


Category:	Workplace	INCA Community Services Personnel Policy 
Sub Category:	Health & Safety	
Effective Date:	5/06/2002	
Revised Date:	5/06/2010,10/30/17, 2/2019	
Forms:	Drug and Alcohol Testing Forms	
References:		
Responsible: Human Resource Director and Management Staff		
Drug and Alcohol Policy		
Policy		
<p>INCA Community Services, Inc is a zero tolerance agency and although we recognize that the use and abuse of drugs and alcohol in today's society is a very serious problem which has also found its way into the workplace it will not be tolerated within the agency. INCA also recognizes the significant threat that a drug-impaired employee working in a community action program can pose to the safety of the employee, co-workers, customers and the general public.</p> <p>The drug-free workplace policy applies to all INCA employees. Drug and alcohol testing applies to all employees. Cooperation and compliance with INCA's drug and alcohol testing policy and the drug free workplace policy is a condition of acceptance and continued employment for all employees.</p>		
Purpose/Introduction		
<p>INCA's drug and alcohol testing program is designed to create a drug free working environment. The policy has been developed in compliance with existing federal regulations in a manner which ensures accurate and reliable test results, and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees.</p> <p>Policy and procedures covers the use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abusive use of legal drugs, alcohol or other intoxicating or mood altering substances, while on agency property or other work locations during work hours and/or at any time which affects the employee during working hours and/or in the performance of his/her duties is strictly prohibited.</p>		
<p>JAMM Transit Alcohol and Drug Abuse Testing Policy - JAMM Transit has a separate policy and procedure to follow the Federal Transit Authority (FTA) and the Oklahoma Department of Transportation (ODOT) rules, regulation and testing pool.</p>		
Procedures/Guidelines		

- All collections and testing procedures are intended to follow governing enactments and regulations.
- INCA will test all employees for pre-employment, random, reasonable suspicion, and post-accident.

Condition of Employment:

- An individual offered employment shall be required to take and pass a drug and alcohol screening test as a condition of employment or continued employment.
- Participation in the drug and alcohol testing program is a condition of employment.
- An applicant who receives confirmed positive drug screen result or the equivalent shall:
 - Have the offer of employment withdrawn,
 - Shall be subject to disqualification from application for agency employment for a period of two (2) years from the effective date of the disqualifying action.
- An employee who receives a confirmed positive test result or the equivalent shall be terminated and disqualified for rehire for a period of two (2) years.

Employees Responsibilities:

- Each employee is responsible for reporting to his/her supervisor, the use of all prescribed, controlled or non-prescribed substances which potentially can adversely affect ability to safely perform all work functions.
- Employees taking substance(s) which potentially can adversely affect ability to safely perform all work functions must provide INCA a written notice from his/her physician which states that he/she can safely perform his/her work functions while using such substance(s).
- All INCA employees are required to notify a Supervisor, Program Director or Human Resource Director when reasonable suspicion of an employee abusing drugs or alcohol or participating in prohibited activities is presumed.
- Failure of an employee to comply with responsibilities may lead to disciplinary action up to and including termination from employment.

Prohibited Behavior:

Among these prohibitions are:

- The use of illegal drugs is prohibited at all times; prohibited drugs include:
 - Marijuana
 - Cocaine
 - Phencyclidine (PCP)
 - Opioids
 - Amphetamines
- Employees are prohibited from performing or continuing to perform duties that have an alcohol concentration of 0.04 or greater and the following:
 - Using alcohol while performing work functions;
 - Using alcohol within four (4) hours prior to performing work functions;
 - Using alcohol up to eight (8) hours after an accident in the event a post-accident alcohol test needs to be performed or until he/she undergoes a post accident alcohol test, whichever occurs first.

Consequences for Violations
<p>Following a positive drug or alcohol (Blood Alcohol Content (BAC) at or above 0.04) test result or test refusal, the employee will be immediately removed from duty and referred to a Substance Abuse Professional (SAP).</p> <p>Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02.</p>
Circumstances for Testing
Pre-Employment
<p>A negative pre-employment drug test result is required before an employee can perform any duties within the agency. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing any agency duties.</p> <p>If an employee has not performed any duties for 90 consecutive calendar days, and has not been in the random testing pool during this time, the employee must take and pass a pre-employment test before he/she can return to work through the agency.</p>
Reasonable Suspicion:
<p>All employees shall be subject to a drug and/or alcohol test when there is reasonable suspicion that an employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or trained official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.</p>
Post Accident/Incident
<p>Employees shall be subject to post-accident drug and alcohol testing under the following circumstances:</p> <ul style="list-style-type: none"> ● Fatal Accidents <ul style="list-style-type: none"> ○ As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving employee operating the vehicle at the time of the accident. In addition, any other employee whose performance could have contributed to the accident, as determined by the Executive Director and using the best information available at the time of the decision, will be tested. ● Non-Fatal Accidents <ul style="list-style-type: none"> ○ As soon as practicable following an accident NOT involving the loss of a human life, drug and alcohol tests will be conducted on each employee operation a vehicle at the time of the accident if at least one of the following conditions are met: <ul style="list-style-type: none"> ■ The accident results in injuries requiring immediate medical treatment away from the scene, and the employee may have contributed to the accident.

- One or more vehicles incurs disabling damage and must be towed away from the scene, and the covered employee may have contributed to the accident.
- In addition, any other covered employee whose performance could have contributed to the accident, as determined by the Executive Director using the best information available at the time of the decision, will be tested.

An employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random testing:

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when duties are being performed.

- At least 50% of the average number of the “pool” of employees maintained by the contractor will be tested on a random basis annually under the drug testing requirements. Under the alcohol testing requirements at least 25% of the average number of employees in the “pool” of employees, shall be tested on an annual basis.
 - The contractor will determine the time of testing and which employees will be tested on each occasion.
 - INCA will make available to the contractor all current names, driver’s license number and SSN’s of all employees to be covered in the random program each month.
 - The list of persons to be tested for the next period will be created through the contractors computerized random number program.
 - The name of the person identified to be tested will be relayed to the contact person of the employer by the afternoon prior to the test date.
 - The employees will be notified prior to the test to report to the collection site.
 - Notification to report for testing shall include adequate amount of travel time.

Testing Procedures

Dilute Urine Specimen

If there is a negative dilute test results, INCA will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5mg/dL require an immediate recollection under direct observation

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the

employee can request that the split specimen be tested at a second laboratory. INCA guarantees that the split specimen test will be conducted in a timely fashion. Employees must follow these guidelines:

- If an employee or applicant challenges the validity or accuracy of the confirmed “positive” results, they may appeal in writing to the MRO within 72 hours of the employee/applicant having been notified of the positive result, so that arrangements for a second analysis process can be initiated on the split sample.
- All positive specimen samples will be kept at the laboratory for a period of one year, and at the employee's request may be kept longer.
- The challenging employee must also notify the Human Resource Director or Executive Director of the request.
- The employee will be responsible in advance for any associated retest costs in advance and will be reimbursed by INCA only if the retest is negative and conducted by a certified laboratory acceptable to INCA.
- Requirements for retention of samples and retesting are specifically spelled out in the contractor's Manual for Drug Testing.
- The MRO will have discretion to authorize a retest by the original or a different laboratory on the split specimen, if it determined that the technical standards established for test methods or chain of custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a retest.

Test Refusals:

Employees may not refuse required testing. Definition of test refusal is to be used for every testing category except for pre-employment (i.e., random, reasonable suspicion, post-accident, return-to-duty and follow-up).

- Test refusals common to drug and alcohol testing include:
 - Failure to appear for a test in the time frame specified by the agency;
 - Failure to remain at the testing site until the testing process is completed;
 - Failure to attempt to provide a urine specimen, saliva, or breath specimen,
 - Failure to provide a sufficient volume of urine, or breath without a valid medical explanation for the failure;
 - Failure to undergo a medical examination to verify insufficient volume;
 - Failure to cooperate with any part of the testing process
 - Refusing to sign the certification forms.
 - Failure to remain readily available following an accident.
- Test refusals specific to drug tests include:
 - Failure to permit the observation or monitoring of specimen donation when so required;
 - Including failure to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
 - Failure to take a second test required by the agency or collector;
 - Possess or wear a prosthetic or other device used to tamper with the collection process.
 - Admit to the adulteration or substitution of a specimen to the collector or MRO

Refusing to take a drug and/or alcohol test incurs the same consequences as testing positive and will result in termination of employment.

Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resource Director who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any employee who admits to a drug and/or alcohol problem will immediately be removed from his/her duties and will not be allowed to perform such duties until successful completion of a prescribed rehabilitation program.

After the successful completion of a prescribed rehabilitation program the employee must bring proper documentation showing a successful completion and undergo a pre-employment test and evaluation. If returned to duty employee will be randomly drug tested over the next two years of employment (outside normal random employee random testing).

Prescription Drug Use

The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited.

However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to designated supervisor. The misuse or abuse of legally prescribed drugs while performing agency business is prohibited.

Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties. The employee must also obtain a written release from the attending physician that releases the employee to perform their job duties whenever they are using a performance-altering substance.

NOTE: Legally prescribed drugs, for purposes of this policy, do not include, regardless of the circumstances, any illegal drug, including marijuana or illegally obtained prescription drugs.

Medical Marijuana

INCA Community Services is a federally funded organization and the federal rules and regulations on marijuana continue to classify it as a Schedule 1 drug overriding Oklahoma's law on Medical Marijuana.

Prohibitions in the Workplace - (even if you have a medical marijuana license)

Whether or not you hold a medical marijuana license, an employee of INCA may not:

1. Possess marijuana at work or during hours of employment;
2. Use Marijuana at work or during hours of employment;
3. Be impaired by marijuana while at work or during hours of employment;
4. Possess or use marijuana in a personal vehicle while conducting agency business;
5. Possess or use marijuana on any of the INCA premises.

Oklahoma passed medical marijuana into law on June 26, 2018 by a vote of the state electorate as State Question 788. The law only applies to license holders. The law prohibits any organization or employer from discriminating against those who are licensed marijuana card holders but the employee is still subjected to termination if they receive a random, reasonable suspicion, or post accident test and test positive for marijuana. The agency also will not hire an individual who fails a pre-employment drug test by testing positive for marijuana (or any other prohibited drug).

Training

- Employees will receive a copy of this policy and have access to it on the website.
- Employees who supervise employees or who have responsibility to administer the agency's drug and alcohol screening policies and procedures shall receive annual training on behavior, physical symptoms and performance indicators of probable drug and alcohol use.
- All employees will receive appropriate instruction regarding INCA's Drug and Alcohol Testing Policy. This shall amount to annual training on mandated requirements; the effects of alcohol and drugs; the process of testing; and the ramifications of a positive test.

Confidentiality

Confidentiality will be applied to every aspect of the anti-drug program according to the following criteria:

- All drug and alcohol testing information will receive the highest level of respect in relation to confidentiality.
- After the MRO contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the positive result, the Human Resource Director shall serve as the contact and Drug/Alcohol Testing Program.
- Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to the Administrator or the representative of a state agency upon request as part of an accident investigation.
- Statistical data related to testing and rehabilitation that is Administrator or the representative of a state agency upon request.
- All records relating to drug and alcohol testing will be kept in a separate, locked file from the other employee records.

DEFINITIONS

MRO - medical review officer

BAT - Breath Alcohol Technician

GC/MS - Gas Chromatography/Mass Spectrometry

EBT - Evidential Breath Testing device

Dissemination of Policy

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.