

Valley Swim Club of Colorado Springs, Colorado, Inc. Drug and Alcohol Free Workplace Policy

1. POLICY

- 1.1. Valley Swim Club of Colorado Springs, Colorado, Inc. (VSC) has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for safe, healthy, and efficient operations.
- 1.2. VSC has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the organization's members, guests, property, information, equipment, operations and reputation.
- 1.3. VSC recognizes its obligations to its members for the provision of services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug-and alcohol-free services.
- 1.4. VSC further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.
- 1.5. As a condition of employment, all employees are required to abide by the terms of this policy and to notify VSC's management of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

2. PURPOSE

- 2.1. This policy outlines the goals and objectives of VSC's Drug and Alcohol testing program and provides guidance to managers and employees concerning their responsibilities for carrying out the program.

3. SCOPE

- 3.1. This policy applies to all employees; full-time, part-time, managers, supervisors. The term employee includes contracted employees and contractors.

4. DEFINITIONS

- 4.1. **Alcohol** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.
- 4.2. **Organization premises or organization facilities** means all property of VSC including, but not limited to, the offices, facilities and surrounding areas on VSC-owned

or –leased property, parking lots, and storage areas. The term also includes VSC-owned or –leased vehicles and equipment wherever located.

- 4.3. Contraband** means any article or paraphernalia, the possession of which on VSC premises or while on VSC business, causes an employee to be in violation of VSC work rule or law. Contraband includes, but is not limited to, illegal drugs and alcoholic beverages, as well as any drug or alcohol paraphernalia.
- 4.4. Drug testing** means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug or alcohol.
- 4.5. Illegal drug** means any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained, including any prescribed drug not legally obtained; any misuse of a prescribed or legal drug, including over-the-counter drugs. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and lookalike drugs.
- 4.6. Recreational & Medical Marijuana – No Allowance** Regarding the use or presence of recreational or medical marijuana by an employee: It is in violation of federal law and inconsistent with the performance of safety sensitive positions. Under Colorado State Law, no employer must accommodate recreational or medical marijuana. Therefore, the use of recreational or medical marijuana will not be considered an exception for receiving a negative drug test result and is not permitted by VSC.
- 4.7. Legal drug** means any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose for which prescribed or manufactured.
- 4.8. Reasonable suspicion** means a suspicion based on specific, contemporaneous, definitive, and articulable observations sufficient to lead a trained supervisor or manager to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment.
- 4.9. Under the influence** means a condition in which a person is affected by a drug or by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion or a scientifically valid test, such as: urinalysis, hair follicle testing, oral swab/saliva testing, blood analysis, or an evidential breath alcohol testing device.

5. EDUCATION

5.1. Managers and other management personnel are to be trained in:

- a. detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
- b. intervening in situations that may involve violations of this policy;
- c. recognizing the above activities as a direct job responsibility.

5.2. Employees are to be informed of:

- a. the health and safety dangers associated with drug and alcohol use;
- b. the provisions of this policy.

6. PROHIBITED ACTIVITIES

6.1 Legal Drugs

- a. The undisclosed use of any legal drug by any employee while performing VSC business or while on VSC premises is prohibited. However, an employee may continue to work even though using a legal drug if VSC's Medical Review Officer confirms that such use does not pose a threat to safety and that the using employee's job performance is not significantly affected. Otherwise, the employee may be required to take leave of absence or comply with other appropriate action as determined by VSC management.
- b. An employee whose medical therapy requires the use of a legal drug must report such use to his or her manager prior to the performance of VSC business.

6.2 Illegal Drugs and Alcohol

- a. The use, sale, purchase, transfer, or possession of an illegal drug (including marijuana and medical marijuana) or of alcohol by any employee while on VSC premises or while performing VSC business is prohibited.

7. DISCIPLINE

7.1 Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on VSC premises or while on VSC business will be discharged.

7.2 Any employee who is found to be under the influence of alcohol in violation of this policy will be discharged.

7.3 Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline up to and including discharge.

7.4 Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or of alcohol will be discharged.

8. DRUG AND ALCOHOL TESTING OF EMPLOYEES

8.1. VSC will notify employees of this policy by providing to each employee a copy of the policy, and obtaining a written acknowledgment from each employee that the policy has been received and read.

8.2. VSC may perform drug or alcohol testing:

- a. For pre-employment, hiring purposes.

- b. Of any employee who manifests “reasonable belief” behavior.
- c. Of any employee who is involved in an incident or accident that results in or could result in an injury, fatality, or the filing of a Worker’s Compensation claim.
- d. On a random basis of any employee.
- e. Of any employee who is subject to drug or alcohol testing pursuant to federal or state rules, regulations or laws.

8.3 An employee’s consent to submit to drug or alcohol testing is required as a condition of employment and the employee’s refusal to consent will result in discharge.

8.4 An employee who is tested in a “reasonable belief” situation may be suspended pending receipt of test results and whatever inquiries may be required.

9. INSPECTIONS AND SEARCHES

9.1. VSC may conduct unannounced general inspections and searches for drugs and alcohol on VSC premises or in VSC vehicles or equipment wherever located. Employees are expected to cooperate.

9.2. Search of an employee and his/her personal property (not limited to pockets, clothing, wallets, purses) may be made when there is reasonable belief to conclude that the employee is in violation of this policy.

9.3 Entering VSC property constitutes consent to searches and inspections. An employee’s consent to a search is required as a condition of employment, and the employee’s refusal to consent may result in disciplinary action, including discharge.

9.4 Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on VSC property will be turned over to the appropriate law enforcement agency and the full cooperation given to any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman’s examination will be turned over to law enforcement for scientific analysis.

9.5 If an employee is the subject of a drug-related investigation by VSC or by a law enforcement agency, the employee may be suspended pending completion of the investigation.

10. CONFIDENTIALITY

All information relating to drug or alcohol testing or the identification of persons as users of drugs or alcohol, will be protected by VSC as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

**Valley Swim Club of Colorado Springs, Colorado, Inc.
Drug and Alcohol Free Workplace Policy**

Employee Consent

I, _____ (employee), certify that I have read and received a copy of the Valley Swim Club of Colorado Springs, Colorado, Inc. Drug and Alcohol Free Workplace Policy and understand I am subject to testing for the presence of drugs and alcohol as described in the policy. I understand that a positive test result will result in immediate termination.

As a condition of my continued employment with Valley Swim Club of Colorado Springs, Colorado, Inc., I will abide by the terms of the Drug-Free Workplace Policy, and will notify the company of any criminal drug conviction no later than five (5) days after receiving notice of such conviction.

I understand that my parent(s) or legal guardian(s) will be entitled to be informed, upon written request and confirmation of identity, of any test results. I understand that any and all test results shall be kept confidential.

Employee's Signature

Date

Parent/Legal Guardian Consent

I, _____ (parent or legal guardian), certify that I have read and received a copy of the Valley Swim Club of Colorado Springs, Colorado, Inc. Drug and Alcohol Free Workplace Policy. I understand that my minor child (under 18 years of age) may be required to submit to testing for the presence of drugs and alcohol and my consent is hereby given for my minor child to be tested as described in the policy. I also understand that my minor child will be subject to all provisions, conditions and procedures of this policy.

I understand that any and all test results shall be kept confidential and will be available to parent(s) or legal guardian(s) upon written request and confirmation of identity.

Parent/Legal Guardian's Signature

Date