

APPENDIX J

DRUG-FREE WORKPLACE POLICY

A. Summary

It is the intent of the Church to maintain a workplace that is free of drugs and to discourage drug and alcohol abuse by its employees. Substance abuse is incompatible with the health, safety, efficiency, and success of the Church's employees. Employees who are under the influence of a drug or alcohol on the job compromise the Church's interests, endanger their own health and safety and the health and safety of others, and can cause a number of other work-related problems including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, behavior that disrupts other employees, delays in the completion of tasks, and poor service to the Church's congregation.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect the business, property, equipment, and operations of the Church, the Church has established this Drug-Free Workplace Policy concerning the use of alcohol and drugs. A drug screening, yielding a "negative" result, is a prerequisite to hiring. As a condition of continued employment with the Church, each employee must abide by this policy.

B. Employee Cooperation

Early detection of substance-abuse problems benefits everyone. For example, it benefits the employee with the substance-abuse problem because it gives him/her the opportunity to correct the problem before it leads to serious harm to the employee or others; it benefits the employee's coworkers who otherwise might have to carry an extra burden by covering for the substance abuser or who otherwise might be exposed to serious injury; and it benefits the Church because it gives the Church an opportunity to prevent accidents and avoid the performance problems and other losses associated with substance abuse. Accordingly, all employees should understand that coworkers with substance-abuse problems should be encouraged to seek assistance.

C. Definitions

For purposes of this policy, the following definitions apply:

- *Illegal drugs or other controlled substances* means any drug or substance that (1) is not legally obtainable; or (2) is legally obtainable but has not been legally obtained; or (3) has been legally obtained but is being sold, used, or distributed unlawfully.
- *Legal drug* means any drug including any prescription drug or over-the-counter drug that has been legally obtained and that is not unlawfully sold or distributed.
- *Abuse of any legal drug* means the use of any legal drug (1) for any purpose other than the purpose for which it was prescribed or manufactured or (2) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

- *Reasonable suspicion* includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- *Possession* means that an employee has the substances on his/her person or otherwise under his/her control.

D. Prohibited Conduct

The prohibitions of this section apply whenever the interests of the Church may be adversely affected including any time the employee is (1) on Church premises; (2) conducting or performing Church business regardless of location; (3) operating or responsible for the operation, custody, or care of Church equipment or other property; or (4) responsible for the safety of others.

1. Alcohol

The following acts are prohibited and subject an employee to termination:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol and/or
- Being under the influence of or impaired by alcohol.

2. Illegal Drugs

The following acts are prohibited and subject an employee to termination:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance and/or
- Being under the influence of or impaired by any illegal drug or other controlled substance.

3. Legal Drugs

The following acts are prohibited and subject an employee to termination:

- The abuse of any legal drug and/or
- The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with the law and/or
- Working while impaired by the use of a legal drug whenever such impairment might (1) endanger the safety of the employee or some other person, (2) pose a risk of significant damage to Church property or equipment, or (3) substantially interfere with the employee's job performance or the efficient operation of the Church's business or equipment.

E. Drug Testing

1. Testing of Applicants

As part of the Church's employment screening process, an applicant to whom an offer of employment is made must pass a test for controlled substances under the process described below. The offer of employment is conditioned on a negative test

result. Applicants will be informed of the Church's drug testing policy in the employment application.

2. Annual Testing

Employees, especially those who work directly with children, youth, or vulnerable adults, may be required to submit to annual drug testing under the process described below. The testing will be coordinated by the Pastor/Head of Staff and by the Chair of the Personnel Committee. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

3. Reasonable Suspicion Testing

If a supervisor has a reasonable suspicion that an employee is working in an impaired condition or is otherwise in violation of this policy, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to satisfactorily explain the behavior, the employee may be ordered, subject to immediate termination, to immediately undergo a drug and alcohol screening test at the Church's expense. In addition, Church personnel may conduct a search of the employee's person, clothing, belongings, personal effects, car, work area, etc.

Reasonable suspicion testing may be ordered in response to an employee's involvement in an accident or failure to follow a safety rule.

If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

Employees may be suspended by the Church after being directed to undergo a drug or alcohol test pending laboratory analysis results.

4. Post-Accident Testing

Post-accident testing may be done of an employee involved in an accident where there is the following:

- Property damage that is likely to exceed \$500 or
- Personal injury to an employee requiring medical treatment.

If the injured employee and the employee causing the accident are not the same person, they may both be tested. Also, any other employee who contributed to the accident by his/her actions may be tested.

An employee who is found to be under the influence of illegal drugs or alcohol by chemical tests or who refuses to submit to a chemical test according to this policy may forfeit his/her eligibility for Workers' Compensation benefits.

5. Acknowledgment and Consent

An employee subject to testing under this policy will be asked by the designated screening organization to sign a consent form acknowledging the process governing testing and consenting to (1) the collection of a urine, breath, blood, or hair sample for the purpose of determining the presence of alcohol or drugs and (2) the release to the Church of medical information regarding the test results. Refusal to sign the agreement and consent form or to submit to the drug test will result in the revocation of an applicant's job offer or will subject an employee to discipline, up to and including termination.

6. Confidentiality of Testing Records

Drug screen testing records will be treated as confidential except to the extent that disclosure is required for disciplinary purposes or by law.

7. Test Results

If an employee tests positive for drugs or alcohol or if a search reveals unauthorized or illegal items, the employee will be disciplined, up to and including termination.

If an employee tests negative for drugs or alcohol or if a search does not reveal any unauthorized items, the employee will be paid for any lost time.

An employee may have a sample retested at the employee's own expense. The results of any retesting may be considered but are not binding on the Church.

F. Disciplinary Action

Violations of the Church's Drug-Free Workplace Policy will result in discipline, up to and including termination, as explained in this section.

1. Termination for Violation of the Drug-Free Workplace Policy

The first violation of this policy will result in immediate termination whenever the prohibited conduct results in any of the following:

- Caused injury to the employee or any other person or, in the sole opinion of management, endangered the safety of the employee or any other person
- Resulted in significant damage to Church property or equipment or, in the sole opinion of management, posed a risk of significant damage
- Involved the sale or manufacture of illegal drugs or other controlled substances
- Involved the possession, distribution, or dispensation of illegal drugs or other controlled substances or alcohol in a quantity greater than for personal use
- Involved an employee who had not completed the introductory period
- Involved the failure of an employee to report a criminal conviction as required below.

2. Discretion Not to Terminate

In circumstances other than those described above, the Church, at the discretion of management, can choose not to terminate an employee for a first violation of this Drug-Free Workplace Policy if the employee satisfactorily completes participation in an approved drug- or alcohol-abuse assistance or rehabilitation program and executes a Last-Chance Agreement.

3. Written Warning

An employee who is not terminated for a first violation of this policy will receive a final written warning and immediate suspension without pay for a period of three calendar days.

4. Effect of Second Violation

A second violation of this policy at any time will result in immediate termination.

5. Effect of Termination on Eligibility for Rehire

An employee who is terminated for a violation of this policy will not be eligible for rehire by the Church.

6. Effect of Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any Church-related activity or event will be deemed to have violated this policy and will be subject to discipline as explained in this section. An employee who is arrested or otherwise charged under a criminal drug statute must report the arrest or charge to his/her supervisor during his/her first scheduled day of work following the arrest or after receiving notice of the charge. The Church reserves the right to place the employee on an unpaid leave of absence pending the outcome of the criminal matter.

G. Drug-Free Awareness Program

1. Employee Awareness

This Drug-Free Workplace Policy is designed to inform employees about the dangers of drug abuse in the workplace and to help assure that employees are familiar with the disciplinary actions that can result from a violation of the policy. From time to time, current information about available programs for counseling and rehabilitation will be made available to employees.

2. Management Awareness

Supervisors are to be attentive to the performance and conduct of employees who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this policy. When a supervisor has reasonable suspicion to believe that an employee is working in violation of this policy, prompt action will be taken.

H. Criminal Convictions

Employees are required by this policy to notify the Church of any conviction under a criminal-drug statute for a violation occurring in the workplace or during any Church-related activity or event no later than five days after such conviction.

I. Use of Legal Drugs

The Church recognizes that employees may from time to time be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to Church property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, the employee may not report to work. To accommodate the absence, the employee may use available sick time or vacation eligibility.

Nothing in this policy is intended to sanction or encourage the use of sick time or vacation eligibility to accommodate absences due to the abuse of legal drugs. Furthermore, nothing in this policy is intended to diminish the Church's commitment to employ and reasonably accommodate qualified disabled individuals.

Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy.

J. Confidentiality

Disclosures made by employees to the Pastor/Head of Staff concerning their use of legal drugs will be treated confidentially and will not be revealed to supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Pastor/Head of Staff concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.