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| **MONTCALM CARE NETWORK** **611 North State Street, Stanton, MI 48888** |   |   | **PROCEDURE**  |
|  SUBJECT: Drug Free Workplace  |  Section: 7107A  |   |  |
|  Effective Date: February 12, 2019  |  Revised Date:  |  |  |

# Overview

Alcohol and drug abuse pose a threat to the health and safety of persons served, agency employees and to the security of the agency’s equipment and facilities. For these reasons, and in accordance with the Federal Drug-Free Workplace Act, Montcalm Care Network is committed to maintaining a drug and alcohol-free work environment.

# Prohibited Activities

Whenever employees are working, operating Montcalm Care Network vehicles or equipment, present on agency premises or conducting company-related work offsite, they are prohibited from:

1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
2. Being under the influence of alcohol or an illegal drug.
3. Possessing or consuming alcohol.
4. Having the presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing company business or while in a company facility.
5. Taking prescribed drugs that adversely affect their ability to safely and effectively perform their job duties.
6. Being under the influence, impaired, or otherwise affected by drugs, controlled substances, or alcoholic beverages in such a manner as to raise a reasonable suspicion in the mind of the observer that the employee's job performance may be negatively affected.

Employees should report to work fit for duty and free of any adverse effects of drugs or alcohol. Agency policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

# Contractors

Any contractor that performs work for Montcalm Care Network, who are found to manufacture, distribute, dispense, possess or use controlled substances or unlawfully use, possess, or distribute alcohol in the workplace or as part of any municipal activity shall be subject to termination of contract. Contractors will be barred from further working for and at Montcalm Care Network.

# Employee Awareness

MCN will ensure periodic training for employees on the following topics:

* Dangers of drug and alcohol use in the workplace;
* Reference to the agency’s policy of maintaining a drug-free workplace;
* Availability of assistance through Human Resources to connect with drug counseling and rehabilitation services; and,
* Penalties for violations of agency policy related to a drug-free workplace.

# Employee Assistance

Montcalm Care Network will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other Montcalm Care Network policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety- sensitive or require driving, or if they have violated this policy previously.

# Post-Accident

Employees are subject to testing when they cause or contribute to an accident that results in an injury to themselves or others requiring offsite medical attention and/or causes serious damage to a Montcalm Care Network vehicle, machinery, equipment or property. Refusal to submit to testing by an employee will be treated as a positive test result and will result in immediate termination of employment.

Acts of nature such as icy conditions, car-deer accidents and dog bites, whether requiring medical attention or not, are not subject to drug or alcohol testing. Minor injuries taken care of by means of reasonable self-care (scrapes, minor cuts, etc.) will not be subject to drug or alcohol testing.

# Reasonable Suspicion

Management must document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

* Odors (smell of alcohol, body odor or urine).
* Movements (unsteady, fidgety, dizzy).
* Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
* Face (flushed, sweating, confused or blank look).
* Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
* Emotions (argumentative, agitated, irritable, drowsy).
* Actions (yawning, twitching).
* Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Employees under reasonable suspicion will be transported by MCN for testing. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

# Collection and Testing Procedures

Employees subject to alcohol testing and drug testing will be transported to a Montcalm Care Network designated facility. The laboratory will transmit all positive drug test results to a medical review officer (MRO) who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. In no event shall a positive test result be communicated to Montcalm Care Network until such time that the MRO has confirmed the test to be positive.

# Consequences

Employees who refuse to cooperate in required tests will be immediately terminated. Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, Montcalm Care Network may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by Montcalm Care Network, a rehabilitation program as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee may be subject to additional discipline, up to and including termination.

# Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

# Marijuana in Michigan

While Michigan law allows for recreational and medical use of marijuana, it is still considered illegal by the Federal government. As a recipient of Federal funding, MCN is required to treat marijuana as an illegal substance and its use is therefore prohibited by agency policy.