

MENNONITE VILLAGE POLICY

TITLE: Alcohol and Drug Policy

POLICY NO: HR 700.04

APPROVED BY: Kacie Marken, HR Director

EFFECTIVE DATE: December 2023

Employees are the most valuable resource of Mennonite Village, and their health and safety are therefore a serious concern. Mennonite Village will not tolerate any drug or alcohol use that endangers the health and well-being of its employees or residents.

Employees have the right to work in an alcohol and drug free environment and to work with others who are free from the effects of alcohol and drug use. Employees use of alcohol or drugs may pose a danger to themselves, other employees, and our residents. Employees who use illegal drugs or abuse other controlled substances or alcohol, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism.

Mennonite Village is therefore committed to maintaining a safe and healthy workplace free from the influence of drugs and alcohol. In addition, Mennonite Village will comply with the requirements of the Drug-Free Workplace Act of 1988.

Employees are required to abide by this policy as a condition of employment. Employees who are subject to Department of Transportation regulations may be subject to additional obligations and requirements.

Behavior Prohibited by this Policy

The following is considered unacceptable conduct when it occurs during working hours, when on-call, while on company property (including in a locker, desk, automobile on company property), while driving a company vehicle, or whenever conducting business on behalf of or otherwise representing the company:

- o Use, possession, manufacture, distribution, dispensation, sale, exchange, transfer, or purchase of illegal drugs, drug paraphernalia, or alcohol.
- o Being under the influence of any illegal drug, or alcohol.
- o Misappropriating or otherwise being in possession of a medication prescribed to a resident without authorization.
- o Testing positive for the presence of an illegal drug or alcohol on a test administered under this policy, except when the drug has been prescribed and a health care provider has advised that use of the substance will not adversely affect the ability to safely perform job duties.
- o Failing to comply with procedures of the drug-testing contractor, including, but not limited to, switching, diluting, or adulterating any sample submitted for testing, substituting a specimen with that from another person, or sending an imposter to take a test.
- o Refusing to consent to drug or alcohol testing or to submit a sample for testing when requested by management, or refusing to cooperate in the testing process in any way that prevents valid completion of the test.
- o Failing to fully cooperate with any aspect of an investigation into unacceptable behavior under this policy; or
- o Refusing to sign a statement agreeing to abide by the company's Alcohol and Drug Policy.

Use of illegal drugs or alcohol outside of work in a manner that adversely affects an employee's work performance, the safety of others at work, or the company's regard or reputation in the community is also unacceptable conduct and may be grounds for disciplinary action, up to and including termination of employment.

"Illegal drugs" include: (1) a controlled substance (defined as a substance classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C. §§ 811 - 812, or any similar state law), absent a valid prescription; (2) any drug, or derivation thereof, whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law; (3) any prescription drug used in any manner or for any reason other than that prescribed by a health care provider, or used by any person other than the named recipient of the prescription; and (4) inhalants used illegally.

To help protect the safety of all employees and others in the workplace, employees are expected to report to their manager or Human Resources any conduct they believe could be a violation of this policy. An investigation will be conducted into any potential violations.

Arrest or Conviction Under Criminal Drug Statute

Employees must notify their immediate manager of any criminal drug statute conviction for a violation occurring in the workplace within five days of the conviction. Additionally, employees who are convicted of a criminal drug statute violation related to the workplace will be disciplined, up to and including termination of employment, and may be required to participate in substance abuse treatment.

Use of Prescription Drugs, Over the Counter Medication, and Other Substances

Employees taking any substance, including over-the-counter medication and prescriptions, are responsible for understanding how the use of a substance may affect them at work, including reading and understanding warnings associated with the substance they are taking, and consulting a qualified health care provider if use of the substance might adversely affect their ability to perform their job duties. If you are advised by a health care provider or have any other reason to believe that use of a substance may not allow you to perform your job duties safely and effectively, you should notify Human Resources of the situation before performing any work. If a Human Resources representative is not available, you must report it to your manager. We will work with you to determine if a reasonable accommodation is necessary and available. In some cases, we may request a medical authorization to work.

Additionally, employees who bring prescribed medication on to company property should keep the prescribed medication in its original container or carry a valid, recent prescription. Possession of prescribed medication outside of the original container without a prescription, and failure to report use of a substance that might adversely affect an employee's ability to safely perform job duties, may result in discipline, up to and including termination of employment.

Marijuana Use, Possession, and Testing

While Oregon has legalized recreational and medical marijuana, it is still considered an illegal drug under federal law. For this reason, we treat marijuana as a controlled substance, and accordingly, being under the influence of, using, and possessing marijuana at the workplace, and testing positive for marijuana violates this policy. If you have been prescribed medical marijuana, you should notify Human Resources, just as you would any other prescription drug.

Testing

Employees having a CDL as part of their employment will be required to successfully pass a pre-employment drug screen, after accepting, and as a condition of, an offer of employment, and prior to being placed on assignment.

Employees may also be required to submit to a drug or alcohol test whenever Mennonite Village has reasonable suspicion that an employee is using or under the influence of illegal drugs or alcohol in violation of this policy. Reasonable suspicion exists when personal observations or a reliable and credible source create reasonable belief, based on objective evidence, that an

employee has used or is under the influence of an illegal drug or alcohol. Reasonable suspicion may be based on circumstances, such as, but not limited to, the following circumstances:

- o An employee exhibits physical symptoms or characteristics consistent with being under the influence of drugs or alcohol, including, but not limited to, difficulty maintaining balance, slurred speech, an odor of alcohol, or residual odor peculiar to an illegal drug.
- o An employee engages in abnormal conduct or erratic behavior while at work.
- o An employee exhibits uncharacteristic job performance, including significant deterioration or sudden changes in work performance, repeated failure to follow instructions or operating procedures, or violation of company safety policies.
- o Discovery or presence of illegal drugs or suspicious substances or materials in an employee's possession while working or near an employee's work location; or
- o A report that an employee has consumed alcohol or used illegal drugs while on company property, or while engaged in work-related activities.

Mennonite Village also requires employees to submit to a drug test when they are involved in an accident while operating heavy equipment or a motorized vehicle, and the circumstances surrounding the incident or accident are such that there is reasonable cause to believe that employee drug or alcohol use was a contributing factor to the incident.

Finally, employees may be subject to random drug and/or alcohol tests. An independent program administrator will select employees at random for testing. All employee names will be included in the pool. Mennonite Village also reserves the right to conduct unannounced blanket drug tests for a group of employees within a set of parameters defined by management.

Testing will be conducted by an independent third-party lab. Generally, employees will be considered to have failed to pass a drug or alcohol test if the test is positive for any trace of an illegal drug or alcohol. A medical review officer will contact individuals who have a positive test to inquire about prescription drug usage and other circumstances that may help explain a positive drug test result.

The independent program administrator will report drug test results to the Human Resource Director. These results will be maintained as confidential and shared only on a need-to-know basis or when required by law. The results will not be kept in employee personnel files.

We will pay for the costs associated with required drug or alcohol tests, and employees will be compensated for time related to required testing.

Inspections

Mennonite Village wishes to ensure that illegal drugs and alcohol are not brought onto the premises. If Mennonite Village suspects that an employee's work performance is affected by drug or alcohol use, an employee is selling or purchasing drugs on company property, or has violated this policy in any other manner, the company may search an employee's locker, desk, or other company property under control of the employee. Refusal to cooperate in such searches can be grounds for disciplinary action, up to and including termination of employment.

Disciplinary Action

Employees who violate any provision of this Alcohol and Drug Policy may be subject to disciplinary action, up to and including termination of employment for a first offense. We also may involve law enforcement officials for any conduct that we believe might violate federal, state, or local law.

Depending on the circumstances, whether an employee is in a safety-sensitive position, and an employee's work history, we may offer an employee who violates this policy the opportunity to

return to work under a last-chance agreement. For example, a last-chance agreement might be offered when an employee tests positive for drug or alcohol use for the first time but has not exhibited signs of being under the influence of a drug or alcohol while working. Under a last-chance agreement, an employee typically must agree to, among other things, participation in and completion of drug or alcohol treatment, presenting a negative drug test prior to returning to work, consenting to unannounced testing for a period up to 12 months, and continuing to meet all established work performance standards. Any failure to comply with the terms of a signed last-chance agreement likely will lead to immediate termination of employment.

Substance Abuse and Treatment

Mennonite Village recognizes that substance abuse is a medical problem that may be successfully treated. Employees are encouraged to seek voluntary alcohol and drug abuse treatment. To support our employees, we:

- o Encourage employees to seek help if they are concerned that they or their family members may have a drug or alcohol problem.
- o Encourage employees to use the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help. Assessment and treatment options may also be available through our health insurance plan.
- o Offer all employees and their family members assistance with alcohol and drug problems through our Employee Assistance Program (EAP); and
- o Allow the use of available paid time off and applicable leaves of absence while seeking treatment for drug or alcohol problems, including adjusting work schedules to allow for inpatient or outpatient treatment.

If you believe you may have a drug or alcohol dependence issue, we encourage you to seek assistance. Seeking assistance related to a drug or alcohol problem alone will not be considered grounds for disciplinary action or drug and alcohol testing. While we support voluntary treatment efforts, it is your responsibility to pursue and complete treatment before problems result in unsatisfactory performance, poor attendance, safety concerns, or other misconduct, and before a violation of this policy occurs. An employee who tests positive for an illegal drug, for example, cannot immediately enter a drug treatment program to avoid the possibility of a disciplinary action or termination of employment.

EMPLOYEE ACKNOWLEDGEMENT

I have received a copy of Mennonite Village Alcohol and Drug policy. I understand that I am expected to read this policy, and if I have questions about this policy, I should talk to my manager or Human Resources. I agree to comply with this policy. I understand that I may be required to submit to a drug and/or alcohol test under the conditions described above. I understand that any lack of compliance with this policy could lead to disciplinary action, up to and including the termination of my employment.

Employee Signature

Date