



Alexander City Housing Authority

Drug-Free Workplace Policy

Effective July 22, 2014

**Adopted by
The Board of Commissioners
Resolution # 673**

This policy supersedes all previous versions.

DRUG-FREE WORKPLACE POLICY

The Alexander City Housing Authority (ACHA) **demands** an alcohol and drug-free workplace. The manufacture, distribution, dispensation, possession or use of illegal drugs and of alcohol in the workplace is, therefore, prohibited. The ACHA also recognizes that use and abuse of alcohol and of illegal drugs outside the workplace may also cause problems in the workplace.

The implementation of a drug-free workplace policy by the ACHA will further the overall interests of the ACHA by (1) ensuring public safety; (2) developing public trust and integrity; (3) discouraging corruption; (4) developing high morale and safety in the workplace; (5) preventing a loss of productivity; and (6) minimizing or eliminating liability.

The ACHA is concerned for the well-being of its employees. The ACHA believes it ACHAs a responsibility to provide a safe, healthy, and productive working environment for all of its employees.

The ACHA adopts the following policy in furtherance of its goal to establish a drug-free workplace.

Responsibility

The implementation of, and compliance with, the ACHA Drug-Free Workplace Policy is primarily the responsibility of the department heads. Each department head is responsible for ensuring that all aspects of this policy are followed. The Human Resources Manager will receive confidential drug testing information and is available to assist each department head in the implementation of this policy.

Illegal Drug or Alcohol Use in the Workplace

If it is determined that an employee used, consumed, possessed or manufactured: (a) illegal drugs either during work hours or while on duty, or (b) alcohol, during work hours or while on duty if such use or consumption in any way impairs his/her ability to perform his/her job duties, that employee will be terminated. A drug screen or breath alcohol test will be performed, if possible, to confirm the consumption or use by the employee. An "illegal drug", for purposes of this policy, shall include cocaine, marijuana, PCP, opiates, amphetamines, ecstasy as well as any prescription narcotic, opiate, and/or amphetamine-based drug for which the employee does not have a current, valid prescription in his/her name.

Furthermore, in adherence with Title 49 Code of Federal Regulations Part 40, a breath alcohol concentration of .04 or greater shall constitute a positive finding for purposes of this policy.

DRUG AND ALCOHOL SCREENING AND TESTING

Pre-Employment Testing

All potential employees, regardless of employment status, shall be given an initial drug screen test after receiving a conditional offer of employment. The conditional employee must pass the test before receiving final appointment to the position. If the test result is positive for illegal drugs, the applicant will be refused employment for the position he/she was applying and will, additionally, be refused employment for ANY ACHA position for a period of five (5) years thereafter. The test administered will ascertain whether the conditional employee has traces of any illegal drug in his/her system.

Testing Based on Reasonable Suspicion During Employment

If there is reasonable suspicion to believe that an employee is using or possessing illegal drugs or is under the influence of alcohol while working for the ACHA, this employee may be administered a drug screen and/or breath-alcohol test. These tests must be in accordance with the ACHA drug and alcohol testing procedure to include verification of the test results by a qualified Medical Review Officer (MRO) as defined in 49 CFR Part 40.

Supervisors are required to specify in writing the exact facts, symptoms, and/or observations of drug or alcohol use. Any corroboration by other sources, which formed the basis for a reasonable suspicion, must also be documented. The documentation is to be immediately forwarded to the supervisor's department head or his/her designee. The department head or designee will, in turn, forward the documentation to the ACHA Human Resources Manager who will, in turn, set up the collection of the sample provided it meets the requirements for a "reasonable suspicion drug and alcohol test."

- Circumstances which provide a basis for determining reasonable suspicion may include, but are not limited to:
- Direct observation of drug or alcohol use
- Presence of physical symptoms consistent with drug or alcohol use, i.e. alcohol odor, slurred speech, poor coordination and/or reflexes
- Abnormal or erratic behavior by the employee
- Information concerning recent drug or alcohol use by the employee, from a reliable and credible source.

On-the-Job Testing

Any employee who suffers an on-the-job injury that may result in a Workers' Compensation Claim will be subject to a drug screen and/or breath alcohol test pursuant to the ACHA drug and alcohol testing procedure. The test result must be verified by a qualified medical review officer (MRO). If the test results are positive for drug or alcohol use, workers compensation benefits may not be paid to the employee. Furthermore, the employee will be subject to paragraph "G" of the drug and alcohol testing procedure. A drug screen will be performed after each and every on-the-job injury that is treated by a physician; furthermore, if the

physician or supervisor has reasonable suspicion to believe that the injured employee is under the influence of alcohol, a breath alcohol test will be administered as well.

The injured employee has twelve (12) hours, from the time of the injury, to submit to the required drug screen. The injured employee must submit to the breath alcohol test immediately upon request absent an overriding cause for delay. Failure to adhere to these time restraints may subject the employee to termination of employment and/or denial of workers compensation benefits.

FOR ALL ACHA AUTHORIZED OPERATORS OF ACHA OWNED VEHICLES

In addition to the above stated policy, the following testing will be implemented for all drivers due to their authorized operation of ACHA owned vehicles and not resulting from Federal Law.

Random Testing

All authorized drivers of ACHA owned vehicles in which driving is a required part of their job shall be subject to at random drug and alcohol testing during work hours. The ACHA Human Resources Manager shall submit at random a list of authorized drivers from each applicable department for testing following the ACHA Drug and Alcohol Testing Procedure to include verification of results by the MRO. The Human Resources Manager will be responsible for ensuring that all technical aspects of this at random testing follow applicable rules and regulations. The random testing will be conducted periodically, but not less than annually.

Post-Vehicular Accident

An authorized driver with the ACHA may be given a drug screen *and* breath alcohol test following any vehicular accident involving a vehicle owned by the ACHA where there is loss of life, bodily injury, or significant property damage (in excess of \$100.00). The testing will follow the Drug and Alcohol Testing Procedure to include verification by an MRO. The drug screen should be performed as soon as possible but no later than twelve (12) hours after the accident. The employee shall submit to the breath alcohol test immediately absent an overriding cause for delay. If the driver is seriously injured and cannot therefore provide a specimen for the screen, the driver must authorize the release of any hospital reports that would indicate the presence of controlled substances in his/her system. Failure to adhere to the time constraints of the testing procedure and to the release of records, could subject the employee to termination of employment.

For Public Safety and Other Safety Sensitive Employees

All ACHA Investigators, maintenance, and YAS employees are subject to at random testing. Employees who are considered to hold safety sensitive positions will be identified as such by their respective department heads and notified of this status. These positions will include, but not be limited to, positions requiring or having direct access to a controlled substance, having access to NCIC information, a position where the

employee's action or inaction directly affects public safety and/or child safety, and/or supervisors of those safety sensitive functions. Random testing shall be ensured through a computer-generated list or other non-discriminatory method using random names from the employment population.

Annually, the total number of random tests should be at least twenty five per cent (25%) of the number of the public safety and/or safety sensitive employees employed by the ACHA.

Drug and Alcohol Testing Procedure

An employee who is requested to submit to a drug or alcohol screen pursuant to this policy must submit to such testing and be tested or be subject to termination. The testing may include, but is not limited to, the collection of urine, hair (non-pubic), and/or breath. If the testing involves the collection of hair and the employee intentionally cuts or removes hair thus making the testing reasonably impossible, without a valid medical or other excuse, the employee will be given a maximum of thirty (30) days from the date of notification to provide the required hair sample. Failure to provide such a sample will be deemed a refusal to submit to testing and could subject the employee to punishment, up to and including, termination.

An employee who is requested to submit to a drug or alcohol screen will report immediately to the ACHA designated testing or collection facility. **This is a priority over all other duties.**

All drug and alcohol testing procedures shall be in accord with rules and regulations of the testing or collection facility.

The drug or alcohol test results will be forwarded to the ACHA Human Resources Manager by the testing facility. The reports will be shared with the employee's department head or his/her designee and are to be kept secure and confidential, in a separate file, for at least three years. Also, these designated employees will sign a statement acknowledging the need to maintain the confidentiality and privacy of these files. No other employee shall have access to these files without the express authorization of the Executive Director.

All positive urine and/or hair specimens of drug tests will, to the maximum degree possible, be retained at the testing facility for at least thirty (30) days following the written report to the ACHA. Any employee whose test results are positive may secure the split urine specimen sample and have an independent test performed, or in the case of hair collections, may request a "safety net" comparison retest. The employee should notify the Human Resources Manager of such a request. The second test will be performed at the expense of the employee and will conform to commercially acceptable practices.

If an employee tests positive for the use of illegal drugs that were used, consumed or ingested outside of work hours, or is under the influence of alcohol consumed outside of work hours but impairing behavior during work hours, that employee will be disciplined as follows:

The first violation shall result in, at a minimum, a suspension of forty-five (45) calendar days. The Executive Director shall have the discretion, based upon the nature of the employee's work responsibilities, prior work history, circumstance of the positive finding, and/or other information to discipline the employee in any other manner deemed appropriate to include, but not be limited to immediate termination of employment. Prior to an employee's returning to work after a positive drug or alcohol screen, he must first take and pass a subsequent drug or alcohol test. Any number of follow-up tests can be administered to the employee without notification during the twelve (12) month period following the return to work.

The second violation shall automatically result in termination. An active employee who has his/her employment terminated due to a positive drug or alcohol test will be FOREVER barred from future re-employment with the ACHA. If an employee is suspended under this policy, the employee shall, within the first five (5) days of the suspension, agree to and undergo an assessment by a medical professional, selected by the ACHA, to determine whether the employee will benefit from substance abuse treatment. If such professional recommends treatment, the employee shall be given prompt written notice of such recommendation and shall be given up to 72 hours from receipt of notification to comply with such recommendation. A failure on the part of said employee to comply with such recommendation, in a timely fashion, as provided for in this subparagraph, may result in a forfeiture of rehabilitation benefits.

Drug and Alcohol Abuse Treatment

If an employee voluntarily admits to abusing alcohol, or the use of illegal drugs, or other mood or mind-altering substances and desires treatment, that employee may request treatment from any supervisory personnel of his/her department, Human Resources Manager, or request help from a medical provider outside the department. This request shall be kept confidential. The ACHA supports such requests for help and will accommodate the needs of such employees as much as possible. There will be no disciplinary action taken against an employee for requesting such treatment; so long as such request is made prior to any of the following having occurred: an alleged violation of this policy, any ACHA mandated drug screen or breath alcohol test request, and/or the arrest of such employee for a drug or alcohol related offense or crime. An employee shall be permitted to take advantage of the provisions of this subparagraph on no more than two (2) occasions during employment with the ACHA. (Treatment is defined as the admission to a recognized inpatient or outpatient rehabilitation program and the subsequent follow-up care.)

Upon completion of treatment, the employee must adhere to all aftercare contracts and agreements imposed by the healthcare provider and the ACHA and may be subject to periodic random drug screening. If the employee does not adhere to the terms and conditions of these agreements, disciplinary action, up to and including termination, may be brought against the employee. Each employee utilizing the provisions of this subparagraph shall be required to sign a form agreeing to be bound by this requirement.

Employee Assistance Program

The ACHA does not participate in an Employee Assistance Program (EAP) however information regarding agencies, medical professionals, and other such organizations that offer drug and/or alcohol counseling and/or treatment may be obtained from the Human Resources Department. Employees are responsible for any costs associated with these resources. Limited benefits may be available through the ACHA health plan – see the Local Government Health Insurance Plan (LGHIP) benefits booklet, visit www.alseib.org, or contact the ACHA Human Resource Manager.


Miscellaneous

The ACHA's testing guidelines and procedures have been adopted primarily for administrative purposes. The testing is not designed to enforce the criminal laws of the State of Alabama or to bring criminal charges against an employee suspected of using drugs. The program *seeks* to provide the employee with a regimen of testing that is minimally intrusive while still providing accurate results. The goal is to balance the integrity and benefits of testing procedures with the employee's right to privacy.

An individual's test results will not be released publicly unless agreed to by the employee or ordered by a court or administrative body. Information may be used for internal administrative purposes; however, the ACHA will strive not to breach the employee's expectation of privacy.

Any employee arrested by law enforcement for illegal possession, use, sale or consumption of a controlled substance shall be subject to discipline up to and including termination for the first offense.

Adopted by the Board of Commissioners July 22, 2014 – Resolution # 673.



J. David Scott
Executive Director



Skipper Worthy
Chairman, Board of Commissioners

ALEXANDER CITY HOUSING AUTHORITY
APPLICANT / EMPLOYEE
ALCOHOL / DRUG TESTING CONSENT FORM

Note: Print your name in the first blank. Initial each applicable section. Sign and date the form.

I, _____, hereby certify that I understand and agree that I am about to receive the following test:

- () Blood test to detect the presence of alcohol/drugs in my system.
- () Urine test to detect the presence of alcohol/drugs in my system.

Consent/Refusal

- () I hereby consent to the conducting of the test to detect the presence of alcohol/drugs in my system and permit the release of the test results to those Housing Authority officials with a need to know. I acknowledge that I have been notified of and received a copy of the Housing Authority's Drug Free Workplace Policy which includes drug testing.
- () I hereby refuse to consent to a test to detect the presence of alcohol/drugs in my system. I understand that refusal to consent will result in termination of employment or rescinding of an offer of employment.

Declaration

I have taken the following drugs, substances, or alcoholic beverages **within the last 96 hours**. Include **all** prescribed and over-the-counter medications or substances, as well as any voluntary explanation or clarification you want to provide.

- () Prescription Drugs: _____

- () Over-the-counter medications _____

- () Any other substances: _____

- () Alcoholic beverages: _____
- () None of the above

Employee / Applicant Signature

Date

Human Resources Manager (*witness*)

Date