

DRUG FREE WORKPLACE	
Policy Number: HR-030	Responsible Department: Human Resources
Effective Date: 06/27/2011	Last Revision Date: 09/22/2016

PURPOSE:

To facilitate the maintenance of an alcohol and drug free workplace and establish the parameters of CWI’s drug and alcohol testing program.

SCOPE:

Applies to all employees of CWI.

DEFINITIONS:

Illegal Substance: any drug, substance or immediate precursor as listed in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. § 812, as now exists or may be later amended or updated, including but not limited to amphetamines (including methamphetamines), barbiturates, opiates (including heroin, morphine and codeine), marijuana, THC, cocaine, hallucinogens and phencyclidine (PCP). For purposes of this policy, the term “Illegal Substance” does not include prescription drugs which are properly possessed and/or taken under the supervision of a licensed health care professional.

Reasonable Suspicion: circumstances related to an employee’s conduct, appearance or behavior which, when taken as a whole, afford a reasonable basis to believe that an employee is under the influence of a controlled substance or alcohol or that he or she has otherwise violated the provisions of this policy. Circumstances which could give rise to a finding of reasonable suspicion include but are not limited to:

- an observation of an employee consuming alcohol and/or using an illegal substance on company premises and/or during working hours;
- a statement by the employee at or reasonably near the time of the event that the employee has consumed alcohol and/or used any illegal substance on company premises and/or during working hours;
- a reasonably observable instance or pattern of unsafe work practices by an employee and/or a reasonable observable trend of poor job performance by an employee that is not attributable to other factors;
- marked changes in personal behavior that are otherwise unexplainable; or
- the detection from an employee of an odor commonly associated with alcohol consumption or the use of an illegal substance, or the observation of one or more other characteristics commonly associated with the consumption of alcohol or an illegal substance, including, but not limited to, glassy or bloodshot eyes, slurred speech, poor balance, diminished mental faculties, or sudden incoherent behavior or thinking.

Medical Review Officer: a licensed M.D. or D.O. with knowledge of drugs, testing methods and drug abuse disorders. CWI will utilize the services of a Medical Review Officer (MRO) to interpret, evaluate and monitor its drug testing program. The primary responsibility of the MRO is to review and interpret positive test results obtained through CWI’s drug testing program. Before a test is considered verified positive, the MRO must review

confirmed positive test results and determine whether a legitimate alternative medical explanation could account for the positive results. As part of the review, the MRO or his/her designee may interview the affected employee, in person or by telephone. The MRO will then make the determination as to whether a test is a verified positive drug test and report his/her determination directly to CWI's Executive Director of Human Resources.

POLICY

CWI has a strong commitment to provide a safe, efficient and productive environment for both its employees and its students. In keeping with this commitment, CWI has a strict policy of maintaining an alcohol and drug free workplace which requires that all employees report to work fit to perform their jobs and prohibits the use, possession or being under the influence of alcohol or illegal drugs during working hours, on CWI property, or while on CWI business at any time. In furtherance of this policy, CWI has adopted the following guidelines for the purpose of maintaining an alcohol and drug free workplace and establishing the parameters of CWI's drug and alcohol testing program.

GUIDELINES

POLICY VIOLATIONS

The following are strictly prohibited and may subject any employee who is found to have committed any such violation to corrective action, up to and including termination for misconduct:

- the unauthorized possession or use of alcohol, the unlawful use, sale, attempted sale, manufacture, purchase, attempted purchase, possession or delivery of an illegal substance, or being under the influence of alcohol or an illegal substance while on the job, on CWI property or while on CWI business at any time.
- the unauthorized or improper use of legal or prescription drugs.
- driving any vehicle or operating equipment impaired by alcohol, illegal substances or a prescription drug which warns against such activity at any time while on CWI property or while performing duties on behalf of CWI.
- performing or engaging in any of the above off CWI property while performing duties on behalf of CWI.
- testing positive for use of an illegal substance or for alcohol (a positive test for alcohol is indicated by a test result of not less than .02% blood alcohol content [BAC]).
- attempting to alter or substitute a specimen or to mask the presence of alcohol or a controlled substance in a sample.
- in the absence of good cause demonstrated by the employee, failure to strictly comply with any CWI policy which results in a delay or avoidance of a substance test.
- refusing to submit to a substance test pursuant to this policy.

Off the job illegal drug use or an employee's conviction of a charge of illegal sale, use or possession of any illegal substance while off-duty will also be considered a serious breach of the intent of this policy. Such incidents will be treated similarly to substance abuse on CWI's premises. Employees must notify CWI of any criminal drug statute conviction within five (5) days after the conviction. Similarly, employees who must maintain a valid driver's license to perform their job must notify CWI of any citation or conviction for any traffic offense involving alcohol or drugs, whether on the job or off duty, within five (5) days of the citation or conviction. Failure to do so may result in

corrective action up to and including termination. For purposes of this policy, “conviction” means a plea or finding of guilt or the imposition of a withheld judgment by any applicable judicial body.

PRESCRIPTION DRUGS

Employees must report to CWI’s Executive Director of Human Resources their use of prescription drugs if the use of the prescription drug may adversely affect their ability to perform their job or pose a significant risk of harm to the employee or others. It is the employee’s responsibility to determine, in consultation with his or her physician, whether the use of the prescription drug may adversely affect his/her ability to perform his/her job or pose a significant risk of harm to the employee or others. Employees taking over-the-counter medications which could impact judgment or job performance may also be compromising their fitness for duty. Instructions provided by the manufacturer for such medications should be strictly followed.

SUBSTANCE TESTING

In furtherance of this policy, CWI has adopted the following guidelines regarding alcohol and drug testing (“substance test”):

- Each applicant to whom an offer has been extended for employment in a position for which a pre-employment substance test is required by law will be required to submit to a substance test before the applicant will be allowed to commence employment. For example, applicants for the following positions will be required to submit to a substance test before commencement of employment:
 - Employee positions that are required by accreditation standards to submit a pre-employment substance test, e.g. nursing program.
 - Instructors in the professional drivers training program.
- Applicants testing positive or refusing to submit to such testing will not be allowed to commence employment and will be eliminated from consideration for the position for which they have applied.
- Employees involved in an on-the-job accident including any accident causing injury to any person that requires medical attention beyond just first aid, or employees whose conduct, appearance or behavior creates reasonable suspicion to believe they are under the influence of an illegal substance or alcohol or that they have otherwise violated the provisions of this policy will be required to submit to a substance test. If feasible, the conduct, appearance or behavior should be witnessed by at least two supervisors.
- Substance testing of employees generally will not be conducted on a random basis. However, random substance testing or additional periodic substance testing may be required as a consequence of earlier corrective action, as a component of a drug rehabilitation program or to the extent required by law. Employees may also be required to submit to a substance test upon returning to work after completion of a drug rehabilitation program.
- For current employees, any substance testing shall occur during or immediately after the regular work period and shall be deemed work time for purposes of compensation and benefits.
- CWI will pay all costs of testing, including the costs of transportation, if the testing of a current employee is conducted at a place other than the workplace. CWI is responsible for selecting an appropriate laboratory service for testing and for taking such other steps as may be necessary for the implementation of this policy.
- All substance testing will be performed in accordance with SAMHSA Guidelines. In the event a new hire or employee believes a substance test to be a false positive, a second test may be conducted (using the same specimen) at the employee’s expense at a mutually agreed upon laboratory if requested within 7 days. If a second test is found to be negative, CWI will pay for the testing and will follow procedures for a

negative test result. If applicable, CWI will reimburse the employee for time suspended, or, if terminated solely because of the positive test, reinstate the employee with back pay.

CWI-SPONSORED EVENTS

On occasion, employees may entertain persons during work hours or after work hours as representatives of CWI. For example, these occasions may include dinners and business conferences. On any such occasion, only the moderate and limited use of alcoholic beverages is acceptable. In addition, with the express approval of CWI's President, alcohol occasionally may be served at social events sponsored by CWI. Only the moderate and limited use of alcohol is acceptable at CWI-sponsored social events, and employees are expected to conduct themselves in a responsible and professional manner at all times.

CORRECTIVE ACTION

It is a condition of employment that employees abide by CWI's policies regarding illegal substances and alcohol in the workplace. The failure to do so may result in corrective action up to and including termination for misconduct.

CWI reserves the right to suspend the employment of any employee during the pendency of a substance test. Unless otherwise required by law, any such suspension shall be without pay. However, if the test is confirmed to be negative, CWI will reinstate the employee and will reimburse the employee for any lost wages during the period of the suspension.

Upon receipt of a verified or confirmed positive substance test result which indicates a violation of this policy, or upon refusal of an employee to submit to a substance test, CWI may, at its sole discretion and without limitation, use the test result or refusal as the basis for corrective or rehabilitative action, which may include one or more of the following:

- suspension of the employee with or without pay for a period of time
- termination of employment
- satisfactory participation in a drug or alcohol abuse assistance/rehabilitation program as agreed upon between the employee and Human Resources
- other corrective measures in conformance with CWI's policies and procedures

CONFIDENTIALITY

Requests for substance testing, test results, and communications surrounding the investigation of substance abuse or received by CWI through its substance testing program will be treated as confidential; access to any such information will be limited to those persons who have a legitimate need to know.

TREATMENT AND/OR REHABILITATION

CWI strongly encourages employees who believe they have an alcohol or drug dependency or a problem with alcohol or drugs to voluntarily seek treatment and/or rehabilitation, before it is discovered through a violation of this policy. Employees should contact CWI's Human Resources Department for information as to what assistance may be available for this purpose. All inquiries of this nature will be treated as confidential and only those persons with a legitimate need to know will be made aware of any such inquiry. Employees should be advised, however, that voluntarily disclosing an alcohol or drug dependency or a problem with alcohol or drugs or seeking assistance

for any such dependency or problems does not relieve the employee from job expectation requirements or preclude CWI from taking corrective action for any violation of this policy.