

Silver Lake Water & Sewer District

Workplace Reasonable Suspicion Drug & Alcohol Policy

The Silver Lake Water & Sewer District (District) is committed to protecting the health, safety and well-being of its employees and all individuals who come into contact with our employees and workplace. In addition, we strive to create and maintain a productive and efficient work environment in which all employees have an opportunity to thrive and be successful.

Recognizing that drug and alcohol use and abuse can pose a serious threat to these goals, the District is committed to providing a drug and alcohol-free workplace for all of its employees. This policy is in accordance with Chapter 296-800 of the State Administrative Code (WAC) and with the federal Drug Free Workplace Act.

This policy applies to all employees of the District. Employees who are required to maintain a commercial driver's license (CDL) are also subject to the District's Drug and Alcohol Policy for DOT Employees.

Policy/Procedure

The District strictly prohibits the following in the workplace, on District property (including in District vehicles) or on work time:

- the use, sale, distribution, dispensation, manufacture or possession of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act) or drug paraphernalia;
- the unauthorized use or distribution of prescription drugs;
- the use of any legally obtained drug (prescriptions or over-the-counter medications) when such use may adversely affect an employee's job performance, their safety or the safety of others, or any combination thereof;
- reporting to work or working while under the influence of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act). An employee will be deemed under the influence of a drug if the employee tests positive following a test conducted in accordance with this policy or when the employee acknowledges impairment.

Prescription Medication. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform the District of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing his or her job safely or effectively. In such cases, the employee should notify his or her supervisor or the General Manager so that a determination can be made as to whether it is in the best interests of the District and the employee that the employee work, not work, or be reassigned during the period medication is used. Medical information will be handled in a confidential manner. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established by federal law constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the employee's ability to perform job duties safely and effectively.

On occasion, alcohol may be served at District-sponsored events or at off-site conferences or other events an employee may attend as part of his/her job. This policy does not prohibit an employee from consuming alcohol at such events, provided that employees conduct themselves responsibly.

Employees may be subject to discipline or discharge for unacceptable behavior, including behavior attributed to alcohol consumption.

Workplace Drug Related Convictions

The Drug Free Workplace Act of 1988 requires employees, as a condition of employment, to report any criminal convictions of drug-related activity in the workplace to the District no later than five (5) days following a conviction. Any such report should be directed to the Human Resources designee or General Manager. Employees convicted of workplace drug-related crimes may be subject to discipline up to and including termination.

Drug and Alcohol Testing

The District asserts its right to test employees or applicants for alcohol and/or controlled substances to the extent allowed by law. This includes urine drug testing and evidential breath alcohol testing. Employee or applicant acceptance of testing, when required in accordance with this policy, is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of District policy and will result in termination of employment or, for an applicant, withdrawal of the job offer. The District reserves the right to test for drugs and/or alcohol as defined below:

Pre-employment – After receiving a conditional offer of employment, an applicant for a safety sensitive position must submit to, and successfully pass, a drug test.

Post-accident – An employee who is involved in an accident that causes significant property damage while driving a vehicle for District business, or who sustains or causes an injury that requires medical attention, will be required to submit to drug and alcohol testing, unless the circumstances surrounding the accident do not indicate a reasonable possibility that drug or alcohol use was a contributing factor.

Reasonable Suspicion – Reasonable suspicion is based on specific personal observations that a District Human Resource representative, physician, physician's assistant, or advance registered nurse practitioner, or supervisor can describe and document (using a Reasonable Suspicion Testing and Documentation Form) regarding an employee's appearance, behavior, speech, and breath odor.

Random – The District reserves the right to initiate, with a 60-day notice, the random testing of safety-sensitive employees.

The District will follow the collection and drug testing guidelines and standards issued by the U.S. Department of Health and Human Services and the U.S. Department of Transportation (DOT).

To ensure the accuracy and integrity of the program, the District also will follow these employee protection guidelines:

- For drug analysis, we will use a laboratory that has been certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
- A strict chain of custody will be used to ensure specimen integrity; a split specimen will also be collected.
- The process will ensure privacy and confidentiality of all test results.
- All positive drug test results will be confirmed by gas chromatography/mass spectrometry before they are reported to the District.

- All confirmed positive, invalid, substituted, and adulterated results will receive medical review by a Medical Review Officer (MRO), who will give the employee an opportunity to provide possible medical explanations for the result.
- All negative test results will be reported to Human Resources or a Human Resources designee.

In addition, when the District has a reasonable suspicion that an employee is violating any aspect of this policy, the employee may be asked by the District to submit immediately to a search or inspection at any time (including breaks and the lunch period) while on District premises or in District property. Any refusal to consent to a search constitutes a violation of this policy and is grounds for disciplinary action, up to and including termination of employment.

Procedures for Administering Tests

Drug screen

1. Upon identifying an event that requires testing (pre-employment, post-accident or reasonable suspicion), the District Human Resources representative will provide the employee with a non-DOT Custody and Control Form indicating the reason for the test and the specific services to be performed.
2. The employee will report to a clinic or authorized collection site with the Custody and Control Form and photo identification within 90 minutes of notification. In the event of a post-accident or reasonable suspicion testing event, the employee will be transported to the collection site by a District supervisor or Human Resources representative.
3. Samples will be collected by personnel who have met DOT collector training requirements as specified by U.S. Department of Transportation (DOT) Regulations 49 CFR Part 40. Collectors will follow standard DOT collection procedures and use a non-DOT chain of custody form. A split sample collection is required.
4. Shy bladder collections – In the event that an employee is unable to provide an adequate specimen on the first attempt, he or she will be given 40 ounces of water over a 3-hour period. The employee may attempt to provide a sample at any time within the 3-hour period. The employee must remain at the collection site until the collection is completed. If the employee is not able to provide an adequate specimen within 3 hours, the District will be notified immediately, and they will then notify the Medical Review Officer (MRO) for an evaluation. In this instance, the employee shall have the option to undergo a medical evaluation for “shy bladder” at their expense. If no medical explanation is found for their inability to produce urine, it shall constitute a refusal to test and be considered a failed test.
5. Suspected substitution or adulteration collections – If the employee provides a sample and the collection temperature does not register on the collection cup, or the collector suspects that the specimen has been adulterated (for example, it has a blue color or chemical odor that is not consistent with urine, such as bleach or perfume), that collection will be completed, and a second sample will be collected under same-gender direct observation. Both samples will be submitted to the lab for analysis, and both results will require MRO review. If an employee refuses to provide a second sample under observation, the event will be deemed as a refusal to test.
6. The sample will be shipped via courier to a SAMHSA-certified lab.
7. Each sample will undergo a screening test and, if it demonstrates a positive response for any drug, it also will be subject to a confirmation test by gas chromatography/mass spectrometry (GC/MS).
8. All negative results will be reported by an authorized SAMHSA-certified lab directly to the District. All results reported from the laboratory as positive, invalid, substituted, or adulterated results will be reported to the MRO for review. The MRO will contact the employee by telephone to give that individual an opportunity to provide a valid medical explanation for the positive result.

9. If the MRO accepts and employee's explanation and/or documentation as a valid, medically acceptable explanation, the result may be deemed "negative" and reported to Human Resources as such. All results for which the MRO determines that there is no valid, acceptable medical explanation will be deemed a "confirmed positive" and reported to the Human Resources representative as a failed test. The MRO may require a re-collection under direct observation in the event of some invalid results.

Breath Alcohol

1. All alcohol tests will be conducted using an evidential breath testing device operated by a trained Breath Alcohol Technician who has met qualification and proficiency requirements.
2. The Breath Alcohol Technicians will use a non-DOT Alcohol Testing Form to record the test. The employer copy of the Alcohol Testing Form will be sent to the District.
3. A breath alcohol result of ≤ 0.019 grams of alcohol/210 L of breath will be considered negative, and no further testing will be required for that incident.
4. A breath alcohol result of ≥ 0.020 grams of alcohol/210 L of breath will require a second, confirmatory test conducted no sooner than 15 minutes after the initial test. If the confirmation test result is ≥ 0.020 grams of alcohol/210 L of breath, the result will be considered positive and will be reported immediately to the Human Resources Department or representative.
5. If the result is positive, the employee will not be allowed to return to work, and arrangements must be made to provide transportation to the employee's home.

Confidentiality

All information received by the employer through the program is confidential. Access to this information is limited to those who have a legitimate need to know.

Consequences

An employee's refusal to do any of the following when required is considered non-compliance and may result in disciplinary action, up to and including termination of employment:

1. Take a drug or alcohol test.
2. Appear for testing.
3. Accept the EAP recommendations when required to use the EAP because of a positive drug test or due to violating a District rule pertaining to drugs or alcohol.
4. Comply with the conditions of the Last Chance Agreement.

First verified positive test: An employee may be terminated solely for a first-time confirmed positive drug or breath alcohol test. However, if not terminated, the employee will be given an opportunity for job retention through a Last Chance Agreement. This policy does not prohibit an employee from being terminated for reasons other than a confirmed positive test result. The availability of a Last Chance Agreement in a given situation, as well as the specific terms of that agreement, shall be subject to the District's discretion and approval.

Second verified positive test: If an employee has a confirmed positive drug screen or positive breath alcohol test for a second time, the employee will be terminated immediately.

Implementation Details

1. **Supervisor Training.** The District will provide a supervisor training program to help supervisors recognize an employee with possible alcohol and/or drug problems. This program will train

supervisors how to recognize specific performance or behavior criteria related to substance abuse and how to refer employees for assistance.

2. **Employee Education.** The District of will provide alcohol and drug awareness information for all employees. This will include the District policy on alcohol and drug abuse; the dangers of alcohol and drug abuse; and treatment and counseling services available through the Employee Assistance Program.
3. **Employee Assistance Program.** The District recognizes that alcohol and drug addiction can be successfully treated and is willing to help employees who suffer from these problems while holding them responsible for their own recovery. The District maintains an Employee Assistance Program (EAP). Employees may also have access to professional services through the District's health insurance plans medical program to aid them with any alcohol or drug problems. Employees who need help with drug and/or alcohol misuse or abuse are encouraged to use these resources. Employees are strongly encouraged to seek help to address their drug or alcohol problems before such issues affect their performance or result in a positive drug or alcohol test. Seeking assistance after an employee has tested positive or demonstrated performance issues will not allow the employee to avoid the disciplinary consequences of his/her behavior. For employees seeking assistance for alcohol and/or drug problems, the EAP will be administered as follows:
 - Employees seeking help on their own, or who are referred to the EAP by their supervisor, will be provided assistance on a confidential basis without jeopardizing their employment status.
 - Employees who are offered a Last Chance Agreement in lieu of termination for a violation of this policy may be required to use the EAP and/or successfully complete a treatment program as a condition of continued employment. In such case, the employee may be required to authorize the EAP or treatment provider to disclose to the District information regarding compliance with the treatment program. A Last Chance Agreement may also include requirements for follow-up drug and alcohol testing for a period of two years as a condition of continued employment.

Effective Date

The District Workplace Reasonable Suspicion Drug and Alcohol Policy is effective immediately. Current employees with substance abuse problems are encouraged to obtain help through the Employee Assistance Program before the testing program takes effect.

CERTIFICATE OF RECEIPT

I hereby certify that on the date shown below, I received and read a copy of the Silver Lake Water and Sewer District **Workplace Reasonable Suspicion Drug and Alcohol Policy** for use for all District Employees, consisting of seven (7) pages including these Certificates of Receipt, and a copy of drug and alcohol awareness training materials. I understand and agree to comply with this policy, including any required alcohol or controlled substance testing.

Employee – Print name

Employee – Signature

Date: _____

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Employee Copy