

# DRUG AND ALCOHOL-FREE WORKPLACE POLICY

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## POLICY STATEMENT

It is the policy of Incom to provide a workplace that is free from the use and effects of drug and alcohol use and abuse. Incom has a **zero-tolerance** policy for conduct violating Incom's Drug and Alcohol-Free Workplace Policy.

## PURPOSE AND GOAL

Incom is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that drug and alcohol use and abuse pose a significant threat to our goals. We have established a drug and alcohol-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. Incom encourages employees to voluntarily seek help with drug and alcohol problems.

Our Policy covers, but is not limited to, executive management, managers, supervisors, full-time employees, part-time employees, volunteers, interns and applicants.

## APPLICABILITY

Our Drug and Alcohol-Free Workplace Policy is intended to apply whenever anyone is representing or conducting business for the company. Therefore, this Policy applies during all working hours, whenever conducting business or representing the company, while on call, paid standby and while on company property.

## PROHIBITED BEHAVIOR

It is a violation of this Policy to use, sell, offer to sell, manufacture, distribute, dispense or possess controlled substances, illegal drugs, narcotics, intoxicants on Incom property, while on duty, or while operating a vehicle or machine leased or owned by Incom. Further, employees shall not possess alcoholic beverages in the workplace, be impaired by or consume alcoholic beverages at any time during their shift, including break and lunch time. Employees should not report to work impaired by or under the influence of any of prohibited substances as listed above. Those who violate this Policy will be subject to immediate termination from employment with no further notice.

The off-premises abuse of alcohol and controlled substances, or related criminal activity, which adversely affects the job performance, job safety, or Incom's reputation in the community, may result in disciplinary action up to and including immediate termination of employment.

The moderate use of alcohol may be permitted at Incom-sponsored social events or while attending business-related activities. However, employees and their guests are responsible for maintaining moderate consumption of alcohol at such events, for their professional behavior and for taking responsible action after alcohol consumption. Failure to act responsibly at such

events may also result in disciplinary action up to and including immediate termination of employment.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate procedures (e.g., call in sick, request a leave of absence, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

The illegal or unauthorized use or possession of prescription drugs is prohibited. It is a violation of our Drug and Alcohol-Free Workplace Policy to use, sell, offer to sell, distribute, dispense, possess, intentionally misuse and/or abuse prescription medications. This type of abuse may result in adverse health consequences, job performance issues, and/or increase the likelihood of a safety violation or accident. Those who violate this Policy will be subject to immediate termination of employment with no further notice.

#### **NOTIFICATION OF CONVICTIONS**

Any employee who is convicted of a criminal drug violation in the workplace must notify the company within five calendar days of the conviction. Upon notification by an employee that he or she has been convicted of a criminal drug violation in the workplace, or otherwise receiving actual notice of a conviction, Incom will notify the federal contracting agency within 10 days. Within 30 days of receiving notification of the conviction, the company will take appropriate personnel action against the employee, up to and including termination of employment.

#### **SEARCHES**

Entering the company's property constitutes consent to searches and inspections. If an individual is suspected of violating the Drug and Alcohol-Free Workplace Policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination of employment with no further notice.

#### **REASONABLE SUSPICION**

The company may ask an employee to submit to drug/alcohol testing at any time it has reasonable suspicion that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, specific observations of involvement in drug or alcohol related activity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, damage to Incom property, negative performance

patterns, or excessive and unexplained absenteeism and tardiness. Other examples of conduct that could arouse reasonable suspicion include:

- Odors (smell of alcohol, body odor or urine);
- Movements (unsteady, fidgety, dizzy);
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements);
- Face (flushed, sweating, confused or blank look);
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts);
- Emotions (argumentative, agitated, irritable, drowsy);
- Actions (yawning, twitching); and
- Inactions (sleeping, unconscious, no reaction to questions).

### **POST-ACCIDENT TESTING**

Any employee involved in an on-the-job accident, injury or near-miss may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident, injury or near-miss" means not only the one who was injured, but also any employee who potentially contributed to the accident, injury or near-miss event in any way.

### **DRUG AND ALCOHOL TESTING**

Drug and Alcohol Testing is generally conducted by the health care professionals at Harrington Hospital in Southbridge. To ensure the accuracy and fairness of our testing program, all drug testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All drug and alcohol -testing information will be maintained in separate confidential records.

Each employee, as an ongoing condition of employment, will be required to participate in post-accident, reasonable suspicion, return-to-duty and follow-up drug and/or alcohol testing upon selection or request of management. Further, employees who accept an offer of employment with Incom may also be subject to pre-employment testing as a condition of employment. The drug substances that will be tested for are: Amphetamines, Cocaine, Opiates and Phencyclidine (PCP) in addition to a number of other drugs which, if abused, could be a violation of this Policy.

Because recreational marijuana is lawful in both Massachusetts and Washington, Incom does not generally test for THC except in reasonable suspicion or post work accident circumstances. Just as employees are prohibited from being impaired by alcohol in the workplace, the same applied to recreational marijuana. Employees are likewise prohibited from being "high" or impaired from recreational marijuana use in the workplace.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine or blood. Testing for the presence of alcohol will be conducted by the analysis of breath or blood. Employees receiving care at the Emergency Room for post-accident injury are

responsible for notifying the medical staff that Incom requires them to be drug and alcohol testing in accordance with CompreCare protocol for Incom.

*Under no circumstances will the employee who is referred for testing because of reasonable suspicion or post-accident be allowed to drive himself or herself to the testing facility. A member of management will arrange for transportation to the testing center and arrange for the employee to be transported home.*

## **CONSEQUENCES**

In the case of applicants, or temporary employees being considered for regular employment, if he or she refuse to cooperate in a drug test or violates the Drug and Alcohol-Free Workplace Policy, any pending offer of employment will be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug and alcohol test.

One of the goals of our drug and alcohol-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the Policy, he or she will be subject to discipline, up to and including termination from employment. Any employee who tests positive, in violation of this policy, will be terminated immediately with no further notice. An employee will be subject to the same consequences of a positive test if he or she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required consent forms or refuses to cooperate in the testing process in such a way that prevents completion of the test and a definitive result. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Depending on the circumstances, the employee's work history/record and any state law requirements, Incom may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by Incom for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately terminated from employment.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management and HR. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

## **ASSISTANCE**

Incom recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may self-refer, request or be required to seek counseling help. Participation in counseling is confidential. (*Refer to Incom's Employee Assistance Program.*)

Any employee who is abusing drugs or alcohol and comes forward requesting help may be granted a leave of absence to undertake rehabilitation treatment. He or she will not be permitted to return to work until a certification, to Incom's satisfaction, is presented to Human Resources which clearly states that he or she is capable of performing all the essential functions of the job, with or without reasonable accommodation. Failure to cooperate with an agreed-upon treatment plan may result in disciplinary action, up to and including termination of employment. Participation in a treatment program does not protect employees from being disciplined for violation of this or other Incom policies.

## **CONFIDENTIALITY**

All information received by the company through the drug and alcohol-free workplace program is confidential communication will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies and may also be disclosed when relevant to a charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

## **SHARED RESPONSIBILITY**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on-or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment;
- Support fellow workers in seeking help;
- Use the Employee Assistance Program; and
- Report dangerous and suspicious behavior to their supervisor or Human Resources.