

## **Article \_\_\_ Zero Tolerance For Drug, Alcohol and Chemical Abuse**

\_\_\_\_.1 The Company and the Union recognize that drug, alcohol and/or other chemical abuse or dependency is a serious health and safety problem. The Company has zero tolerance for job related drug, alcohol or chemical abuse.

\_\_\_\_.2 The Company prohibits the following:

a. Use, possession, sale or transfer of any illegal drug, drug paraphernalia, prescription drugs without a prescription, non prescribed inhalants, intoxicants, or alcohol on Company property, while working, or while operating or helping to operate Company equipment, machinery or vehicles.

b. Being under the influence of any illegal drug, prescription drug without a prescription, over the counter drug, non prescribed inhalant, intoxicant, or alcohol on Company property, while working, while on Company business, or while operating or helping to operate Company equipment, machinery or vehicles.

c. Working or reporting to work with alcohol, an illegal drug, prescription drug without a prescription, over the counter drug, non prescribed inhalant, intoxicant or the metabolites of illegal drugs in an employee's system.

Any employee who violates any of these rules may be subject to immediate discipline, up to and including discharge. Nothing in this Article precludes the appropriate use of legally prescribed medications, over the counter drugs, or inhalants in the manner, combination and/or quantity prescribed by an employee's physician.

However, an employee should notify his or her supervisor when the use of a prescribed medication, over the counter drugs or inhalant may impact or impair job performance or

safety. This information shall be maintained in strict confidence and shared only with those who have a need to know.

\_\_\_\_.3 Drug, alcohol or chemical abuse testing may be requested or required under the following circumstances:

a. Random Testing: Employees who operate vehicles subject to Massachusetts or Federal Department of Transportation regulations are subject to random testing.

b. Reasonable Suspicion Testing: The Company may require or request that an employee undergo alcohol and/or drug testing if the Company has a reasonable suspicion that an employees is under the influence of an illegal drug, prescription drug without a prescription, over the counter drug, non prescribed inhalant, intoxicant or alcohol. "Reasonable suspicion includes"

i. Observation or evidence of an employee's use of an illegal drug, prescription drug, over the counter drug, inhalant, intoxicant or alcohol;

ii. Observation or evidence that an emoployee exhibits symptoms of being under the influence of an illegal drug, prescription drug, over the counter drug, inhalant, intoxicant or alcohol;

iii. Observation or evidence of an employee's pattern of abnormal conduct or erratic behavior;

iv. An employee's recent arrest or a conviction for an alcohol or drug related offense;

v. An employee violated the Company's written work rules contained in Article \_\_\_\_2.

vi. An employee has sustained or caused another employee to sustain a work-related injury. Should an employee be hospitalized or sent to an emergency room, urgent care facility, physician office or clinic as a result of a work related injury, a Consent Form may be secured while the injured employee is in the applicable health care facility. Arrangements for specimen collection and transfer may be made with the health care provider.

vii. An employee has caused a work-related accident or was operating or helping to operate equipment, machinery or vehicles that caused property damage or lost productivity.

c. An employee tested under "reasonable suspicion" shall be suspended pending the outcome of testing. If the test results are negative, the employee will be paid for missed scheduled work time.

d. Treatment Program Testing. Any employee who has been referred by the Company for drug, alcohol or chemical abuse or dependency treatment or evaluation or who is participating in a drug, alcohol or chemical abuse or dependency treatment program may be requested or required to undergo drug, alcohol, or chemical abuse testing without prior notice during the evaluation or treatment period and for up to two (2) years following the employee's completion of any prescribed drug, alcohol or chemical abuse or dependency treatment program.

\_\_\_\_4. Testing process and employee rights:

a. Testing will be conducted by laboratories approved by the Substance Abuse and Mental Health Services Administration National Laboratory Certification Program. A strict “chain of custody” procedure will be employed. Individual privacy rights will be protected during the collection process. Test results shall not be disclosed without prior employee written consent unless disclosure is to:

- The Company’s designated Medical Review Officer and the laboratory, health care or occupational health professional contact;
- An Employee Assistance Program administrator in which the employee is receiving counseling or treatment;
- Supervisory or management representatives at the Company having authority to address personnel issues related to the employee;
- The Company’s Human Resource Department;
- Attorneys for the Company who have need to know;
- The union;
- Pursuant to order of a court or administrative agency.

b. All employees have the right to refuse to undergo drug, alcohol or chemical abuse testing. However, such refusal will be grounds for discipline up to and including termination of employment.

c. Any employee who has received a positive test result on a confirmatory test has the right to submit information challenging the result to the Company’s designated Medical Review Officer provided this occurs within three (3) working days after notification of the positive test result. Any employee who has received a positive

test result on a confirmatory test also has the right to request a confirmatory retest of the original sample at the employee's own expense, provided that the request is received by the Company within five (5) working days after the employee was first informed of the positive test result. Confirmatory retests may only be conducted by an approved laboratory in the manner specified in Article \_\_\_\_4,A, and which is mutually selected by the Company and the Union.

d. Employees will receive a copy of test results for all drug, alcohol or chemical abuse tests that they are required to take.

\_\_\_\_.5 The Company reserves the right to search employees' lockers and property on Company premises to determine if there is any violation of this Article. Any refusal by an employee to cooperate with or permit such a search shall constitute grounds for disciplinary action up to and including termination of employment. Although disciplinary action may be taken, no search of employee property will be conducted without permission of the employee whose property is to be searched. The employee also may request that a union steward or another union employee be present during the search.