

WHO'S **FIGHTING SUBSTANCE ABUSE** IN THE WORKPLACE?



The MEM Difference



## Drug-Free Workplace

The National Institute on Drug Abuse estimates that illicit drug use in the workplace costs employers \$140 billion annually in lost productivity, thefts, absenteeism and accidents. Studies also reveal that substance abusers are far less productive, miss more work days, are more likely to injure themselves or others and file more workers' compensation claims. Employed drug abusers cost their employers about twice as much in medical and workers compensation claims as their drug-free coworkers.

Missouri Employers Mutual Insurance Company's (MEM) mission is to help provide our policyholders with innovative and cost-effective solutions employers need to create safe, healthy and injury-free workplaces. MEM encourages all employers to address this vital workplace issue and believes that each of our policyholders can do something about substance abuse to make their workplace safer and more productive.

### How much will a drug-free workplace cost me?

The cost will vary depending on the level of your initiative and the size of your company. Your response level should be determined by an assessment of your company's risks. Other cost factors include available community, state and federal resources and use of consultants. Some employers begin with a non-testing policy and over time move to testing and perhaps an Employee Assistance Program (EAP).

Direct costs include policy development and review, employee education, supervisor training, employee assistance and drug testing. However, personnel and material resources may be available at little or no cost for the first three. An attorney should always review all personnel policies and procedures before and periodically after implementation for compliance with current local, state and federal laws.

Drug testing costs depend on the kinds of tests administered. You should contact your drug testing facility to obtain current cost information.

As a MEM policyholder, we will provide direct payment or reimbursement to your company up to certain limits established by MEM for post-accident drug testing *if* the following criteria are met:

- If you, the employer, have a written substance abuse policy;
- If the drug or alcohol screens were performed within 24 hours of the time of the alleged injury; and
- If the drug or alcohol screens were performed by an appropriate medical provider.

The reimbursement limit for dates of accident after July 1, 2010 is \$55.00.

The costs of establishing and adhering to a substance abuse program should always be weighed against the high risks of *not* having a workplace substance abuse policy.

For many employers, one serious accident, one major financial problem, one breach of confidentiality or one troubled employee can cost hundreds of thousands of dollars and even jeopardize your company's financial future.

A single abusing employee can have a devastating impact on a small business. Other pertinent benefits of a drug prevention program include:

Early identification of job performance problems;

- Fewer accidents; and injuries
- Reduced losses due to absenteeism, theft or fraud;
- Lower costs due to losses and errors;
- Insurance cost savings;
- Decreased legal costs.

### Implementing the Testing Protocol

The following are general guidelines to assist you in the logistics of arranging for a post-accident drug testing policy.

- Testing for both drugs & alcohol are needed.
- At minimum, '5-panel' urine test for drugs.
- A separate test for alcohol, either breath or blood.
- The combination of these 2 tests will detect the most common drugs: THC (marijuana), Cocaine, Methamphetamine, Amphetamine, Opiates, and Alcohol.

It is very important that you make the arrangements for drug testing with your local provider in advance. Having the process in place prior to an accident is a key element to ensuring a seamless process.

### Payment for Drug Testing- Requirements

- In order to qualify for reimbursement, a drug and alcohol policy must be in place prior to the accident, as outlined in this policy.
- Testing must be done immediately following the accident.
- Bills for testing should be sent to MEM for direct payment up to the covered amount.
- **Reimbursement does not apply to 'Report-Only' claims retained for payment by the policyholder. (Employer Paid Medical Option).**

## Changes to The Missouri Workers Compensation Statutes

As part of the August 28, 2005 revisions to the Missouri Workers Compensation Law (the “WC Law”), the Missouri legislature stiffened the penalty for those employees who abuse drugs or alcohol in violation of an employer’s policy. The WC Law provides:

*Where the employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol or non-prescribed controlled drugs in the workplace, the compensation and death benefit provided for herein shall be reduced fifty (50) percent if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs.*

*If however, the use of alcohol or nonprescribed controlled drugs in violation of the employer’s rule or policy is the proximate cause of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited.*

*The voluntary use of alcohol to the percentage of blood alcohol sufficient under Missouri law to constitute legal intoxication shall give rise to a rebuttable presumption that the voluntary use of alcohol under such circumstances was the proximate cause of the injury. A preponderance of the evidence standard shall apply to rebut such presumption. An employee’s refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, RSMo, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer’s policy clearly authorizes post-injury testing.*

*Mo. Rev. Stat. § 287.120(6)(1)-(3) (2006).*

There were several major changes to this section of the Statute. First, the legislature increased the penalty from 15% to 50% reduction in benefits for those cases where the injury was sustained “in conjunction with” the use of alcohol or nonprescribed controlled drugs. Second, the policy no longer needs to be posted, the employee no longer needs to have actual knowledge of the rules or policy, and the employer no longer needs to make a diligent effort to ensure the employee follows the rule. Third, benefits are forfeited or reduced even if the employer is aware of the policy violation and fails to take disciplinary action. Fourth, a blood alcohol level over the legal limit now gives rise to a ‘rebuttable presumption’ that the alcohol was the proximate cause of the injury. Finally, benefits are forfeited if the employee refuses to take a test so long as the employer had cause to suspect involvement of alcohol or nonprescribed controlled drugs or a policy that authorizes post-injury testing.

## STEPS TO A WORKPLACE SUBSTANCE ABUSE PROGRAM

- Step 1. Develop a written substance policy.** Your policy should clearly inform employees and applicants that drug and alcohol use on the job or that affects job performance is prohibited. Explain why the policy exists (co-worker health and safety, productivity, avoiding public liability, cost control, etc). Clearly explain the consequences of violating the policy.
- Step 2. Train your supervisors.** Supervisors are responsible for observing and documenting unsatisfactory work performance or behavior. In addition, supervisors are responsible for talking to employees about work problems and necessary corrective action. Supervisors are **not** responsible for diagnosing substance abuse problems or treating an employee's substance abuse problem.
- Step 3. Educate your employees.** Although the WC Law now indicates that the substance abuse policy no longer needs to be posted and the employee no longer needs to have actual knowledge of the rules or policy, we believe the introduction of your workplace substance abuse policy is important. If done correctly, this communication can set a positive tone and encourage cooperation. The educational emphasis should reinforce employee buy-in, a spirit of cooperation and how, together, the problem of any workplace substance abuse can be solved.
- Step 4. Provide Employee Assistance.** An EAP is another tool you can adopt to address employee needs, including drug/alcohol abuse. Though strictly voluntary, and not required as a part of a workplace substance abuse program or drug testing policy, all employers should consider the benefits of such a program.
- Step 5. Establish a Drug/Alcohol Testing Program.** Although employers are not required to implement a drug/alcohol testing program in order to take advantage of the WC Law penalty provisions, we recommend that such programs be considered. A drug testing program can deter abusers from reporting to work unfit for duty and discourage others from applying in the first place.

## “Drug & Alcohol Policy”—Best Practices

This ‘*best practices*’ document is meant only as a starting point. ***The documentation and sample policy MEM is providing is for informational purposes only. It is not meant to be taken and used without consultation with your employment law attorney. These policies need to be tailored by your attorney to fit your situation. MEM assumes no liability for the use or sufficiency of the information provided.***

There are many resources available to help companies develop drug-free workplace programs, including the [Drug-Free Workplace Policy Provided by the US Drug Enforcement Administration] on the DEA website. In addition, the National Institute on Drug Abuse (NIDA) can provide information on creating and implementing a prevention and treatment program for your employees by calling their Center for Substance Abuse Prevention’s Workplace Helpline at 1-800-843-4971. Your initial cost in establishing a Drug-Free Workplace may be low if readily available resources are used. Again, you should always engage appropriate legal counsel to review any and all personnel policies prior to their implementation.

The key elements or “*best practices*” in establishing a Drug-Free Workplace program are as follows:

- **A substance abuse program** – Establishment of written policies and procedures that prohibit the abuse of alcohol or illegal use of drugs. Such a program also spells out the consequences for policy violations. A substance abuse program is an inexpensive investment in education, prevention and assistance that pays dividends for both you and your employees. It is not difficult to implement. The policies should explain that drug and alcohol abuse create both economic and social consequences that are unacceptable to your community.
- **Employee acknowledgment** – Prepare and circulate a written statement for acknowledgement by all employees that they have read and understand the policy, and that compliance with the policy is a condition of employment.
- **An Employee Assistance Program** – Establish an EAP that provides counseling and referral programs, to be operated either by your own staff or by a contractor. The program should be operated in a confidential manner.
- **Employee awareness and education** – Provide a drug orientation program to advise all employees of your organization’s policies and the drug-and-alcohol related economic, health and legal liabilities that brought about the policy. Have each employee acknowledge that they have received and understand the drug policy and obtain consents for testing.

- **Supervisor training** – Offer supervisors substance abuse training so those closest to the problem can be coached on the signs, symptoms, behavior changes, performance problems and intervention concepts attendant to drug and alcohol abuse.
- **Drug and alcohol testing** – Consider a drug and/or alcohol testing program to detect and deter drug and/or alcohol use or abuse. If testing is adopted, it should conform to proper procedures.
  - ✓ Determine who will be tested;
  - ✓ Determine the basis or causes for testing (e.g., pre-employment; reasonable suspicion; post-accident; random; post-treatment/counseling/rehabilitation or return to work);
  - ✓ Determine what substances will be included in testing;
  - ✓ Determine the method and procedures for testing;
  - ✓ Determine the testing agency;
  - ✓ Protect the confidentiality of the testing process;
  - ✓ Develop a response for positive test results.

As outlined above, a substance abuse program **will** include writing a policy, informing your employees of policy specifics and training supervisory personnel. Your program **may** include drug testing or even an EAP.



## Drug-Free Workplace 'Written Policy': Basic Guidelines

Whether your organization tests or not, you should have a written workplace substance abuse policy. In fact, under the WC Law, **you must have a written policy before your workers compensation insurer can possibly consider a drug or alcohol penalty involving an injured worker.**

A well written policy can help protect you from litigation and, in the event of litigation, may serve as a defense. If you have a written policy that is ill-conceived or poorly enforced, or do not have a written policy at all, you may be more susceptible to claims of personal injury to intoxicated employees, their coworkers and the public, claims of negligent hiring or retention, wrongful termination, disability discrimination, and claims from injured third parties. A well written policy may serve as a defense to these claims.

MEM highly recommends that you review your program with competent labor and employment law counsel prior to implementing any substance abuse policy or drug-testing program in the workplace.

In addition to the recommendation to review with your labor and employment law counsel, consult the numerous available resources to further help you in launching your drug-free workplace program and policy. Both material and human resources are available to guide your efforts. Many of these services are free. Good use of these resources will help you implement a drug-free workplace program at minimum costs.

### Local Resources:

- Alcoholics Anonymous (AA): *check your local yellow pages for local numbers or [www.na.org](http://www.na.org)*
- Narcotics Anonymous (NA): 818.773.9999
- Local Health Departments
- Trade or Professional Associations

### Missouri-Based Resources:

- Missouri Attorney General's Office  
573. 751.1010 or 573. 751.3321  
[www.ago.mo.gov](http://www.ago.mo.gov)
- Missouri Department of Mental Health  
Division of Alcohol and Drug Abuse  
573. 751.4122 or 800.364.9687  
[www.dmh.missouri.gov/adaindex.htm](http://www.dmh.missouri.gov/adaindex.htm)
- Missouri Department of Public Safety  
Division of Alcohol & Tobacco Control  
Central Office: 573.751.2333  
[www.atc.dps.mo.gov](http://www.atc.dps.mo.gov)
- Missouri Employers Mutual
- 800.442.0593  
[www.mem-ins.com](http://www.mem-ins.com)

*MEM also offers a variety of online services and information on our safety website [www.worksafecenter.com](http://www.worksafecenter.com). You can also contact your MEM Loss Prevention Specialist or Consultant for further information and direction. You can also send an e-mail to [claims@mem-ins.com](mailto:claims@mem-ins.com) for additional information.*

### Federal Resources:

- Department of Transportation  
Office of Drug & Alcohol Policy & Compliance  
800.CAL.DRUG or 800.225.3784  
[www.dot.gov/ost/dapc/](http://www.dot.gov/ost/dapc/)
- Employee Assistance Professionals Association  
703.387.1000  
[www.eapassn.org/i4a/pages/index.cfm?pageid=1](http://www.eapassn.org/i4a/pages/index.cfm?pageid=1)

*This international organization assists employers by addressing and resolving personal issues (including, but not limited to, drug and alcohol abuse) that affect job performance.*

- National Association of State Alcohol/Drug Abuse Directors  
202.293.0090  
[www.nasadad.org](http://www.nasadad.org)

*NASADAD is a private organization which supports the development of drug and alcohol abuse prevention and treatment programs by coordinating efforts between federal and state agencies, serving as a resource for programs and contacts in every state.*

- National Alcohol and Substance Abuse Information Center  
800.784.6776  
<http://www.addictioncareoptions.com/>

*NASAIC maintains a website and a 24-hour hotline to provide fast, accurate information about every aspect of alcohol and drug abuse, including locating appropriate local treatment facilities.*

- SAMHSA/ Center for Substance Abuse Prevention (CSAP)  
Workplace Helpline  
1.800.WORKPLACE or 800.967.5752  
<http://prevention.samhsa.gov/about/contactus.aspx>

*This toll-free helpline provides technical support and guidance in developing and evaluating programs and policies to address drug and alcohol programs in the workplace.*

- Substance Abuse Information Database  
<http://www.dol.gov/asp/programs/drugs/said/default.asp>

*SAID provides information and access to information to assist employers and others to learn about substance issues and develop drug-free workplace programs. This site includes sample policies, training and educational materials and regulatory information.*

- U.S. Department of Health and Human Services  
National Clearinghouse for Alcohol and Drug Information  
800.729.6686  
[www.ncadi.samhsa.gov/](http://www.ncadi.samhsa.gov/)

- U.S. Department of Labor, Working Partners  
866.4.SUA.DOL or 866.487.2365  
<http://www.dol.gov/workingpartners/>

*The Working Partners program is an initiative collaborating with numerous organizations to raise awareness about the impact of drugs and alcohol in the workplace and helps employers and employees work together to ensure workplaces are free from the hazards of drug and alcohol abuse. Of particular note, this site provides a Drug-Free Workplace Program Builder to assist you in customizing a program for your business needs.*





## Overview of 'Sample' Drug and Alcohol Abuse Policy

All employers should have 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.

Under the Missouri Workers Compensation Law (the "WC Law"), you **must have a written policy before your workers compensation insurer can possibly consider a drug or alcohol penalty involving an injured worker.**

A well-written policy can help protect you from litigation and, in the event of litigation, may serve as a defense. If you have a written policy that is ill-conceived or poorly enforced, or do not have a written policy at all, you may be more susceptible to claims of personal injury to intoxicated employees, their coworkers and the public, claims of negligent hiring or retention, wrongful termination, disability discrimination, and claims from injured third parties. A well-written policy may serve as a defense to these claims.

**Missouri Employers Mutual Insurance Company (MEM) highly recommends that you review your program with competent labor and employment law counsel prior to implementing any substance abuse policy or drug-testing program in the workplace.**

This sample policy is meant only as a starting point. *The documentation and sample policy MEM is providing are for informational purposes only. The sample policy is not meant to be taken and used without consultation with your employment law attorney. These policies need to be tailored by your attorney to fit your situation. MEM assumes no liability for the use or sufficiency of the information provided.* In addition, please note the testing facility that you designate may require individuals to sign additional consent forms authorizing testing and/or release of test results.

There are many resources available to help companies develop drug-free workplace programs, including the Drug-Free Workplace Policy Provided by the US Drug Enforcement Administration on the DEA website. In addition, the National Institute on Drug Abuse (NIDA) can provide information on creating and implementing a prevention and treatment program for your employees by calling their Center for Substance Abuse Prevention's Workplace Helpline at 1-800-843-4971. Your initial cost in establishing a Drug-Free Workplace may be low if readily available resources are used. Again, you should always engage appropriate legal counsel to review any and all personnel policies prior to their implementation.

## ALCOHOL AND SUBSTANCE ABUSE POLICY

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(Company Name)

is a Drug-Free Workplace. The use of Illegal Drugs and Alcohol is inconsistent with the behavior expected of employees. The use of Illegal Drugs and Alcohol and misuse of Prescribed and Over the Counter Drugs subjects employees and visitors to unacceptable safety risks that undermine the Company's ability to operate safely, effectively, and efficiently.

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(CEO'S Signature)

SAMPLE

## DRUG-FREE WORKPLACE POLICY

### PURPOSE OF THE POLICY

(Company Name) values its employees and recognizes their need for a safe and healthy work environment. Furthermore, employees abusing drugs and alcohol are less productive and are often a risk to the safety and productivity of our Company. The establishment of a Drug-Free Workplace Policy is consistent with this Company's desire to promote a safe and accident-free workplace.

### DRUG AND ALCOHOL POSSESSION AND USE PROHIBITED

1. (Company Name) prohibits the use, possession, sale, manufacture, and/or distribution of alcohol and illegal/controlled substances and/or drug-related paraphernalia on Company premises or while performing duties for (Company Name) while away from Company premises, and/or during working hours.
2. For purposes of this policy, the term "Company premises" or "Company property" includes all property owned, leased, used or under the control of (Company Name) including but not limited to (Company Name) plant, offices, facilities, parking areas, land, buildings, structures, all work locations, vehicles, and equipment.
3. The substances prohibited by this policy include such items as: any illegal or unlawfully obtained drugs or controlled substances; "designer" or synthetic drugs; "over the counter" or prescribed medications not being used for purposes or in the manner intended; mood or mind-altering substances; and alcoholic or intoxicating beverages.
4. Compliance with this policy will be required by (Company Name) as a condition of employment for qualified applicants or for continued employment of current employees. The presence of a detectable amount of any prohibited substance in an employee while working and/or during working hours may be deemed a violation of this policy, regardless of when or where the substance entered the employee's system.



### PRE-EMPLOYMENT SCREENING

1. Offers of employment with (Company Name) may be conditioned on proper cooperation with and participation in a drug and controlled substance screening test. Following a conditional employment offer, applicants will be asked to sign a form consenting to a screening test as part of the application process. Failure to sign the consent form will be considered a withdrawal of the application.
2. Applicants who test positive without a legitimate medical reason will be denied employment. In appropriate circumstances, (Company Name) may, in its sole discretion, authorize a retest.

### TESTING OF EMPLOYEES

1. (Company Name) may request current employees to submit to a drug/controlled substance test in certain circumstances, including:
  - a. When an employee's conduct, actions or behavior reasonably leads management to suspect that the employee may be using or under the influence of drugs or alcohol on Company premises or while performing duties for (Company Name) while away from Company premises and/or during working hours;
  - b. When an employee has a prohibited substance in his or her possession (actual or constructive) while on Company premises or while performing work duties for (Company Name); and
  - c. When an employee has experienced an on-the-job injury or accident or is involved in an incident which (Company Name) believes may have resulted from impairment due to drug or alcohol use.
  - d. (Company Name) may, in its sole discretion and at any time, require an employee to undergo tests to determine the presence and/or amount of alcohol and/or drugs in his/her system.
2. An employee who has tested "positive" on a test pursuant to this policy and who is not terminated, may be retested by (Company Name) at periodic intervals, as determined by (Company Name), for up to twelve (12) months after the positive test result, even without new evidence of "reasonable belief" of drug or alcohol abuse. If an employee tests "positive" on any retest or refuses to promptly submit to a test in a fully cooperative manner, including signing any required forms, the employee may be subject to immediate termination.
3. An employee's refusal to submit to a requested test may be considered an act of insubordination justifying discipline, up to and including immediate termination.

### USE OF LEGAL AND PRESCRIPTION DRUGS AUTHORIZED BY A PHYSICIAN

Certain legal and prescription drugs can produce changes in persons that might indicate intoxication or illegal drug use and could result in a “positive” result on a substance abuse screening test. Employees may continue to work for (Company Name) while taking prescription drugs at the direction of a doctor for the treatment of an illness or non-prescription drugs used for the purposes and in the manner intended, provided the medication does not adversely affect the employee’s ability to perform his or her work in a safe and efficient manner. Each employee is responsible for being aware of and following all cautions associated with the use of prescription or non-prescription drugs. If any prescription or non-prescription drugs being taken by an employee could have side effects which could affect the employee’s job performance, the employee must advise his or her supervisor of the drug being taken and the potential side effects. (Company Name) has the right to determine whether an employee who is receiving legal medication should be allowed to continue working during his or her treatment due to possible safety and/or performance problems that could arise from certain legal drug use.

### CONVICTION OR PROBATION UNDER A CRIMINAL DRUG LAW

**Employees must notify (Title) within five days of any conviction or entry of a guilty plea resulting in incarceration or probation under any criminal drug statute, law, regulation, or ordinance. Failure to report a conviction or guilty plea will result in termination of employment.**

### TESTING PROCEDURES

1. When feasible, the employee asked to submit to testing will be informed of the reasons, cause or action leading to the request
2. Employees will complete a consent for testing form. The refusal to do so will be considered a violation of this policy, and the employee may be subject to disciplinary action up to and including termination.
3. Testing will be conducted by an appropriate testing facility designated by (Company Name). Applicants and employees must cooperate fully with reasonable procedures and requirements of the testing facility.
4. Each employee and applicant who is to be tested will be asked by (Company Name) designated testing facility to list all legal and prescription drugs consumed during the past thirty days, and will have an opportunity to explain the use of each such drug. Applicants or employees who do not report the use of any such drugs and who subsequently test “positive” on any required screening or other test, will not be hired if not yet employed, or if hired, may be subject to immediate discharge.

5. Positive test results will be given a second verification test by (Company Name) designated testing facility. Employees who test positive on the second verification test will be subject to discipline up to and including immediate termination for violation of this policy. Applicants who test positive on the second verification test will not be employed.
6. Test results will be returned to (Title) for review with the applicant or employee. Test results will be maintained in a confidential manner in a separate file not part of the employee's personnel file. Test results of applicants will be maintained in a separate file, not part of the application.
7. (Company Name) will endeavor to keep the results of any drug, substance abuse or other such test confidential. Test results and voluntary reports of drug and alcohol problems will not be revealed by (Company Name) to any person except those persons whom (Company Name) believes have a need to know because of such reasons as supervision of the employee involved, personnel administration or as otherwise deemed necessary or proper by (Company Name) or as required by law.

#### **PENALTIES FOR VIOLATING POLICY**

1. Failure to comply with the provisions of this policy will be grounds for disciplinary action up to and including immediate discharge. Furthermore, employees found to have alcohol or illegal drugs in their systems, under the WC Law may receive a 50% reduction to total forfeiture of workers' compensation benefits.
2. If an employee voluntarily reports a substance abuse problem before any circumstances warranting testing and/or disciplinary action occurs, the employee may request leave time or a leave of absence under appropriate Company leave policies for a period not to exceed twelve weeks. An extension of the leave may be granted, within the exclusive discretion of (Company Name). The cost and expenses of any treatment or any counseling program will be the sole responsibility of the employee, subject to benefits available, if any, under any applicable employee benefit program. (Company Name) may request certification that the employee has continued in treatment during the granted leave period. If the employee does not continue proper treatment during the granted leave, the employee will be subject to disciplinary action up to and including immediate termination. Any employee who does not fully comply with (Company Name) requirements for a leave that is granted may be subject to immediate termination. Employees who return to work following such voluntary treatment may be tested periodically by (Company Name) to ensure that they stay drug-free. If they subsequently have a positive test for controlled substances, they will be subject to discharge.

### OFF-THE-JOB ILLEGAL DRUG USE, POSSESSION, SALE OR OTHER SUCH ACTIVITY

Off-the-job illegal drug use, possession, sale or other such activity could adversely affect an employee's job performance, jeopardize the safety of other employees, and jeopardize Company equipment, property and reputation, as well as endanger the general public. Accordingly, such off-the-job conduct or activity may be deemed a violation of this policy and could result in disciplinary action against the employee by (Company Name), up to and including discharge. In deciding the appropriate disciplinary action to take in regard to such off-the-job drug use, possession, sale or other such activity, management will take into consideration the nature of the activity charged, the employee's total record with (Company Name), and other factors deemed relevant by (Company Name) for the protection of (Company Name) business and total operation.

### WORKPLACE SEARCHES AND INSPECTIONS

To help ensure a safe and healthy work environment and to accomplish the objectives of this policy, (Company Name) reserves the right to condition entry upon Company premises, including any parking areas and all grounds and work areas to which (Company Name) employees are assigned, upon (Company Name) right to search the person and personal property of any entrant before entry or at any time while on the premises or in work areas, for illegal and unauthorized drugs, drug paraphernalia, controlled substances, alcoholic beverages and unauthorized weapons. Such searches may include but are not limited to automobiles, tool boxes, lunch kits and purses, employee lockers, desks, or other property under the control of the employees. Refusal to permit a search may subject an employee to immediate discipline up to and including discharge. Searches and inspections will be performed with concern for the individual's privacy, dignity and confidentiality. Illegal substances, drugs, and other prohibited items discovered through these searches and inspections may result in law enforcement authorities being advised in this regard consistent with the law.

**EMPLOYEE CONSENT FORM  
(APPENDIX A)**

I hereby acknowledge receipt of (Company Name), Drug-Free Workplace Policy regarding drugs and alcohol. I have read and understand this policy. I understand that refusal to submit to any drug testing required by this policy or a positive test result is grounds for disciplinary action up to and including termination. Furthermore, I authorize the release of the test results to my employer, and/or on post-accident tests, the Company's workers' compensation insurance carrier and understand that refusal to release these results is grounds for disciplinary action up to and including termination. I understand that if I test positive for drugs or alcohol following an on-the-job accident, I may be ineligible for workers' compensation benefits or have benefits reduced by 50% as allowed by Missouri law.

I recognize that the Company's policy on drugs and alcohol does not constitute an expressed or implied contract of employment.

As a condition of continued employment, employees must sign the attached consent form and comply with the policy.

I have read and understand this policy and will abide by it as a condition of my employment.

EMPLOYEE NAME: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

WITNESS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**DRUG TEST CONSENT AGREEMENT  
(APPENDIX B)**

DATE: \_\_\_\_\_

I voluntarily consent to testing by a doctor, medical center, hospital, laboratory or medically qualified personnel.

Furthermore, I release (Company Name) from any liability incurred from this testing requirement.

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

SSN: \_\_\_\_\_

WITNESS: \_\_\_\_\_

SAMPLE

*It is strongly recommended that your own labor and employment lawyer review any change in your company's employment policies. There are many well-qualified lawyers across the state. For your convenience, below is a list of law firms with whom MEM has worked in the past:*

**ST. LOUIS**

Mr. Kevin P. Schnurbusch  
Ms. Debbie C. Champion  
Rynearson, Suess, Schnurbusch & Champion, L.L.C.  
1 South Memorial Drive, Ste. 1800  
St. Louis, MO 63102  
314-421-4430

Mr. Gregory T. Cook  
McAnany, Van Cleave & Phillips, P.A.  
515 Olive Street, Suite 1501  
St. Louis, MO 63101  
(314) 621-1133

**KANSAS CITY**

Mr. Deryl W. Wynn  
McAnany, Van Cleave & Phillips, P.A.  
707 Minnesota Avenue, Fourth Floor  
PO Box 171300  
Kansas City, KS 66117  
(913) 371-3838

Mr. William C. Martucci  
Shook, Hardy & Bacon, L.L.P.  
2555 Grand Blvd.  
Kansas City, MO 64108  
(816) 474-6550

**SPRINGFIELD**

Ms. Patricia L. Musick  
McAnany, Van Cleave & Phillips, P.A.  
721 West Elfindale Street, Suite 207  
Springfield, Missouri 65807  
(417) 865-0007

**JOPLIN**

Mr. Greg B. Carter  
Blanchard, Robertson, Mitchell & Carter. P.C.  
320 West 4<sup>th</sup> Street  
P.O. Box 1626  
Joplin, MO 64802  
(417) 623-1515







1.800.442.0593 ■ [www.mem-ins.com](http://www.mem-ins.com)

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Columbia, MO 65201

**Kansas City**

14700 East 42<sup>nd</sup> Street  
Independence, MO 64055

**St. Louis**

663 Trade Center Blvd.  
Chesterfield, MO 63005

**Springfield**

909 E. Republic Road  
Building C-100  
Springfield, MO 65807