

 PORT of OLYMPIA POLICIES & PROCEDURES MANUAL			
Section:	100 EXECUTIVE POLICY & PROCEDURE	Revision Date:	01/2026
Policy:	DRUG & ALCOHOL-FREE WORKPLACE	Policy No.	111
Approver:	COMMISSION	Resolution	No

POLICY:

The purpose of this policy is to establish and maintain a drug and alcohol-free workplace within the Port of Olympia facilities and a drug and alcohol-free employee condition while Port employees are engaged in performance of Port of Olympia work.

The Port of Olympia is committed to promoting employee health and well-being, client confidence, and safety in the workplace

As used in this Policy, the term “illegal drug” refers to drugs and controlled substances, the possession or use of which is unlawful under federal, state, or local laws and regulations in the United States. “Illegal drug” as used in this policy also includes marijuana (notwithstanding Washington voters’ approval of I-502) because the Port receives federal funding, and federal law makes marijuana illegal (21 U.S.C. § 801-971). Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are considered illegal drugs. Examples of such drugs include, but are not limited to, cocaine, heroin, marijuana, and controlled substances such as amphetamines, methamphetamines, and barbiturates. The term “illegal drug” does not apply to a controlled substance used pursuant to valid prescription or other uses authorized by law but *does include* prescribed drugs not being used for prescribed purposes or in a prescribed manner.

PROCEDURE/GUIDELINE: Consistent with the intent of the commitments above, the following guidelines are provided to assist Port employees in complying with the purpose of this Policy as follows:

1. All Port of Olympia employees who report to work must be in a condition fit to perform their duties, unimpaired due to the use of alcohol or other drugs.
2. The unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of illegal drugs (including marijuana) in Port vehicles, on Port premises, or on official business is prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.
3. Open alcoholic beverages are prohibited in Port vehicles in accordance with Washington State law.
4. Consumption of alcoholic beverages is prohibited on Port premises except as approved by either the Port Commission or Executive Director. Approval will generally be in accordance with either Port promotional hosting activities or approved Port functions.
5. The Port recognizes that on behalf of the Port, employees may participate in official social activities such as promotional hosting events, where alcohol is served. This policy does prohibit employees from consuming alcohol at these events as the event is work related and the employee is officially representing the Port. This prohibition does not apply to unofficial events, such as employee appreciation events held after working hours.
6. The Port of Olympia participates in and receives funding from federal programs. Federal grant programs require that an employee engaged in the performance of a federal grant notify the Port of Olympia in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction. The Port of Olympia is required to:

- a) Notify the federal agency in writing within ten calendar days after receiving notice under paragraph 6 from an employee or otherwise receiving actual notice of such conviction; and
- b) Take at least one of the following two actions within 30 calendar days of receiving notice under paragraph 6 with respect to any employee who is so convicted:
 - 1) Take appropriate personnel action against such an employee up to and including termination; or
 - 2) Require such employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency [Public Law 100-690 Title V, Subtitle D, 41 USC 701 et. seq.].
- 7. Employees taking prescribed physician or over-the-counter medications must notify their supervisor of the fact that they are taking such medication and the side effects of that medication if there is a substantial likelihood that such medication may affect either job function or safety.
- 8. Any Port of Olympia employee found in violation of this Policy will be subject to formal action, up to and including termination. Except in cases of drug delivery or sale, an employee may be offered the services of the Employee Assistance Service (EAS).

Pre-Employment Drug Testing

Any applicants who have been offered employment for positions that have state or federal drug testing compliance requirements must pass a drug test to be eligible for employment. Each applicant must provide a signed consent form after being given a conditional offer of employment. The applicant must then provide a urine specimen at a site designated by the Port. The specimen will be sent to a laboratory designated by the Port for testing. The pre-employment drug screen will be paid for by the Port.

The drugs that will be tested for will depend on the state or federal requirement dictating the testing. The drug test will be administered after the conditional offer of employment is made and before the first day an employee reports to work. Notice will be given to the candidate to report for the test, which will be scheduled by the Port, and the test will be administered in sufficient time to allow results prior to initial reporting to duty. The offer of employment is contingent upon passing the drug test.

Those applicants who do not successfully pass the drug test shall be ineligible for hire. They shall be informed that they can become re-eligible for hire in six (6) months, provided they pass a subsequent drug test.

The Port of Olympia will not discriminate against applicants for employment because of a history of drug abuse/alcoholism.

Post-Accident Testing

When a Port employee becomes involved in an accident or incident affecting persons or property while doing business or work for the Port, the employee’s department director will determine whether there is a reasonable suspicion that a drug and/or alcohol test is appropriate. The following circumstances may require testing:

- a. After an incident when there has been damage to Port or citizen’s property; or
- b. After any accident resulting in an OSHA recordable injury, or a near-miss that could have resulted in a serious injury or death; or
- c. After any accident involving injuries requiring only first aid; or
- d. After any accident involving vehicles regulated by the Department of Transportation (DOT).

An employee may choose to be tested for self-protection at Port expense after an incident.

Reasonable Suspicion Testing

An employee who is reasonably suspected of being under the influence will be tested when requested by a supervisor or manager only when the suspicion is substantiated by another supervisor or manager.

Reasonable Suspicion Testing must be based on observable evidence, including, but not limited to the following:

- Observed alcohol or drug use during work hours or on Port premises; or
- Apparent physical state of impairment, as indicated by signs such as odor of alcohol, slurred speech, or staggering walk; or
- Incoherent mental state; or
- Marked changes in personal behavior and/or deteriorating work performance that is not resolved through usual corrective action; or
- Fights, assaults, and flagrant violations of established safety, security, or other operating procedures during work hours, while on Port premises, or when otherwise representing the Port of Olympia.

An employee will be informed of the reasons for testing when they are asked to submit to a test. The employee will be made aware that refusal constitutes insubordination and is grounds for disciplinary action, up to and including termination of employment. If the employee is a member of a bargaining unit, the employee will have a union representative present, if a union representative is not available on site ILWU Local 47 will be contacted to provide one. An employee who challenges the decision to require testing will immediately be relieved of duty and put on administrative leave to await disciplinary proceedings, noting that they may file a grievance later. Testing methodology will follow the same guidelines as any other cause for substance testing.

Any supervisor who observes an incident suggesting that a substance test may be appropriate for a given employee will write a separate report of the incident. This report will include a description of the employee's observed condition, any statements made, any actions taken and all the people involved in the incident. In all circumstances of suspected drug or alcohol use, appropriate transportation will be provided for the employee. If the employee refuses to accept transportation and attempts to drive, any supervisor or manager will notify the proper law enforcement authorities.

The Port of Olympia encourages any employee with a drug or alcohol problem to contact the **Employee Assistance Service, Uprise Health at 800-395-1616** for professional assistance, or contact their Hiring Supervisor/Manager for assistance. The Port of Olympia wishes to help employees and will, at the employee's request, refer them to an appropriate agency or clinic in coordination with the Employee Assistance Service for professional assistance. There is no monetary cost for either the Port employee or members of their immediate family associated with the use of the Employee Assistance Service. All communications will be confidential. Employees will not be subject to discipline for voluntarily acknowledging drug/alcohol problems. This will not excuse violations of the Drug Free Workplace Policy for which the employee may be subject to corrective action.

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