

# **Frisco Housing Authority**

## **DRUG-FREE WORKPLACE POLICY**

The purpose of this policy is to establish rules and guidelines for employees with respect to use, possession, distribution or being under the influence of alcohol and other drugs (AOD) during working hours.

**DRUG-FREE AWARENESS PROGRAM** - The Frisco Housing Authority will implement a drug-free awareness program. The purpose of the program is to deter drug use and misuse by educating its employees to the dangers of drugs.

**RESPONSIBILITY** - Employees have the right to work in a safe environment and the public has the right to receive maximum productivity, high quality service and minimum waste from employees. This requires competent and "safe" employees, and employees under the influence of AOD are not competent and are just as ineffective and dangerous as a defective machine. It is the responsibility of the Frisco Housing Authority and each person who works in the Authority to help make it an efficient, effective, safe workplace.

**OBJECTIVE** - The objective of this policy is to develop and maintain an AOD-free workplace which will allow safety, quality, and productivity to be maximized. It is most desirable that this be achieved through:

1. Apprising employees of their personal and the Housing Authority's responsibilities with respect to an AOD-free workplace. This includes advising all employees on actions that will be taken in order to ACHIEVE and MAINTAIN a safe and productive work environment.
2. Educating employees on the effects of AOD so that employees will want to keep drugs from jeopardizing their performance and endangering themselves and their co-employees.
3. Assisting employees who have AOD problems to solve those problems and to become safe and productive employees.

**ENFORCEMENT** - Employees who cannot or will not fulfill their responsibility to the Housing Authority with respect to making it AOD-free will not remain in the employment of the Frisco Housing Authority.

### **SPECIFIC GUIDELINES, RULES AND PROCEDURES**

#### **A. Assistance Acts and Activities**

1. It shall be the policy of this Housing Authority to assist persons who have drug and alcohol problems to overcome those problems if they so desire. In support of this policy, employees requesting assistance will be given information concerning different referral agencies. If a problem is verified, the Housing Authority shall grant a non-paid leave of absence and the employee's job will be held until he/she successfully completes the rehabilitation program. The rehabilitation counselors at the referral agency should assist the employee in determining how the rehabilitation costs can be paid. In most instances, the employee's medical benefits can be used. If financial problems exist, alternative actions will be explored. Employees may use accrued sick leave and vacation to help maintain their income flow.
2. When an employee seeks assistance or is referred to a counselor, his or her status and problem solving actions will remain confidential and will not be released to other persons except on a need-to-know basis.
3. When an employee enters into or is recommended for a rehabilitation program, the employee must:
  - a. enter into the rehabilitation program when scheduled;
  - b. attend and complete the full program;
  - c. complete the program in the amount of time stipulated and agreed upon by the treatment counselor and the Executive Director.
4. Remain drug and/or alcohol free when returning to the job. If any of these steps is not undertaken or completed, the job being held may be released.

#### B. Preventive Acts or Activities

1. Employees who are taking prescription medication or any medication which is labeled with a warning that the medication may affect the person physically or mentally will apprise their immediate supervisor, before starting their daily work activity, that they are taking the medication. This is a personal responsibility of each employee. Risks or accident potential is unacceptable and the employee may be directed to take sick leave if the medication may adversely affect job performance.
2. Any employee who is injured in a work-related accident or an accident which occurs while he/she is operating a Housing Authority vehicle or Housing Authority equipment will be subject to immediate drug testing.
3. Any employee involved in a work-related accident where alcohol or drugs are a contributing factor will be referred to an employee assistance counselor in addition to any other accident investigation activities.
4. The Executive Director may require that an employee submit to drug testing if there is a reasonable suspicion that the employee is under the influence of alcohol or other drugs or has used alcohol or other drugs at the workplace. The

Executive Director shall document in writing the facts constituting the reasonable suspicion, meet with the employee and explain the reasons for the test and provide transportation for the employee to the designated testing facility.

5. Any employee who tests positive for AOD shall be given a second test for purposes of validation of the original test. The second test will be conducted by a different method and/or lab.
6. Any employee found tampering with the test specimens could be subject to termination.
7. Any employee who does not voluntarily present their AOD problem with respect to use, possession and distribution, or who does not successfully complete a rehabilitation program, or who cannot maintain a drug and alcohol-free status on the job is subject to termination. Successful completion of a program means signed documentation by the program director indicating release status.

#### C. Prohibited Acts and Activities

1. Any employee who sells, stores, possesses, distributes or uses illegal drugs during his/her prescribed duty hours, or on Housing Authority property, or while in Housing Authority vehicles or in vehicles being used for Housing Authority business will be terminated and reported to the appropriate law enforcement authorities. These are unlawful activities.
2. Any employee who uses or distributes prescription drugs in an illegal manner such as giving, selling or buying them from another person during his/her prescribed duty hours, or on Housing Authority property, or while in Housing Authority vehicles or in vehicles being used for Housing Authority business will be terminated and reported to the appropriate law enforcement authorities. These are unlawful activities.
3. Any employee using, possessing, selling or distributing drug paraphernalia during his/her prescribed duty hours, or on Housing Authority property, or while in Housing Authority vehicles or in vehicles being used for Housing Authority business will be terminated and reported to the appropriate law enforcement authorities. These are unlawful activities.
4. Any employee using or having alcohol on his or her person during his/her prescribed duty hours, using alcohol or having it in his/her possession while in Housing Authority vehicles or in vehicles being used for Housing Authority business is subject to termination.
5. Any employee reporting for work under the influence of AOD other than those prescribed for authorized for use by medical professionals is subject to termination.
6. Refusal by an employee to consent to requested drug testing by the Executive Director can lead to termination.

#### D. Definitions and Clarification

1. The term "duty hours" includes work time and rest periods but excludes those times designated as meal periods.
2. Any action or activity with respect to employees' assistance counseling, testing or the results from tests will be handled as confidential information and will not be released to other persons except on a need-to-know basis.
3. This policy is not intended to and will not limit testing or search for drugs by authorized law enforcement personnel in the performance of their duties.
4. Unlawful activities are those activities defined as unlawful by the Texas Penal Code.
5. With respect to alcohol, "under the influence" is defined as being any blood alcohol level that adversely affects ones mental and physical abilities. With respect to drugs, "under the influence" is any situation or condition brought about by ingestion of drugs that impairs performance and/or jeopardizes safety.
6. Individualized, Reasonable Suspicion - is the basis of drug testing for the Housing Authority. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts than an employee is under the influence of AOD.

Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- a. a pattern of abnormal or erratic behavior
- b. information provided by another person
- c. direct observation of drug use
- d. presence of the physical symptoms of drug use (e.g., glassy or bloodshot eyes, slurred speech, poor coordination or reflexes).

The Executive Director is required to detail in writing the specific facts, symptoms or observations which form the basis for reasonable suspicion.

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