



FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.

GENERAL POLICY No. 618 **SUBJECT: DRUG FREE WORK SITE and ALCOHOL ABUSE POLICY**

I. PURPOSE:

- A. To maintain a work environment that is safe for all employees, members, and the public, and that is conducive to attaining high work standards.
- B. To comply, in good faith, with all federal, state and local laws, including the Drug-Free Workplace Act of 1988 and the requirements of the Federal Highway Administration Controlled Substance Testing Regulations (DOT Regulations).

II. DEFINITIONS:

For purposes of this policy, the following definitions apply:

- A. "Drug" means any narcotic, hallucinogen, stimulant, sedative, or other substance that may impair coordination, perception, motor skills or judgment, not legally available "over the counter" or prescribed by a licensed health care provider for the person using it. "Drug" also means any prescription medication not taken in conformance with a prescription and or "over the counter" excess of the quantity prescribed or indicated on the product label, and any "controlled substance" as defined under federal law. "Drug" also means any over-the-counter medicine that impairs the employee in coordination, perception, motor skills, or judgment.
- B. "DOT" stands for Department of Transportation.
- C. "Under the influence" means impaired by drugs or alcohol in coordination, perception, motor skills or judgment. A particular blood alcohol level is not required to establish that an individual is under the influence. A blood

alcohol level of .04 or greater (or such lesser blood alcohol level as is required by DOT regulations), however, conclusively qualifies as "under the influence", regardless of whether there is objectively perceived impairment.

- D. "Cooperative premises" includes, but is not limited to: Cooperative offices, work locations, desks, parking lots and Cooperative vehicles (vehicles owned or leased by the Cooperative or rented by Cooperative employees for purposes of Cooperative work or travel).
- E. "MRO" means "medical review officer", who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the Cooperative's drug and alcohol testing program and evaluating medical explanations for certain drug and alcohol test results.
- F. A "positive" test result is one that has been confirmed by laboratory procedures approved under applicable federal and/or state law and verified by an MRO.
- G. A "commercial motor vehicle" (CMV) is a vehicle that weighs over 26,000 pounds, is designed to carry 16 or more passengers, including the driver, or transports hazardous materials.
- H. "Safety sensitive functions" include, but are not limited to, line work, operation of heavy machinery, operation of a commercial motor vehicle, and the handling of hazardous materials.

III. PRESCRIBED MEDICATION; SAFETY REPORTING:

- A. Prescription and Over-the-Counter Medications. An employee may maintain on Cooperative premises prescription drugs (not including medical marijuana) and over the-counter medication, provided:
 - 1. The drugs have been legally prescribed for the employee's use.
 - 2. The employee is taking the prescription drugs as prescribed.
 - 3. The drugs are kept in their original container.

The Cooperative does not accommodate the use of medical marijuana, which is as of the date of the adoption of this Policy, illegal under federal law.

B. Safety Reporting. Employees who perform safety sensitive functions (including but not limited to line work, operation of a commercial motor vehicle, heavy equipment, or machinery), or who must drive to complete work-related duties, are required to notify their immediate supervisors when:

1. Taking over-the-counter or prescription medication bearing warning labels regarding drowsiness or impairment of coordination, perception, motor skills or judgment;
2. When taking any medication that is known by the employee to create a risk of drowsiness or impairment of coordination, perception, motor skills or judgment;
3. When an employee experiences physical or mental side effects from any medication that actually impairs their coordination, perception, motor skills or judgment.

Employees must not engage in any safety sensitive activity when that employee is not in a condition to perform it safely, whether due to use of alcohol, or legal or illegal drugs, illness, lack of sleep, distraction, or any other reason whatsoever.

IV. PROHIBITIONS:

The following are prohibited:

- A. Being under the influence of drugs, or having drugs present in the body, when reporting to work, when on working time, when driving a Cooperative vehicle, when driving a personal vehicle for Cooperative business, or when otherwise engaging in Cooperative business.
- B. Manufacturing, distributing, using, transferring, possessing or storing drugs on Cooperative premises, in Cooperative vehicles, while on working time, or while engaged in Cooperative activity.

- C. Using, possessing, or distributing paraphernalia related to illegal drug use while on Cooperative premises, in Cooperative vehicles, while on working time, or while engaged in Cooperative activity.
- D. Using, possessing, transferring, or being under the influence of alcohol, or having alcohol present in the body, when reporting to work, when on working time, when driving a Cooperative vehicle, when engaging in Cooperative business, or when driving a personal vehicle for Cooperative business. NOTE: This rule prohibits all employees from using any alcohol during work, breaks, or meal periods. Drivers subject to DOT regulations are also prohibited from consuming alcohol for at least four hours prior to work, and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.
- E. Violating any drug law at any time. Employees must notify their supervisor within five days of any citation, arrest, conviction, plea of guilty or no-contest, or forfeiture of bond or bail for a violation of any criminal drug law.

V. DRUG AND ALCOHOL TESTING:

- A. **Part 1. General Testing.** This Part 1 of Section V. "Drug and Alcohol Testing" applies to the Cooperative's administration of drug and alcohol testing under the following circumstances, applicable to all employees. DOT-regulated employees are also subject to Part 2 of Section V below:
 - 1. **Pre-employment:** Applicants who have been offered a position with the Cooperative that requires the performance of safety sensitive functions will be tested for drugs. This requirement also applies when a current employee is transferring from a non-safety sensitive position to a safety-sensitive job for the first time.
 - 2. **Post-accident:** Employees will be subject to drug and/or alcohol testing following an accident resulting in injury to a person or damage to property, or a serious safety violation, when the

Cooperative reasonably believes that the employee's use of drugs or alcohol may have caused or contributed to the accident or violation.

- a. Employees shall cooperate in post-accident testing and obtain the required test as soon as practical given the circumstances and generally no later than twenty-four (24) hours after the accident for drug testing, and two (2) hours after the accident for alcohol testing. If testing cannot be conducted within the prescribed time limits, the reason such testing was not conducted should be documented by the HR Manager.
 - b. Employees must immediately report any accident that results in an injury. Employees may leave the scene of an accident for the period of time necessary to obtain assistance in responding to the accident, or to obtain necessary medical care, but must otherwise remain available for drug and/or alcohol testing until they have been informed that no test will be required, or their alcohol test or urine specimen collection has been completed. In addition, an employee may be asked to authorize the release of relevant hospital reports or other documentation that would indicate whether there were any drugs or alcohol in the employee's system at the time of an accident.
3. Reasonable suspicion: Employees will be drug and/or alcohol tested if the Cooperative reasonably believes that the employee is under the influence of drugs or alcohol in violation of this Policy. The Cooperative supervisor or the HR Manager will document the factors supporting a reasonable belief and such documentation will be retained. The following factors may be considered in assessing whether an employee is under the influence of drugs or alcohol:

- Drowsiness
- An odor of alcohol about the employee
- A change in speech pattern from the employee's normal speech (such as slurred or incoherent speech)
- Possession of drugs or drug paraphernalia
- Reported use of drugs or alcohol at work or during the work day, while in Cooperative vehicles, or while engaged in Cooperative business
- Recurring late arrivals or absences
- Frequent unexplained errors, mistakes, accidents or injuries
- Careless operation of equipment or other safety violations
- Frequent damage of inventory or materials during handling
- Unusual behavior, including moodiness, erratic behavior, inappropriate responses to stimuli, or other behavior inconsistent with the employee's normal demeanor
- Evidence that an employee has tampered with a drug or alcohol test or other unexplained lack of cooperation with testing.
- Arrest or conviction of a drug-related offense, or the identification of an employee as the focus of a criminal investigation into violation of drug laws.

The foregoing list is non-exhaustive. Factors must be observed by a Cooperative supervisor or reported either by reliable and credible sources or independently corroborated. All requests for reasonable suspicion testing must be reviewed and approved by the HR Manager or the CEO/General Manager.

4. Follow-up testing: Employees who violate this Policy may be terminated or may be allowed to return to work under certain conditions, depending upon the circumstances. An employee who is allowed to return to work after violating this Policy may be subject to random, follow-up drug testing for up to twenty-four months after returning to work or successfully completing any recommended

rehabilitation, treatment or counseling program, whichever is longer.

5. Random testing: The Cooperative conducts random drug testing of employees in safety sensitive positions. During each calendar year, the Cooperative will conduct random drug tests of at least 50% of the employees who are subject to random testing.

B. **Part 2. DOT – Covered Employees.** The Cooperative conducts drug and alcohol testing for all drivers who are subject to DOT regulations (49 CFR Parts 40 and 382). Part 1 of Section V (Drug and Alcohol Testing) applies to all employees, including DOT drivers and this Part 2 provides supplemental requirements applicable to DOT drivers. The Cooperative will interpret and apply Part 1 and Part 2 in compliance with federal law. In certain circumstances, an Employee may be tested under both Part 1 and Part 2 of this policy. DOT tests will be conducted separately from non-DOT tests, in accordance with DOT regulations. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. Please contact the HR Manager if you have questions about this Policy.

1. Types of DOT Testing. DOT-regulated drivers are subject to the following testing: pre-employment, random, reasonable suspicion, as part of a DOT-required medical examination, post-accident, return-to-duty (following successful completion or a prescribed education and/or treatment program), and follow up (as determined by a qualified treatment provider).
2. Consequences of Violation: Any driver who has a verified positive test for drugs or has an alcohol concentration of 0.04 or greater or fails to cooperate in a test will be terminated. Any driver who has an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions until 24

hours following the administration of the test and must be evaluated by a substance abuse professional.

3. Circumstances in Which Testing Will Occur. The following testing will be performed on DOT-regulated applicants/employees:
 - a. Pre-employment.
 - b. As part of an employee's required DOT periodic medical examination.
 - c. Post-Accident when:
 - (1) There is a fatality; or
 - (2) The driver is cited for a moving violation AND either:
 - (a) The vehicle is towed from the scene; or
 - (b) Someone is medically evacuated from the scene.
 - d. When a trained supervisor or trained Cooperative official believes or suspects an employee is under the influence of drugs or alcohol (or both). The supervisor or Cooperative official must have been trained to recognize the signs and symptoms of drug and alcohol use. Testing will not be based solely on a guess, hunch or unverified anonymous tip.
 - e. As part of the Cooperative's DOT random selection process. Random drug testing will be at a rate that will cover at least 50% of our driver workforce per year. The random alcohol testing rate for DOT regulated drivers is 10%.
4. DOT Test Procedures: All drug tests will be taken in accordance with the procedures set forth in the DOT regulations for drivers.
 - a. The Cooperative will designate a collection site where urine specimen samples will be taken for testing. The specimen sample will be forwarded to a government certified drug testing laboratory which will test the sample and report the

results to a MRO appointed by the Cooperative. The MRO will be the custodian of the individual driver drug test files and will report to the Cooperative the final test results whether the sample was positive or negative.

- b. Collection, transportation, testing, and reporting of the urine sample will all be done in accordance with DOT regulations, so as to ensure necessary controls over the chain of custody of the sample, quality control of the testing procedures, and confidentiality of reporting the results of the tests.
- c. The employees will be required to complete the necessary forms to effectuate the testing procedures and to provide identification to the collection personnel. The employee will also be required to consult with the MRO upon his or her request.
- d. Any employee or job applicant who is tested will be given an opportunity to provide the Cooperative's designated MRO any information which might be relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information.
- e. Any employee who believes a test was wrong and/or desires a review of any action taken by the Cooperative under this policy may do so by applying in confidence directly to the HR Manager or CEO/General Manager.

VI. COOPERATION IN TESTING:

- A. Cooperation Generally. Employees must fully cooperate with all testing. Any of the following will constitute a failure to cooperate in testing:
 - 1. Failing to appear for any test, (except a pre-employment test), within a reasonable time after being directed to do so.

2. Failing to remain at the testing site until the testing process is complete.
3. Failing to provide a urine specimen for any required drug test.
4. Failing to permit any required observation or monitoring of the driver's provision of a specimen.
5. Failing to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure.
6. Failing or declining to take a second test when directed to do so.
7. Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process.
8. Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
9. Is reported by the MRO as having a verified adulterated or substituted test result.

B. Consequences of Irregular Results – Non- DOT Employees. Non-DOT employees whose tests come back dilute, altered, or questionable will be retested. If a second test (of non-DOT driver) is returned with dilute, altered, or questionable test result, the employee will be terminated.

C. Consequences of Irregular Results – DOT Drivers.

1. DOT drivers with MRO-verified adulterated or substituted test results will be terminated.
2. DOT drivers with a positive DOT result indicating “dilute” will be terminated.
3. DOT drivers with a negative DOT result indicating “dilute” will be handled as follows:
 - a. The MRO may require the DOT driver to undergo

recollection under direct observation.

- b. Pursuant to 49 CFR § 40.155, if the MRO does not require recollection under direct observation, employees will be required to take another test immediately provided; however, the recollection will not be observed and only one recollection will occur. The result of the second collection is the result of record.

VII. DISCIPLINE; SUSPENSION:

- A. Violation of this Policy is grounds for discipline up to and including termination.
- B. The Cooperative may, in its discretion, refer any employee to drug or alcohol counseling, rehabilitation, or an employee assistance program.
- C. There may be circumstances in which an employee will be placed on leave pending investigation of suspected violation of this policy, and/or failure to cooperate in testing. Pursuant to DOT regulation, DOT employees who are tested post-accident or for reasonable suspicion, or who fail to cooperate in testing, will be immediately removed from safety sensitive functions and placed on leave. Depending upon the results of the testing and investigation, the leave may be unpaid, or they may receive either their regular pay for lost work time, or (as applicable) workers compensation or other paid leave benefit under the Cooperative's policies or benefit programs.
- D. Employees who fail to cooperate in testing will be terminated, (or in the case of applicants, will not be hired).
- E. Any driver who has a verified positive test for drugs or has an alcohol concentration of 0.04 or greater, fails to cooperate in testing will be terminated and must be referred to a substance abuse professional. Any driver who has an alcohol concentration of 0.02 or greater, but less than 0.04, shall not continue to perform safety-sensitive functions until 24 hours

following the administration of the test, and may not return to work until he or she has been evaluated by a substance abuse professional and has complied with their recommendations.

VIII. RECORDS; CONFIDENTIALITY:

- A. Documentation. The MRO shall keep complete records on the tests and their results. The Cooperative will maintain the DOT-required annual summary of records concerning the administration and results of the DOT regulated testing program, along with the information provided by the MRO on each individual test. Only those individuals within the Cooperative who are permitted to, and have a need to know, will have access to drug test information.
- B. Notification of Authorities. In the event the Cooperative finds any employee using, possessing, manufacturing, distributing, dispensing, or selling illegal drugs on Cooperative premises, on Cooperative project sites, or in Cooperative-supplied vehicles or equipment, the Cooperative will notify law enforcement authorities.
- C. Notification of Federal Agencies. In the event the Cooperative performs work under a federal procurement contract for property or services of a value of \$25,000 or more, and receives notice from an employee or from some other source that the employee has received a criminal drug statute conviction for a violation occurring on the federal worksite, the Cooperative will notify the federal agency of said information within ten days after receiving notice of the conviction.
- D. Confidentiality. Information provided to the Cooperative pursuant to this Policy, including information about test results, use of prescribed medications, or related health conditions, will be kept confidential to the extent required by law. As required by applicable law, the Cooperative will report certain illegal drug use or related information to the appropriate authorities. Further, information will be disclosed within the Cooperative

only as necessary to address the applicable circumstances on a need to know basis, consistent with business necessity.

IX. DRUG AND ALCOHOL-FREE AWARENESS PROGRAM.

- A. The health, safety, and productivity of our employees and the safety of the general public with whom our employees come in contact are of paramount concern to the Cooperative. The use of illegal drugs and abuse of prescription drugs on or off duty, and the operation of motor vehicles and equipment under the influence of alcohol or drugs, is inconsistent with the law-abiding behavior expected of our employees. Employees who use illegal drugs, or abuse prescription drugs or alcohol, tend to be less productive, less reliable, prone to greater absenteeism, and more dangerous to themselves, their fellow workers and the general public. This, in turn, can result in increased costs, delays, risks to Cooperative business, its employees, and others.
- B. The Cooperative will maintain periodic educational programs to assist its supervisors and employees with:
 - 1. Recognizing the symptoms and understanding the effects of drug and alcohol abuse in the workplace;
 - 2. Understanding this policy on maintaining a drug and alcohol abuse free workplace;
 - 3. Being aware of available drug counseling, rehabilitation, and employee assistance programs; and
 - 4. Recognizing the severity of the penalties that may be imposed for drug and alcohol abuse violations that occur in the workplace.

X. RESPONSIBILITY:

The CEO/General Manager is responsible for administering this Policy.

XI. PRIMACY OF POLICY:

This policy supersedes any existing policy that may be in conflict with the provisions of this policy. Further, the policies herein are subject to change by the Cooperative at any time.

APPROVED BY THE BOARD OF DIRECTORS


Doug Schmier, President

DATE EFFECTIVE: February 19, 1992

DATE REVISED: August 17, 1992

September 22, 2014

January 28, 2019