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Policy on Drug and Alcohol Free Workplace

I-76-B

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**DRUG and ALCOHOL POLICY**  
**FOR EMPLOYEES, VOLUNTEERS AND SUBCONTRACTORS**

**Note: Employees, subcontractors and volunteers with a class "B" (CDL) license are subject to the DOT Policy on Alcohol & Drug Use (I-76), which supercedes this policy. Further clarification of ProAct's Drug & Alcohol Free Workplace Policy can be found in the Employee Handbook, section 601, p. 6.1.**

## **PURPOSE**

The purpose of this policy is to establish guidelines regarding the use of alcohol, prescription/legal drugs, chemicals, or illegal drugs while employees (also referred to as staff), subcontractors, and volunteers are on duty, whether they are at the program site, transporting persons served, or with persons in the community.

## **POLICY**

It is not permissible for employees, subcontractors, and volunteers to be on duty, transporting a person(s) served, driving on company business, or accompanying a person served into the community when under the influence of alcohol or illegal drugs or impaired by any chemicals or prescription/legal drugs.

ProAct will give the same consideration to employees, subcontractors, and a volunteer with chemical dependency issues as it does to those having other health issues. Voluntarily seeking assistance for such an issue will not jeopardize employment, whereas performance, attendance, or behavioral issues will.

ProAct will train employees, subcontractors, and volunteers on ProAct's alcohol and drug policy.

## **PROCEDURE**

- Any employee, subcontractor, or volunteer, while directly responsible for persons served, is prohibited from abusing any prescription/legal drugs, or being in any manner under the influence of a chemical that impairs the individual's ability to provide services or care including alcohol, prescription/legal drugs, or illegal drugs.
- Any employee, subcontractor, or volunteer reporting or returning to work, whose behavior reflects the consumption of alcoholic beverages or the use of drugs, may be referred for an immediate medical evaluation to determine fitness for work and may be suspended without pay until deemed able to return to work.
- When prescription or over-the-counter drugs may affect behavior and performance, the employee, subcontractor, and volunteer must inform the Designated Coordinator and/or Designated Manager. Re-assignment, light duty assignment, or temporary relief from duties may be required.
- At any time, the sale, purchase, transfer, use, or possession of illegal drugs or alcohol, and/or the involvement in these activities of any individual under the legal age of consumption during work hours or at a program site will result in disciplinary action up to and including termination. Law enforcement will be notified as determined by the Designated Coordinator and/or Designated Manager.
- Employees will immediately take necessary action up to and including contact of medical professionals, "911," and/or contact of law enforcement at any time a person served is believed to be under the influence of illegal drugs, is believed to be under the influence of alcohol under the legal age of consumption, or is believed to be a victim of potential alcohol poisoning.
- Prescription drugs that belong to an employee, subcontractor, or volunteer are to be stored in a location that is not accessible to any person served.
- Employees, subcontractors, volunteers and persons served are not allowed to store or drink alcoholic beverages at a program site.
- As a condition of continuing employment, under certain circumstances, employees, subcontractors, and volunteers may be required to submit to drug and/or alcohol testing. Drug or alcohol testing may be required when there is a reasonable suspicion that an individual is currently abusing a drug or alcohol, is under the influence of drugs or alcohol while on duty, or has violated any of the procedures in this policy.

- Failure to complete the testing or the receipt of positive test results are cause for disciplinary action up to and including termination. A positive test result may be explained or a request to pay for a confirmatory result made to the Designated Coordinator and/or Designated Manager.
- Prohibited illegal substances include but are not limited to:
  - Marijuana
  - Amphetamines
  - Opiates
  - Cocaine
  - Phencyclidine
  - Synthetic drugs

Any employee has an unqualified right to review his/her alcohol and drug testing records, to provide information to dispute the results, and to have access to any pertinent records such as equipment calibration records and records of laboratory certifications.

- Any employee with a positive drug test verified by the Medical Review Officer (MRO) may require the MRO to have the split sample analyzed for the presence of the drug found in the primary sample by a second certified laboratory. The employee must make this request to the MRO within 72 hours of receiving actual notice of the verified positive drug test. Requests after 72 hours will only be accepted if the delay was due to justified circumstances beyond the employees control. The employee pays all costs for such testing unless the result of the split sample testing invalidates the result of the original test.
- An employee who tests positive for alcohol and/or drug use shall be removed from service and afforded one opportunity for rehabilitation. Exception: employees who test positive after rehabilitation will not be afforded a second rehabilitation opportunity and his/her employment with ProAct, Inc. will be terminated.
- An employee who tests positive for drug use, or who has a confirmed alcohol test of 0.04 or greater, will be removed from his/her safety-sensitive position and referred to a Substance Abuse Professional (SAP) for evaluation. A SAP is a licensed physician (medical doctor or doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and/or drug related disorders. The SAP will evaluate each employee to determine what assistance the employee needs in resolving problems associated with drug or alcohol misuse.
- If an employee in a safety sensitive position is allowed to return to work, he/she must follow the rehabilitation program prescribed by the SAP, he/she must have a negative return-to-duty alcohol/drug test and will be subject to unannounced follow-up tests for a period of one to five years. Failure of any employee to follow the SAP's recommended treatment plan will be cause for termination of employment. Employees will be responsible for the entire cost of testing and treatment.
- ProAct affirms the need to protect individual privacy throughout the testing process. ProAct will comply with federal law regarding the handling of all reports, record retention, and confidentiality.
- Any action taken pursuant to this policy shall be subject to ProAct's complaint resolution policy.

**DRUG AND ALCOHOL RESOURCES**

MEDICA Optum (EAP Service) Resource  
1-800-626-7944  
24 hour service available

United Behavioral Health  
Referrals for MEDICA  
Mental Health and Substance Abuse Providers  
1-800-848-8327

Goodhue County Mental Health Center  
426 West Avenue  
Red Wing, MN 55066  
(651) 385-6180  
(800) 657-4941  
After Hours Crisis: (800) 422-0670

Dakota County Social Services  
14955 Galaxie Avenue  
Apple Valley, MN 55124  
(952) 891-7400

Chemical Health Services  
(763) 242-1623

The Sand Creek Group  
Employee Assistance Program  
610 North Main Street  
Stillwater, MN 55082  
(651) 430-3383  
(888) 243-5744 (for immediate assistance)

**TESTING FACILITIES****EAGAN:**

Diagnostic Drug & Alcohol  
7475 Flying Cloud Drive, Suite 557  
Eden Prairie, MN 55344  
(612) 807-7878

MedTox  
402 West Co. Road D  
St. Paul, MN 55112  
(877) 725-7261  
(Laboratory)

Neil J. Dash, MD  
546 Franklin Avenue  
Massapequa, NY 11758  
(800) 343-1221  
(Medical Review Officer)

**RED WING/ZUMBROTA**

Mayo Clinic – Red Wing  
701 Fairview Blvd.  
Red Wing, MN 55066  
(651) 267-5000  
(866) 297-9215  
(Collection Site)

LabCorp  
1904 Alexander Drive  
RTP, NC 27709  
(877) 801-1213  
(Laboratory)

Dr. Stuart Hoffman  
5900 Wilshire Boulevard  
Los Angeles, CA 90036  
(800) 733-6676  
(Medical Review Officer)