



Baranof Island Housing Authority
245 Katlian Street
Sitka, AK 99835
(907) 747-5088 • fax (907) 747-5701

COMPREHENSIVE POLICY AND PROCEDURES FOR A DRUG-FREE WORKPLACE

I. PURPOSE

To establish policy and procedures in compliance with the Alaska Statute regulating Drug and Alcohol Testing by Employers (AS 23.10.600-23.10.699), and other applicable federal, state, tribal or local law.

It is the responsibility of both Baranof Island Housing Authority (“BIHA”) and its valued employees to maintain a safe, healthy and efficient working environment and to protect the organization's property, information, equipment, operations and reputation. An employee who is under the influence of drugs and/or alcohol at work poses serious safety and health risks to not only themselves but also their fellow colleagues, clients and the general public.

This Drug-free Workplace Policy is intended to complement the quality of life of our employees and communities, and to enhance our workplace environment. This Drug-free Workplace Policy outlines the goals and objectives of BIHA’s Drug-free Workplace Policy and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program. The disciplinary provisions set forth in this Drug-free Workplace Policy are in addition to those set forth elsewhere in the Baranof Island Housing Authority Employee Handbook and do not by extension or implication create any other contractual obligations on the part of BIHA. BIHA employees are at-will; BIHA has the right to terminate any employee at any time, with or without notice, and for any reason not inconsistent with state and federal law.

II. POLICY

It is the policy of BIHA to provide a drug-free workplace. Any employee who unlawfully manufactures, distributes, dispenses, possesses or uses non-prescription drugs or alcohol at the workplace, during work hours, when conducting company business or representing the organization, while on call or on company property, is subject to disciplinary action up to and including immediate dismissal.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. If the use of prescription medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (i.e. call in sick, use leave, notify supervisor) to avoid unsafe work practices. BIHA reserves the right to judge the effect that a prescription drug may have on job performance and/or safety and to adjust the employee's work activity accordingly.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications.

III. PENALTIES

Any Employee under the Influence of drugs or alcohol which impairs judgment, performance or behavior while on company premises or while on company business will be subject to discipline, including termination. Specifically,

- A. Baranof Island Housing Authority shall have the right to enforce adverse employment actions based upon:
 - 1. A positive drug and/or alcohol test that detects trace amounts of drugs and/or alcohol in an employee's system; and/or
 - 2. The refusal of a BIHA employee or prospective employee to provide a drug and/or alcohol sample.
- B. Adverse employment action may include:
 - 1. Failure or refusal of a drug and/or alcohol test will result in immediate

termination;

2. Other adverse employment action as deemed appropriate by the Executive Director or other authorized personnel of BIHA, up to and including, termination of employment.
- C. The penalty provisions set forth in this Section are in addition to those set forth elsewhere in the Baranof Island Housing Authority Employee Handbook and do not by extension or implication create any other contractual obligations on the part of BIHA. BIHA employees are at-will; BIHA has the right to terminate any employee at any time, with or without notice, and for any reason not inconsistent with state and federal law.

IV. DRUG AND/OR ALCOHOL TESTING

- A. Before being required to submit to a drug and/or alcohol test, all employees and prospective employees shall receive written notification of BIHA's Drug-free Workplace Policy and Procedures. All employees and prospective employees are required to sign an acknowledgment form indicating that they have received, understand and will abide by the BIHA Drug-free Workplace Policy and Procedures.
- B. BIHA may perform drug and/or alcohol testing:
1. On a random basis as authorized by Alaska state law; or
 2. As deemed appropriate under the following circumstances:
 - a. Reasonable suspicion that an employee may be impaired by the use of drugs and/or alcohol and that such use may adversely affect the employee's job performance or the work environment;
 - b. Exhibiting behavior that compromises the employee's safety or the health and/or safety of those around them.
 - c. Involvement in an accident during the conduct of BIHA business at any location.

- C. BIHA may refer employees and/or prospective employees to an approved facility for drug and/or alcohol testing, and may also utilize on-site testing procedures, consistent with Alaska law. Sample collection and testing for alcohol and/or drugs shall be performed under reasonable and sanitary conditions.
- D. The test which will be used at the approved facility or on-site, will determine any detectable trace amount of alcohol and/or illegal drugs.
- E. Employees whose test reported a positive result shall be terminated. The individual has the right to appeal per Section V of this policy.

V. APPEALS PROCESS

- A. BIHA shall adhere to the following procedures with respect to an individual's right to appeal a positive drug test:
 - 1. An individual shall have 24 hours after receiving termination notice to notify BIHA in writing of their intent to appeal.
 - 2. An individual whose drug and/or alcohol test reported positive has the right to a subsequent review of the test results at the employee's expense by a licensed physician or doctor of osteopathy in accordance with Alaska state law (AS 23.10.640(d)).
 - 3. Individuals may submit a written request for their test results. BIHA shall provide the test results to the employee within five (5) working days after receipt of the written request provided the request has been made within five (5) years of the date of termination.
 - 4. Individuals may submit a written request to have the results of their positive test explained to them in a confidential setting. BIHA shall comply with such request, if the request is made within ten (10) days of the individual having been notified of his or her positive results.

VI. REHIRE ELIGIBILITY REQUIREMENTS

To be considered for subsequent employment by BIHA an individual terminated under the provisions of this policy must provide BIHA with documentation of successful completion of an approved/accredited drug and/or alcohol program. Such individuals will only be eligible for rehire once.

VII. CONFIDENTIALITY

Information provided in connection with drug and/or alcohol testing of any employee or prospective employee is confidential and privileged and may not be disclosed except to the tested employee or prospective employee or another person designated in writing by the tested employee or prospective employee, or to individuals designated by BIHA to receive and evaluate the test results or hear the explanation of the employee or prospective employee, or as ordered by a court or government agency. The personnel file must not include information concerning an employee's emotional, alcohol, or drug abuse problems or the employee's efforts towards rehabilitation except those records which apply to specific charges leading to disciplinary or separation actions.

Disclosure of confidential information by any individual to unauthorized persons without written consent of the employee concerned is grounds for disciplinary action.

**COMPREHENSIVE POLICY AND PROCEDURES
FOR A DRUG-FREE WORKPLACE**

I acknowledge that I have received, understand and will abide by the BIHA Comprehensive Policy and Procedures For A Drug-Free Workplace.

Signed: _____

Date: _____