



Arkansas Regional Organ Recovery Agency



Drug Free Workplace

- 1.1. ARORA is a Drug Free Workplace. ARORA requires that all prospective new hires complete drug and alcohol testing at a facility of our choosing. Applicants will submit signed consent for background, drug and alcohol testing with their employment application. All employment offers are contingent upon the new hire passing pre-employment screening/testing. ARORA may perform random drug and alcohol tests at any time.
- 1.2. Substance Abuse Policy Statement:
 - 1.2.1. ARORA is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any ARORA employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, ARORA has established the following policy, pursuant to Arkansas Workers' Compensation Rule 099.36 and Arkansas Legislative Act 593 of 2016.
 - 1.2.2. It is a violation of company policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
 - 1.2.3. It is a violation of company policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.
 - 1.2.4. It is a violation of the company policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
 - 1.2.5. The consumption or possession of alcoholic beverages on the Company's premises is prohibited. (Company sponsored activities which may include the serving of alcoholic beverages are not included in this provision). Employees are prohibited from reporting for duty or remaining on duty with any alcohol or any other intoxicants in their systems. Employees are further prohibited from consuming alcohol or other intoxicants during working hours, while on call, or including meal and break periods. An employee whose normal faculties are impaired due to alcoholic beverages while on duty/company business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.
 - 1.2.6. "Under the influence" means symptoms of the current use of any substance that may negatively impact the performance of the job duties or tasks or constitute a threat to health or safety. "Under the influence" includes without limitation:
 - 1.2.6.1. Symptoms of the applicant's or employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or other irrational or unusual behavior that are inconsistent with the usual conduct of the applicant or employee;
 - 1.2.6.2. Negligence or carelessness in operating equipment, machinery, or production or manufacturing processes;

1.2.6.3. Disregard for safety;

1.2.6.4. Involvement in an accident that results in:

- Damage to equipment, machinery, or property;
- Disruption of a production or manufacturing process; or
- An injury; or
- Other symptoms causing a reasonable suspicion that the current use of alcohol or an illegal substance may negatively impact the performance of the job duties or tasks or constitute a threat to health or safety.

1.2.7. Violators of this policy are subject to disciplinary action up to and including termination.

1.2.8. The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at ARORA.

1.2.9. ARORA offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the costs of such outside services are the employee's responsibility.

1.2.9.1. Confidentiality is assured. No information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in the permanent personnel file. Participation in the EAP will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. An employee through self-referral or through referral by a supervisor can access the EAP. We will distribute information about the EAP to employees for their confidential use.

1.2.10. General Procedures: Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative - depending on the determination of the observed impairment - and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order.

1.2.10.1. An employee who seems to be impaired will be encouraged to not drive; if the employee insists on driving they will be informed that appropriate law enforcement officials will be immediately contacted and informed of the situation. In no instance may an employee be detained against their will.

1.2.11. Opportunity to Contest or Explain Test: Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical facility's medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the company. If terminated, an employee may contest the drug test result pursuant to rules adopted by the Arkansas Department of Labor.

1.2.12. Confidentiality: The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

- 1.2.13. Job Applicant Drug Testing: All job applicants (post-offer, pre-placement) at ARORA will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed and verified positive test result will be denied employment.
- 1.2.13.1. Once an offer of employment has been made and accepted, applicants will be required to submit voluntarily to a urinalysis test to be collected at a site chosen by ARORA and submitted to a certified testing laboratory, and by signing a consent agreement will release ARORA from liability. If the physician, official, or lab personnel have reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.
- 1.2.13.2. ARORA reserves the right to required observed collection specimen.
- 1.2.13.3. ARORA will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, which ARORA will not tolerate.
- 1.2.14. Employee Drug and Alcohol Testing has adopted testing practices to identify employees who use illegal drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:
- 1.2.14.1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. 'Reasonable suspicion' is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:
- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
 - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - A report of substance abuse provided by a reliable and credible source;
 - Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;
 - Information that an employee has caused or contributed to an accident while at work;
 - Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
- 1.2.14.2. When employees have an on-the-job injury that requires more than first aid treatment as defined in Arkansas Workers' Compensation Commission (AWCC) Rule 099.36, an employer must send employees for a substance abuse test.
- 1.2.14.3. As part of a follow-up program to treatment for drug or alcohol abuse.
- 1.2.14.4. Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the covered employer's established policy if it is in place by January 1, 2000, or one that is scheduled routinely for all members of an employment classification group.

- 1.2.15. Refusal to Submit Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination.
- 1.2.16. Important Information for Job Applicants and Employees
- 1.2.16.1. When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information.
- 1.2.16.2. The job applicant or employee for their personal use should keep the information form. If the job applicant or employee has a positive confirmed test result, a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time.
- 1.2.16.3. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and nonprescription medicine.
- 1.2.16.4. It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to Act 1552 of 1999 Section 5 a. The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal as described in AWCC Rule 099.36, Section XIV.

Substance abuse testing for job applicants and employees will include testing as described in current DOT drug testing regulations as published in 29 CFR Part 40, using the procedures and cutoffs described in those regulations.