MODULE 3: COMMON DRUG-FREE WORKPLACE (DFWP) POLICY/PROGRAM VIOLATIONS

Based on the variety of rules that should be included in your DFWP policy/program, employees can violate your DFWP policy/program in ways beyond a positive drug test. It's essential to consider specific consequences for each rule violation, taking into account relevant laws and authorities. While a general "up to and including termination" clause may be warranted, carefully think through the implications of each consequence, as they set precedents for future cases.

In short, be sure the consequences section of your policy is written so you can operate it consistently and fairly, without emotion, and in a way that helps you avoid the temptation of acting on a case-by-case basis.

Consider your consequences for these common violations:

- **Failure to report an accident:** Clearly define, in your accident reporting policy, the timeframe for reporting and the potential consequences for non-compliance.
- **Refusing to sign DFWP paperwork:** Specify which forms must be signed and what actions may be taken if they are not.
- **Refusing a drug test or failing to report for a test on time:** Carefully define what is considered a "refusal."
- **Positive drug test (first and subsequent offenses):** Clearly define the disciplinary actions for each offense, considering the present circumstances and any previous violations.
- **Attempting to adulterate or "beat" a test:** Emphasize that this is a serious violation and may lead to immediate termination.
- **Dilute negative drug test result:** Specify the actions that will be taken, which may include requiring a re-test.
- **Breaching confidentiality:** Clearly outline consequences, especially for supervisors who handle sensitive employee information.
- **Possessing alcohol on company property:** Differentiate between open and closed containers and specify consequences for each.
- **Off-the-job DUI or drug-related offense:** Consider the impact on job performance, public image and safety, and specify any potential consequences.
- **Excessive alcohol consumption at company-sponsored events:** Clearly define what is considered "excessive," and potential consequences for exceeding those limits.

Together Arkansas, including the course and these resource materials, has been developed to raise awareness with businesses about how to respond to the risks associated with the misuse of opioids and other drugs. The content is meant for educational purposes only and not for the purpose of providing legal advice or replacing the work needed to develop a responsible drug-free workplace policy and program. As such, it should not be used as a substitute for consultation with a legal professional or other competent advisor. If you have questions about this course or the information presented here, please reach out Contact@TogetherArkansas.com.

To view the other modules in this course, visit www.TogetherArkansas.com.

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