

POLICY FOR A DRUG AND ALCOHOL-FREE WORKPLACE

I. STATEMENT OF PURPOSE

Crossroads of Western Iowa recognizes the problems of substance abuse in society and in the workplace. Substance abuse poses a serious threat to our staff and clients. By revising our substance abuse policy and program, we hope to combat the problems associated with substance abuse by continuing to create a drug- and alcohol-free workplace.

Our substance abuse policy seeks to balance our respect for individual privacy with our need to keep a safe, productive, drug- and alcohol-free environment. Our intention is to prevent substance abuse and promote its treatment. We encourage those who use drugs or who abuse alcohol to seek help in overcoming their problem.

With these basic objectives in mind, Crossroads of Western Iowa has established the following program and policies for a drug- and alcohol-free workplace.

While Crossroads of Western Iowa believes wholeheartedly in the plans, policies, and procedures described, it is committed to reviewing them continually, and reserves the right to change, to terminate or to deviate from them at any time. Nothing in this program is intended, nor should it be construed, as requiring "cause" for termination or otherwise altering the at-will nature of the employment relationship.

II. DEFINITIONS

- A. "Abuse" of alcohol or a legal drug:** Any use of alcohol or a legal drug which impairs an individual's faculties (other than use of a legal drug for appropriate purposes in accordance with applicable medical directions). In addition, the taking of a prescription drug that was prescribed for another shall be considered "abuse" of a legal drug.
- B. "Alcohol":** Ethanol, isopropanol, or methanol.
- C. "Drug":** Any drug or substance defined as a controlled substance and included in schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. §801 et seq.
- D. "Legal drug":** A drug for which there is a valid prescription, or over-the-counter drug for the employee.
- E. "Prospective employee":** A person who has made application, whether written or oral, to CWI to become an employee.
- F. "Sample":** A sample from the human body capable of revealing metabolites, such as urine, saliva, breath, skin, or hair. "Sample" does **not** include blood, except in situations where a blood test was made on an employee involved in a workplace accident if the test was administered by or at the direction of a person providing treatment to the employee and the test was not made at the request of or by the suggestion of the employer.

III. WORK RULES

A. Legal Drugs

1 **Prescription Drugs.** An employee may bring to work and take a prescription drug during work hours only if the drug has been prescribed for the employee by a physician or other authorized prescriber, and only if the drug is taken in accordance with the prescriber's directions. All prescription drugs must be kept in the container in which they were received from the pharmacy or other dispenser.

2 **Over-the-Counter Drugs.** An employee may bring to work and take an over-the-counter drug during work hours only if the drug is used for its intended purposes and in accordance with package directions and any supplemental directions of the employee's physician.

3 **Notification.** An employee must notify Human Resources whenever he or she is using a prescription or over-the-counter drug which potentially may affect safety or work performance. In making this determination, the employee should rely on the warnings or cautions that are received with the particular lawful drug. Crossroads of Western Iowa does not seek information on all drugs that an individual may be taking, but only those where there is an indication that the drug may affect performance, or there is a caution that one should not engage in certain activities which are part of the employee's job duties while taking the drug. Crossroads of Western Iowa reserves the right to take appropriate action (including relieving employee from work) if the use of the drug is impairing or is deemed likely to impair the employee's faculties or work performance.

4 **Abuse.** Abuse of legal drugs will not be tolerated, and will be dealt with in the same manner as the use of a controlled substance.

B. Alcohol or Drug Possession, Transfer or Use, Other Than Use Detected by a Drug or Alcohol Test

Except as otherwise provided in Rule III-A above, an employee bringing or attempting to bring onto the Crossroads of Western Iowa premises or property, having possession of, using, consuming, selling, transferring, or attempting to sell or transfer, any alcoholic beverage or any form of controlled substance, or any "look-alike" substance, while on Crossroads of Western Iowa business or at any time during the hours between the beginning and ending of the employee's workday, whether or not on duty, and whether or not on Crossroads of Western Iowa business or property, is guilty of misconduct and is subject to discipline including discharge or suspension without pay, even for the first offense. This rule does not apply to alcoholic beverages provided by Crossroads of Western Iowa for use at special sponsored activities.

C. Impairment During Work Hours

1 It is our intent that an employee whose faculties appear to be impaired during work hours will not be allowed to work, regardless of the cause.

2 An employee whose faculties are impaired during work hours due to the effects of the use of alcohol or illegal use of a controlled substance (including the abuse of a legal drug) is subject to discipline up to and including discharge, even for the first offense. However, if a drug or alcohol test is done, discipline will be imposed only in accordance with Rule III-E below.

D. Prospective Employee Discipline in Connection With a Drug Test

Prospective employees may be required to undergo a drug test under certain circumstances (see "Post Offer Substance Abuse Program," below). To be considered qualified for employment we must receive a "negative" report on the drug screen. If that qualification is not met, the prospective employee will be deemed "not qualified," and either the application process will be terminated or any conditional offer of employment that has been extended will be withdrawn. A prospective employee's positive drug test result, or the refusal of the prospective employee to provide a testing sample, does not prevent the prospective employee from later initiating another inquiry for employment after one full year.

E. Employee Discipline in Connection With a Drug or Alcohol Test

Employees may be required to undergo a drug or alcohol test under certain circumstances (see "Active Employee Substance Abuse Program," below).

The following is a list of **uniform** requirements for what action Crossroads of Western Iowa will take against the employee upon receipt of a confirmed positive drug or alcohol test result, or upon the employee's refusal to submit to such test. Any action taken against the employee is based only on the results of the drug or alcohol test.

1 **Refusal to Submit to a Drug or Alcohol Test.** An employee's refusal to submit to a drug or alcohol test when requested to do so will subject the employee to discharge.

2 **Positive Drug or Alcohol Test Result.** An employee's confirmed positive drug or alcohol test will result in the employee's discharge.

Exception—**One-Time Mandatory Evaluation and Rehabilitation.** Notwithstanding the rules in this section, upon CWI's receipt of a confirmed positive alcohol test result, certain employees are entitled to be evaluated and comply with the evaluator's recommendations including enrollment in a rehabilitation, treatment, or counseling program. The program may include additional drug or alcohol testing. Participation and successful completion of the recommended program is a condition of continued employment. Failure to comply with these requirements will result in discharge. This one-time program only applies if all of the following requirements are met:

- The rehabilitation program is only available for positive alcohol tests, not drug tests;
- The employee testing positive for alcohol must have been employed by Crossroads of Western Iowa for at least 12 month of the last 18 months from the date of testing;
- The employee must agree to the treatment; and
- The employee must not have previously violated the Company's substance abuse policy.

If rehabilitation is required, CWI shall not take any adverse employment action against the employee so long as the employee complies with the requirements of rehabilitation, and successfully completes rehabilitation.

3. Pre-Result Suspension. Prior to Crossroads of Western Iowa receiving the results of the employee's drug test, the employee's employment will be suspended without pay, pending the outcome of the test. If the result of the test does not violate the terms of this written policy, the employee will be reinstated, with back pay and interest, as provided in Iowa Code §730.5(10)(b).

F. Employee Notification of Conviction

Employees must notify Human Resources and/or his/her Department Head of any criminal drug charge or conviction for a violation occurring in the workplace, or outside of work, within five (5) days.

IV. DRUG AND ALCOHOL TESTING PROGRAMS

A. Post-Offer Substance Abuse Screening Program

1. Crossroads of Western Iowa will conduct post-offer drug tests designed to prevent hiring individuals who use controlled substances or who abuse legal drugs. The prospective employee may provide to the testing facility any information which may be relevant to the drug test. Such information may include identification of prescription or nonprescription drugs currently or recently used or any other relevant medical information. To the extent feasible, all precautions will be taken to ensure that the testing only measures, and the records concerning the testing only make use of, information regarding drugs in the body. The following is a list of drugs for which testing will be conducted:

- Marijuana;
- Cocaine;
- Opiates (including morphine and codeine);
- Phencyclidine;
- Amphetamines (including methamphetamines).
- Alcohol

2. Failure to remain at the collection site until a sufficient testing sample is produced is considered failure to produce a “negative” report on the drug screen.

3. To be considered qualified for employment with Crossroads of Western Iowa, we must receive a "negative" report on the drug screen. If that qualification is not met, the prospective employee will be deemed "not qualified," and either the application process will be terminated or any conditional offer of employment that has been extended will be withdrawn.

B. Employee Substance Abuse Screening Program

An active employee may be requested to or required to, submit to a drug or alcohol test under any of the following circumstances:

1. **Reasonable Suspicion.** A specific active employee may be required to submit to a drug or alcohol test if there is evidence that an employee is using or has used alcohol or drugs in violation of the written policy. This evidence must be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Examples that might support such facts are:

- Observations made at work, such as direct observation of alcohol or drug use, or the physical symptoms of being impaired to alcohol or drug use.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report, by a reliable and credible source, of alcohol or drug use.

- Evidence that an individual has tampered with any alcohol or drug test during the individual's employment with the current employer.
 - Evidence that an employee has manufactured, sold, distributed, solicited, possessed, used, or transferred drug while working, or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.
2. **Follow-Up Testing:** Crossroads of Western Iowa may require a current employee to undergo drug or alcohol testing due to previous violations of this policy, without any prior notice that such a test will be conducted.
 3. **Workplace Accident Testing:** In conjunction with the investigation of any accidents in the workplace that would be considered recordable under OSHA:
 - Where the accident results in an injury to a person other than a minor injury requiring only first aid treatment and which did involve medical treatment.
 - Loss of consciousness, restriction of work or motion, or transfer to another job.
 - When the accident results in an injury to a non-employee for which injury, if suffered by an employee would result in testing.
 - Which results in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed more than \$1,000, Crossroads of Western Iowa may require employees involved in the incident to submit to drug or alcohol testing.
 4. **Federal Laws/Regulations:** Drug or alcohol testing will be conducted as required by a federal law or regulation or by law enforcement.

C. Alcohol Testing. An alcohol concentration level of .04 or higher, expressed in terms of grams of alcohol per two hundred ten liters of breath, or its equivalent, is considered a positive alcohol test result and violates this policy. At the time the sample is collected, the employee may provide any information which may be relevant to the alcohol test. Such information may include identification of prescription or nonprescription medication currently or recently used or any other relevant medical information.

D. Drug Testing. At the time the sample is collected, an employee may provide any information which may be relevant to the drug test. Such information may include identification of prescription or nonprescription drugs currently or recently used or any other relevant medical information. To the extent feasible, all precautions will be taken to ensure that the testing only measure, and the records concerning the testing only make use of, information regarding drugs in the body.

E. Test Scheduling: Drug or alcohol testing shall normally occur during, or immediately before or after, a regular work period. The time required for testing, including travel time, is considered work time for purposes of the Fair Labor Standards Act (FLSA), compensation and benefits.

F. Test Costs: The actual costs for testing, other than for a second, confirmatory test if one is requested as provided by law, are paid by Crossroads of Western Iowa. If the drug or alcohol sample collection is conducted at a place other than the employee's normal work site, the employee will be provided transportation.

V. EMPLOYEE ASSISTANCE

Crossroads of Western Iowa recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Allows the use of accrued paid time off (PTO) while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employees' health benefit plan. However, the ultimate financial responsibility for recommended treatment rests with the employee.

To assist employees who have concerns about drug or alcohol abuse themselves or in their family, Crossroads of Western Iowa has created a resource file of organizations and programs that can be of assistance. Included in this file are alcohol and drug abuse programs which are certified by the Iowa Department of Public Health, mental health providers, and other persons, entities or organizations which are available to assist employees with personal or behavioral problems.

Crossroads of Western Iowa will provide information to employees about the existence of the file, a summary of the information contained in the resources file, and all information necessary to access the services listed in the resource file.

In addition to the information in the resource file, there will be posted notices listing "multiple employee assistance providers in the area."

VI. CONFIDENTIALITY

All information received by CWI through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

VII. SHARED RESPONSIBILITY

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and administration have important roles to play.

All employees are required not to report to work or be subject to duty while their ability to perform job duties is impaired due to use of alcohol or other drugs. If charged with a criminal drug violation, the employee must notify his/her Department Head within five calendar days.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor. It is the supervisor's responsibility to:

- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Clearly state consequences of policy violations.

VIII. COMMUNICATION

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be included in the Employee Handbook.
- Employees will provide written documentation they have received a copy of the policy by signing a receipt.

DM
Common/Policies/Personnel

12-00-19
Approved Aug. 19, 2010
Revised March 31, 2011

EMPLOYEE/APPLICANT CONSENT TO DRUG/ALCOHOL TEST

By signing below, I verify that I have received Crossroads of Western Iowa's policy for a drug- and alcohol-free workplace. I consent to abide by that policy and to provide a sample of my blood, breath and/or urine for laboratory testing to determine the presence of drugs and/or alcohol in my body if required. I understand and agree that if the sample I provide tests positive, I may be subject to corrective action and/or denial of employment or other opportunities. I also understand and agree that the test results will be made known to employees and agents of Crossroads of Western Iowa with a legitimate need for the information in the performance of their jobs, and to others if allowed by law.

Signature

Date

MEMORANDUM OF UNDERSTANDING AND CONDITIONS OF CONTINUED EMPLOYMENT

Based upon a violation of Crossroads of Western Iowa’s substance abuse policies, the following conditions have been set forth and agreed to by Employee as required conditions for remaining employed with the Company. These requirements will remain in effect for _____:

- 1 Employee agrees to remain substance free and refrain from illegal drugs. This includes any unauthorized use of prescription medication.
- 2 Employee agrees to comply with all terms of the CWI Drug Free Workplace Policies.
- 3 Employee agrees to the completion of a drug and alcohol assessment by a professional substance abuse counselor, and to follow all the recommendations of that counselor. Employee will authorize that counselor to report on the status of this assessment and recommendation, and will execute any authorizations or waiver to allow for that information to be provided to the Company. Employee must make contact with the counselor through EAP within 24 hours.
- 4 Employee must keep all scheduled appointments with the Counselor.
- 5 Employee will be subject to drug and alcohol testing at the Company's discretion and without notice at any time for a one year period.
- 6 Attendance will be closely monitored and employee must demonstrate reliability.
- 7 Work performance must meet expectations including: teamwork, productivity, attitude, and quality of work.
- 8 Employee will be suspended for a period of ___ days before being allowed to return to work.
- 9 Prior to any return to work following the suspension, employee agrees to be tested for drugs and alcohol. A negative test is a condition for returning to work.

In order to monitor whether or not Employee is completing the requirements of this understanding and agreement, Employee agrees to sign whatever consents and waivers are necessary to allow this open communication with the counselor, and to allow the follow-up random testing. Employee agrees that any failure to meet these conditions will result in termination of employment.

Employee (Print Name)

Date

Employee Signature

AUTHORIZATION FOR DRUG/ALCOHOL TESTING

Person's Name: _____

Date of Incident: _____ Time of Incident: _____

Description of incident: _____

Reasons for suspecting impairment or other violation: _____

Names of known witnesses: _____

Supervisor(s) signature(s): _____

Approved by: _____