

# Drug Free Workplace Policy and Program

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## **Background**

Potomac Valley Audubon Society (PVAS) is a not-for-profit organization dedicated to preserving, restoring, and enjoying the natural world through education and action. This mission is accomplished through a full range of programs and activities which include adult and youth educational programs, operation of nature preserves, providing nature preservation and conservation information, and a variety of community activities and outreach.

In the pursuit of its mission, PVAS employs regular staff and contracts program-specific staff for delivery of its community activities, conservation projects, education programs and other endeavors. In addition, PVAS relies on an extensive cadre of volunteers to deliver its programs to persons of all ages.

Much of the work of PVAS is directed at youth in the classroom and in outdoor settings at its nature preserves. We recognize the special responsibilities of working with young people during formative periods of their lives. We are especially sensitive to our influence and as an authority figure and advocate for coexisting and thriving in the natural world.

## **Policy**

The use of illegal drug will not be tolerated. Drug and/or alcohol abuse is a medical problem, often a legal problem, but always unacceptable in the conduct of PVAS business and in the community at large.

Whether addressing youth or the adult community, PVAS is an advocate for the practice of responsible environmental stewardship. As such we understand the need to operate within the framework of values of our community. This includes the personal conduct of employees as well as all of the people conducting the official affairs of the organization. Potomac Valley Audubon Society does, therefore, recognize and assert the necessity to conduct itself and its activities in accordance with the tenants of the Drug-free Workplace Act, 41 U.S.C. 701 et seq.

## **Performance of Duties**

It is our belief that instruction about responsible environmental stewardship is as much an act of demonstration as it is a matter of verbal explanation. The inability to communicate clearly and act with sincerity undermines the concept of being a good citizen of the earth. Acting under the influence of illegal drugs or the abuse of legal drugs and alcohol must ultimately result in the

wrong meaning being implied or wrong attitude derived toward important life lessons. Even the appearance of inappropriate behavior undermines the spirit and intent of the PVAS mission.

## **Employee/Volunteer Statement of Accord**

PVAS will require of its employees and volunteers conducting educational programs a statement (attached) acknowledging that the use of illegal drugs will not be tolerated and job performance deterioration resulting from abuse of legal drugs, including alcohol, will result in adverse personnel actions. Further, the employee acknowledges that drug and alcohol abuse creates both economic and social consequences that are unacceptable to PVAS and the community it serves.

## **Drug-free Awareness Program**

PVAS shall establish and execute a drug-free awareness program for all employees and volunteers that deliver educational programs to schools and school age children. This program may utilize materials from a number of sources including commercial companies, non-profit organizations, or government agencies. Instructional materials may include any or all of the following: multimedia presentations, print brochures and text, audios, and videos. Materials utilized will be designed to inform of the dangers of drug abuse in the workplace. The Executive Director will maintain records of instruction given to all employees and volunteers. In addition the executive Director will collect and keep up to date a referral list of agencies and community services that may provide drug counseling, rehabilitation, and assistance support services for employees and volunteers in need of such services.

## **Procedure**

### **Employee/Volunteer Actions**

Whenever an employee or volunteer is informed or becomes aware of a violation of the drug-free workplace conditions, the violator shall be responsible for seeking treatment of a sort and at an appropriate facility to remedy the problem.

Incidents of using, selling, or possessing drugs or alcohol in the workplace will be documented by the employee/volunteer supervisor. The employee/volunteer will be informed of the incident and the consequences for the incident.

### **Reasonable Suspicion Testing**

#### **Grounds**

Reasonable suspicion testing may be based upon, among other things:

1. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;

2. A pattern of abnormal conduct or erratic behavior;
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
4. Information provided either by reliable and credible sources or independently corroborated; or
5. Newly discovered evidence that the employee has tampered with a previous drug test.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

### **Concurrence and Documentation**

If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. Such evidence shall be presented to the Executive Director and may be referred to the Executive Committee for concurrence and approval of action.

When higher-level concurrence of a reasonable suspicion determination has been made, the appropriate supervisor will promptly prepare a written report detailing the circumstances which formed the basis to warrant the testing. This report should include the appropriate dates and times of reported drug related incidents, reliable/credible sources of information, rationale leading to the test, and the action taken.

### **Obtaining the Sample**

The employee may be asked to provide the urine sample through the services of an approved lab or facility. The designated lab or facility shall monitor the sample process, perform the test, and provide a report of findings to PVAS.

## **Finding of Drug Use and Disciplinary Consequences**

### **Determination**

An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:

1. Direct observation;
2. Evidence obtained from an arrest or criminal conviction;
3. A verified positive test result; or
4. An employee's voluntary admission.

### **Mandatory Administrative Actions**

PVAS shall invoke an appropriate disciplinary action from those listed below under Consequences. If the employee or volunteer occupies a sensitive position, PVAS shall immediately remove the employee from that position. At the discretion of the Executive Director, however, an employee or volunteer may return to duty in a sensitive position if the return would not endanger public health or safety.

## **Consequences**

Using, selling, or possessing drugs or alcohol in the workplace may result in disciplinary actions. For employees disciplinary actions may include supervisory counseling, reassignment or suspension of duties and pay, requiring the employee to complete an employee paid professional remediation/counseling program, termination, and referral to civil authorities. Disciplinary actions for volunteers may include supervisory counseling, making an official record of an offense, removal from the program, disqualification from participation in all PVAS programs, and referral to civil authorities.

## **Remediation**

Employees and volunteers may be required to participate in remediation programs provided through an approved remediation counselor or service. Should such services or counseling be required, employee participation will be at the employee's own expense.

## **Due Process**

All disciplinary actions beyond supervisory counseling require consultation with the Executive Director and the President before such disciplinary actions can be taken.

Employees and volunteers may bring a grievance before the Executive Committee for mediation.

Decisions of the Executive Committee may be appealed to the full Board of Directors who may assign a special committee for fact finding and review prior to determination on an appeal of a decision of the Executive Committee.

## **Confidentiality**

Any discussion of a violation of policy and consequential remediation shall be kept confidential except from those people in the next level of the chain of command and those designated as a step in the due process chain and then only at such time as is appropriate to their action.

## Appendix 1

# Employee/Volunteer Statement of Accord

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### **a. Notice To Employees and Certain Volunteers**

In accordance with the Drug-free Workplace Act, 41 U.S.C. 701 et seq., implementing regulations, 45 C.F.R. 2542, and Potomac Valley Audubon Society's (PVAS) certification, are notified that:

- i. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the PVAS workplace.
- ii. Conviction of any criminal drug statute must be reported immediately to the next level supervisor at PVAS
- iii. The employee's employment and continuation of the volunteers continued service is conditioned upon compliance with the notice requirements
- iv. Certain actions as outlined in the PVAS Drug-free Workplace Policy and Program will be taken against employees and volunteers for violation of such prohibitions.

### **b. Criminal Drug Conviction**

Employees and volunteers that deliver educational programs to schools and school age children must notify PVAS of any criminal drug convictions for a violation occurring in the workplace or during performance of project activities no later than 5 days after such conviction. PVAS is required to notify the administrators of any grants or contracts governing the project activities within 10 days of receiving notice of such conviction. PVAS is required to take appropriate action against such employee, up to and including termination or release for cause in a manner consistent with the PVAS Drug-free Workplace Policy and Program and/or the rules on termination and suspension of service required by a grant or contract governing the project activities, or require the employee or volunteer to satisfactorily participate in an approved drug abuse assistance or rehabilitation Program.

I, \_\_\_\_\_, have read the PVAS Drug-free Workplace Policy and Program and the statements above. Of special note, I acknowledge and agree to the provision for testing under grounds of reasonable suspicion. I understand my obligations under this policy and agree to comply with the requirements stated.

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Signature

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Date