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## Policy and Procedure # 612

### Drug and Alcohol Testing

Approval: /S/ Dani Cook

Effective Date: 11/02/2023

#### POLICY:

EFI prohibits the use of controlled substances at all times by its employees, contractors and volunteers. "Controlled substances" are as defined by RCW 69.50.101 as of November 2, 2023. Marijuana and its derivatives are controlled substances for purposes of this policy.

EFI prohibits the use of prescription drugs (or legend drugs) at all times by its employees, contractors and volunteers, unless the drug is prescribed for that person by a lawfully authorized physician or other licensed health care professional and such use does not impair the person's mental or physical performance while on duty as an EFI employee, contractor or volunteer. Authorization for medical marijuana use is not a prescription under this provision, without exception as to amount of or purpose for its possession or use.

EFI prohibits the use, possession, or being under the influence of alcohol or any controlled substance during on duty employment or during times when there is contact with employees or clients, or at any other time when such use might affect performance of functions relating to EFI in any way.

This policy is based upon the following considerations which are not necessarily exclusive:

- EFI recognizes its employees are its most valuable resource. EFI wants to ensure that its employees, contractors and volunteers have a safe and unimpaired work environment.
- EFI serves a vulnerable population. Protection of these individuals from the direct or indirect harmful effects of drugs and alcohol is a great concern of EFI.
- EFI has certain funding sources which may be jeopardized unless EFI maintains a strict drug policy.
- EFI maintains a position of trust and confidence in the community. Continuing to maintain that trust and confidence is critical to the success of EFI and its ability to adequately function in this community.

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- Drug use and alcohol abuse have the potential to contribute significantly to the costs of medical insurance coverage.
- Drug use and alcohol abuse, even during non-working hours, has been shown to affect job performance.

Abiding by the foregoing policy is a condition of employment for all employees, contractors and volunteers.

The following procedures are not exclusive, nor is EFI obliged to necessarily follow them in all circumstances. All EFI employees are at will and subject to corrective action or termination at the discretion of EFI. The following are suggested guidelines only and are not a promise of particular treatment in any circumstance.

#### PROCEDURE:

1. The following is an illustrative, but not exclusive, list of behaviors which are prohibited, and which may very likely result in corrective action which may include termination:
  - A. Reporting for duty or remaining on duty while having alcohol, illegal drugs, or illegal mind or mood altering substances in one's system or under one's possession or control.
  - B. Testing positive for the use of alcohol, illegal drugs, or illegal mind or mood altering substances within eight hours following a vehicle accident in which the person is involved, or before undergoing a post-accident drug/alcohol test. *Employees must remain readily available for testing for 8 hours following the accident.*
  - C. Illegally using, manufacturing, distributing, dispensing or possessing, actual or constructive at any time or any place any illegal drugs, prescription or otherwise, or drug paraphernalia.
  - D. Knowingly causing EFI clients to enter into any building, structure or environment where controlled substances, drugs, or drug paraphernalia are illegally used, manufactured, distributed, sold or possessed.
  - E. Refusal to submit immediately to a chemical or alcohol test (just cause, post-accident) when requested.
  - F. Testing positive for alcohol or a controlled substance at a random or just cause-based test for any such substance.

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2. Drug and/or alcohol testing may be conducted under the following circumstances:
  - A. **Post-accident Testing:** Tests may be conducted after vehicle or other accidents if the employee or volunteer's performance could have contributed to the accident. Any employee or volunteer, whose performance could have contributed to the accident, as determined by EFI using the best information available at the time of the accident, may be given a controlled substance and alcohol test. Post - accident controlled substance and alcohol tests must be conducted as soon as possible after the accident. Controlled substance tests must be performed within 32 hours after accident. Alcohol tests must be performed within 8 hours after the accident.
  - B. **Just Cause:** All employees and volunteers may be subject to a fitness for duty evaluation by testing urine, saliva, blood and/or breath when there is reason to believe that the person has used a controlled substance or alcohol or is impaired by the use of any medication, whether prescribed or not. Possession of a controlled substance shall constitute just cause that the person has used drugs. A reasonable suspicion referral for testing will be made through the chain of supervision of an EFI employee. Administrators or supervisors who reasonably conclude that an employee or volunteer may be adversely affected or impaired in his/her work performance due to possible use of alcohol, controlled substances, over-the-counter medications, or prescribed medications shall arrange for alcohol and/or drug testing. Examples of reasonable cause include, but are not limited to, the following:
    1. Physical signs and symptoms consistent with prohibited substance use.
    2. Evidence of the illegal manufacture, distribution, sale, possession or use of controlled substances, drugs, alcohol, or other prohibited substances.
    3. Accident that may have been caused by the use of prohibited substances or alcohol.
    4. Fights (to mean physical contact), assaults, or flagrant disregard or violations of established safety, security, or other operating procedures.
3. EFI will select qualified medical facilities or individuals certified and licensed by the State of Washington to perform the blood, urine and/or other alcohol and controlled substance testing described by these procedures.
  - A. Appointments for blood or urine collection for drug screens or alcohol tests will be coordinated by the Human Resources department, a company director, or the Executive Director. The collection facility or individual shall adhere to the collection provisions set forth in the DHHS regulations entitled "Mandatory Guidelines for Federal

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Work Place Drug Testing Program" 53 FR (11973) published April 11, 1988 known as "DHHS Guidelines".

- B. Record keeping and reporting of all alcohol and drug testing and results shall be in strict accordance with Federal guidelines to protect the confidentiality of the employees.
4. Initial testing shall use an immunoassay that meets the requirements of the Food and Drug Administration for commercial distribution. The cutoff levels when screening specimens to determine whether they are negative for these drugs are based upon standards established by the testing laboratory being used. Cutoff levels are available upon request.
5. Drugs for which testing may be conducted include, but may not be limited to: Marijuana, Cocaine, Opiates (heroin, morphine, codeine included), Oxycontin, Phencyclidine, Amphetamines (racemic amphetamine, dextroamphetamine, methamphetamine included), Barbiturates, Benzodiazepines, Methadone, Methaqualone and Propoxyphene.
6. Failing a drug test may result in an immediate suspension without pay and the employee may be subject to termination of employment.
  - A. Following a positive test an employee may request, within 72 hours of notification of a positive test that the split sample be tested at a separate certified laboratory. The request must be made in writing to the Executive Director. The results of the split sample test shall be the final test results that are reported to the employer and the employee.
  - B. The cost for transportation and testing of the split sample is the sole responsibility of the employee and must be paid for in advance directly to the laboratory.
7. The use or ingestion of alcohol, at any time or in any form including but not limited to mouthwash, medication or food, that results in an alcohol concentration of .02 or above during work time is prohibited. Alcohol breath testing will be performed in the following manner:
  - A. If the initial test results are less than .02 alcohol concentration, the results may be considered negative and will be reported by the Testing Technician as such.
  - B. If the initial test results are .02 or greater, a second or confirming test may be conducted.

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1. The confirming test may be given a minimum of 15 minutes and a maximum of 20 minutes after the initial positive test. (The purpose of the 15-20 minute wait is to assure that the presence of mouth alcohol does not artificially raise the test results.
  2. If the results of the confirming tests are less than .02 alcohol concentration, the negative results shall be reported by the Technician.
  3. If the results of the confirming test are between .02 and .039 alcohol concentration, (non-negative results), the employee must be suspended from duty for at least 24 hours and may face disciplinary action up to and including termination.
  4. If the results of the confirming test are .04 or greater, the employee is considered positive and shall face disciplinary action up to and including immediate termination.
  5. Only the results of the confirming test shall be reported, irrespective of the results of the initial test. If the results of the initial and confirming tests are not identical, the confirmation test is deemed to be the final test result.
8. Any employee, contractor or volunteer who refuses to submit to a drug or alcohol test, will be considered to have a positive test. Failure to comply with the request for drug / alcohol testing may be cause for termination. Behavior which constitutes a refusal to submit to a test includes, but is not limited to:
- A. Refusal to take the test.
  - B. Inability to provide sufficient quantities of blood, breath or urine to be tested without a valid medical explanation.
  - C. Tampering with or attempting to adulterate the specimen or collection procedure.
  - D. Not reporting to the collection site in the allocated time.
  - E. Leaving the scene of an accident without a valid reason before the test has been conducted.
9. If there is a concern about an employee's ability to function safely or for any employee who tests at or higher than .08, EFI may provide transportation, or the employee may be allowed to arrange an alternate ride home. Employees who insist upon driving after being tested at .08 or above shall be reported to the local law enforcement agency.
10. Return-to-duty: Employees or volunteers who have previously refused to take a drug or alcohol test, or who have tested positive, shall be tested for prohibited drug or alcohol use

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before they may be considered for continued employment or for re-employment. In addition, employees who wish to be considered for continued or re-employment may be required to provide proof of successfully completing a referral and evaluation and treatment plan through a Substance Abuse Professional. Any expenses included in such treatment shall be the sole responsibility of the employee.

11. Follow-up: Once allowed to return to duty, the employee or volunteer shall be subject to unannounced follow-up testing for at least 12 but not to exceed 60 months. The frequency and duration of the follow-up testing will be determined by the Executive Director as long as a minimum of six tests are performed during the first 12 months after the employee returns to duty. Employees may be responsible for payment of expenses related to follow-up testing. Follow-up testing is separate from and in addition to the random testing program.
12. Employees who are taking prescription or non-prescription drugs that may affect the performance of their job duties must determine potential side effects with assistance from the prescribing health care professional or pharmacist, including any potential impairment to their mental functioning, motor skills or judgment on the job. A written explanatory statement from the health care professional or pharmacist stating the employee can perform all duties of their job, including driving company vehicles, is required. Employees must present the doctor's statement to their supervisor prior to beginning their next shift. It is the responsibility of employees to contact their supervisor if they are experiencing any adverse effects from any medication.
13. For the purposes of this policy, all employees, contractors, and volunteers are required to notify their supervisor at EFI within three days of:
  - A. Any arrest for an alleged criminal drug statute violation.
  - B. Any conviction for a criminal drug statute violation.
  - C. Any arrest for DUI or any other alcohol or drug related arrest.
14. All employees, contractors and volunteers are required to notify EFI immediately of any observation of any employee, contractor or volunteer violating any provision of this policy and procedure occurring in the workplace. Failure to comply with this provision may result in corrective action, up to and including termination.