

POLICY NAME DRUG AND ALCOHOL POLICY

POLICY NUMBER 2.6.5

CATEGORIES

DATE PROPOSED: 8/19/2019

DATE OF VOTE: 8/21/2019

ACCEPT (Y/N): Y

Recognizing the potential negative effects of alcohol and drugs on the organization, in particular the hazards that those individuals who abuse alcohol and/or drugs pose to themselves, their co-workers, and the general public, the Ice Sports Center (ISC) has implemented this drug and alcohol policy. Drug and alcohol abuse is not acceptable in the workplace. The ISC acknowledges its obligation to take all reasonable steps to ensure the health and safety of its workers and patrons. This policy provides for the testing of employees for drug/alcohol abuse, assisting employees who voluntarily seek help for problems relating to alcohol and/or drugs, and disciplinary action for employees who violate this policy.

This Drug and Alcohol policy applies to all ISC employees and may also be extended to subcontractors. For the purposes of this policy, the following are prohibited:

1. The distribution, sale, purchase, use, or possession of alcohol, marijuana, cocaine, opiates, amphetamines, phencyclidine, non-prescribed controlled substances (including but not limited to anabolic steroids), or any unlawful substances while on duty or while on ISC premises;
2. Being impaired by alcohol/drugs while at work;
3. The presence in the body of illicit drugs (or their metabolites) while at work;
4. Refusal to submit to drug/alcohol testing, failure to report to a ISC-designated facility for a drug/alcohol test, or tampering or attempting to tamper with a test sample.

Employees are not to report to work or be at work if they are impaired by alcohol or drugs. An employee who is taking legal medication (whether or not prescribed by a physician) which may affect or impair judgment, coordination or perception so as to adversely affect his/her ability to perform work in a safe and productive manner, must notify the Senior Facility Manager (SFM) or the Personnel Relations Manager (PRM) prior to commencing work. The manager will determine whether the employee will be permitted to work or whether work restrictions will be applied. Employees who are not capable of competently and safely performing their job duties will not be permitted to work and will be required to leave the facility. When an employee, considered to be in an unfit condition, is requested to leave the ISC, transportation to his/her residence will be arranged by his/her supervisor.

Any employee who is convicted of any violation of a criminal drug or alcohol statute must notify the SFM, Director of Skating (in the case of Huntsville Skating School Coaches) or PRM Manager in writing within five (5) days after such conviction.

The MIC reserves the right to temporarily remove, reassign or suspend an employee pending a determination of the employee's fitness for work, assessment of a drug/alcohol problem, or completion of an investigation into a possible violation of this policy.

Drug and Alcohol Testing

If there is reasonable cause to believe that an employee is in violation of this policy, ISC management may require an employee to submit to alcohol/drug testing and/or physical testing of motor skills and reactions. Reasonable cause shall mean observation of impaired motor skill proficiency, impaired judgment, or unusual conduct, or any reliable information provided to a manager or supervisor of drug/alcohol consumption at work or during an inappropriately short time prior to reporting to work. The determination that reasonable

suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee including, but not limited to, the following:

1. The presence of recognizable physical symptoms of drug or alcohol use, e.g., slurred speech, bloodshot eyes, alcohol on breath, inability to stand or to walk a straight line;
2. Indications of the chronic and withdrawal effects of controlled substances;
3. Direct knowledge or observation of drug or alcohol use or possession, or possession of drug paraphernalia; or,
4. Aberrant conduct or behavior that is so unusual that it warrants summoning a supervisor or other assistance.

Employees to be tested for reasonable suspicion with regard to alcohol misuse shall be escorted to the testing site by a supervisor, or the supervisor's designee, as soon as possible so that the test may be administered within two (2) hours of the determination to test. The supervisor who made the determination that reasonable suspicion exists shall not administer the breath alcohol test. If the alcohol test is not administered within two (2) hours following the determination of reasonable suspicion the supervisor or the supervisor's designee shall prepare and maintain on file a record stating the reason the alcohol test was not promptly administered. If the alcohol test is not administered within eight (8) hours of the determination to test, the efforts to administer the test shall cease, and the PRM shall maintain a record on file stating the reasons for failing to administer the test. Pursuant to ISC policy, the determination that reasonable suspicion exists must be set out in writing based on the observations as indicated above. All ISC employees, including management and office personnel, are subject to drug and alcohol testing.

All drug testing will be performed at a medical or law enforcement facilities designated by the ISC. The ISC will not accept test results from any facility other than those designated by the ISC.

For the purpose of this policy and for disciplinary purposes, refusal to take, consent to, or complete a drug or alcohol test shall be treated as though it were a positive drug or alcohol test result. This includes failure to provide an adequate urine sample for a drug test or an adequate breath sample for an alcohol test without a valid medical explanation or engaging in any other conduct that obstructs or avoids the testing process.

Positive Test Results

Any result of 0.02 or greater of alcohol concentration per 100 ml of blood is considered a positive test. In the absence of legislated thresholds, the drug levels that will be reported as a positive result will be based on industry norms as recommended by the consultant engaged by the ISC.

An employee who tests positive for drugs/alcohol will be advised of the positive result and will be suspended immediately without pay pending a determination by ISC management of the disciplinary action to be taken. Such individual will also be encouraged to meet with his/her physician for assessment. If the employee is not terminated, he/she will be required to undergo a drug/alcohol test at a time determined by the Company prior to being permitted to return to work. Should the result of such test be positive, disciplinary action will be enforced.

An employee who returns to work following a suspension resulting from a positive drug test will be subject to random drug testing by the ISC for a period not to exceed 24 months following his/her return. During such period, any positive test for drugs/alcohol will result in disciplinary action.

In the event of a positive test result, an employee has the right to request a re-test of the original specimen within 30 days of his/her being originally notified of the positive result. The costs incurred for a positive re-test will be borne by the employee.

Disciplinary Action

Employees who violate the provisions of this policy are subject to disciplinary action up to and including suspension or termination of employment.

The factors to be considered in determining the appropriate disciplinary response include, but are not limited to, the circumstances giving rise to the drug or alcohol test as required herein, the employee's work history, length of employment, current job performance, and the existence of past official disciplinary actions. An employee who is in violation of this Drug and Alcohol Policy a second time shall be terminated.

An employee who, prior to receiving notice of the requirement to be tested, voluntarily identifies himself or herself as a substance abuser, obtains counseling and rehabilitation through a qualified substance abuse treatment facility, and thereafter refrains from violating this Policy (2.6.6) is not subject to disciplinary action under this policy. However, this provision does not preclude the employee from disciplinary action related to misconduct otherwise in violation of the ISC's Personnel Policies and Procedures.

Assistance Available

Employees who have drug or alcohol problems are encouraged to seek assistance before performance problems (whether or not in violation of this policy) lead to disciplinary action. On being approached by an employee for help in overcoming a drug/alcohol problem, ISC management will put the employee in contact with a medical practitioner who, if necessary, will make a referral to the appropriate agency (eg., AADAC). Employees who enter a treatment program will be required to sign a form authorizing the administrators of such program to release to the ISC information regarding the employee's progress and degree of commitment to the program. The ISC will exercise reasonable care and caution to maintain confidentiality relating to an employee's participation in a treatment program.

