520
ALCOHOL AND DRUG FREE WORKPLACE

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PURPOSE

The abuse of alcohol or drugs creates a variety of workplace problems, including increased injuries, absenteeism, and financial burden on health and benefit programs. Abuse also decreases employee morale and reduces the quality of services rendered to the public. The Drugs (or their metabolites) commonly tested for use are: cannabinoids, benzodiazepines, opiates, amphetamines, cocaine, phencyclidine, and barbiturates. Uintah County has a strict zero tolerance philosophy towards drug and alcohol abuse.

SCOPE

This policy is intended to comply with the Federal Drug Free Workplace Act of 1988, 41 U.S.C. 701 through 707, or other federally required drug policies and applies to all County employees.

CROSS REFERENCES

Leave, Policy 400
Progressive Discipline, Policy 600
Drug Free Workplace Act of 1988

POLICY AND PROCEDURE

1. Definitions - For purposes of this Policy:

   A. "Alcohol" means ethyl alcohol or ethanol.

   B. "Drugs" means any substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other drug compendia, or supplement to any of those compendia. This includes without limitation narcotics, hallucinogenics, depressants, stimulants or other controlled substances as defined by state and federal statutes.

   C. "Drug Paraphernalia" means objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal drugs, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.

   D. "Employee" means any person in the service of the County for compensation of any kind, with the exception of independent contractors and volunteers.

E. "Prospective employee" means any person who has made application for employment with the County.

F. "Sample" means urine, blood, breath, saliva, or hair.

2. Responsibilities of Employees

A. Employees are prohibited from unlawfully manufacturing, dispensing, possessing, using, or distributing controlled substances, medications, or alcohol during working hours.

B. When an employee is convicted under a federal or state statute regulating controlled substances, s/he shall notify his or her supervisor and the HR Office within five days after the conviction.

C. Employees shall not consume alcohol while they are on call, within 8 hours prior to starting a work shift, during working hours, during breaks, or during lunch. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours. No employee shall represent Uintah County in an official capacity while impaired by alcohol, illegal drugs, or medication.

D. If an employee is using medication that may impair the performance of the essential functions of the position, the employee shall report the use to his or her immediate supervisor and is not required to identify the specific medication. It is the employee's responsibility to question the prescribing physician regarding safe operation of job-related equipment, of normal job duties and assignments. If the physician states, in writing, that the employee should not perform certain work assignments within the job description, the employee shall notify his/her supervisor of the restrictions. An employee that is using medication that may impair the performance of duties shall not operate a motor vehicle on behalf of Uintah County.

E. An employee who has reasonable suspicion that the performance of another employee is impaired by alcohol, illegal drugs, or medication shall immediately notify the impaired employee's supervisor or the HR Office.

F. Upon notification of the need for reasonable suspicion testing, the employee shall cease to work or operate County equipment. The County will provide reasonable accommodations for transportation to the medical clinic and the employee's residence.

3. Testing

The County intends to test employees and prospective employees for the presence of drugs or alcohol, in accordance with the provisions of this policy, as a condition of hiring or continued employment. Refusing to test in any situation will be considered the same as receiving positive test results and the prospective employee or employee may be subject

to disciplinary action, according to County policies. All results are reviewed by a Medical Review Officer (MRO). The MRO may contact the donor to gain specific data regarding drug use to clarify the test results.

A. The County may require the collection and testing of samples for the following circumstances:

1. Pre-employment screening;

   a. All prospective employees shall successfully pass a drug screen urinalysis test as a contingency of employment for Uintah County. At a minimum, a verbal report from the testing agency shall be given to the HR Office prior to the prospective employee's official start date.

   b. The screening shall be administered after a written offer with a drug screen contingency has been extended by the County.

2. Post-accident investigations - An employee that is involved in an OSHA reportable, work-related accident while operating machinery, equipment, automobiles, etc. shall be sent to a certified testing facility immediately following an accident. The direct supervisor shall, on a case-by-case basis, determine testing requirements for all other work-related accidents. The results of tests conducted by Federal, State, or Local law enforcement officers having independent authority to conduct tests to detect alcohol or controlled substances may be used by the employer to meet post-accident testing requirements.

3. Reasonable suspicion situations - Supervisory personnel may suspect employee alcohol or drug abuse. The supervisor must be trained prior to reporting potential abuse. The supervisor should report observations to the HR Office prior to requesting a drug test. The supervisor shall remove the employee from any work situations that may put him/her and others in danger. The supervisor shall not allow the employee to leave the worksite prior to the test.

4. Random testing - With the exception of testing for rehabilitation from drug abuse, random testing will be restricted to employees in safety sensitive positions. Safety sensitive positions involve duties which directly affect the safety of County employees, other Government employees or the general public, or positions where there is access to controlled substances, as defined by state and federal laws, during the course of performing job duties. Safety sensitive positions include, but are not limited to, law enforcement officers, jail personnel, truck drivers, and equipment operators.

5. Rehabilitation programs. Random testing will be conducted for at least twelve months after an employee has successfully completed a rehabilitation program and has been allowed to report back to work.

B. All sample collection and testing shall be performed in accordance with the following conditions:

1. An employee or prospective employee shall submit a split urine sample for testing or retesting. The split urine sample shall consist of at least 45 ml of urine with at least 30 ml in one bottle and at least 15 ml in the other. The second sample is not tested unless the employee disputes the results from the first test.

2. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.

3. Sample collection shall be documented, and the documentation procedures shall include:

   a. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results; and

   b. an opportunity for the employee or prospective employee to provide notification of any information which he or she considers relevant to the test, including identification of currently or recently used prescription or non-prescription drugs, or other relevant medical information.

4. Sample collection, storage, and transportation to the place of testing shall be performed within industry standards in order to preclude the probability of sample contamination or alteration.

5. Sample testing shall conform to scientifically accepted analytical methods and procedures before the result of any test will be used as a basis for any action by the County.

6. Sample collection is regularly performed by an entity independent of Uintah County.

7. All testing for drugs is performed by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. Testing for alcohol may be conducted by any trained public safety officer.

4. Result Notification

A. In the case of a positive test result, the HR Office will notify the applicant of the reason for failing the test, in person, by telephone, or by certified mail to the last known address. The donor of the positive test shall have 72 hours from the time he or she is notified to request, at his/her option, that the 15 ml urine sample be tested for the indicated drug. The expense shall be paid by the donor. If the results from the second container conflict with the initial test, the applicant will resume the pre-employment process, to include successful completion of another drug screen. The second drug screen shall be expensed and administered through the County. If the prospective employee fails this second test, the candidate will be disqualified from consideration for employment unless all of the following conditions below are met (paragraph B through E are at the candidate's expense and arrangement):

1. The position is still available.

2. The candidate received or is receiving drug counseling from a certified counselor.

3. The candidate received random drug tests at least 3 times during the counseling period.

4. The candidate has a written statement from the counselor stating that the applicant is free of drug dependence and is suitable to assume the position for which s/he applied.

5. The candidate passes a return-to-work analysis by a certified medical professional.

B. Upon receipt of a verified or confirmed positive drug or alcohol test result which indicates a violation of policy, or upon the refusal of any employee to provide a sample, the County shall terminate the employee from County employment.

C. If the results of a drug or blood alcohol test are positive or if the employee refuses to take the test, the County shall terminate the employee from County employment.

5. Confidentiality - All information, interviews, reports, statements, memoranda, or test results received by the HR Office through the drug and alcohol testing program are confidential and are considered property of the County.

6. Searches and Seizures - The County reserves the right to search Uintah County facilities, property, equipment, County vehicles, employee lockers, and work stations with or without notice. The County also reserves the right to search personal vehicles while they are on County's property or while being used to conduct County Business. Controlled substances found in vehicle searches may subject the owner or operator to disciplinary action, up to, and including termination. Reasonable cause and employee consent shall be

attained prior to searches of personal property while it is on County property including, lunch boxes, lockers, briefcases, purses, packages, vehicles, or any other receptacle or accessible area. In any situation, the County may seize any controlled substance and may report the same to law enforcement personnel. Searches shall be conducted by proper management and law enforcement personnel.

7. Miscellaneous Conditions

A. Employees who possess or distribute alcohol, drugs, or drug paraphernalia on or near Uintah County's premises shall be terminated.

B. Employees undergoing prescribed medical treatment with a drug which may alter physical or mental abilities to perform the essential functions of their positions must report the limitations to their supervisors.

C. Employees are encouraged to seek help on their own. If an employee seeks rehabilitation treatment, prior to being tested for alcohol or substance abuse, the County will pay for the initial evaluation. The employee may be eligible for job protection under FMLA or may receive job accommodations. In order for the employee to retain full employment rights and benefits, the employee shall request FMLA leave and sign a document agreeing to the following conditions:

1. The employee shall be responsible for costs not covered by the company's insurance plan(s).

2. The employee will be required to use leave accruals and shall be required to make timely premium payments.