

DRUG AND ALCOHOL FREE WORKPLACE POLICY

Purpose

Miner Institute is committed to providing a safe, quality-oriented and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of Miner Institute employees, the security of the Institute's equipment and facilities, the quality of work including research being conducted and the overall reputation of Miner Institute. For these reasons, Miner Institute is committed to maintaining a drug and alcohol free workplace. This policy applies to all employees and all applicants for full-time employment of Miner Institute.

Policy

Use, solicitation, possession, distribution, purchase and/or sale of illegal drugs, controlled substances, drug paraphernalia, and/or alcohol, the non-medical use of prescription drugs, and the inappropriate use of inhalants are strictly prohibited on Miner Institute premises and by all employees while working, regardless of the location of the work activity. Employees are also prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, except when the use is pursuant to a licensed medical practitioner's instructions provided that the licensed medical practitioner authorized the employee or individual to report to work. Violation of this policy will result in discharge or other corrective action, as Miner Institute deems appropriate.

The only exception to this policy is when moderate consumption of alcoholic beverages occurs at Miner Institute-sponsored or business-related functions and the employee is in a position that does not involve the operation of machinery or equipment and is of legal minimum drinking age. However, under no circumstances may consumption of alcoholic beverages interfere with an employee's ability to perform business activities effectively, regardless of the time or place of consumption.

Work Rules

1. Whenever employees are working, are operating any Miner Institute vehicle, are present on Institute premises or are conducting Institute-related work offsite, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug or alcohol (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol or 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; and mood or mind altering substances.
2. The presence of any detectable amount of alcohol or illegal drug or illegal

controlled substance in an employee's body system, while performing Institute business or while in an Institute facility, is prohibited.

3. Miner Institute will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Miner Institute at all times reserves the right to judge the effect that a legal drug may have on job performance and to restrict the employee's work activity or presence at the workplace accordingly.
4. Any illegal drug or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Reasonable Suspicion

Miner Institute requires employees to submit to reasonable-suspicion drug and alcohol testing. Reasonable-suspicion drug testing is drug testing based on a belief that an employee is using and/or possessing drugs or alcohol or is impaired in violation of this policy. Reasonable suspicion may be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug or alcohol use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug or alcohol test during his or her employment with the current employer.
5. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on Miner Institute's premises or while operating Miner Institute's vehicle, machinery or equipment.
6. Specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of alcohol or illegal drugs must be documented and submitted to the Vice President of Administration and Finance.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Miner Institute vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing should take place within two hours following the accident, if not sooner.

Random Testing

Miner Institute will randomly test employees for compliance with its Drug and Alcohol Free Workplace Policy. As used in this policy “random testing” means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, Miner Institute has no discretion to waive the selection of an employee selected by this random selection method.

Substances Covered by Drug Testing

Employees will be tested for their use of commonly abused controlled substances, which include amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances.

Employees must advise testing lab employees of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing lab personnel.

Testing Methods and Procedure

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by New York State. Alcohol tests may, however, be a breath, blood or saliva test, at the Institute’s discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the Institute as work rule violations.

Drug testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employees, while protecting against tampering/alteration of the test results.

Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at their regular rate.

Miner Institute will pay for the cost of the testing, including the confirmation of any positive test result. The testing lab will retain samples in accordance with state law, so that an employee may request a retest of the sample at his or her own expense if the employee disagrees with the test result.

Refusal to Undergo Testing

Employees who refuse to submit to a test are subject to disciplinary action, up to and including immediate discharge.

Positive Test

If an employee tests positive on an initial screening test, the employee will be contacted by the medical review officer of the testing laboratory to gather information pertaining to the positive test and a final report will be prepared for the employee and Miner Institute.

Right to review Records

Employees have a right to obtain copies of all test results from the testing laboratory, or from Miner Institute.

Confidentiality Requirements

All records concerning test results will be kept in medical files that are maintained separately from the general personnel files of the employee.

Testing laboratories may conduct testing only for alcohol or substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual that are unrelated to drug or alcohol use.

Retesting

Employees may request a retest of their positive drug test results within five (5) working days after notification by Miner Institute of such positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest in which case Miner Institute will reimburse the employee for the costs incurred for the retest.

Where the employee or applicant believes that the positive test result was affected by taking lawful or prescribed substances, the employee may be suspended, without pay pending receipt of confirming information to substantiate the claims of the employee. Normally, the employee will be provided no more than five (5) business days in which to provide this additional information.

Once Miner Institute has determined whether there is evidence to indicate that the test results are incorrect, Miner Institute will advise the individual of its decision.

Treatment and Final Employment Opportunity

Miner Institute will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Institute policies. Such employees will be allowed to use accrued paid time off, placed on unpaid leaves of absences, and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests. Once a drug test has been scheduled, unless otherwise required by law, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be unavoidable.