

# CLAYTON HEATING & AIR CONDITIONING CO. INC.

## DRUG FREE WORKPLACE POLICY

### I. STATEMENT OF POLICY

Clayton believes that it is very important to provide a safe workplace for all of its employees. Clayton is taking steps to address the problem of substance use that negatively effects every workplace, including ours. Clayton is concerned with the health and well being of all employees. Behaviors related to substance use can endanger all employees, not just substance users. We cannot condone and will not tolerate behaviors on the part of employees that relate to substance use, such as:

- a. Use of illegal drugs
- b. Misuse of alcohol
- c. Sale, purchase, transfer, trafficking, use or possession of any illegal drugs
- d. Arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected

Management is fully committed to our Drug Free Workplace Policy which establishes clear guidelines for acceptable and unacceptable behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy and intend to hold everyone reasonably responsible for supporting the Policy.

This document (Policy) describes Clayton's Drug Free Workplace Program, and every employee is expected to read and understand it. This Policy applies to every employee including management, and also applies to contractors and sub-contractors we may use. The consequences stated in the Drug Free Workplace Policy will apply to anyone who violates this Policy.

Clayton holds all employees accountable in terms of substance use but also supports getting help for employee. Employees who come forward voluntarily to identify that they have a substance use problem will receive Clayton support and assistance. However, if an employee has a substance problem, and does not come forward, and the employee then tests positive for drug or alcohol use in violation of this Policy, Clayton reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this policy are spelled out with this document.

This policy describes Clayton's Program. Clayton's Policy covers five (5) key parts of Clayton's Program. The five parts are:

- A written policy that clearly spells out the Program rules and how everyone benefits.
- Annual substance awareness education for all employees.
- Training for supervisors regarding their responsibilities.
- Drug and alcohol testing, the most effective way to change harmful behaviors related to substance use.
- Employee assistance.

Employees will have the opportunity to receive information about how substance use is a problem affecting the workplace. You will learn the signs and symptoms, dangers of use, and how and where to get help for yourselves and your families. Gene Clayton will be Clayton's Drug Free Coordinator so

everyone knows who to go to for information or help. He will be responsible for arranging drug and alcohol testing, as needed, and will have a list of places that employees can turn for help for themselves and/or their families. He will also arrange to get knowledgeable presenters to educate our employees about substance use.

## **PROTECTION FOR EMPLOYEES**

This Program is designed to protect CLAYTON employees from the behaviors of substance users. Some of the protections built into the Program are:

- Employee records like testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- Clayton is committed to employees who have a substance problem getting help. Each situation will be reviewed individually. Employee assistance is available for employees and their families. A list of resources available through Gene Clayton, Clayton's drug free coordinator, and posted in a break room. We want you to come forward if you have a substance problem and not to wait. If you test positive, you are risking losing your job. We do not want that to happen.
- All supervisors will be trained in their duties related to testing before this program begins.
- All employees will receive awareness education every year to help identify problems and to learn where employees can go for help.
- Collection of urine specimens and/or breath testing will be done at a local clinic, and urine drug test specimens will be analyzed by a laboratory certified by the federal government. These laboratories use the highest level of care in ensuring that the results are accurate, and the process is 100% accurate in detecting that the substances that Clayton is concerned about are present in the employee in sufficient quantity to lead to behaviors that may hurt the person or other employees. The laboratory will work closely with our local clinic to ensure fairness and accuracy of every test, and we also have a Medical Review Officer (called an MRO), a trained physician responsible for checking whether there is a valid reason for the presence of the substance in the employee's system. The MRO is an expert in drugs and alcohol. When the MRO receives positive test results, the MRO will contact the employee and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.
- The testing program consists of an initial screening test. If the initial results are positive, then a second test will be used. Cut-off levels for each drug and for alcohol are established for what will be considered a positive test. These levels show that the employee did not just have "a little" of the substance in his or her system, but enough to affect workplace safety and the ability to do the job. These cut-off levels come from the federal guidelines and are fair for all employees.

## **EMPLOYEE AWARENESS EDUCATION**

Every employee will attend a session in which this policy is discussed. You will have a chance to ask questions. We will give everyone a copy of the Clayton written Policy, and everyone will be expected to sign that they received it. Later, we will have a qualified person explain why and how substance is a workplace problem, the effects, signs/symptoms of use, effects of commonly used drugs in the workplace, and how to get help. There will be a minimum of two (2) hours of substance education annually for all employees. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.

## **SUPERVISOR TRAINING**

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as by violating this Policy. This training is in addition to the employee education session. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

## **II. REPORTING RESULTS**

All test results will be reported to the MRO prior to the results being issued to Clayton. The MRO will receive a detailed report of the findings of the analysis from the testing laboratory. Each substance tested for will be listed along with the results of the testing. Clayton will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be constant with the most current guidelines for Medical Review Officers, published by the Federal Department of Health and Human Resources.

## **III. STORAGE OF TEST RESULTS AND THE RIGHT TO REVIEW TEST RESULTS**

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated Clayton officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated Clayton officials that shall have access to these records are charged with the responsibility of maintaining confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. An employee may request from the Drug Free Workplace Coordinator, in writing, presenting a duly notarized Employee Request for Release of Drug Results form, requesting that a copy of the test be provided. Clayton will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Mail, Return Receipt Requested.

## **IV. POSITIVE TEST RESULTS**

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off of safety-sensitive duties and are subject to discipline up to and including termination.

## **V. TERMINATION NOTICES**

In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause".

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Applicants Signature

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Date