**Drug and Alcohol-Free Workplace Policy**

Effective Date:

Revision Date:

**Section 1 Statement of Policy**

\_\_\_\_\_\_\_\_\_ County (the “County”) is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse constitutes a direct threat to the lives and property of the employees and citizens of the County and to the public health, safety, and welfare of all persons in the County.

\_\_\_\_\_\_\_\_\_ County does not and will not tolerate any employee’s possession, sale, distribution, consumption or presence in the body of alcoholic beverages or illegal drugs while on County property and/or on County business at any time.

This Policy is intended to comply with federal regulations and state laws that mandate pre-employment, reasonable suspicion, random, and post-accident testing of certain positions of employment, and to further the objective of protecting the persons and property of the County’s employees, citizens and the public. This Policy will be strictly enforced against all employees. To the extent this Policy and a fitness for duty requirement conflict, the most strenuous provision favoring a drug and alcohol-free workplace shall govern.

**Section 2 Prohibited Activity**

(a) Drug and Alcohol Use Prohibited for all Employees

This Policy applies to all employees. This Policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work, as well as to County Premises as discussed in Section 3 below. Visitors, vendors, and contractors are governed by this Policy to the extent they are on County Premises or in County vehicles and will not be permitted to conduct business if found to be in violation of this Policy.

(b) Drug and Alcohol Use Prohibited on County Premises

Substance and alcohol use by \_\_\_\_\_\_\_\_\_\_ County employees while on County premises or County business, whether during assigned working hours or otherwise, is prohibited. This includes the use of illegal substances, the abuse of prescription medications or over-the-counter medications, and the use or abuse of alcohol. As used herein, “County Premises” includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether owned, leased or used by \_\_\_\_\_\_\_\_\_\_ County government or its officials, managers, Supervisors, employees, or other agents. This definition also includes locations other than County headquarters and offices, including all other locations of County-sponsored recreational, social, or educational events, and any place where a \_\_\_\_\_\_\_\_\_\_ County employee is located while traveling to or from such location in the course and scope of his or her duties on behalf of the County, including an employee’s own vehicle when the employee is using it on County business, or when the vehicle is parked on County property. This definition shall not be interpreted to imply that the County assumes or accepts responsibility for any wrongful, tortuous, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a County Supervisor’s instruction in furtherance of the County’s business, nor shall it constitute a waiver of any immunity which \_\_\_\_\_\_\_\_\_\_ County or its officials or employees might have under federal, state or local laws or ordinances.

(c) Impairment

Drug and alcohol abuse on or off County Premises is entirely inconsistent with fitness for duty and as such shall constitute an impairment. \_\_\_\_\_\_\_\_\_\_ County prohibits employees from being at work, on County Premises, operating County equipment, or operating any other equipment or vehicles on County business while impaired due to any illegal drug(s), legally obtained drug(s), or alcohol.

**Section 3 Prohibited Substances**

(a) Illegal Drugs

(1) “Illegal drug(s) or controlled substance(s)” means any drug or substances the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia, as that Title currently exists or as may be amended from time to time. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene or other drugs made unlawful under federal or state laws, or a metabolite of any such substances, “look-alikes,” “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this Policy and with the prescribing physician’s instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person’s perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes Urinaid or other substances, natural or synthetic, of a similar nature or purpose designated or used to alter a urine specimen or to conceal illicit chemical substances or their metabolites in an initial screening test.

(2) \_\_\_\_\_\_\_\_\_\_ County prohibits employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling or otherwise transferring any illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicle while on County business.

(3) An employee is impaired due to the influence of illegal drug(s) or controlled substance(s) if such employee’s drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(b) Legally Obtained Drugs

(1) Legally obtained drugs include prescription drugs and over-the-counter drugs. A “prescription drug” means any substance that is attainable only by lawful prescription from a physician. “Over-the-counter” medication includes any substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person’s ability to perform.

(2) Employees must not be on the job, on call, on County Premises, operating County equipment or vehicles, or operating any other equipment or vehicle while on County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is “unfit for duty” if, in the County’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently. An employee who is using legally obtained drugs must notify his or her immediate Supervisor of any and all symptoms and probable adverse side effects that may render him or her unfit for duty. An employee’s failure to so notify the County constitutes grounds for disciplinary action, up to and including, termination. If any employee’s medically required use of legally obtained drugs renders the employee unfit for duty and, in the opinion of the County, a temporary alternative job assignment is not available, the employee will be considered unfit for duty.

(3) Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.

(4) The abuse and/or inappropriate use of legally obtained drugs while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicle while on County business shall be prohibited and is a disciplinary matter. Job performance or attendance deficiencies resulting from abuse and/or inappropriate use shall be cause for disciplinary action.

(c) Alcohol

(1) “Alcohol” includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption. \_\_\_\_\_\_\_\_\_\_ County prohibits employees from using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages on the job, on call, while operating County equipment or vehicles, or while operating any other equipment or vehicles while on County business. In addition, no employee shall use alcohol within four (4) hours of reporting for duty. Violation of these provisions is prohibited and subjects the employee to discipline, up to and including, termination.

(2) \_\_\_\_\_\_\_\_\_\_ County also prohibits employees from being on the job, on call, on County Premises or operating County equipment or vehicles, or operating any other equipment or vehicles on County business while under the influence of alcohol. An employee is “under the influence of alcohol” if, based upon the employees’ speech statements, behavior, conduct, appearance, or odor, the County reasonably believes the employee is under the influence of alcohol in a manner that is adversely affecting the employee’s behavior. An employee is also under the influence if an evidential breath test indicates a result of 0.02 percent or higher. An employee is further considered under the influence of alcohol if he has been arrested for operating under the influence of alcohol any County equipment or vehicles, or any other equipment or vehicles while on County business.

**Section 4 Persons Subject to Testing**

(a) CDL Employees

Employees who are required to possess a commercial driver’s license (“CDL”) license as a job requirement are subject to all testing provisions of this Policy, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random testing, position testing, return to duty and follow-up testing. CDL employees will be tested based on Federal Motor Carrier Safety Administration/U.S. Department of Transportation (“DOT”) guidelines.

(b) Safety-Sensitive Employees

Safety-sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-sensitive positions include, but are not limited to, those which, as a part of the essential job functions, require the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons; performing duties essential to drug interdiction; performing duties related to the operation of heavy machinery; or performing duties which directly affect public health or safety. Safety- sensitive employees are subject to all testing provisions of this Policy, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random, position testing, return to duty and follow-up testing.

(c) All Employees

Employees are subject to all testing provisions of this Policy up to and including post-accident, reasonable suspicion, position testing, return to duty, follow-up testing, anyone operating a County vehicle at any time, or pre-employment testing for employees filling safety-sensitive positions. Employees not holding a CDL or safety-sensitive position shall be drug tested via non-DOT drug testing guidelines.

(d) Job Applicants

All Applicants for safety-sensitive positions of employment are subject to pre-employment testing after a conditional offer of employment has been extended.

(e) Employees in Offices of Elected Officials

Employees in the offices of Elected Officials are subject to the testing provisions contained in this Policy, unless the Elected Official has adopted a drug and alcohol workplace policy specific to his or her Department.

**Section 5 When Testing is Required**

(a) Pre-Employment/Post-Offer Testing

All applicants for full-time and part-time safety-sensitive positions of employment with the County will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time safety-sensitive positions of employment will be tested for drugs after a conditional offer of employment has been extended.

Anyone who refuses a pre-employment/post-offer drug test(s) or who tests positive shall not be extended a final offer of employment and will not be considered for any subsequent employment for a period of two (2) years. The Applicant will, however, be afforded the opportunity to contest the test results as set forth in this Policy.

(b) Random Testing

All employees who are required to hold a CDL or CDL positions, and employees in safety- sensitive positions shall be subject to random or periodic drug and alcohol screening as determined by the applicable Elected Official/Department Head and the Human Resource Director. Random screening will be as follows:

(1) Tests will be ordered on a random, unannounced basis from the pool of identified CDL and safety-sensitive positions.

(2) A random selection method and test rates as adopted by the Human Resources Director will be used to select employees, thereby allowing each employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resource Director.

(3) An employee’s name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL or safety- sensitive employee, who is randomly selected for testing, may be randomly selected again during the same year.

(c) After-Care Testing

Persons in CDL positions and safety-sensitive positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the applicable Elected Official/Department Head for a period of twelve (12) months following the employee’s return to work. Employees subject to Department of Transportation (“DOT”) requirements shall undergo follow-up tests at the frequency prescribed by the DOT following any required evaluation and rehabilitation for drug or alcohol abuse.

(d) Return to Duty Testing

Persons in CDL and safety-sensitive positions who return to regular employment after being absent for more than fourteen (14) calendar days, may be subject to drug and alcohol screening upon returning to work and before performing any job duties.

(e) Position Testing

Employees who are transferred, reclassified, promoted, or demoted from a non-CDL or non-safety sensitive position into a CDL or safety-sensitive position will be tested for drugs before performing any job duties in the new position.

(f) Reasonable Suspicion

All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this Policy. Any employee who is required to take a reasonable suspicion test will be immediately suspended without pay pending the results of the test and confirmation of the results, if applicable.

(1) Any Supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol. A reasonable suspicion test may be required based upon, but not limited to the following:

(i) Personal observation of the employee’s job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this Policy; or

(ii) Personal observation of the employee by another individual who has fully disclosed the observation to the County; or

(iii) Observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the County; or

(iv) Information from a law enforcement agency received by the County.

Additionally, any untrained Supervisor may require a reasonable suspicion test(s) for drugs or alcohol when a trained Supervisor or the Human Resources Director has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

(2) Specific and objective facts may indicate that an employee’s drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:

(i) The appearance, behavior, speech or odor of the employee immediately prior to or after the accident;

(ii) The employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;

(iii) The employee’s actions were contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;

(iv) The employee was arrested or received a traffic citation;

(v) The employee or any person received medical attention as a result of the accident; and

(vi) The employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents, regardless of whether such accidents involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty motor vehicle accident, it is the policy of the County to administer drug and alcohol tests to all employees involved in any of the accidents described in paragraph (g) below.

(3) Specific and objective facts may indicate that an employee’s drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of heavy machinery. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:

(i) The appearance, behavior, speech or odor of the employee immediately prior to the accident;

(ii) The employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;

(iii) The employee’s actions were contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;

(iv) The employee or any other person received medical attention because of the accident; and

(v) The employee has been involved as a contributing factor in a pattern of on-duty accidents, regardless of whether such accidents involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty accident involving the use of heavy machinery, it is the policy of the County to administer drug and alcohol tests to all employees involved in any of the accidents described in paragraph (g) below.

(4) Any employee to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the employee). Under no circumstances will the employee be allowed to drive him or herself home. The employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the Medical Review Officer and/or subsequent confirmation testing, the employee shall be reinstated with back pay and the suspension without pay will be expunged from the employee’s personnel file.

(g) Post-Accident Testing

Alcohol and drug test(s) should be completed within eight (8) hours of the accident and drug test(s) within eight (8) hours of any accident described below. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved employee must report immediately for testing or be subject to immediate termination.

Drug and alcohol testing must be performed within these guidelines when any employee, while operating a County vehicle, personal vehicle while performing County business or heavy machinery is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment; or (4) estimated damage to County or personal property of at least $500.00; or (5) damage to a vehicle to the extent that it is towed away.

**Section 6 Pre-Testing Procedures**

(a) Pre-Test Interview

A pre-test interview shall be conducted by testing personnel with each Applicant or employee to ascertain a list of those prescriptions and over-the-counter medications that the employee or Applicant has recently used which may affect the test results. This list of medications shall be disclosed only to the Medical Review Officer, who will determine whether a false positive result might be due to the lawful use of the medications indicated by the employee or Applicant.

(b) Consent

Before tests are administered, all employees and job Applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this Policy and permitting the release of test results to the employer and/or the medical review officials. Signed consent forms are kept on file by the Human Resources Department and are enforceable for the duration of employment.

(c) Refusal

Any employee subject to drug and alcohol testing under this Policy who refuses to submit to a drug and alcohol test as required herein shall be subject to termination. Employees who refuse to be escorted or fail to appear at the designated collection site to take the test when so directed shall also be subject to termination.

Refusal can include an inability to provide a sufficient urine specimen, breath or saliva sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

(d) Department Notification

Whenever a drug or alcohol test(s) is to be performed under this Policy, the Elected Official/Department Head or his or her designee shall be notified of the circumstances necessitating the test(s) as soon as possible.

**Section 7 Testing Facilities**

(a) Collection Facilities

Licensed medical practitioners at a facility authorized by \_\_\_\_\_\_\_\_\_\_ County, or \_\_\_\_\_\_\_\_\_\_ County personnel who have received appropriate training shall collect all drug test samples. All specimen collection and tests for drugs will be performed in accordance with the U.S. Department of Health and Human Services guidelines to ensure accuracy of drug test results, quality control over laboratory and analysis procedures, and protection of privacy.

(b) Testing Laboratories

\_\_\_\_\_\_\_\_\_\_ County will identify a licensed laboratory to perform testing on all approved specimens. All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that is operating in compliance with the U. S. Department of Health and Human Services (DHHS) to ensure proper security, chain of custody, and integrity of collected specimens. Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Tests will be certified, to the extent possible under the circumstances, by a laboratory approved by the DHHS.

**Section 8 Testing Procedures**

(a) Drugs to be Tested For

All drug tests, regardless of the purpose for the test, shall be performed as a Panel 10 test. Substances to be tested for include, but are not limited to, the following: marijuana, opiates/narcotics, amphetamines, cocaine, PCP (hallucinogens), sedatives, methaqualone, stimulants, benzodiazepines, and alcohol.

(b) Alcohol Testing

Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. A confirmation test will be required if an employee undergoes a breath-test for alcohol and the results indicate a blood alcohol concentration of .02 or greater. If the confirmation test is less than .019, this shall be treated as a zero test. A blood alcohol concentration between .02 and .039 will result in disciplinary action and the employee’s removal from safety-sensitive duties for a minimum of eight hours (24 hours for CDL positions) without pay. A blood alcohol concentration of .04 or greater will subject an employee to termination.

If it is not reasonable under the circumstances to conduct an alcohol test based on a breath test, the County reserves the right to test for the presence of drugs or alcohol by a blood test analysis. If this procedure is used, the County will make reasonable efforts to notify the employee of the results within ten (10) days after the results are received. A Medical Review Officer will not be used when a blood test for alcohol is conducted.

(c) Positive Results

A physician approved by the County as a Medical Review Officer (“MRO”) shall review and interpret all positive test results before the results are reported to the County. Prior to notifying the County, the MRO will make reasonable efforts to contact the employee to allow the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the Applicant or employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the County. Inability to contact the Applicant or employee before providing test results to the County will not void the test results or make the test results unusable in any subsequent disciplinary action. An Applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry, shall have waived his or her opportunity to offer an alternative medical explanation for the positive test result or to request confirmation testing. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.

Upon notification by the MRO of a confirmed positive result for drugs, the employee may request, within five (5) calendar days of such notification, that the remaining portion of his or her specimen undergo a second confirmation test at his or her expense at a DHHS laboratory of his or her choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test may be completed at the County’s sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.

The County will make reasonable efforts to notify the employee of a positive drug test within ten (10) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.

**Section 9 Arrests for Drug or Alcohol Related Offenses**

Any CDL or safety-sensitive employee who is arrested for a drug or alcohol related offense or who is subject to a temporary or permanent suspension of driving privileges must notify their Elected Official/Department Head of the arrest or suspension of driving privileges immediately. The County will determine at that time whether the arrest or suspension of driving privileges temporarily or permanently disqualifies the employee from holding his or her position or constitutes grounds for disciplinary action. An employee in a CDL or safety-sensitive position must immediately report all convictions for alcohol or drug related offenses to his or her Elected Official/Department Head.

All non-CDL and non-safety sensitive employees who are required to operate a County vehicle as a regular part of their job must report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug or alcohol related conviction to their Elected Official/Department Head immediately. The County reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action up to and including termination.

**Section 10 Searches**

All County-issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively “Materials”) are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued Materials. The employee’s personal property may be searched if the employee consents to the search. No search of the employee’s personal property will be conducted if the employee refuses consent, but the employee’s refusal to cooperate may be considered in determining appropriate disciplinary action. Prior to conducting a search pursuant to this Section, the County will explain to the employee the reasons and grounds for the search and request the employee’s consent. Searches will be conducted in a manner that minimizes intrusions into the employee’s privacy.

If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support disciplinary actions up to, and including, termination. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

**Section 11 Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized by the Human Resources Director, to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the \_\_\_\_\_\_\_\_\_\_ County attorneys, or where the information is relevant to the County’s defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

**Section 12 Employee Assistance Program and a Drug and Alcohol-Free Workplace**

The ultimate responsibility for dealing successfully with and eliminating addiction and chemical dependency shall be solely with the affected employee. \_\_\_\_\_\_\_\_\_\_ County’s policy shall be to encourage all employees with addictive disorders or chemical dependency to seek proper medical and/or psychological treatment, in addition to the appropriate disciplinary action, if applicable.

No employee shall be terminated, disciplined, or suffer any adverse employment action solely for requesting a referral to an assistance program, provided the employee is not in violation of County policies. Similarly, no employee who identifies himself or herself as in need of such assistance before an incident leading to detection occurs and before receiving notice of an upcoming drug or alcohol test shall suffer any adverse term or condition of employment because of his or her disclosure of such condition. This is provided the employee discloses the condition and then seeks such assistance and adheres to the treatment plan prescribed by his or her physician or other competent medical, psychological, or addiction counselor, and if he or she remains free of the illicit chemical substance, and provided that the employee is otherwise eligible, qualified, and entitled to the position.

No employee shall be subject to any discriminatory treatment if the employee has successfully completed a drug or alcohol addiction program, provided that the employee remains drug and alcohol free and otherwise complies with all County policies. Notwithstanding the foregoing provisions, the requirement that an employee who has returned to duty following completion of a drug or alcohol addiction treatment program submit to more frequent unscheduled drug screening tests as a means of ensuring the employee’s continued compliance shall not be considered as adverse or discriminatory treatment.

**Contact the Human Resources Department for current EAP contact information.**

**Section 13 Discipline**

(a) Immediate Suspension

An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with back pay and the suspension without pay will be expunged from the employee’s personnel file.

(b) Disciplinary Action

An employee who violates any provision of this Policy is subject to discipline, up to and including termination. If terminated, the employee will not be eligible for rehire for a minimum period of two (2) years.

(c) Immediate Termination

The following reasons shall be presumed to result in immediate termination of an employee:

(1) Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles on County business.

(2) Operating County motorized equipment while unfit for duty due to the use of drugs and/or alcohol.

(3) Conviction for violation of any drug law.

(4) Refusing to consent to or to take a drug or alcohol test pursuant to this Policy.

(5) Failure to appear at the designated collection site to take a drug or alcohol test when so directed.

(6) A confirmed positive test for drugs or alcohol.

# **Employee Assistance Program Policy**

Effective Date:

Revision Date:

**Section 1 Statement of Policy**

An Employee Assistance Program (EAP) is sponsored and paid for by the County and is available to all employees and their Immediate Family members. This program provides confidential professional assistance for any type of personal or work-related problem. Typical problems are emotional or family distress, alcoholism, drug abuse, financial difficulties, or legal problems.

Participation in the program is voluntary, even if referred by management. Participation in the EAP does not relieve the employee of his or her responsibility to meet job performance requirements, attendance standards or compliance to all County policies. Absence from work to attend an EAP appointment is subject to established procedures for excused absences.

**Section 2 Referral Methods**

1. Any employee or family member with a personal problem may request a confidential, professional consultation by calling the EAP support line and asking to speak to an EAP consultant. The EAP consultant will arrange to see the employee in a local office or will provide the necessary assistance on the phone.
2. A manager, Elected Official, Department Head, or Human Resources Director may refer an employee to the EAP based upon:

(1) a request by the employee for assistance with a personal problem; or

(2) a decline in work performance on the part of the employee; or

(3) a particular on-the-job incident which indicates the possible presence of a personal problem, excluding incidents of misconduct which require immediate suspension, termination, or other severe disciplinary action.

(c) When an employee has come to a manager, Elected Official, Department Head, or Human Resources Director to seek advice regarding a personal problem, the manager, Elected Official, Department Head, or Human Resources Director should make the employee aware of the professional assistance available through the EAP and encourage the employee to call for an appointment with an EAP consultant.

**Section 3 Confidentiality**

The Employee Assistance Program will comply with all federal and state laws regarding confidentiality and privilege. All information between the EAP consultant and the employee or family member will be held confidential with the following exceptions:

1. The employee provides written authorization to release information;
2. Based upon the EAP consultant’s opinion, the employee or family member presents a *serious* danger to self or others;
3. Child abuse/neglect, elder abuse/neglect or dependent adult abuse/neglect is suspected; or
4. A court order is presented.