

**DRUG/SUBSTANCE ABUSE POLICY
AND PROCEDURE FOR ALL EMPLOYEES
AND PROSPECTIVE EMPLOYEES**

Bethany Manor d/b/a Bethany Life Communities is committed to providing a safe environment for employees and residents. To do so, we enforce a drug free workplace policy. Reporting to work or working while under the influence of alcohol and/or drugs, as well as the illegal use and/or distribution of drugs or alcohol at work, and/or reporting to work smelling of alcohol is prohibited. Violation of this policy will result in disciplinary action up to and including termination of the employee.

This policy applies to all Bethany Manor d/b/a Bethany Life Communities employees and prospective employees.

I. GENERAL

A. CDL Holders.

1. In accordance with Federal Highway Administration (FHWA), DOT ruling 49 CFR Part 332, et. al., all employees required to maintain a CDL (commercial driver's license) as part of their job shall be subject to testing, including random testing.
2. Any driver in a situation where an accident results in a reportable injury to the employee or to another person will be tested (730.5(8)(f); 49 CFR Section 382.303).
3. Testing required on all CDL holders will be post-offer; post-accident; random; reasonable suspicion; return-to-duty; and follow-up. The drug and alcohol testing for the above categories will follow the procedures outlined in the Federal Register Rules and Regulations.
4. When a driver is selected for random testing, he/she will be required to report to the designated collection site to complete the testing process within one hour of notification of testing.

B. General Requirements.

1. Bethany Manor d/b/a Bethany Life Communities will, as a condition of hire, require potential employees to participate in a drug test. Bethany Manor d/b/a Bethany Life Communities will not, as a condition of promotion or change in employment status, require an employee to participate in a drug test except for those positions, such as CDL holders, where testing is required by federal law or contract. The requirements for CDL testing are outlined in Section A.

All employees regardless of changes in employment status may be subject to testing after an accident or injury.

2. Possession or use of alcoholic beverages (except in limited situations of Bethany Manor d/b/a Bethany Life Communities sponsored events) while on Bethany Manor d/b/a Bethany Life Communities property or performing work for Bethany Manor d/b/a Bethany Life Communities is prohibited. Possession or use of illegal drugs under any circumstances, or at a Bethany Manor d/b/a Bethany Life Communities sponsored event, while on Bethany Manor d/b/a Bethany Life Communities property or while performing work for Bethany Manor d/b/a Bethany Life Communities is prohibited. Violation of this policy will result in disciplinary action up to and including termination of employment.
3. If you take any prescription or over the counter medication during scheduled work hours or on call time that will affect your ability to reasonably and safely perform your job you must inform Bethany Manor d/b/a Bethany Life Communities and discuss any reasonable accommodation necessary.
4. A positive test result following a drug test or failure to provide a sample are violations of this policy.

II. PROCEDURES

- A. **Notification.** Any person suspecting that an employee is impaired or has in his/her possession alcohol or illegal drugs should report this immediately to the Director of Nursing or Administrator. Issues arising under this policy shall be directed to the Administrator for review. Testing is not required for Bethany Manor d/b/a Bethany Life Communities to determine that a violation has occurred.
- B. **Testing of Prospective Employees.** A person who has made application, whether written or oral, to become an employee will submit to a drug and alcohol test at a collection site and time designated by Bethany Manor d/b/a Bethany Life Communities. There shall be no cost to the applicant for the test. A list of drugs to be tested for is available for review.
 1. The testing shall be conducted upon a sample from the human body capable of revealing the presence of alcohol or drugs, or their metabolites as "sample" is defined by the Administrative Rules and Regulations of the Iowa Public Health Department applicable to drug testing under Iowa Code Section 730.5.
 2. Prospective employees may submit information relevant to the test, including identification of any prescription or non-prescription drug currently, or recently, used or other relevant medical information. The

medical review officer (MRO) will evaluate the information provided.

3. In the event of a confirmed positive drug or alcohol test, the prospective employee will be provided the following information via regular and certified mail from Bethany Manor d/b/a Bethany Life Communities, return receipt requested: (1) the drug and/or alcohol test results; (2) the address and name of the MRO supervising the test; and (3) notification of the right to request records concerning the test results.
4. If the prospective employee is a minor, such notice of the confirmed positive drug or alcohol test will also be mailed to a parent, step-parent, or guardian of the prospective employee by certified mail, return receipt requested.
5. The prospective employee shall be entitled to receive records of a confirmed drug or alcohol test only if a request for records is made within 15 calendar days from the date that notice of the test results are provided. The request for records shall be directed to the medical review officer (MRO).
6. Bethany Manor d/b/a Bethany Life Communities will rescind any conditional offer of employment or refuse to hire based upon a confirmed positive drug or alcohol screen or upon refusal to provide a sample for testing.

C. **Testing of Current Employees.** An employee who has been selected for drug testing is required to immediately report to the collection site designated by Bethany Manor d/b/a Bethany Life Communities. A list of drugs to be tested for is available for review.

1. The testing shall be conducted upon a sample from the human body capable of revealing the presence of alcohol, drugs, or their metabolites as "sample" is defined by the Administrative Rules and Regulations of the Iowa Public Health Department applicable to drug and alcohol testing under Iowa Code Section 730.5.
2. Employees may submit information relevant to the test, including identification of any prescription or non-prescription drug currently, or recently, used or other relevant medical information. The medical review officer (MRO) will evaluate the information provided.
3. In the event of a confirmed positive drug test, the employee will be notified in writing by certified mail, return receipt requested of the test results, the employee's right to request and obtain a confirmatory test, the test fee and the procedure to request a confirmatory test.
4. If the employee is a minor, such notice of the confirmed positive drug or

alcohol test will also be mailed to a parent, step-parent, or guardian of the employee by certified mail, return receipt requested.

5. Employees shall be entitled to receive records of a confirmed drug or alcohol test only if a request for records is made within 15 calendar days from the date that notice of the test results are provided. The request for records shall be directed to the medical review officer (MRO).

D. **Post-Accident Testing.** An employee who is involved in an accident which results in substantive property damage, personal or reportable injury may be required to participate in a drug test. This is a form of reasonable suspicion.

E. **Test Procedures.** In all situations where testing is initiated, the employee is required to report immediately to the designated collection site for drug testing. Transportation to the designated collection site will be offered by Bethany Manor d/b/a Bethany Life Communities. Other alternatives are that Bethany Manor d/b/a Bethany Life Communities will pay for a cab or a family member can be called for transportation.

If the employee refuses transportation assistance and it is reasonably believed by Bethany Manor d/b/a Bethany Life Communities that the employee is currently under the influence of drugs or alcohol, a release of liability must be signed by the employee. The local police or sheriff will then be notified if the employee will be driving.

Documentation regarding the above situation will be maintained in a separate file.

F. **Discipline and Rehabilitation.**

1. **Drug Tests.** Upon receipt of a confirmed positive drug test, the employee will be subject to disciplinary action including but not limited to:
 - (a) Suspension with or without pay;
 - (b) Termination;
 - (c) Other disciplinary action deemed appropriate by Bethany Manor d/b/a Bethany Life Communities at its sole discretion.
2. **Failure to Provide a Sample.** Any employee who refuses to provide a sample for drug testing will be subject to termination.

3. **Suspension.** Following a drug test, but prior to receipt of the final results of the test, Bethany Manor d/b/a Bethany Life Communities may suspend an employee with or without pay, or an exempt employee with pay, pending the outcome of the test. An employee who has been suspended shall be reinstated, with back pay and interest on such amount (if the suspension was unpaid), if the result of the test is not a confirmed positive drug test.

4. **Compliance.** No adverse action will be taken against an employee so long as he/she complies with all requirements of the drug and alcohol policy.

G. **Education.** Bethany Manor d/b/a Bethany Life Communities shall require supervisory personnel involved with drug testing to receive training regarding such testing. The training will include, but is not limited to, information concerning the recognition of evidence of employee alcohol and other drug abuse, the documentation and corroboration of employee alcohol and other drug abuse and the referral of employees who abuse alcohol or other drugs.

H. **Confidentiality of Records.**

1. All communication received by Bethany Manor d/b/a Bethany Life Communities relevant to employee or prospective employee drug test results, or otherwise received through Bethany Manor d/b/a Bethany Life Communities' drug testing program, is confidential communication and shall not be used or received in evidence, obtained in discovery or disclosed in any public or private proceeding, except as otherwise provided or authorized under Section 730.5 of the Iowa Code. If an employee is terminated for violations of this policy, that information will be used in any subsequent hearing relating to unemployment benefits.

2. An employee or prospective employee, who is the subject of a drug test pursuant to Bethany Manor d/b/a Bethany Life Communities' written policy and for whom a confirmed positive test result is reported shall, upon written request, have access to any records relating to his/her own drug test, including records of the laboratory where the testing was conducted and records relating to the results of any relevant certification or review by a medical review officer.

EMPLOYEE

PARENT OR GUARDIAN, IF MINOR

DATE