

# Drugs and Alcohol

## POLICY:

Emmaus of Santa Barbara prohibits the manufacture, dispensation, distribution, sale, use, possession of and impairment by drugs or alcohol in the workplace, and prohibits certain off-duty drug-related conduct. Emmaus' policy is based on concern for the safety and well being of program participants, staff, volunteers, Emmaus visitors. Because of the importance, both in human and economic terms, of drug and alcohol abuse, Emmaus is committed to maintaining a drug and alcohol free environment. To these ends, this Drug and Alcohol Policy has been adopted.

## Definitions

1. **Authorized Drug:** (a) Lawful over-the-counter medications (excluding alcohol) in reasonable amounts; and (b) other lawful medications prescribed for the employee's use.
2. **Drug:** Any (a) illegal substance, including but not limited to, narcotics, hallucinogens, cocaine, marijuana, and designer drugs; (b) controlled substance, including, but not limited to, amphetamines and barbiturates, which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a licensed physician; (c) lawful over-the-counter medication; and (d) lawful prescription medication.
3. **Illegal Drug:** Any (a) illegal substance, including, but not limited to, narcotics, hallucinogens, cocaine, marijuana, and designer drugs; and (b) controlled substance, including but not limited to, amphetamines and barbiturates, which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a licensed physician.
4. **Impaired:** To be under the influence of a drug or alcohol such that the employee's, motor senses ( *e.g.* , sight, hearing, balance, reaction, reflex) or judgment either are, or may reasonably be presumed to be, affected.
5. **Work site:** Any office, building, or property (including parking lots) owned or operated by Emmaus, or any other site at which an employee is to perform work for Emmaus. An employee is considered to be at a "work site" at all times when he/she is in or is responsible for an Emmaus vehicle while on Emmaus business.

## Prohibited Conduct

1. **Impairment Prohibited.** No employee will report to any work site or will work impaired by any drug or alcohol, lawful or unlawful, except with supervisory approval. Such approval will be limited to authorized drugs and based strictly on an assessment of the employee's ability to perform his/her regular or other assigned duties safely and efficiently. In seeking supervisory approval, an employee need not disclose his/her underlying medical condition.
2. **Possession and Use Prohibited.** No employee at any work site will use or possess any quantity of any drug or alcohol, lawful or unlawful, except for authorized

drugs. This prohibition generally does not apply to alcohol in those circumstances designated as social by Emmaus.

3. ***Manufacture, Dispensation, Distribution and Sale Prohibited.*** No employee at any work site shall manufacture, dispense, distribute, or sell any drug or alcohol, lawful or unlawful, unless specifically related to the business of Emmaus ( e.g., fundraiser, adult social event, etc.).
4. ***Off-Duty Illegal Drug-Related Activity Prohibited.*** No employee shall engage in off-duty illegal drug-related activity.

## **Discipline**

1. ***Impairment.*** Any employee who violates Emmaus' prohibition against impairment described above will be suspended or terminated, depending upon the circumstances.
2. ***Possession and Use.*** Any employee who violates Emmaus' prohibition against possession or use of alcohol will be suspended or terminated, depending on the circumstances. Any employee who violates Emmaus' prohibition against possession or use of drugs will be immediately terminated.
3. ***Manufacture, Dispensation, Distribution or Sale.*** Any employee who is convicted of or otherwise caught manufacturing, dispensing, distributing, or selling any drug or alcohol in violation of Emmaus' prohibition against such conduct described above will be immediately terminated. Employees must report any conviction for any of the above-described activities no later than five days after such conviction to the Office of the Executive Director, in the case of staff, or in the case of the administration, to the President of the Board of Trustees. Applicants for employment convicted of or otherwise caught engaging in this conduct generally will not be eligible for employment.
4. ***Off-Duty Illegal Drug-Related Activity.*** Any employee who is convicted of off-duty illegal drug-related activity, including use, possession, manufacture, dispensation, distribution, or sale of drugs, or who otherwise is determined to have engaged in off-duty illegal drug-related activity, including via the use of a drug test administered by Emmaus or by a third party, will be considered to be in violation of Emmaus' Drug and Alcohol policy and will be suspended or terminated by Emmaus. Employees must report any conviction for any of the above-described activities no later than five days after such conviction to the Office of the Executive Director in the case of staff, and to the President of the Board of Trustees in the case of the administration. An applicant for employment who has been convicted for off-duty illegal drug-related activity generally will not be eligible for employment. Applicants who test positive for illegal drug use will not be eligible for employment.
5. ***Driving Under the Influence.*** Any employee who pleads guilty to or otherwise is convicted of driving under the influence of alcohol and who, as an essential function of the employee's job, operates a motor vehicle, machinery or other motorized equipment that could be dangerous to himself/herself or others, will not be permitted to operate such vehicle, machinery or equipment until the employee has undergone an Employee Assistance Plan alcohol and/or drug assessment and

has complied with all recommended programs. Additionally, to the extent an individual has his/her driver's license revoked or suspended as a result of a conviction or guilty plea to driving under the influence of alcohol, he/she will not be permitted to operate such vehicles until the license is reinstated. The individual may be discharged or may be reassigned to another position during this time period, depending on the circumstances.

6. ***Mandatory Employee Assistance Program Referral.*** Any employee who violates Emmaus' Drug and Alcohol Policy but is not terminated will be subject to a mandatory Employee Assistance Program ("EAP") referral for addiction assessment and will be required to attend, at the employee's expense, a recommended treatment program offered by an outside provider if the assessment indicates treatment is appropriate. An employee who completes any required treatment program must also comply with any after-care program established by the treating facility. Failure to comply with any of the above requirements will result in disciplinary action up to and including suspension or termination. If an employee is required to be absent from work to comply with this section, his/her right to reinstatement shall be governed by Emmaus' Family and Medical Leave Policy.

### **Federal Law Requirements**

Because Emmaus is a non-profit organization and *may* operate under Federal grants and contracts, it must comply with certain Federal requirements regarding drugs and alcohol in the workplace. Federal law requires that all employees be given a copy of the Drug and Alcohol Policy, and that they abide by the terms of the policy as a condition of their continued employment.

Employees are made aware of the policy and provided information on how to obtain a copy during their orientation conducted by the Office of the Executive Director.

Implementation and administration of the Drug and Alcohol Policy with regard to staff is handled by the Office of the Executive Director; implementation and administration of the Drug and Alcohol Policy with regard to the administration is handled by the President of the Board of Trustees. Staff suspected of violating the Drug and Alcohol Policy should be reported to the Office of the Executive Director; faculty suspected of violating this policy should be reported to the President of the Board of Trustees. The appropriate office shall investigate the alleged violation and take appropriate disciplinary action.

Under Federal law, an employee must report his/her criminal drug statute conviction for an offense occurring in the workplace to the Office of the Executive Director in the case of staff, and to the President of the Board of Trustees in the case of the members of the administration no later than five (5) days after such conviction. The appropriate office shall report the conviction to the Federal agency involved as required by Federal law.

### **Employee Assistance Program ("EAP")**

Emmaus has an Employee Assistance Program ("EAP") that is available to staff and members of the administration who seek assistance to overcome drug and/or alcohol abuse. Employees may receive information regarding the EAP from the Office of the Executive Director.

Any employee who believes that he/she has a drug and/or alcohol abuse problem and who wishes to enroll in a voluntary treatment program may do so, at the employee's expense. If participation in the treatment program requires the employee to be absent from work, the employee's right to reinstatement shall be governed by the Emmaus' Family and Medical Leave Policy.

An employee who completes the treatment program must also be required to comply with any after-care program established by the treating facility. Refusal to participate in any after-care program may result in the employee's termination.

### **Confidentiality**

Drug and/or alcohol abuse is a particularly sensitive issue that may affect any member of the Emmaus Family. The right to confidentiality of all parties involved in a violation or alleged violation of Emmaus' Drug and Alcohol Policy shall be strictly adhered to insofar as it does not interfere with Emmaus' legal obligation to investigate allegations of drug and/or alcohol abuse in the workplace when brought to Emmaus' attention, and to take appropriate corrective action.