your supervisor of any arrest, indictment, or conviction relating to drugs or alcohol.
- Failure to provide written consent to: (a) drug/alcohol testing; (b) the release of drug/alcohol testing results to MSD of Martinsville; and (c) the release of treatment records desired by MSD of Martinsville.

Violators of this policy will be reported to the appropriate licensing boards.

Adopted: July 17, 2014

ACKNOWLEDGEMENT

I hereby acknowledge that I have received and read the *MSD of Martinsville Drug and Alcohol Policy* and I agree to be bound by its terms.

Signature_____

Printed Name_____

Date_____