

Procedure No. 5-2-17
Replaces Procedure No. 5-1-17

Revised: 04-01-21
Issued: 01-01-98

SUBJECT: Drug and Alcohol Testing

PURPOSE: To establish Woodhaven's commitment to provide a drug-free, healthful and safe workplace and to carry out the mandate of Rights, Health and Safety Policy No. 5

This policy establishes Woodhaven's commitment to provide a drug-free, healthful and safe workplace and sets forth its procedure on applicant and employee drug and alcohol testing.

In order to promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner.

In keeping with the goals established by this policy, employees and job applicants may be asked to provide body substance samples (e.g., blood, urine) for the purpose of determining if the employee or applicant is currently engaging in the use of alcohol or illegal drugs.

In furtherance of this procedure, employees, their possessions and Woodhaven equipment and containers under employee control are subject to search and surveillance at all times while on duty. Employees believed to be under the influence of illegal drugs, narcotics or alcohol will be required to leave the premises.

Woodhaven is concerned with situations where the use of drugs or alcohol may interfere with the employee's health or job performance, or may create an unsafe working environment or an adverse effect on Woodhaven's operations. It is not Woodhaven's intent through this policy to intrude upon the personal lives of its employees or applicants.

Employees are prohibited from operating a Woodhaven vehicle or transporting individuals supported while under the influence of alcohol, marijuana (medical or not) or other illegal substances and if a prescribed medication causes adverse side effects that could cause impaired reflexes or reaction time). Driving is an essential function for many of the direct support positions and under no circumstances should an employee be operating a vehicle while in an impaired state.

GENERAL GUIDELINES

Legal Substances - The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner and does not endanger other individuals in the workplace.

Employees are required to notify the Human Resources Department of prescribed drugs or narcotics which they are currently taking which may affect job performance or behavior, and provide acceptable medical documentation. Woodhaven reserves the right to determine, due to safety or performance concerns, whether an employee should be allowed to continue work while receiving legal medication.

While on duty, no employee may consume, possess, distribute, sell or be under the influence of alcohol or marijuana (medical or not). Violations of this procedure may lead to corrective action, up to and including immediate termination of employment, or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Procedure No. 5-2-17
Replaces Procedure No. 5-2-17

Revised: 04-01-21
Issued: 01-01-98

SUBJECT: Drug and Alcohol Testing

Illegal Substances - "Illegal drugs", for the purpose of this procedure, are those drugs or narcotics which are illegally obtained or which cannot be obtained legally.

No employee may engage in the unlawful distribution, manufacture, dispensing, possession or use of illegal drugs. Any employee who distributes, manufactures, dispenses, is in possession of or is under the influence of illegal drugs may be considered in violation of this procedure. Violations of this procedure may lead to corrective action, up to and including immediate termination of employment, or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees are required to notify their Supervisor immediately of any arrest, conviction or entry of guilty/no contest plea under any criminal drug statute, law, regulation or ordinance and of any offenses involving driving under the influence or with excessive blood alcohol content under state law or municipal ordinance. Failure to report any such arrest, conviction or guilty plea will result in disciplinary action up to and including termination of employment.

REPORTING

Supervisors should report to the Human Resources Department any employee demonstrating unusual behavior which affects job performance to determine whether the employee should be required to submit to a drug or alcohol test according to the procedures set forth below. Depending on the time and situation, any Human Resources staff or leadership management staff will:

1. Review the facts of the situation and determine if the employee should be examined by a physician or clinic or be tested for drugs or alcohol and, if necessary, notify the testing facility.
2. Consult with appropriate facility medical personnel to determine if any prescribed drug use will impact the employee's ability to perform work safely and properly.
3. Arrange transportation and testing for any employee believed to be under the influence of drugs, narcotics or alcohol.

Human Resources Department will provide supervisors with training and guidelines in the recognition and reporting of symptoms of and behavior indicating drug and alcohol use.

TYPES OF DRUG AND ALCOHOL TESTING

Pre-employment Testing - As a condition of employment, all prospective employees are required to provide a body substance sample to test for current use of illegal drugs by the applicant. All potential new hires will be required to be tested for drugs only after a conditional offer of employment has been made and authorization for such testing is obtained from the new hire. Applicants must report for testing within 3 business days after being notified to do so.

Offers of employment will be made contingent upon satisfactory test results which are free from indications of current drug or alcohol use which could interfere with the applicant's performance of the job sought, either with or without reasonable accommodation.

Procedure No. 5-2-17
Replaces Procedure No. 5-2-17

Revised: 04-01-21
Issued: 01-01-98

SUBJECT: Drug and Alcohol Testing

Fitness for Duty/Reasonable Cause Testing - Woodhaven may require an employee to submit to a drug or alcohol test in the following situations:

- a. When there are observed changes in employee performance or behavior which cause suspicion of being under the influence of illegal drugs or alcohol.
- b. When there is a need to establish fitness for duty after a suspension or treatment for the use of illegal drugs or alcohol.
- c. Any employee experiencing a work-related accident or injury that requires medical attention, regardless of accident severity. An alcohol test will be administered within 8 hours following the accident or injury. Drug testing will be administered within 32 hours following the accident. If the employee is not readily available for testing, he or she may be deemed as refusing to submit to testing. A refusal to test is in violation of this policy and may be considered grounds for termination of employment

Random and Follow-up Testing – If an employee requires medical attention due to injuries sustained while working, or exhibits behavior deemed unsafe to perform duties and tests positive for alcohol and/or illegal drug use, may be subject to random unannounced testing for the use of illegal drugs. An employee who tests positive for the use of alcohol or illegal drugs and who completes a rehabilitation program may be subject to unannounced testing for a twelve (12) month period following reinstatement.

MISSING CONTROLLED SUBSTANCES

In the event that a controlled substance is missing from a consumer's residence, all employees that have been within the home within the questioned time frame will be subject to drug testing.

TESTING PROCEDURES

1. Whenever a supervisor suspects that an employee is under the influence of drugs or alcohol and is impaired in his or her ability to perform the functions of the job effectively and in a safe manner, the supervisor should contact the Human Resources Department or leadership management staff for further guidance. The supervisor should document the surrounding circumstances and specific observable behaviors and characteristics of the employee. Supervisors are encouraged but not required to obtain a second opinion from another supervisor regarding the employee's behavior and performance.
2. The employee should be told immediately by a supervisor that he or she is exhibiting behavior that appears to be impaired and he/she is unable to perform their job duties appropriately.
3. The employee should be given the opportunity to explain his or her behavior, and any statements by the employee should be documented.
4. In accordance with the reporting procedures previously mentioned, Human Resources staff or leadership management staff will decide if a drug or alcohol test is appropriate and make any necessary arrangements to transport the employee to the testing location. Following a test, arrangements will be made to transport the employee home.

Procedure No. 5-2-17
Replaces Procedure 5-2-17

Revised: 04-01-21
Issued: 01-01-00

SUBJECT: Drug and Alcohol Testing

5. All drug and alcohol tests will be performed at a medical facility at Woodhaven's expense.
6. An employee who is tested to determine fitness for duty may be suspended from service until test results are received by Woodhaven. Such time away from work will be paid if the test results are negative and unpaid if the test results are positive.
7. Woodhaven will maintain the confidentiality of test results and retain the records in separate files with access limited in accordance with ADA regulations and other legal requirements.

REFUSAL TO SUBMIT TO A DRUG OR ALCOHOL TEST

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described in this procedure is considered insubordination and may result in corrective action, up to and including termination of employment.

CONSEQUENCES OF A POSITIVE DRUG OR ALCOHOL TEST

Applicants - In the event of a positive test result for use of illegal drugs on a pre-employment drug test, the applicant will not be considered further for employment. A positive result for alcohol on a pre-employment test may, and usually will, have the same consequence.

Current Employees

- a. Before corrective action is imposed, employees will be given the opportunity to explain positive test results.
- b. Woodhaven's Employee Assistance Program (EAP) provides confidential counseling and referral services to employees. The first time an employee tests positive for drug or alcohol use, unless terminated, he or she will be referred to the EAP. Employees who test positive for drug or alcohol will be required to provide proof of successful completion of a drug or alcohol abuse treatment program before being eligible for return to work.
- c. An employee's participation in the company's EAP or a treatment program will not necessarily diminish or otherwise affect any disciplinary or corrective action by Woodhaven based upon any violation of policy, performance that is below Woodhaven's expectations, misconduct, safety violations or other infractions.
- d. An employee who has been allowed to return to work after a positive test for the use of illegal drugs or alcohol normally will be discharged immediately for a second positive test for the use of illegal drugs or alcohol.
- e. An employee who tests positive for the use of alcohol or illegal drugs will be subject to unannounced testing for a twelve (12) month period.

Procedure No. 5-2-17
Replaces Procedure 5-2-17

Revised: 04-01-21
Issued: 01-01-00

SUBJECT: Drug and Alcohol Testing

FAMILY AND MEDICAL LEAVE ACT REQUIREMENTS

In accordance with the Family and Medical Leave Act, employees with drug and alcohol problems that have not resulted in corrective action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Such leave will only be granted for absences to receive treatment, not for absences due to use of alcohol or drugs. Such unpaid leave may be granted if the employee agrees to abstain from use of the problem substance(s), abides by all facility policies, procedures, rules and prohibitions relating to conduct in the workplace, and if granting the leave will not cause Woodhaven any undue hardship. Staff should notify Human Resources after 3 days of time off.

In accordance with Workers Compensation guidelines, time off due to a worker’s compensation injury may be applied to the twelve-week maximum family and medical leave if the FMLA requirements have been met. Any employee who is absent from work for 3 consecutive days for any medical reason must complete the necessary FMLA paperwork if they are eligible. In general, to be eligible an employee must have worked for an employer for at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. A fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within 5 business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities or taking FMLA leave, as required by 29 C.F.R. § 825.300(b),(c).

RESPONSIBILITY

The Human Resources Department is responsible for implementation of this procedure. Any questions concerning this procedure or its administration should be directed to the Human Resources Office.

Approved by: _____ Date: _____
Chief Executive Officer