

FOOTHILLS GATEWAY, INC.

Drug-Free Workplace

PROCEDURE:

Foothills Gateway is a federal contractor (Service Contract Act –SCA/ NISH) and must comply with the Drug-Free Workplace act of 1988 (hereafter known as the "Act"). Consequently, Foothills Gateway is required to take certain steps toward maintaining and certifying to federal contractors and grantors that it strives to maintain a drug-free workplace.

To ensure a safe and productive work environment Foothills Gateway, Inc. is a drug free workplace and prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs or controlled substances during working time or on any Foothills Gateway, Inc. premises or work sites. This prohibition includes Foothills Gateway, Inc. owned vehicles or personal vehicles being used for company business or parked on company property.

No employee or person receiving services shall report to work or be at work with any detectable amount of alcohol, drugs or controlled substances in their system.

Excluded from this statement are prescribed controlled substances when used by the person for whom prescribed and when used in the manner, combination and quantity prescribed. **Employees who must use a medically prescribed or over-the-counter drug that adversely affects their ability to perform work in a safe manner must notify their supervisor.** Management will determine after consulting medical authorities if the employee can remain at work and what work restrictions, if any, are deemed necessary. The employee may be required to take a medical leave of absence or disability leave for the duration of the prescription.

Illegal use of drugs off duty and off the Foothills Gateway, Inc. premises or work sites is NOT acceptable. It can affect on-the-job performance and the confidence of the public and the people we serve.

Although marijuana use may be recommended by a licensed health care provider in Colorado, the use of marijuana remains illegal under federal law. Therefore, any positive drug test associated with marijuana, or any other substance prohibited by this policy, will be considered a positive drug test.

Any employee or person receiving services who is convicted, or pleads guilty or no contest under a criminal drug statute for a violation occurring in the workplace must notify the employer within five (5) working days of such conviction or plea. Failure to do so will result in disciplinary action, up to and including termination. Employees or persons receiving services who are convicted or who plead guilty or no contest to such drug-related violations are subject to termination and /or mandatory attendance and successful completion of a drug abuse rehabilitation program as a condition of continued employment.

Within ten (10) days after receiving notification that an employee working on the SCA/NISH contract has been convicted of a criminal drug violation, Foothills Gateway's Chief Operating Officer (COO) or designee will notify the contracting or granting agency.

Foothills Gateway, Inc. may conduct unannounced inspections for violations of this statement in the workplace. All property of Foothills Gateway, Inc. such as desks, lockers, file cabinets, etc. will be subject to inspection along with any property of employees or persons receiving services located on Foothills Gateway, Inc. premises or work sites. Employees and persons receiving services are expected to cooperate in any inspection.

Alcohol and controlled substance testing shall be done whenever a supervisor has a reasonable suspicion that an employee has violated the prohibitions in this policy.

If reasonable suspicion exists that an employee has violated the prohibitions against alcohol or controlled substance use, the employee's supervisor (or someone appointed by the supervisor) shall transport the employee for immediate specimen collection at Occupational Health Services. If alcohol related, the supervisor will request that the **Breath Alcohol Test** be done when possible. The results of any test should be released to the Human Resources Director. The employee's supervisor (or appointee) shall transport the employee back to work or home after the specimen has been collected.

Reasonable suspicion and the determination to test must be based on:

1. Specific observations concerning the appearance, behavior, speech or body odors of the employee; and/or
2. Observations made just before, during, or just after the performance of their job functions

An employee who refuses to be tested when required will not be permitted to work and will be immediately removed from his/her duties. Such refusal will be treated as a positive test result.

Refusal to submit to testing includes:

- The failure to provide adequate breath or urine for testing without a valid medical explanation after s/he has received notice of the requirement for testing in accordance with the provisions of this Policy;
- The failure to appear for a test;
- The failure to sign the alcohol testing form; and/or
- Engaging in conduct that clearly obstructs the testing process.

Foothills Gateway, Inc. has established a drug-free awareness program to inform employees and persons receiving services about the dangers of drug abuse in the workplace. This reinforces the agency's commitment to maintenance of a drug-free workplace with the meaning of the Act, and reviews the penalties that may be imposed on employees and persons receiving services for drug abuse violations. In addition, the drug awareness program apprises employees and persons receiving services of the availability of drug rehabilitation counseling through community resources.

Any violation of this statement will result in disciplinary action up to and including termination. Any violations should be reported to the Human Resources Director.

Exception: The consumption of alcohol on Foothills Gateway, Inc. premises will not be prohibited if:

- a. consumption has been approved in advance by the Chief Officers; and
- b. if approval is for a specific event, date and time.

Nothing in this Procedure shall be construed to diminish the rights accorded to individuals under the Americans with Disabilities Act and the Family and Medical Leave Act.

4/93... 2/14; 9/16; 5/17