Drug- and Alcohol-Free Workplace Policy

Replace each [Placeholder] and delete testing types you will not use. DOT-regulated employers must follow 49 CFR Part 40 and their agency's rules for covered employees; keep a separate DOT policy for them. State testing and cannabis laws differ widely, so have counsel review for each state where you operate.

1. PURPOSE AND SCOPE

[Company Name] is committed to a safe, healthy and productive workplace. This policy applies to all employees, applicants who receive a conditional offer, and, where their agreements say so, temporary workers and contractors. It applies on company premises, in company vehicles, at customer sites, while working remotely during working time, and at company-sponsored events.

2. PROHIBITED CONDUCT

Employees may not:

- report to work or work while impaired by alcohol, cannabis, illegal drugs or misused prescription or over-the-counter medication
- use, possess, sell, distribute or manufacture illegal drugs or drug paraphernalia while working or on company property
- consume alcohol during working time, including paid breaks, except at company events where it is served with management approval [and never for employees in safety-sensitive roles who are on duty or on call]
- tamper with, substitute or adulterate a test specimen

For this policy, "illegal drugs" means substances that are illegal under federal or applicable state law, and prescription drugs used without a valid prescription or not as prescribed.

3. PRESCRIPTION AND OVER-THE-COUNTER MEDICATION

Employees may use legally prescribed or over-the-counter medication as directed. If a medication may affect your ability to work safely (for example, it causes drowsiness and you drive or operate equipment), tell [HR or occupational health] before starting work. You do not need to name the medication or the condition. We will keep the information confidential and discuss temporary changes or accommodation where needed.

4. CANNABIS

Being impaired by cannabis at work is prohibited everywhere. Cannabis remains a controlled substance under federal law. Where state law protects lawful off-duty cannabis use or limits testing for it, [Company Name] follows that law: [for example, in California we do not take action based on off-duty use or on tests that detect only nonpsychoactive metabolites, except for positions exempt under state law]. Employees in safety-sensitive and federally regulated positions are subject to stricter rules described in section 5.

5. TESTING

Where permitted by law, the company may require drug and, where noted, alcohol testing in these situations:

- **Pre-employment:** after a conditional offer, for [all positions / safety-sensitive positions]. Alcohol testing is not done before an offer.
- **Reasonable suspicion:** when a trained supervisor observes specific signs of impairment, such as slurred speech, odor, unsteady movement or unusual behavior, documented on the [Reasonable Suspicion Checklist] and confirmed by a second manager where practical.
- **Post-accident:** after a workplace accident where drug or alcohol use could reasonably have contributed, or where required by law. Testing is not used to discourage injury reporting.
- **Random:** for [safety-sensitive positions listed in Appendix A] only, selected by a neutral computer-based process.
- **Return-to-duty and follow-up:** after a policy violation, as a condition of returning to work.

Testing uses [urine / oral fluid / breath] specimens collected by a qualified collector and analyzed by a laboratory certified by the U.S. Department of Health and Human Services (SAMHSA). Positive drug results are reviewed by a Medical Review Officer, who gives the person a chance to explain a legitimate prescription before reporting the result. Employees are paid for time spent testing, and the company pays the cost.

6. RESULTS, REFUSALS AND CONSEQUENCES

A confirmed positive test, or a violation of section 2, may result in discipline up to termination, or for applicants, withdrawal of the conditional offer. Refusing a test, failing to report for a test within [two hours] of being told, or tampering with a sample is treated the same as a positive result. Employees sent for reasonable-suspicion or post-accident testing will be taken off duty pending results and will not be allowed to drive themselves. [At the company's discretion, a first violation may be handled through a last-chance agreement that includes assessment, treatment and follow-up testing.]

7. GETTING HELP

Employees who are concerned about their own alcohol or drug use are encouraged to seek help before a problem affects their work. Confidential support is available through our Employee Assistance Program at [phone / website]. Asking for help before a violation or a test is scheduled will not, by itself, lead to discipline. Employees may be eligible for leave for treatment under the FMLA or company policy. Seeking help does not excuse a policy violation that has already occurred.

8. DRUG CONVICTION NOTICE (FEDERAL CONTRACTORS AND GRANTEES)

As a condition of employment, employees must follow this policy and must notify [HR contact] in writing of any conviction under a criminal drug statute for a violation occurring in the workplace no later than five calendar days after the conviction. The company will notify the relevant federal agency within ten days of learning of the conviction and, within 30 days, will take appropriate personnel action or require participation in an approved assistance or rehabilitation program.

9. CONFIDENTIALITY AND SEARCHES

Test results and related medical information are kept confidential, stored separately from personnel files, and shared only with people who need them to make employment decisions or as required by law. The company may inspect company property, such as lockers, desks and vehicles, where it has reasonable grounds and where permitted by law.

ACKNOWLEDGMENT

☐ I have received and read the Drug- and Alcohol-Free Workplace Policy and agree to follow it as a condition of employment.

My position is designated safety-sensitive and subject to random testing

☐ Yes ☐ No

Employee name

_____

_____ _____

Employee signature Date

Date

_____