

Warren-Newport Public Library District

Staff Manual

702 Drug and Alcohol Use

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Drug-Free Workplace

The Warren-Newport Public Library District (WNPLD) has a longstanding commitment to provide a safe and productive work environment. Alcohol and drugs in the workplace, including cannabis, pose a threat to the health and safety of employees and to the security of equipment and facilities. For these reasons, WNPLD is committed to the elimination of drug and alcohol use and abuse in the workplace.

Prohibited Activity

The possession, consumption, purchase, sale, transfer, or distribution of alcohol on WNPLD premises is prohibited, unless an exception is made by WNPLD. No employee shall be under the influence of alcohol while on WNPLD premises or while performing WNPLD business off WNPLD premises, except that a moderate amount of alcohol may be consumed at approved WNPLD events. Such consumption must not adversely affect an employee's behavior or judgment and must not adversely affect the employee's ability to safely and legally drive a vehicle following the event. A violation of this moderate consumption rule will result in discipline up to and including termination of employment.

"Legal drugs" are:

- Drugs that are permitted under state or federal law;
- Obtained by an employee with a physician's prescription or over-the-counter; and
- Used for the purposes for which they were prescribed or sold.

Employees are responsible for consulting with their doctors about a prescription medication's effect on their ability to work safely and for promptly disclosing any restrictions to their supervisor. In the event an employee fails to report such restrictions and creates a safety threat, neither a physician's prescription nor other medical reason will be an acceptable excuse for being in violation of this policy. Employees should not, however, disclose underlying medical conditions unless specifically directed to do so.

Employees using recreational cannabis must be aware of any potential effect such drugs may have on their judgment or ability to perform their duties and may not possess, use, or be under the influence of cannabis while performing their duties, while on WNPLD property, or while operating vehicles for WNPLD.

"Illegal drugs" are drugs or controlled substances that are:

- Not legally obtainable under federal or state law,
- Legally obtainable under federal and state law, but not obtained and/or used in a lawful manner.

The use, purchase, sale, transfer, possession, being under the influence, or the presence in one's system of a detectable amount of an illegal drug by any employee is prohibited on WNPLD premises or where the employee is performing WNPLD business off WNPLD premises.

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Testing for Alcohol and Drugs

WNPLD will require a drug and alcohol test of any employee when there is a reasonable suspicion to believe that they may be using drugs or may be under the influence of drugs or alcohol while working on WNPLD premises or operating WNPLD vehicles. "Reasonable suspicion" will be based on objective factors such as the employee's appearance, speech, behavior, or other conduct or facts that indicate the employee is under the influence of legal or illegal drugs, cannabis, alcohol, or any or all of the above. Involvement in an injury or accident at work or while performing WNPLD business may also be grounds for testing if a member of management has a reasonable belief that drugs or alcohol may have contributed to the injury or accident. Employees will be required to sign a consent and release form prior to drug or alcohol testing. Test results will be kept confidential to the extent possible and consistent with applicable law.

Employees who refuse to cooperate in required tests; test positive for alcohol, cannabis, or illegal drugs; are found to be under the influence of alcohol, cannabis, or illegal drugs; or use, possess, buy, sell, manufacture, or dispense alcohol, cannabis, or illegal drugs in violation of this policy (as discussed above) will be terminated. In addition, if an employee fails to report immediately to the testing location upon request, fails to comply with any testing procedures (including attempting to substitute, dilute, or otherwise change specimens to be tested), and/or fails to provide specimens unless medically incapable, they will be considered as refusing to test and subject to discipline, up to and including termination.

The laboratory conducting the tests shall transmit positive drug tests results to a Medical Review Officer (MRO) retained by WNPLD, who shall offer persons with positive results a reasonable opportunity to establish that their results are caused by lawful prescribed medicines or other lawful substances. A medical cannabis prescription or a claim that cannabis was used "off duty" is not a defense to a reasonable suspicion test. Persons with positive test results may also ask the MRO to have their split specimen sent to another federally certified lab, to be tested at the employee's own expense. Such requests must be made within three working days of notice of test results. If the second lab fails to find any evidence of drug use in the split specimen, the employee will be treated as passing the test.

Notification of Drug Conviction

Employees must notify the WNPLD of any criminal drug conviction no later than five days after such conviction. For purpose of this notice requirement, a conviction includes a finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, sale, dispensation, possession or use of any controlled substance or cannabis. Failure to notify the Human Resources Associate may subject the employee to disciplinary action, up to and including dismissal.

Employee Assistance Program

The WNPLD will assist and support employees who voluntarily seek help for alcohol or drug problems *before* they become subject to disciplinary action under this or other WNPLD policies. Employees who seek such assistance will be allowed to use accrued paid time off, placed on leaves of absence, where available, referred to treatment providers, or otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and required to take and pass follow-up tests.

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Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Supervisor or the Human Resources Associate. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with the Human Resources Associate to receive assistance or referrals to appropriate resources in the community.