

**Title:**           **DRUG, ALCOHOL AND TOBACCO FREE WORKPLACE**

**Policy:**           WEYCO, INC. is committed to providing a safe working environment and to promoting the well being and health of our employees. The Company prohibits:

- the use of illegal drugs or the improper use of prescription medications;
- reporting to work while impaired by drugs and/or alcohol;
- consuming drugs and/or alcohol while on Company time, property or during paid or unpaid breaks during the workday, with the exception of limited alcohol at events specifically approved by the Company as exceptions (i.e. annual holiday party) and business related social events;
- possessing, distributing or selling such prohibited substances in the workplace;
- smoking or otherwise using tobacco products on Company time or property.

WEYCO, INC. is a smoke free company and all employees must maintain a smoke free and tobacco free status at all times.

**Purpose:**           This policy defines the Company's intent to maintain a drug, alcohol and tobacco free workplace in order to promote the health and safety of all employees, customers, and the general public.

**Scope:**           This procedure applies to all Company employees.

**Procedure:**

**1.0    GENERAL**

1.1    As a condition of employment each employee must:

- Comply with the Company's Drug, Alcohol and Tobacco Free Workplace Policy.
- At the direction of the Company, submit to pre-employment and random smoke tests and submit to pre-employment and reasonable suspicion drug, alcohol and smoke tests.

1.2 Any employee who violates this company policy is subject to disciplinary action including termination of employment in accordance with section 4.0 of this policy.

## **2.0 PROHIBITIONS**

The Company Drug, Alcohol and Tobacco Free Workplace Policy prohibits employees from engaging in any of the following activities:

- Use, possession, manufacture, distribution, dispensation or sale of alcohol or illegal drugs on company premises or company business, or during working hours.
- Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of a controlled substance on company premises or while on company business.
- Storing in a desk, automobile or other repository on company premises any controlled substances whose use is unauthorized.
- Being under the influence of a controlled substance on company premises or while on company business.
- Any possession, use, manufacture, distribution, dispensation or sale of illegal drugs off company premises that adversely affects the individual's work performance, their own or the safety of others at work, or the company's regard or reputation in the community.
- Smoking or otherwise using tobacco at any time.
- Failure to submit to a Company required drug, alcohol or smoke/tobacco test.

## **3.0 AUTHORIZED USE OF PRESCRIPTION MEDICINE**

An employee undergoing prescribed medical treatment with any drug which may alter his/her physical or mental ability must provide the Company with medical certification from the prescribing physician indicating that the employee is able to safely and adequately perform his/her job duties. Any medication taken on Company time or premises must be stored in the original prescription bottle. If the employee is not able to perform his/her job duties, the HR department will attempt to place the employee into a position the employee can perform or the employee will not be allowed to report to work.

## **4.0 DISCIPLINARY ACTIONS**

A violation of the Drug, Alcohol and Tobacco Free Workplace Policy is considered very serious misconduct and will result in disciplinary action, up to and including termination of employment, at the Company's sole discretion, as follows:

4.1 First occurrence: Unpaid suspension for a minimum of fifteen business days. With respect to an employee that tests positive for drugs, alcohol or tobacco, the employee must pass a return-to-duty drug, alcohol and/or tobacco test before he/she will be allowed to return to work. The Company will pay for one such test and further tests are at the employee's expense. The employee remains on disciplinary suspension until he/she passes the return to duty test and is not eligible to use accrued PTO during the disciplinary suspension. An employee that cannot pass the return-to-duty test within 30 calendar days from the date he/she is suspended will be terminated from their employment.

4.2 Upon returning to work after a first violation, an employee will be required to sign a Last Chance agreement and will be subject to unannounced follow-up testing for a period of three (3) years. A urine test will be used for all follow-up tobacco testing.

4.3 Second occurrence in any timeframe: Termination of employment pursuant to the "at will" employment relationship.

4.4 A refusal to submit to a drug, alcohol and/or smoking test at the Company's request will result in termination of employment.

## **5.0 COMPANY SEARCHES**

WEYCO, INC. will make every effort to ensure an employee's privacy. When the Company has reason to believe that an employee has brought prohibited substances onto Company property, the Company reserves the right to conduct an appropriate search (such searches, when possible, will be conducted in the employee's presence) of Company property or items brought onto Company property (e.g. purses, desks, briefcases, vehicles, etc.). For this reason, if there is something that an employee wishes to remain private, he/she should not bring it on to Company property.

## **6.0 PRE-EMPLOYMENT TESTING**

All offers of employment will be made with the condition that the candidate passes a drug and tobacco test. WEYCO, INC. will pay for the test and any candidate with a confirmed positive result will not be hired. Candidates who refuse to take a pre-employment drug and tobacco test will not be hired.

## **7.0 RANDOM TOBACCO/SMOKE TESTING**

7.1 All employees are required to participate in unannounced random draws for tobacco testing purposes. Selected employees will be required to submit a breath sample using a MicroCo-Carbon Monoxide Monitor for analysis.

7.2 Selected employees unavailable for testing on a designated testing day will be required to submit to a nicotine/cotinine urine test at the Company direction after they return. This includes but is not limited to the following situations: an employee on Company business outside the facility; an employee on vacation; and employee that calls

in sick or goes home sick on the testing day; an employee that fails to answer their phone when called to submit to the breath test

7.3 Employees testing above the cut-off level of 6 parts per million for carbon monoxide will be given the option to submit a split urine sample for further testing. If the employee declines to submit to the urine test, the positive breath test result will be final. If the employee elects to submit to the urine test, analysis of the primary urine sample will be performed by an outside laboratory using Gas Chromatography at WEYCO, INC. expense. If the primary urine sample yields a positive test result, the employee has the option to have the laboratory analyze the split sample at their own expense. The result of final sample tested (either the primary or split sample) will be final. The employee will remain at work until the final results are available.

7.4 A positive test result will subject the employee to disciplinary action defined in section 4.0 of this policy.

## **8.0 REASONABLE SUSPICION ALCOHOL/DRUG TESTING**

8.1 An employee that is reasonably suspected of being impaired by alcohol and/or drugs while on Company time or property will be required to submit to an appropriate Company paid test for alcohol and/or drugs.

8.2 An employee will be required to test when two members of management and/or human resources reasonably suspect that the employee is impaired by alcohol and/or drugs. Reasonable suspicion will be based on factors such as, but not limited to, personal observations of the employee's appearance, behavior or performance, a decline in productivity, a change in the employee's attendance patterns, etc.

8.3 Management and Human Resources personnel will be trained with at least one hour of training on alcohol misuse and an additional hour of training in drug misuse. This training will cover the physical, behavioral, speech, and performance indicators of probable alcohol and drug misuse.

8.4 Hourly employees required to take a drug and/or alcohol test will be paid for all time away from work necessary to complete the sampling/testing process.

8.5 An employee will be sent home after the test until the results are known. In the event of a negative test result, the employee will be paid for the lost time.

8.6 A positive test result will subject the employee to disciplinary action as defined in Section 4 of this policy.

## **9.0 REASONABLE SUSPICION TOBACCO TESTING**

An employee that is reasonably suspected of smoking or otherwise consuming tobacco at any time will be required to submit to a nicotine/cotinine urine test at the Company direction. The testing protocol and consequences for a positive result will be consistent with those outlined in sections 7.2 and 7.3 of this policy.

