



Sample Substance Abuse Policy For Ace Manufacturing

Preliminary Considerations

Prior to implementing any substance abuse policy, be aware of the following:

Special regulations exist for employers in particular industries, such as public employers, employers regulated by the Department of Transportation, Department of Defense, Department of Energy, and the Nuclear Regulatory Commission. This sample policy is not intended to comply with any of these laws or regulations.

Private employers have greater latitude in implementing a substance abuse program than public employers. Similarly, non-union employers have more freedom than union employers. And greater freedom exists in requiring tests for applicants than for current employees. Finally, the more critical, hazardous or safety sensitive the position, generally the more latitude.

In the union context, an employer is usually required to bargain with the union over the development and implementation of substance abuse policies because the substance abuse policy is considered a condition of employment. On the other hand, a non-union employer may unilaterally institute a substance abuse policy.

The work rules should be consistently enforced, especially in a unionized company.

Employees should be put on notice as to the existence of the policy, especially the work rule component and the consequences of violations.

Supervisors should be alert to identify employee drug use as well as violations of the policy.

In the union context, an employer may not be able to rely solely upon results of a drug test alone to justify an employee discharge, but such tests are nevertheless relevant evidence that employees have in fact used drugs.

Neither the remarks nor the contents of the sample policy should be relied on as legal opinions on any particular situation in which an employer is or may become involved. Information contained in the sample policy is provided as a general guide only and in no way should be construed as constituting specific legal or professional advice. Even seemingly minor differences in facts between the company situation and any sample described may make a difference in the applicable law.

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Furthermore, specific laws and regulations exist for employers in particular industries. Moreover, in the union context, an employer is usually required to bargain with the union over the development and implementation of a substance abuse policy. This sample policy is **not** intended to comply with the laws and regulations involved in any of these specialized situations.

Finally, labor and employment laws in this specific area are forever changing and what is good law today may be obsolete tomorrow -- either because of a new decision of a court or administrative agency or because of a new state or federal statute or regulation.

Coverage

All full time **Ace Manufacturing** Employees. Temporary employees are subject to the guidelines in Section IX of this policy.

Policy

It is the policy of **Ace Manufacturing** to promote and maintain a safe, healthy, and productive drug-free work environment, for the benefit of its employees, customers, and the communities in which we operate. Safe work practices, protection of company assets, and protection of the environment are always priorities for our company.

Ace Manufacturing considers substance abuse to be a very serious issue and attaches great importance to its commitment to maintain a drug-free work environment.

Therefore:

The unlawful manufacture, distribution, dispensing, possession, use of, or being under the influence of alcohol, controlled substances, drugs, narcotics, or any intoxicant is prohibited by any employee of **Ace Manufacturing**, any subsidiary operation of **Ace Manufacturing**, or any individual on any company premise, or while conducting company business off premise. Any employee violating any part of this policy is subject to serious disciplinary action, up to and including termination of employment.

Ace Manufacturing, or its agents, may collect body fluid (blood, urine, saliva, etc.) samples from any employee and may test such specimens for alcohol, controlled substances, drugs, narcotics, or any intoxicant, or their metabolites. An employee's or applicant's consent to submit to such testing is required as a condition of employment. Refusal to consent to testing will lead to termination of employment.

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As part of the maintenance of a drug-free work environment, **Ace Manufacturing** will promote substance abuse education programs for all employees.

Ace Manufacturing reserves the right to notify appropriate law enforcement officials regarding employees who engage in conduct and activities which violate this policy.

Procedure Conditional Employment

Testing

Applicants for employment at **Ace Manufacturing** will be required to submit to a substance abuse test after an offer of employment is made.

Any such applicant whose test result is positive will not be allowed to start work. Any applicant testing positive may re-apply for employment 180 days after the date of their previous pre-employment substance abuse test.

Reasonable Suspicion and for Cause Testing

Any employee may be required to submit to substance abuse testing based upon "reasonable suspicion" or "for cause" that the employee is in violation of this policy.

Post-Accident Testing

An employee is subject to testing after any on-the-job accident if the employee's human error may have been a factor in the accident or the injury involves lost work day(s). On-the-job accidents include (but are not limited to) accidents such as chemical spills, vehicle accidents, fires, damage to physical assets, assaults, etc.

All operators of commercial vehicles are subject to testing when they are involved in a "reportable accident." A reportable accident is defined as any accident which results in death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or total damages to all property aggregating \$3,900.00 or more, based upon actual costs or reliable estimates.

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In all cases of post-accident testing, urine and/or blood samples should be taken within eight hours of the accident. It is the employee's responsibility to notify his supervisor of all accidents. For operators of commercial vehicles, it is the employee's responsibility to present himself for testing at the employer's designated medical facility. If this is not possible (due to distance away from the facility), use of an alternative medical facility must first be approved by the employee's supervisor. In situations involving serious injuries to the employee, the employee is required to provide the necessary authorization for the company to have access to hospital reports or documents that would indicate whether the employee was, or was not under the influence of alcohol, drugs, controlled substances, narcotics, or any intoxicant.

Periodic Testing

Employees whose job requires a physical examination as part of their ongoing employment will also be required to submit to substance abuse testing as part of any physical examination.

Promotional Drug Testing

Any employee who is offered a promotion into a supervisory or management position, or any employee already in a supervisory or management position and who has been offered a promotion to a higher level position, will be subject to substance abuse testing. This provision applies to individuals whose job will involve supervision or management of employees who work with hazardous chemicals, waste and/or operate commercial vehicles.

Random Testing

Employees whose jobs include working with hazardous materials and employees who operate a commercial vehicle at any time during the course of employment, will be subject to substance abuse testing without notice.

Substance Abuse Testing at Customer Request

Occasionally, an **Ace Manufacturing** customer will require that employees involved in servicing their account be certified "drug-free," as a condition of receiving that customer's business. **Ace Manufacturing** complies with all such requests, and will perform substance abuse testing, as necessary, of employees who are involved with the servicing of customer accounts that require drug-free certification.

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Positive Test Results

If a substance abuse test is conducted in any of the aforementioned situations, and the test result is positive, the employee who tested positive will be terminated from employment.

Additionally, the refusal of an employee to consent to and submit to a substance abuse test will result in the employee being terminated from employment.

Work Place Drug-Related Convictions

Ace Manufacturing is required by Federal law to report to the appropriate contracting Federal agency, all work place drug-related convictions of its employees. Any employee convicted of a work place drug-related offense must notify, in writing, **Ace Manufacturing's** Manager of Employee Relations within five days of the conviction.

Off-the-Job Substance Abuse

Off premises involvement with illegal drugs may have an adverse affect on an employee's on-the-job performance.

The unlawful involvement with illegal substances outside company premises will constitute grounds for severe disciplinary action, up to and including termination of employment.

Employee Assistance

Ace Manufacturing realizes that some employees may need assistance in dealing with a substance abuse problem. Any employee needing help is urged to voluntarily (prior to the employee being scheduled for any type of substance abuse test) come forward and request assistance. The company currently provides assistance to employees through an Employee Assistance Program (EAP), or community out sources.

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The EAP affords employees at all **Ace Manufacturing** locations access to counseling and referral services, when dealing with a substance abuse problem. It is the employee's responsibility to follow appropriate company policy (refer to the **Ace Manufacturing** Medical Leave Policy) when seeking medical assistance for a substance abuse problem. **Ace Manufacturing's** medical benefit plan may provide for payment of some costs associated with substance abuse treatment. Refer to the appropriate medical plan brochures for specific details and provisions/limitations of coverage.

Legal Drugs

An employee's use of a legal drug may pose a significant risk to the safety of the employee and/or others. Legal drugs are defined as "prescribed drugs and over-the counter drugs which have been legally obtained and are being used only for the purpose for which they were prescribed or manufactured and in the prescribed amounts". Any employee using prescription and/or over-the-counter drugs that may affect job performance or alter their behavior must consult with their physician regarding the effects of such legal drug use or the employee's ability to perform their assigned duties. Upon reporting to work, the employee should provide his supervisor with written documentation to support the employee's legal drug use and fitness for duty.

Temporary Employment

Individuals hired to work in temporary positions (temporary employment is defined as employment planned for 60 days or less, including summer employment) are not required to submit to post-employment offer substance abuse testing. However, individuals hired to work in temporary positions that will work with hazardous materials and/or operate commercial motor vehicles, *will be required to submit to post-employment offer substance abuse testing*. If a temporary employee is expected to be utilized 60 days or longer, or is still employed 60 days after the start of their temporary assignment (example: A temporary is planned to be used for a 45 day period but due to business reasons, their employment is expanded beyond 60 days), the individual is required to consent to and submit to a substance abuse test. All other provisions of this policy apply to temporary employees.

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Use of Consent Forms

Whenever an employee or applicant for employment is scheduled to take a substance abuse test, a new consent form must be completed.

Application of Federal, State and Local Regulations

Ace Manufacturing recognizes the existence of federal regulations, including those of the Department of Transportation and Federal Highway Administration, and certain state and local legislation regarding work place drug testing. When such regulations or legislation apply and impose obligations on **Ace Manufacturing** which conflict with, or are in addition to, those obligations set forth in this policy, **Ace Manufacturing** will endeavor to follow the applicable regulations or legislation.

Suspension from Work Pending Test Outcome

The Company reserves the right to suspend an employee, with or without pay, pending the results of a substance abuse test. In the event that the suspension is without pay and the test result is later negative, the employee will be reimbursed for time missed as a result.

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