

❖ Section 3 – General Employment Practices

Drug and Alcohol Testing Policy

It is the policy of Region 5 Systems that employees must report to work in fit condition for duty. Being under the influence of alcohol or non-prescribed drugs (illicit drugs) is prohibited.

Region 5 Systems requires that prospective employees must submit to a drug test if applying for these positions: Professional Partner, Prevention, Housing, and any other like-positions that may interact independently with program participants and/or vulnerable populations on an ongoing basis.

Region 5 Systems' policy is intended to comply with all state and federal laws governing drug and alcohol testing and is designed to safeguard employee privacy rights to the fullest extent of the law.

When Drug/Alcohol Testing is Conducted

Applicants (for identified positions in this policy) – first-time testing: Once an applicant accepts a conditional offer of employment, Region 5 Systems will require the applicant to submit to drug testing. The conditional offeree will receive written notice of the drug-testing requirements, and written authorization will be obtained from the conditional offeree prior to conducting drug testing. Such authorization from the conditional offeree will confirm that he/she is aware of Region 5 Systems' Drug and Alcohol Testing policy and employee rights.

Applicants (for identified positions in this policy) – previously tested: If an applicant previously went through Region 5 Systems' recruitment and selection process and subsequently failed his/her drug test, provided a diluted specimen for the drug test, or refused to consent to the test, he/she may re-apply for employment with Region 5 Systems after a one-year period of time.

All applicants who previously failed a drug test as part of the application process through Region 5 Systems, then re-applied for employment and subsequently hired, will be required to submit to random drug testing four times during their first year of service with Region 5 Systems.

Suspicion of Drug/Alcohol Use: If there is reason to suspect an employee is working while under the influence of an illegal drug or alcohol, he/she will be required to immediately submit to drug and/or alcohol testing. The employee will be suspended, with or without pay, until the results of a drug and/or alcohol test are made available to Region 5 Systems by the testing laboratory. Requiring an employee to submit to immediate drug and/or alcohol testing, for suspicion of being under the influence, may only be done with the approval of the Regional Administrator or his/her designee. Suspension, with or without pay, will be at the discretion of the Regional Administrator and/or his/her designee.

Where drug or alcohol testing is part of a routine physical or random screening, there will be no adverse employment action taken until the test results are in.

Costs

Region 5 Systems will pay the cost of any drug and alcohol testing that it requires, or requests employees/conditional offerees submit to, including re-testing of confirmed positive results. Any additional tests that the employee/conditional offeree requests will be paid for by the employee/conditional offeree.

Tested Substances

Region 5 Systems' testing procedures are limited to:

- Amphetamines
- Cocaine metabolite
- Cannabinoid, also known as marijuana
- Opiates
- Phencyclidine PCP
- Alcohol (only for reasonable suspicion of being under the influence during work hours)

Any other substances that may be tested using the same method used to test for controlled substances will not be tested and, if found, will not be reported.

Licensed Laboratory

Any drug/alcohol testing required by Region 5 Systems will be conducted by a laboratory licensed by the state of Nebraska. Region 5 Systems will provide the employee/conditional offeree with the name, address, and hours of operation of the licensed laboratory that will analyze his/her test sample.

Results of Drug/Alcohol Test

If the employee/conditional offeree is asked to submit to a drug or alcohol test, Human Resources will notify him/her of the results, normally within 48 hours after Region 5 Systems receives the results from the laboratory. The employee/conditional offeree will be provided written notification whether the test was negative or confirmed positive and, if confirmed positive, what the next step will be.

If the employee/conditional offeree receives notice that his/her test results were confirmed positive, he/she will be given the opportunity to explain the positive result. In addition, the employee/conditional offeree may have the same sample re-tested at a licensed laboratory of his/her choice. A positive test result caused by the use of legally prescribed and administered drugs, as confirmed by a medical professional, shall not be considered a failed drug test.

Adverse Employment Action

Conditional Offeree: If the conditional offeree tests positive for drug use, provides a diluted specimen for the drug test, or refuses to consent to drug testing, he/she will be disqualified from employment and provided notification, both verbally and in writing, of such decision.

Current Employee: If a current employee refuses to consent to drug/alcohol testing, his/her employment will be immediately terminated.

If a current employee provides a diluted specimen for drug/alcohol testing, he/she will be subject to termination. If a current employee tests positive for drug/alcohol use, he/she will be subject to disciplinary action, including suspension, demotion, or termination, and any disciplinary action may include as a condition successful completion of a drug treatment program, such treatment to be at the expense of the employee.

Confidentiality of Drug/Alcohol Test Records

All information obtained from the drug and alcohol testing process will be used solely as part of the employment process and kept strictly confidential. All records pertaining to an applicant's or employee's drug and alcohol testing will be kept confidential by Human Resources. Drug and alcohol testing records will be filed separately from an employee's main personnel file and may only be accessed with permission from the Director of Operations & Human Resources. Drug and alcohol testing records related to applicants who are not hired will be treated as confidential and maintained with the individual's application materials until designated time of destruction.

Region 5 Systems will obtain the employee's/conditional offeree's written consent before test results are released to any outside entities. Test results may be used in arbitration, administrative hearings, and court cases arising as a result of the employee's/conditional offeree's drug testing. Results will be sent to federal agencies as required by federal law. If an employee is to be referred to a treatment facility for evaluation, his/her test results will also be made available to his/her counselor. The results of drug/alcohol testing in the workplace will not be used against the employee in any criminal prosecution.

Review of Positive Findings from Drug and Alcohol Test

Region 5 Systems will make every effort to keep the results of drug and alcohol tests confidential. The Director of Operations & Human Resources is responsible for communicating directly with the Regional Administrator, and/or his/her designee(s) as directed, any positive findings obtained through the drug and/or alcohol test for applicants and employees. Reporting of such information is considered a priority to ensure the review process, and any subsequent action required by the organization, will be addressed in the shortest time possible.