

ALCOHOL AND DRUG POLICY

This policy applies to all Agency employees, including any employees who are required to have CDL licenses as a condition of employment and continued employment. Our objective is to establish and maintain high minimum standards for all employees and thus in any situation where a law or contract imposes higher standards on our employees than this policy, the higher standard will apply. Any of the provisions of this policy which violate any law or contract will not apply.

Employees who are required to have CDL licenses are also subject to all applicable federal and state alcohol and drug rules, including testing. Thus, as an example, a CDL holder could be subject to testing under the terms of *this* policy . . . as well as under federal and state rules. (Our CDL drivers receive a copy of those rules at hiring.)

I. Why Does The Agency Have An Alcohol And Drug Policy?

In 1988 Congress enacted the Drug-Free Workplace Act to require federal contractors to establish and maintain a work environment that is free from the effects of drug use and abuse. We agree with that goal. This is the same standard we want in our business. For that reason, we expect all employees to work alcohol- and drug-free.

II. What Are The Agency's Views On Alcohol And Drug Use?

We recognize that alcohol and drug abuse may be a sign of chemical dependency and that substance abuse can be successfully treated with professional help. Of course, seeking help is the first big step toward recovery. We provide an Employee Assistance Program (EAP) for employees with personal problems -- substance abuse, debts, family or marital problems, personal relationships, job, obesity or excessive weight, legal matters, gambling, depression, etc. -- that could affect work performance.

We encourage employees with possible alcohol or drug problems to seek voluntary counseling and treatment. If you believe you may have a problem, you may always seek help on your own. You may also seek help without your supervisor's knowledge or approval by talking with the Human Resource Director.

IMPORTANT: No employee will be disciplined or discriminated against simply for seeking help. However, an employee who violates this policy, regardless of the employee's use of EAP or participation in a treatment or rehabilitation program, *is* subject to discipline. Thus, as an example, if you are seeking help but believe that you might still have unlawful drugs in your system and might test positive, you should request a disability leave of absence until the substance is out of your system. Again, the time to seek help is before you test positive, not after.

III. Does UMCHS Offer Any Training On Substance Abuse?

We have established alcohol and drug awareness program to educate our employees on these and other subjects:

- The effects and dangers of substance abuse;
- The assessment, counseling and treatment resources that are available to employees and family members;
- How assessment, counseling and treatment can be paid for; and
- This Alcohol and Drug Policy.

Our supervisors and Human Resources Director are also available to help you obtain information on assessment, counseling and treatment resources, and to identify any Agency programs or benefits that may be available.

IV. What If I Believe I Could Have A Problem With Alcohol Or Drugs?

You are responsible for following all of our work and safety rules, and for observing the standards of behavior an employer, coworkers, and clients have the right to expect from you.

In addition, if you believe you may have a problem with alcohol or drugs, you are responsible for seeking assistance, whether from or through the Agency or any other resource, before an alcohol or drug problem adversely affects your work performance or results in a violation of this Policy.

You can also help coworkers who may be developing an alcohol or drug problem by calling it to their attention and urging them to deal with it. You can do that directly . . . or by calling the problem to our attention. Your identity will be kept as confidential as is possible under the circumstances. We will simply tell the coworker that others are concerned that he/she may be developing a problem that needs attention.

If a professional assessment is made that you have a problem with alcohol or drugs, your continued employment may be conditioned upon:

- Entering into and completing a treatment program (including all follow-up recommendations) approved by the Agency, and
- Signing and living up to the terms of a “performance agreement.” An employee who voluntarily seeks help before any work-related problems arise may also be required to enter into a performance agreement to maintain employment.

V. Do You Mean No Alcohol Or Drugs Just While I’m At Work?

This policy and each of its rules apply whenever an employee is on or in Agency property, surrounding grounds and parking lots, leased or rented space, Agency time (including breaks and meal periods), in any vehicle used on Agency business, and in other circumstances (such as on client premises or at business or sales functions or conferences

and when representing the Agency) we believe may adversely affect our operations, safety, reputation or the administration of this policy.

VI. What About “Medical” Marijuana?

An employee who is using medical marijuana and has a valid medical marijuana card is not automatically excused from complying with *all* of the provisions of this policy.

To assist the Agency in meeting its obligation under OSHA to maintain a safe workplace as well as in complying with Oregon’s disability law, an employee with a medical marijuana card who is about to use or is using medical marijuana must inform Human Resources immediately so that the Agency can determine whether you may be entitled to some form of reasonable accommodation under the Oregon disability law.

Failure to timely notify (for example, waiting until you have been requested to test) normally will result in termination and you will lose any right you may have had to reasonable accommodation.

VII. What Are The Specific Rules?

What follow are very important rules and an employee who violates any one of them should expect to be terminated.

1. Alcohol. An employee may not possess, use, transfer, offer or be under the influence of alcohol or other intoxicants. We also believe it is unprofessional for any of our employees, regardless of position, to have the odor of alcohol on their breath or clothing during the workday. **IMPORTANT:** This rule prohibits using any alcohol prior to reporting to work, during breaks or meal periods, or in conjunction with any Agency activities.
2. Drugs. An employee may not possess, use, transfer, offer, share, trade, attempt to sell or obtain, manufacture, or be under the influence of any drug or any similar substance and also may not have any drugs or similar substances present in the body. Thus, an employee who tests positive at or above our cut-off levels violates this rule. (For a listing of our current cutoff levels, consult Human Resources.) **IMPORTANT:** The “possession” and “use” parts of this rule obviously do not apply to legal drugs or over-the-counter medications possessed and used in compliance with Rule 5 below.
 - “Drugs and similar substances” include legal and illegal drugs and similar substances, such as marijuana, cocaine, heroin, peyote, opiates, phencyclidine (PCP or angel dust), amphetamines, designer drugs, and “controlled substances” (as defined in Schedules I-V of Section 202 of the Controlled Substances Act and the applicable regulations, or their successors), as well as legal drugs which have been obtained or used illegally (for example, using drugs prescribed for someone else or for other than prescribed purposes).
3. Alcohol Containers and Drug Paraphernalia. An employee may not possess or control alcohol containers (cans, bottles, etc.) or any drug paraphernalia. “Drug

paraphernalia” means equipment, products, kits, and materials of any kind which are marketed, designed for use in connection with anything from the planting to the manufacturing, packaging, selling, or introducing (or attempting to do so) into the body any illegal drug or any substance designed to mask or conceal use of such a drug.

4. Alcohol- and Drug-Related Arrests and Convictions. An employee must notify Human Resources of any citation, arrest, conviction, guilty or no-contest plea, or forfeiture of bond or bail under any criminal drug law within five days of the event so we can review the circumstances to see whether we feel a violation of this policy has occurred.

If an employee’s job involves driving in any vehicle on Agency business, the employee must notify the Human Resources Director of any alcohol- and/or drug-related citation, arrest, conviction, guilty or no-contest plea, or forfeiture of bond or bail. (This includes any non-work-related citations, arrests and/or convictions.) This allows us to review the circumstances to see whether a violation of this policy has occurred, and to decide whether we want the employee to continue driving on our behalf.

In any of these circumstances the Agency may request a drug test and/or that an employee sign a performance agreement as a condition of continued employment.

5. Legal Drugs/Prescriptions/Over-the-Counter Medications. We recognize that the use of any drug or similar substance, legal or illegal, can adversely affect an employee’s work performance and safety. Of course, there are many situations where employees can safely perform their jobs while taking prescribed drugs and over-the-counter medications. Please check the potential effects of prescribed drugs and over-the-counter medications with your doctor or pharmacist before starting work, and to immediately let Human Resources Director know when such use makes it unsafe for you to report for work or to do your job.

We also recognize that misuse of legal prescriptions is a common form of drug abuse. Thus, we expect employees to only use medicine that has been prescribed for them, to follow the doctor’s instructions, and to keep it in its original container (or have a copy of the prescription in their possession). The container or prescription must identify the drug, the date of the prescription, and the prescribing physician’s name. We also expect all over-the-counter medications to be kept in their original containers.

NOTE: “Medical” marijuana is *not* a “prescription” and thus is not covered by this rule. However, an employee who holds a marijuana card and is about to use or is using marijuana *must* immediately inform Human Resources Director .

Depending upon the violation, we may also request the assistance of or an investigation by appropriate law enforcement agencies.

VIII. When Do You Test Employees For Alcohol And/Or Drugs?

“Suspicion” Testing. If we suspect that an employee may have violated this policy in some way, we may require testing; for example, testing may be required as a result of any one (or any combination) of the following:

- Observable symptoms of use or of being under the influence of alcohol or drugs;
- The odor or smell of alcohol or drugs on the employee's breath or clothes or in an area (such as in a vehicle, office, work area or restroom) immediately controlled or occupied by the employee;
- Alcohol, alcohol containers, illegal drugs or drug paraphernalia (see definition on page __) in the employee's possession or in an area (such as in a vehicle, office, work area, desk, or restroom) immediately controlled or occupied by the employee;
- Unexplained significant deterioration in job performance;
- Unexplained significant changes in behavior (e.g., abusive behavior, repeated disregard of safety rules or procedures, insubordination, etc.);
- Evidence that the employee may have tampered with a drug test;
- Criminal citations, arrests or convictions (including guilty and "no-contest" pleas and forfeitures of bond or bail) involving alcohol or drugs or the identification of an employee as the focus of a criminal investigation into controlled substance possession, use or trafficking;
- Unexplained or suspicious absenteeism or tardiness;
- Credible reports of drug or alcohol possession or other violations of this policy;
- Employee admissions regarding drug or alcohol use;
- Unexplained absences from normal work areas when we suspect drug- or alcohol-related activity; and/or
- Any involvement (even indirectly as, for example, presence in the immediate area) in any work-related accident or near-miss that resulted (or could have) in any injury requiring outside medical attention (at the time of the incident or thereafter) or which resulted (or might have) in property loss or damage which, in our opinion,

Again, these are examples of situations in which we may require testing. In deciding whether to make such a request, we will take into account the facts and circumstances of each particular case.

Government Imposed Testing Requirements. Some government laws, regulations (for example, employees who are required to have CDL licenses as a condition of continued employment), contracts and/or grants contracts may impose various testing requirements. Our employees are always subject to all such requirements, but we will try to provide advance notice to affected employees.

IX. If I'm Asked To Test, What Does The Agency Expect?

An employee who fails to cooperate in the administration of this policy generally will be terminated. This includes such things as:

- Refusing to consent to testing, to submit a sample, or to sign any required forms;
- Refusing to cooperate in any way (for example, refusing to courteously and candidly cooperate in any interview or investigation, including any form of untruthfulness, misrepresentation or any misleading statements or omissions);
- Any form of dishonesty in the investigation or testing process (including switching, adulterating, or in any way tampering or attempting to tamper – for

example, through the use of a “kit,” pill, liquid, etc. – with the requested sample(s) or otherwise attempting to manipulate the testing process);

- Refusing to test again at a time of the Agency’s choosing whenever any test results in a finding of a dilute sample;
- Testing “dilute” on any requested retest after an initial dilute result; and
- Failure to accept a referral, to enter into and complete an approved treatment program (including any follow-up recommendations), or to sign or adhere to the commitments in the performance agreement.

X. What If I Test Positive Or Dilute?

An employee who tests positive for alcohol or drugs in violation of this policy (or has a second dilute test) normally will be suspended immediately pending possible termination. In some cases we may offer referral to an assessment program. If the assessment indicates that the employee is a likely candidate for treatment and rehabilitation, the Agency may allow the employee to maintain employment by entering into and completing a treatment program (including any follow-up recommendations) approved by the Agency. The employee must also sign a “performance agreement.”

XI. If I Test Positive Or Dilute, Can I Appeal?

All alcohol and drug testing will be done by a clinic, hospital and/or laboratory selected by the Agency. An employee who has been tested will be told when to contact the Agency for further instructions and will then be told the test results. An employee who tests positive (or has a second dilute test) will have 15 calendar days (from the day the test results are communicated) to explain the result and/or request reconfirmation of the same specimen by our laboratory. (You need to contact the Human Resources Director directly if you want to explain the results and/or request a reconfirmation.)

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XII. What About Confidentiality?

All test results will be maintained in a secure file other than the employee’s personnel or medical file and will only be communicated on a business “need to know” basis.

XIII. But What If I Am In A Situation The Rules Don’t Cover?

We recognize that situations will arise which are not specifically covered by this policy and these guidelines (for example, situations involving employees who have been charged, convicted, pled no contest or forfeited bond or bail, to drug-related charges). We will deal with them on a case-by-case basis taking into account such things as the nature of the situation or problem, the potential impact on coworkers and this Alcohol and Drug Policy,

the employee's prior employment record and job assignments, and the potential impact on production, safety and client or public perceptions of the Agency. Thus, in circumstances we deem appropriate, an employee could be required to submit to alcohol and/or drug testing in circumstances other than those identified in the section titled "When Do You Test Employees for Alcohol and/or Drugs?" above.