

Policy and Procedures Manual
Authority: Project Director

Policy#: 11-061

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Subject: Firetree Drug- and Alcohol-Free Workplace Policy

Policy: Firetree's employees are its most valuable assets. Accordingly, Firetree is committed to providing and maintaining a work environment that promotes the interests of its employees' safety, efficiency, health, and productivity. This Drug- and Alcohol-Free Workplace Policy is intended to promote and ensure a drug- and alcohol-free workplace consistent with the requirements imposed by the federal Drug-Free Workplace Act of 1988.

Firetree recognizes that employee involvement with drugs and alcohol can be extremely disruptive and harmful to the workplace, as well as to all affected employees. Drug and/or alcohol abuse can adversely affect the quality of work and the performance of employees, pose serious safety and health risks to the user and others, and have a negative impact on work efficiency and productivity.

In order to ensure the integrity of this Policy and avoid any appearance of a conflict of interest, all sampling and testing under this Policy will be conducted by an independent, third-party laboratory.

Employees who inform the company of a drug- or alcohol-abuse problem before being instructed to undergo testing will be permitted to take a leave of absence of up to 12 weeks while they seek treatment. Employees utilizing this "safe harbor" will be entitled to return to the same or a similar position following the successful completion of their treatment.

Scope: All personnel

Procedure:

A. Definitions

For purposes of this Policy, an illegal drug is defined as: a controlled substances under schedules I through V of section 202 of the Uniform Controlled Substance Act (and as further defined under 21 CFR Section 1308.11 through 1308.15); nonprescription/over-the-counter medications not used for the purpose stated; and prescription medicine used without a current physician's prescription for the employee's personal use. Examples of illegal drugs are listed below:

1. Narcotics (heroin, morphine, codeine, opiates, etc.)
2. Cannabis (marijuana, hashish)
3. Stimulants (cocaine, crack, diet pills, amphetamines, etc.)
4. Depressants (tranquilizers, barbiturates)
5. Hallucinogens (PCP, LSD, XTC, designer drugs, etc.)

Please note that this list is intended only as an illustration of the types of substances that are considered to be “illegal drugs.” It is not an exhaustive list of every substance that falls within the definition of “illegal drugs.”

B. Prohibited Acts

In order to implement Firetree's obligations under the federal Drug-Free Workplace Act of 1988 and applicable state laws, as well as Firetree's long-standing commitment to provide a drug- and alcohol-free work environment, Firetree strictly prohibits its employees from engaging in the following activities:

- Using, possessing, soliciting, distributing, transferring, selling, dispensing, or manufacturing illegal drugs and/or alcohol while on duty, while on property owned or managed by the Company, while on-call, and/or while operating any vehicle or potentially dangerous equipment within the course and scope of employment;
- Reporting to work with the odor of alcoholic beverages on their person and/or behaving in an erratic manner which would reasonably indicate drug or alcohol impairment. Note: Individuals with diabetes or other blood sugar regulation disorders may occasionally emit an “alcohol” odor. Such individuals must be given the opportunity to prove their condition by bringing a note from their treating medical physician explaining the employee’s history of having such a disorder;
- Refusing to provide a urine, breath, hair, or blood sample for testing when requested. (See “Drug and Alcohol Testing”);
- Refusing to submit to an inspection of personal property while on Firetree property when requested upon reasonable suspicion, post-accident/injury, and/or on a random basis;
- Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled when such treatment is a condition of continued employment;
- Being convicted under any criminal drug statute, including convictions for operating a motor vehicle while impaired or under the influence of alcohol or illegal drugs;
- Failing to notify Firetree of any conviction under any criminal drug statute for violations, including motor vehicle violations within five days of the conviction. For purposes of this Policy, the term “conviction” includes pleas of nolo contendere, i.e., no contest;
- Failing to notify Firetree of any arrests for drug- or alcohol-related offenses within five days of the arrest, including motor vehicle violations;
- Reporting for work or working under the influence of 1) alcohol, 2) illegal drug(s), and/or 3) any other substance (including over-the-counter and/or prescribed medications) which may in any way affect work performance, alertness, coordination or response, the safety of the employee or others, or threatens the reputation or integrity of Firetree. For purposes of this Policy, any positive test result for alcohol and/or illegal drugs shall be considered “working under the influence.”

These prohibited activities are intended to serve as an illustration only of the types of conduct in which Firetree strictly prohibits its employees from engaging. This list is not intended to be exhaustive.

C. Over the Counter and Prescribed Medications:

Employees are required to report to their direct supervisor that they are taking an over-the-counter or prescribed medication which may alter the employee's behavior or physical/mental ability. If the company determines that the employee is unfit for duty as a result of taking the over-the-counter or prescribed medication, the company may place the employee on alternative duty, if available, or excuse the employee from duty for that particular shift or until he or she can return without such impairment. For prescription medications, the company may ask the employee to provide a current doctor's note or current prescription label showing the medication is currently prescribed for the employee.

D. Drug and Alcohol Testing:

All drug and alcohol sampling and testing will be conducted by an independent, third-party laboratory. *Facility directors are required to make the necessary arrangements with a local testing laboratory or coordinate such testing with the company's headquarters.* Drug and alcohol testing will be performed as follows:

APPLICANTS – Firetree reserves the right to request applicants to undergo substance abuse testing. Refusal to submit to testing when requested will be grounds for denial of employment. Candidates for employment who test positive for illegal drugs will have their employment offer withdrawn.

EMPLOYEES – Firetree reserves the right to request any employee to undergo substance abuse testing on a random basis and when Firetree has a reasonable suspicion to believe that an employee is violating this policy. (See “Prohibited Acts,” above.) Firetree requires employees to undergo substance abuse testing immediately after an on-the-job accident and/or injury in order to ensure that the employee was not drug- or alcohol-impaired at the time.

If an employee tests “positive” for an illegal drug, the employee will be removed from the worksite immediately and will be sent home in a taxi, or with a friend or family member. An employee with a positive test result will not be allowed to drive himself or herself home. The facility director must be notified immediately (or, if during a night shift, the next morning). If an employee tests positive for an illegal drug, the employee may demand the opportunity to have a second sample tested at the employee's expense. Such second test must occur within 24 hours of the company's notification of the positive test result. If the second sample does not test positive, the employer will conduct a third test and the results of this third test will be considered final.

If an employee smells of alcohol, as determined by the employee's immediate supervisor, the employee will be removed from the worksite immediately and will be sent home in a taxi, or with a friend or family member. An employee who smells of alcohol will not be allowed to drive himself or herself home. The facility director must be notified immediately (or, if during a night shift, the next morning).

Employees who test positive for an illegal drug or smell of alcohol will be subject to disciplinary proceedings up to and including termination of employment. *Generally, employees who test positive for an illegal drug will be discharged immediately and employees who smell of alcohol will receive a written warning for the first offense and will be discharged for a second offense.*

Employees who provide a sample that yields a result identified as “diluted” shall be required to be retested, at a random time, within the next 48 hours. *The test should occur in the middle of the employee's work shift to prevent any pre-shift activity from interfering with the test results.* Should the employee return a second diluted sample, the employee will be deemed to have tested positive. Should the employee's second sample yield a negative result, the negative result will be considered final.

E. Searches:

Searches may be conducted only by management or supervisory personnel, and must be approved in advance by the facility director or, when unavailable, the director's designee. A search may be performed for reasonable suspicion of a violation of this Policy, following a work-related accident or injury, and/or on a random basis.

As a condition of employment, Employees are required to consent to searches of their clothing, lockers, personal and/or company vehicles, purses or briefcases, other containers or desks, or any personal or Firetree property under their control.

Firetree may retain any substances it believes are prohibited by law and/or company policy and may deliver those substances to appropriate law enforcement authorities. If a search reveals the presence of illegal drugs or unauthorized alcohol, employee(s) will be discharged immediately.

Refusal to cooperate in testing or to permit a search will result in disciplinary proceedings, up to and including termination of employment.

F. Responsibilities:

ALL EMPLOYEES are required to abide by this Policy at all times during their employment with Firetree. Any violation of this Policy may lead to disciplinary proceedings, up to and including immediate termination of employment.

ALL EMPLOYEES who observe another employee engaging in behavior that violates or may violate this Policy are required to report the conduct immediately to management or supervisory personnel. Failure to make such a report shall be considered a violation of this Policy.

MANAGERS/SUPERVISORS must contact the facility director or his/her designee immediately upon suspicion that an employee has reported to work impaired by drugs or alcohol, or for any other violation of this Policy. Upon such suspicion, appropriate testing pursuant to this Policy must be performed immediately to determine the presence of drug and/or alcohol.

All levels of management are responsible for the following:

1. Ensuring that all employees have been provided a copy of this Policy.
2. Notifying employees that it is a condition of employment to abide by this Policy.
3. Within thirty (30) days of receiving notice of an employee's violation of this Policy, taking corrective action measures, up to and including immediate termination of employment, against the offending employee.
4. Notifying the facility director immediately when violations of the Policy occur (if during the night shift, then the next morning).
5. The facility director will notify the appropriate contracting agency and referral source (including the Single County Authorities) associated with the affected employee's duties within ten (10) days after receiving notice (from an employee or other source) of an employee's drug conviction or arrest for a drug- or alcohol-related offense.
6. With the assistance of both the facility director and human resources, proposing appropriate corrective action for any employee who has failed to adhere to any of the above responsibilities.

7. Making a "good faith" effort to continuously maintain a drug- and alcohol-free workplace.

Employees discharged as a result of a violation of this Policy may, upon demonstrating successful completion of drug and alcohol rehabilitation, apply to Firetree for a vacant position for which they are qualified.

G. Safe Harbor:

If an employee provides the company with notice that the employee is suffering from a drug- or alcohol-abuse problem before being instructed to undergo testing, the employee will be entitled to take a leave of absence of up to 12 weeks in order to seek treatment. During this 12-week "safe harbor" period, the employee's health benefits will continue on the same terms and conditions as prior to the leave and the employee will be responsible for making any co-payments to Firetree's payroll department.

This "safe harbor" is not available to an employee after the employee has been directed to provide a sample for testing.

In order for the employee to return to work under this "safe harbor" provision, the employee must provide the facility director with written evidence that the employee has satisfactorily completed a rehabilitation program. In the alternative, if the employee has enrolled in a long-term rehabilitation program, the employee may provide the facility director with a note from the employee's care provider stating that the employee is cleared to return to work. *Should the facility director have any questions about the sufficiency of this note, the facility director should contact Firetree's headquarters for further instructions.*

If the employee is unable to return within the 12 week period, the employee may be permitted to apply for reinstatement as a Firetree employee if a suitable position is available.

H. Acknowledgment:

All employees are required to acknowledge receipt of Firetree's Drug- and Alcohol-Free Workplace Policy, which covers the topics of substance abuse, in general, and its effects in the workplace, specifically, including:

- The dangers of drug and alcohol abuse in the workplace;
- Firetree's policy of maintaining a drug- and alcohol-free workplace;
- Available drug counseling, rehabilitation, and employee referral services; and
- Corrective action measures imposed upon any employee for violations of the Policy.

Standard: 28 Pennsylvania Code 704.3

Cross-Reference to Standard: ACA: 4-ACRS-7B-02

Cross-Referenced Policy: [11-024D](#)

Superseded Policy: 11-024D

Supporting Documentation: Employee Handbook

Related forms: Handbook Firetree Drug and Alcohol Free Workplace Policy Handout