

DRUG FREE WORKPLACE POLICY

NOTE TO EMPLOYER: *If you contract with or receive grants from the state of California, you are required to certify that you provide a drug-free workplace per California's Drug-free Workplace Act of 1990.*

If you enter into a federal contract for the procurement of property or services valued at \$100,000 or more, or if you receive any federal grants, you must follow the regulations of the Drug Free Workplace Act of 1988.

Whether or not your employees come under the requirements of state or federal drug-free workplace regulations, you may choose to create a drug-free workplace policy.

AB 2188 Cannabis Use Rights: Prohibits employers from discriminating or taking adverse action against a person for using cannabis (marijuana) while off the job and away from the workplace. The law does not permit an employee to possess or be impaired by cannabis while on the job, or interfere with employer rights to maintain a drug-free and alcohol-free workplace.

The law also prohibits employer drug testing for non-psychoactive cannabis metabolites – which indicates past marijuana usage off the job. Employers are still permitted to test and take adverse action based on THC-positive testing (i.e., psychoactive components) – which indicates recent marijuana usage – including for pre-employment drug testing.

AB 2188 does not apply to employees in the building and construction trades, federal government direct or contract positions, or any position that requires federal background and clearance checks.

[Insert if you have DOT drivers]: This policy is in addition to and separate from policy governing DOT-regulated drivers.

Use of alcohol, cannabis (marijuana), or any controlled substance on the job adversely affects your work performance, efficiency, safety and health and the wellbeing of others. Our workforce and workplace must be free of illegal substances. This includes controlled substances under state and federal law, such as drugs not legally obtainable under federal or state law; prescribed drugs not legally obtained; and prescribed drugs not being used for the prescribed purposes. This requirement is based upon the fact that any measurable amount of an illegal substance may render you physically or mentally impaired. We will not accept the risk that on-the-job alcohol or drug use by you may cause or contribute to accidents or other job performance problems.

Furthermore, the use or being under the influence of alcohol or of any legally obtained drugs, including marijuana, by you while performing Company business or while in our facility is prohibited. If you feel, or have been informed, that the use of a legal drug may present a safety risk, you are to report such drug use to your Supervisor.

In order to provide you with some guidance concerning unacceptable behavior, we strictly prohibit the following:

- Possession, use, or being under the influence of alcohol, marijuana, and/or any illegal substance when working or at the worksite.
- Distribution, sale, dispensing, manufacture or purchase of illegal controlled substances or controlled substances used in an illegal way at the worksite.
- Driving a Company vehicle at any time, or your personal vehicle on Company business, while under the influence of alcohol, marijuana, or any illegal substance.
- The use of, or working under the influence of, any controlled substance, including prescription or over-the-counter drugs, if such use or influence may affect the safety of co-workers, members of the public, your job performance or the safe or efficient operation of our facility.

If you violate the above rules and standards of conduct, we may bring the matter to the attention of appropriate law enforcement authorities.

[Insert unless ALL employees are exempt from off-duty cannabis-use protections (e.g., employees fall under

building/construction trades; federal contractors; DOT-regulated drivers, etc.)]:

Cannabis Use Protections

We will not discriminate or take adverse action against an employee or applicant for cannabis (marijuana) use that is off duty and away from the workplace. However, employees may not possess or be under the influence of cannabis while working or at work. If THC is present in your system during working time, you will violate this policy.

Insert if you have DOT drivers: DOT-regulated employees are **not** afforded any protection for off-duty cannabis use.

Reasonable Suspicion Testing

You will be tested for the presence of drugs and/or alcohol if reasonable suspicion exists to indicate that your ability to perform your work or to work safely may be impaired. Also, if there is reasonable suspicion of your possession, distribution, dispensing, manufacture of illegal drugs, or usage of alcohol or illegal drugs at the workplace, reasonable suspicion testing will be required.

If you fail the drug test and/or have alcohol present at the levels set forth by us or if you refuse or otherwise fail to comply with the required suspicion-based testing process you will be subject to immediate suspension followed by termination of employment.

Chemical Dependencies

If you have chemical dependencies (alcohol or drugs), we will encourage you to seek treatment and/or rehabilitation. To this end, if you desire such assistance you should request a treatment or rehabilitation leave.

[Employers with **25 or More** Employees include]:

We will reasonably accommodate an employee who wishes to participate in an alcohol or drug rehabilitation program. At no time will we discriminate, harass, or retaliate in any way against you for making your request.

If you are unable to perform your duties, or cannot perform the duties in a manner which would not endanger your health or safety or the health or safety of others, because of your current use of alcohol or drugs, you may be subject to discipline, without regard to your eligibility for a leave of absence.

Rehire Following Termination for Substance Abuse

If your employment is terminated for violation of the policy, you may be considered for rehire after one year following termination and upon providing competent written medical opinion attesting to your full recovery from drug/alcohol abuse.