DRUG FREE WORKPLACE & SUBSTANCE ABUSE

The Drug-Free Workplace Act of 1988 requires contractors and recipients of federal grants to maintain “drug-free workplaces”. Turning Point of Lehigh Valley (TPLV) has a longstanding commitment to provide a safe and productive work environment consistent with the standards of the community in which the agency operates. Drug and alcohol abuse pose a threat to the health and safety of TPLV employees, volunteers, clients and contractors, and to the security of the agency’s facilities. For these reasons, TPLV is committed to the elimination of drug and alcohol use and abuse in the workplace.

It is unlawful and prohibited for TPLV employees and volunteers to manufacture, buy, distribute, dispense, possess, consume or take/use a controlled substance or alcohol in the workplace. Any employee, volunteer or contractor who is found to be under the influence of a controlled substance, alcohol or improperly taken medication while working may be subject to discipline, up to and including immediate termination, in addition to criminal and civil sanctions.

TPLV management reserves the right to contact the police or appropriate authority in the case of suspected violation of this policy. TPLV management also reserves the right to omit progressive discipline steps, where the severity of a violation warrants such.

***Illegal Drugs and Improperly Taken Medication:***

Taking illegal drugs or improperly taking medication while performing work duties is prohibited. “Improperly taken medication” includes any medication or narcotics that are taken by an employee but:

* Has not been prescribed to that employee, and/or
* Has not been taken as prescribed.

***Pennsylvania’s Medical Marijuana Act***

The Pennsylvania Medical Marijuana Act permits patients who are certified and suffering from specific ailments to use marijuana for medicinal use. Medical marijuana may be dispensed in various forms. However, **Smoking marijuana is illegal under the law.**

TPLV is not required to and therefore does not accommodate the use of marijuana while working or volunteering as a representative of or at TPLV. Employees, volunteers or contractors who are “under the influence” of marijuana at work may be disciplined up to and including immediate termination in addition to criminal and civil sanctions.

***Properly Taken Medication:***

TPLV management does not seek to regulate an employee’s actions outside of the workplace. TPLV presumes that medication, when properly prescribed and taken by an employee, constitutes private information belonging to that employee. On occasion, even properly taken medication may impact an employee’s work product, absenteeism, or conduct. The same may be true for an employee enrolled in alcohol and/or drug addiction rehabilitation. In that case, it is responsibility of the employee to inform TPLV management of the nature and cause of the situation, as well as the expected duration of any incapacity or absence. Employees will be expected to provide sufficient medical information such that the Operations Administrator can assess any risks of harm and take appropriate measures to remedy such situations.

***Alcohol Use:***

1. *Improper Alcohol Usage and Employee Liability*. Drinking in the workplace is not allowed. Any employee or volunteer who drinks in the workplace shall be deemed to be acting outside of their employment, shall be solely legally responsible for their actions, and shall hold TPLV harmless for any liability created by his or her intoxication. Any employee who drinks alcohol and drives a company vehicle, even if not intoxicated, shall be deemed to be acting outside of their employment, shall be solely legally responsible for their actions, and shall hold TPLV harmless for any liability created by his or her intoxication.
2. *The consumption of alcohol while working or volunteering for an event sponsored by or held in honor of TPLV is not allowed*.

1. *Consumption of alcohol while attending events not sponsored by or held in honor of TPLV:* TPLV understands that some job responsibilities may require employees to be present at business events not sponsored by or held in honor of the agency. If an employee chooses to drink alcohol on these approved occasions while conducting company business, he or she is expected to do so responsibly and adhere to the TPLV Professional Standards of Conduct. TPLV will not reimburse any funds used to pay for alcohol.

***Testing:***

To ensure a workplace that is free from substance abuse, TPLV has the ability to require drug and alcohol testing. For the purposes of testing, drug testing shall include:

* Illegal narcotics,
* Alcohol, in any form, and
* Prescription medication which is not prescribed to, or taken in excess of a script as prescribed to, the employee.

Upon request, all employees must provide TPLV with an authorization for testing, in accordance with this policy. Failure to comply with this policy may be deemed to insubordination and/or result in progressive discipline.

***Arrests & Convictions:***

A felony or misdemeanor arrest is grounds for discipline, up to and including immediate termination.

In accordance with the Federal Drug-free Workplace Act, it is a condition of employment that employees abide by the terms of this policy and notify TPLV in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to notify TPLV within five (5) days may be subject to disciplinary action, up to and including termination of employment.

TPLV will notify the contracting or granting agency in writing within ten (10) days after learning of such a conviction

Within thirty (30) days of receiving notice from the employee of the conviction, TPLV may impose sanctions on a convicted employee, up to and including immediate termination.

***Exceptions:***

Exceptions to this policy may be considered on a case-by-case basis. Exception requests must be made in writing and submitted to the Executive Director. Such requests will be considered on a one-time basis. If the exception is granted, the exception does not set a precedent or establish a new practice.

***References to Other Policies:***

SEPARATION OF EMPLOYMENT

***References to Forms:***

None