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Bear River Head Start Drug and Alcohol Policy

04/2024

Purpose

In compliance with the Drug-Free Workplace Act of 1988, Bear River Head Start has a longstanding commitment to provide a safe, high quality, productive work environment consistent with the standards in which the grantee operates. Alcohol and drug use and abuse may pose a threat to the health and safety of Bear River Head Start children, families, staff and partners. For these reasons our grantee is committed to the elimination of drug and alcohol use and abuse on grantee premises and property.

Scope

This policy outlines the practice and procedure designated to correct use of alcohol and drugs in the workplace and on Bear River Head Start property.

This policy applies to all employees and all applicants for employment, parents, and visitors to grantee centers and property.

All employees are responsible for policy administration.

Substance Abuse Awareness

Illegal drug and alcohol use on program property may have serious adverse health and safety consequences. The important responsibility the grantee has to protection of children and the families that we serve does not allow for use of or abuse of drugs or alcohol on property.

Staff, parents and partners needing assistance with drug or alcohol problems may receive referral information to address use and misuse of drugs and alcohol.

Employee Assistance

Bear River Head Start will assist and support employees, and parents who voluntarily seek help for such problems. Employees will be allowed to use accrued paid time off, place on leaves of absence, referred to treatment, and possible discipline, up to and including discharge, will be enforced.

Employees must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This 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 supervisors.

Work Rules

1. Whenever employees are working, operating any Bear River Head Start vehicle, are present on Bear River Head Start premises, or are conducting company-related work off-site, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (including drug paraphernalia).
 - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - c. Possession or consuming alcohol.

2. The presence of any detectable amount of illegal drug, or illegal controlled substance in an employee's body system, while performing company business, or while in a company facility is prohibited.
3. Bear River Head Start will not allow employees to perform their duties while taking prescribed medications that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

All applicants must pass a drug test before beginning work with children & families. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion

Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. The Health Coordinator should be consulted prior to sending an employee for testing. All levels of supervision making this decision must use the Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that the employee is under the influence of illegal drugs or alcohol. If the results of the Observation Check indicate further action is justified, the supervisor should confront the employee with the documentation. Under no circumstances will the employee be allowed to drive him/herself to the testing facility. A member of the supervision/management team must escort the employee. The supervisor/management will make arrangements for the employee to be transported home.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Bear River Head Start vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention in which there is a reasonable basis for concluding that drug/alcohol use could have contributed to the incidence. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle. Testing must take place within two hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive him/herself to the testing facility.

Follow-up

Employees who have tested positive, or otherwise violated this policy are subject to discipline, up to and including discharge. Depending on circumstances and the employee's work history/record. Bear River Head Start may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance bases pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the grantee, for a minimum of one year, but not more than two years. A waiver of the right to contest any termination resulting from a subsequent positive test may be required. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

Collection and Testing Procedures

Employees subject to alcohol testing should be driven to a designated facility and directed to provide breath specimens. Breath specimens should be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breathe alcohol concentrate is .04 or more, a second breath specimen should be administered approximately 20 minutes later. The results of the second test should be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

Applicants and employees subject to drug testing should be driven to a designated medical facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory should screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory should transmit all positive drug test results to the Health and Wellness coordinator and Supervisor, who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to Bear River Head Start until such time that the Health and Wellness Coordinator and Supervisor has confirmed the test to be positive.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol or drug testing and pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test. This meeting will include a member of management/supervision.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the Health and Wellness Coordinator/ Supervisor,

should 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 bases 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.

Inspections

Bear River Head Start reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may have their own legal counsel involved in this process. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

Bear River Head Start prohibits all employees, including employees performing work under contractual agreements, from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting company business. Bear River Head Start employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

Bear River Head Start does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Bear River Head Start reserves the right to take appropriate disciplinary action for drug use, sale or distribution while on company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to their supervisor within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension to allow management to review the nature of the charges and the employee's past record with the grantee.

Definitions

"Company premises" includes all buildings, facilities, grounds, parking lots, lockers, desks, places and vehicles owned, leased or managed by Bear River Head Start, or any site in which the grantee is conducting business.

"Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 CFR. Part 1308.)

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requesting drug testing forms; or to fail to promptly provide specimens for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an

employee is impaired because of alcohol use.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of the drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

Reasonable Suspicion and Post Accident Testing Protocol

1. The employee will be advised that Bear River Head Start believes that there is reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported to any one of the company’s contracted testing facilities. One member of the management team or a designated attendant will accompany the employee. The employee has the right to bring their representative with them, if they so choose. Under no circumstances will the employee be allowed to drive him/herself to the testing facility.
3. Prior to leaving for the testing facility, inform them that a staff member from Bear River Head Start will be arriving and will need a drug or alcohol test completed.
4. The employee should be provided water to drink prior to leaving the company premises.
5. The employee should be given reasonable time-not to exceed 15 minutes to secure photo ID in the company of a Bear River Head Start representative.
6. The employee to be tested must present a photo ID (driver’s license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving Bear River Head Start premises.
7. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the “Consequences” section of this document.
8. A Bear River Head Start representative must sign as a witness to the collection procedure, along with the tested employee.
9. After returning to the company or when leaving the testing facility, the supervisor/ Health Coordinator must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will the tested employee be allowed to drive him/herself home.

Enforcement

The Health and Wellness Coordinator is responsible for policy interpretation, administration and enforcement.

Drug and Alcohol Policy Certificate of Receipt

I hereby certify that I have received a copy of this latest version of the Bear River Head Start Drug and Alcohol Policy, dated 04/2024.

Signature: _____ Date: _____

Printed Name: _____