

ALCOHOL AND DRUG-FREE WORKPLACE

Policy Number: HR-301
Effective Date: January 5, 2022
Application: Applies to all employees, contractors, subcontractors, volunteers and service providers of the Eastern Washington State Historical Society (EWSHS).
History: This policy updates and renumbers former BP #112 dated June 1, 2016. BP #112 replaced HR Policy 102.

Article I PURPOSE

1.1 EWSHS is committed to maintaining an environment free of alcohol and drug abuse. A healthy and motivated workforce is the agency's greatest asset. Accomplishment of our mission is enhanced by safe and healthy employees. Creating and maintaining an alcohol and drug-free working environment results in greater productivity and employee well-being and provides a strong value statement about healthy living for our employees and the community. Use of alcohol and mind-altering drugs affects employee job performance by creating dangerous working conditions and by undermining client and community confidence in this agency.

Article II POLICY STATEMENT

2.1 It is the policy of the EWSHS to maintain an environment free of alcohol and drug abuse by implementing the requirements of the Federal Omnibus Drug Bill of 1988 set forth in Drug-Free Workplace Requirements for Federal Grant Recipients and the Uniform Controlled Substances Act (RCW 69.50).

Article III DEFINITIONS

3.1 Controlled Substances: Refers to those substances designated as schedule I through V under the Controlled Substances Act (21 U.S.C. § 812 and 21 C.F.R. §§ 1308.11-.15). Marijuana is still an illegal controlled substance under federal law.

3.2 Employee: For purposes of the Drug-Free Workplace Requirements for Federal Grant Recipients, an employee means "the employee of a contractor or grantee directly engaged in the performance of work pursuant to the contract or grant described in 41 U.S.C. § 8103" (Drug-free workplace requirements for federal grant recipients).

3.3 Under the Influence: Exhibiting impaired behavior which may limit a person's ability to perform his or her expected tasks or which poses a threat to the safety or well-being of

the person or others.

Article IV PROCEDURE

4.1 Standards of Conduct – EWSHS prohibits the unlawful manufacture, delivery, possession, or use of alcohol, controlled substances, and drug paraphernalia while on EWSHS property, while conducting EWSHS business, and while participating in any EWSHS sponsored activities at any and all locations.

4.1.1 Alcohol Use

4.1.1.1 Employees, contractors, subcontractors, and volunteers responsible for an event or who are working at the event are prohibited from being under the influence of alcohol.

4.1.1.2 Employees, contractors, subcontractors, and volunteers not responsible for sponsoring an event, but representing the EWSHS at official functions, are prohibited from being under the influence of alcohol.

4.1.2 Controlled Substances

4.1.2.1 It is prohibited, while on any EWSHS property, while conducting EWSHS business, or during any EWSHS-sponsored activity, for any person to use, possess, distribute, manufacture, sell, or to be under the influence of, a controlled substance. This prohibition includes marijuana. Exceptions to this prohibition may be permitted for controlled substances that are legally prescribed medications, subject to the provisions of section 4.1.3.

4.1.3 Prescription & Over-the-Counter Drugs

4.1.3.1 The use of prescription and over-the-counter (OTC) drugs is permitted when taken as prescribed or, for OTC drugs, as directed by package instructions, so long as the medications do not adversely affect the ability, performance, or safety of the consumer or others. The use of prescription and OTC drugs in excess of the prescribed amount or as directed by package instructions, is a violation of this policy.

4.1.3.2 If an employee's use of medication could adversely affect their ability, performance, or workplace safety, the employee must follow appropriate personnel procedures. The employee need only disclose that he or she is taking medication. The medical reason or drug name need not be disclosed to the supervisor. In cases where the employee will be working while using medication(s) that could adversely affect their ability, performance, or workplace safety, the employee may be required to disclose the name of the medication(s) to human resources so that appropriate response measures can be taken.

4.2 Employee Responsibility

4.2.1 Employees are responsible for resolving their own alcohol or drug abuse problems. EWSHS will make reasonable efforts to assist persons who self-report an alcohol or drug abuse problem.

4.2.2 The Washington State Employee Assistance Program (EAP) is a free service to employees of the State of Washington and their immediate families. The

EAP provides assessments and referrals for assistance or treatment and related case follow-up within the bounds of confidentiality. The EAP can be reached toll free at (877) 313-4455.

- 4.2.3 Self-referrals to the Employee Assistance Program (EAP) are encouraged before job problems become evident, and supervisors and co-workers may recommend the EAP to an employee whose performance is slipping.
 - 4.2.4 Employees who have performance or attendance problems resulting from alcohol or drug abuse or intentional misuse will be offered the EAP program. If the employee refuses or fails to comply with EAP, the employee will be subject to disciplinary action, up to and including termination/expulsion.
 - 4.2.5 Actions under this policy shall be taken in accordance with applicable personnel rules, state laws and regulations, and EWSHS policies and shall conform to the provisions of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
 - 4.2.6 As a recipient of federal financial awards in the form of grants and/or cooperative agreements, EWSHS must comply with the Drug-Free Workplace Act which requires employees convicted of a criminal alcohol or drug offense that occurred on EWSHS-owned or controlled property or while conducting EWSHS business must report the conviction to his or her supervisor in writing within five (5) days of the conviction.
- 4.3 Supervisor Responsibility
- 4.3.1 New employees, contractors, subcontractors, volunteers, and service providers shall receive a copy of this policy and procedure.
 - 4.3.2 Supervisors are responsible for enforcing this policy with respect to the employees they supervise. Documented evidence of illegal drug activity will be given to law enforcement agencies.
 - 4.3.4 Where job performance is impaired, the employee will be encouraged to seek assessment and assistance as an alternative to formal disciplinary action. A clear choice should be presented to the employee: either seek assessment, assistance or treatment or be subject to formal disciplinary action up to and including dismissal. When an employee is required to participate in a professionally prescribed course of treatment as recommended by EAP, the employee will be responsible for providing verification of ongoing participation.
 - 4.3.5 As a recipient of federal financial awards in the form of grants and/or cooperative agreements, EWSHS must comply with the Drug-Free Workplace Act. Supervisors who are aware of any drug crime convictions of individuals who work on a sponsored project, for violations that occurred in the workplace, must report that information to the executive director of EWSHS within three business days so that it can be determined whether the crime occurred during work on any federally funded award activity.
 - 4.3.6 If an employee, contractor, subcontractor, volunteer, or service provider, who is directly engaged in the performance of work under a federally funded award (as described in 34 C.F.R. part 84), is convicted of a drug violation in the workplace, EWSHS shall:

4.3.6.1 Notify, in writing, within ten calendar days after learning of the conviction, every federal agency on whose award the convicted employee was working; and

4.3.6.2 Within 30 calendar days of learning about the conviction, either:

4.3.6.2.1 Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. § 794); or

4.3.6.2.2 Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a federal, state or local health, law enforcement, or other appropriate agency.

4.4 Confidentiality

4.4.1 Complaints and investigations regarding violations of this policy will be maintained in a confidential manner to the extent permitted by law.

4.4.2 No official records of the diagnosis or treatment of chemical dependency or abuse shall be kept by any state employer except as required by federal or state law. No employee shall have his or her job security or promotional opportunities jeopardized as a consequence of seeking such treatment.

Federal Omnibus Drug Bill of 1988 set forth in Drug-Free Workplace Requirements for Federal Grant Recipients 41 U.S.C. § 701 <i>et. seq.</i> , as amended	The Uniform Controlled Substances Act Chapter 69.50 RCW
Controlled Substances Act 21 U.S.C. § 801 <i>et. seq.</i> and 21 C.F.R. §1300 <i>et. seq.</i>	Rehabilitation Act of 1973, as amended
Americans with Disabilities Act of 1990, as amended	