**5.7 DRUG AND ALCOHOL-FREE WORKPLACE**

It is CRCPL’s desire to provide a healthful and safe workplace that is free of illegal drugs and alcohol. To promote this goal, CRCPL maintains a Drug and Alcohol Free Workplace policy that applies to all employees. Employees are required to report to work in appropriate mental and physical condition to perform their jobs. Use of alcohol, abuse of prescription drugs or use of illegal drugs, or controlled substances such as marijuana, whether on or off the job, can adversely affect your work performance, efficiency, and safety. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and library patrons.

Employees should report to work fit for duty and free of any adverse effects of drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications taken as prescribed and that does not compromise workplace safety. Employees must, however, consult with their doctors about the medication’s effect on their fitness for duty and ability to work safely.

The following prohibitions are in effect at all times when an employee is at work, on library premises, operating a library vehicle, or attending a library function at which the employee performs services or functions on behalf of CRCPL.

* No employee shall consume or use (including testing positive for substances prohibited by this policy even if the use occurred outside of work) alcohol, marijuana, illegal drugs, or medication or controlled substances used in a manner other than prescribed or as directed.
* No employee shall possess alcohol, marijuana, illegal drugs, or any other un-prescribed controlled substances.
* No employee shall work or be at work under the influence of alcohol, marijuana, illegal drugs, medication or other controlled substances used in a manner other than prescribed or as directed.
* No employee shall sell, purchase, transfer, or traffic illegal or illicit drugs, controlled substances, prescribed medication, or drug paraphernalia.
* Violation of any of these prohibitions will result in corrective action up to and including termination of employment.

**Employee Assistance**

We recognize that alcoholism and drug addiction can be medical conditions, and they can be successfully treated. If you believe that substance use or abuse is a problem for you, you’re encouraged to get confidential professional help. For assistance with abuse/addiction problems employees may be referred to the Scioto Paint Valley Mental Health Center, 740-775-1260.

CRCPL assumes no responsibility for drug or alcohol rehabilitation of any employee.  Employees who voluntarily seek help for such problems before becoming subject to corrective action and/or termination may be allowed to use accrued paid time off, placed on leaves of absence, and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests.

**Types of Testing**

* **Reasonable Suspicion:**Whenever CRCPL reasonably suspects any employee of using drugs or alcohol, being intoxicated, and/or being under the influence of a controlled substance while at work or on library premises, the employee will be required to submit to urine and/or blood testing, as soon as practical. A reasonable suspicion test may occur based on:
	+ Observed behavior, such as direct observation of drug/alcohol use or possession and/or physical symptoms of drug and/or alcohol use;
	+ A pattern of abnormal conduct or erratic behavior;
	+ Information provided either by reliable and credible sources or independently corroborated regarding an employee’s substance use;
	+ Newly discovered evidence the employee tampered with a previous drug or alcohol test;
	+ Reasonable suspicion testing does not require certainty. Mere hunches, however, do not justify testing.
* **Post-Accident Testing:** Whenever an accident occurs involving an employee, equipment, or property controlled by CRCPL’s employees, including, but not limited to an accident involving: (a) one or more deaths; (b) an injury requiring professional medical treatment beyond first aid and disabling an employee from performing their normal duties; and/or (c) substantial damage to property, CRCPL will require all employees involved in the accident who may have engaged in any activity that caused or tended to cause the accident, or that may have contributed to the accident, to submit to alcohol and drug testing, as soon as practical. The requirement to test will not prevent employees who are to be tested from performing duties in the aftermath of an accident or incident when their performance is needed to preserve life or property.
* **Follow-up/Return-To-Duty Testing:** CRCPL reserves the right to test employees who previously tested positive but whose employment was not terminated. CRCPL requires a negative return-to-duty test before we allow the employee to return to work. If the employee fails this test, this will result in corrective action up to and including termination of employment. Once an employee tests negative and returns to duty, management will ensure additional tests occur. Any employee with a second positive test result will be terminated. Follow-up tests will be unannounced. They may occur at any time for a time period management considers reasonable. The intent is to deter any subsequent use that would violate policy and result in termination of employment.
* **Random Testing:** CRCPL reserves the right to conduct such other alcohol and drug testing as it chooses, including random testing.

**Consent to Testing and Reporting Results**

It will be a condition of employment that applicants and employees subject to testing must sign a form consenting to the testing; the release of the test results to the CRCPL’s Medical Review Officer (MRO) and of positive test results to the CRCPL; and a release to the CRCPL of liability for such testing.

The MRO will report all positive alcohol or drug tests to Human Resources and CRCPL will take immediate steps, consistent with this Alcohol and Drug Policy, to remove any such employee from active employment to protect the safety and health of that employee, other employees, and the public.

**Testing Procedures**

* Compliance with Applicable Law: It is library’s intent that the procedures used for testing for drugs and alcohol will comply with all applicable legal requirements. Should the procedure set forth below be inconsistent with any such requirements, these procedures will be modified as necessary to comply.
* Substances Tested For: Employees will be tested for the use of illegal substances, controlled substances such as marijuana, the abuse of prescription medications and alcohol. An employee will “tests positive” for illegal substances or prescription abuse if the test shows the presence of an amount of the substance equal to or exceeding applicable standards or prescription. The cut off level for alcohol is .04 blood alcohol content.
* Collection of Samples: Urine and/or blood samples for drug testing will be obtained by an independent contractor. The contractor will obtain samples and maintain the chain of custody of these samples in accordance with reasonable standards. In the case of serious physical injury, urine and/or blood samples may be taken by treating medical personnel under the supervision of the independent contractor. In case of fatality, blood and/or urine samples will be taken by the appropriate local authority such as a medical examiner or coroner.
* Analysis: CRCPL shall select the manner of analysis, and may at any time utilize on-site instant result urine tests. If CRCPL elects to have urine or blood samples analyzed by a laboratory, the integrity of such samples and chain of custody will be maintained by the independent contractor and will be analyzed by a United States Department of Health and Human Services certified lab or a laboratory that meets or exceeds the Department’s certification standards to process the test results, selected by either the independent contractor or CRCPL. CRCPL may rely upon the results of any such on-site urine test, or upon the report generated by such laboratory as described herein, when determining appropriate corrective action up to and including termination of employment.

**Consequences of Violation of This Policy**

Any employee who violates this policy will be subject to corrective action up to and including termination of employment.

An employee who refuses a drug or alcohol test required by CRCPL, or tests positive for the presence of alcohol or drugs, will be subject to corrective action up to and including termination of employment. An employee who attempts to manipulate the results of a test through adulteration, dilution of a sample, or substitution of a sample will be subject to corrective action up to and including termination. An employee who has been terminated as a result of a positive drug test may be re-employed only if the MRO determines the individual to be drug free, and the employee consents to an unannounced testing program over a time period management considers reasonable.

Any employee who violates the policy on a second occasion will have their employment terminated without the eligibility for rehire.

Condition of Employment

Compliance with CRCPL’s Alcohol and Drug Policy is one of the conditions of employment. Failure or refusal of an employee to cooperate fully, sign any required document, or submit to any inspection or test will subject that employee to corrective action up to and including termination of employment.

**Reservation of Rights**

CRCPL reserves the right to amend, interpret, change, modify, rescind, or depart from this policy, in whole or in part, retroactively or prospectively, with or without notice. Nothing in this policy creates or expands any legal or contractual right any employee might have.

**Notification of Conviction**

Employees are required to notify Human Resources within five (5) working days of a criminal conviction for drug-related activity, such as illegal drug possession, use, or trafficking.

Employees are also required to notify Human Resources within five (5) working days of a conviction for an alcohol-related offense, such as public intoxication, driving under the influence, vehicular assault, or vehicular homicide.

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