# SAMPLE SUBSTANCE ABUSE POLICY

1. **Policy Statement**

It is the position of \_\_\_\_\_\_\_\_\_\_\_ that alcohol and controlled substance abuse is a significant health problem in the United States today. The costs involved with this problem include human costs, such as lost jobs, morale problems, injuries, illnesses, and deaths; as well as economic costs, such as property damage, absenteeism, tardiness, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees. Further, in professions that serve the public, alcohol and substance abuse represents a real danger to the health and safety not only of the employees themselves, but also of the constituents served by those employees.

It is the objective of \_\_\_\_\_\_\_\_\_\_ to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confirmed and defeated. To achieve this, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has developed a comprehensive alcohol and controlled substance abuse policy.

This policy shall not be applicable to those employees subject to testing under the drug testing protocol established by the United States Department of Transportation (“USDOT”) codified at 49 C.F.R. Part 40. Any and all employees covered by the USDOT drug testing protocol will be tested pursuant to the rules and regulations codified by the USDOT.

# Definitions

Within this Substance Abuse Policy and on any accompanying forms, the following terms shall have the meanings associated therewith:

* 1. **Controlled Substance** shall have the meaning and include the substances defined as “controlled substances” in the Georgia Controlled Substances Act, O.C.G.A. § 16-13-20, et seq. and specifically § 16-13-21(4) as said Act shall appear from time to time.
  2. **Safety Sensitive Positions** shall be those positions where inattention to duty, errors or lapse in judgment by the employee or applicant while on duty, or impaired physical/mental ability in performing any essential job function could reasonably result in a significant risk or threat to public safety or physical harm to the employee, other employees, or the general public. Safety Sensitive Positions shall include positions which, as a part of the essential job functions, require: operation of a County vehicle two (2) or more times during a normally scheduled workweek of that position; 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 or persons on probation for drug charges; direct involvement in the enforcement of drug laws; direct involvement, access to, handling of or testing ofillegal drugs that have been seized, confiscated by or taken into custody by law enforcement; the performance of duties essential to drug interdiction; primarily operating motorized equipment, heavy machinery or heavy equipment or the maintenance of motor vehicles, motorized equipment, heavy machinery or heavy equipment and are not otherwise designated as a Commercial Driver’s License (“CDL”) position subject to USDOT rules and regulations; or the performance of duties which directly affect public health.. A list of such positions is attached as Exhibit C.
  3. **Confirmed Positive Result**. Whenever an initial test for drugs or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result will be considered a confirmed positive result.
  4. **Medical Review Officer** shall mean a properly licensed physician who reviews and interprets the results of drug tests and evaluates those results together with medical history and any other relevant biomedical information to confirm positive results.

# Drug and alcohol use prohibited

Alcohol and controlled substance use by employees during assigned working hours, in buildings or on the grounds, or otherwise while on official business shall be prohibited. This shall include the use or possession of controlled substances, the abuse of prescription medications, the possession of prescription medications by anyone other than the person for whom the medication was prescribed (except as required by official duty), and the use or abuse of alcohol. This prohibition (and the procedures set forth below) is in addition to any other drug and alcohol policy, including any policies or programs required by federal or state law.

# Types of testing to be implemented

* 1. **Pre-employment testing:** Because substance abuse is not easily detectible in an applicant without the provision of a drug and alcohol screening, and because the safety and health of employees and the health and safety of citizens depend upon a workforce free from drug and alcohol abuse, all job applicants being considered for safety sensitive positions shall be required to pass a drug and/or alcohol screening test prior to being hired. All job applicants for safety sensitive positions shall be informed in advance that such testing shall be required, and postings for all safety sensitive positions shall include a notice of this testing requirement. Pre-employment testing shall take place only after an offer of employment has been made but before employment actually commences.
  2. **Random and periodic drug testing:** Employees in all positions designated as safety sensitive, including those involved in drug interdiction, or having unsupervised access to prisoners, inmates, pre-trial detainees or contraband shall be required to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the department head and the personnel director. To prevent any claim of unfair targeting, the date of any periodic testing will be randomly selected.

Drug and/or alcohol screening test based on reasonable suspicion:

* + 1. Any employee shall be required to submit to drug and/or alcohol testing when there is reasonable suspicion to believe that such employee is under the influence or effects of drugs and/or alcohol during assigned working hours or while otherwise on duty or in control of government property.
    2. Reasonable suspicion means a reasonable belief based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Situations that may give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to, the following:
       1. An employee is involved in a physical or verbal altercation on the job.
       2. An employee has an excessive number of incidents or accidents on the job.
       3. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.
       4. An employee has an odor of alcohol or marijuana on their person on the job.
       5. An employee is in possession of alcohol, drugs, or drug paraphernalia on the job.
       6. An employee is observed using illegal drugs or alcohol or has exhibited the symptoms and manifestations of being impaired due to alcohol or drug use.
       7. An employee has caused or contributed to an accident while on the job.
    3. In the event a supervisor determines that reasonable suspicion exists that an employee is under the influence of drugs and/or alcohol, the supervisor shall immediately report the incident to his/her immediate supervisor or department head and shall complete the form entitled *Observation Checklist* (Exhibit A).
    4. The determination of whether reasonable suspicion exists shall be made by the department head or, in his/her absence, by the highest-ranking supervisory staff on-duty at the time.
    5. Following the determination that reasonable suspicion exists, the facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made. The employee shall be transported to and from the testing site by the employee’s supervisor or a designee. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.
    6. Supervisors shall be required to document in writing, by the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  1. **Testing after accidents or injury:** An employee in a safety sensitive position, an employee involved in the interdiction of illegal drugs, or an employee who, in his/her job duties, is given unsupervised custody of prisoners or contraband shall be subject to a drug and alcohol test conducted when, while on duty or just prior to going on duty:
     1. The employee is operating a vehicle and/or equipment causing damage or bodily injury; or
     2. The employee is involved in a fatality; or
     3. The employee is cited with a traffic violation; or
     4. The employee sustains a work-related injury requiring medical treatment beyond first aid.

# Prescription drug use

* 1. Any employees using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure the physician approves the use of the prescription medication while the employee is performing his/her duties.
  2. The abuse and/or inappropriate use of legally prescribed drugs, including the performance of duties when the employee knows or should know that he or she is potentially impaired due to prescription drug use, is prohibited and shall be deemed a violation of this policy. Job performance or attendance deficiencies resulting from use shall be cause for disciplinary action up to and including termination. If any employee’s behavior or job performance gives rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication, the employee may be required to submit to drug testing and to take leave until such time as the employee is cleared to return to work by the employee’s physician, the Medical Review Officer, and the personnel director.
  3. Employees and job applicants for safety sensitive positions shall provide [Laboratory] with a list of those prescriptions and over-the-counter medications the employee recently has used when their drug tests show a positive result for prescription drug use. The list of medications shall be disclosed only to the Medical Review Officer who will determine whether the positive result was due to the lawful use of any of the listed medications.

# Consent

Before a drug and alcohol test is administered, employees and job applicants for safety sensitive positions will be asked to sign a *Consent Form* (Exhibit B) authorizing the test and permitting release of test results to the employer and the Medical Review Officer. The consent form shall provide a space for employees and job applicants to acknowledge that they have been notified of the requirements of this policy.

# Refusal to consent

* 1. Job applicants: Any applicant for a position for which pre-employment drug and/or alcohol screening is permitted by law who refuses to consent to a drug and/or alcohol test shall be denied employment, and any conditional offer of employment shall immediately be rescinded.
  2. Employees: Any employee who refuses to sign the required consent form or to submit to a drug and/or alcohol test as required shall be deemed to have violated this policy.
  3. No show: Employees who fail to appear at the designated collection site to submit to a required drug and/or alcohol test when so directed shall be deemed to have refused to submit to the test and shall be deemed to have violated this policy. A “no show” shall include any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process.
  4. Diluted sample: An employee or applicant who produces a drug specimen that results in a negative-dilute result (a specimen that results in a negative result for drugs, but contains enough fluids that the specimen is considered diluted) shall be deemed to have refused consent unless the employee consents to a second drug test and takes the second drug test within forty-eight (48) hours of the negative-dilute result. The second drug test shall be administered via hair or saliva testing.

# Testing laboratory guidelines

* 1. All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility operating in compliance with the National Institute of Drug Abuse (NIDA) or College of American Pathologists (CAP) guidelines.
  2. Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample, unless circumstances require monitored testing. Outer garments, bags, briefcases, purses, or other containers will not be permitted into the test area. The water in the commode shall be colored with dye to protect against dilution of test samples.
  3. If the drug and/or alcohol test is to be conducted using a specimen other than urine (e.g. hair, saliva, blood, etc.), the sample shall be collected in a manner consistent with the privacy of the employee and the need to minimize the possibility of adulteration and/or mislabeling of the sample.
  4. Whenever an initial test for drugs and alcohol is found to be positive, the laboratory will then carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result is considered a Confirmed Positive Result.

# Confidentiality of test results

To the extent allowed by law, all information from an employee’s or job applicant’s drug and alcohol screening shall be confidential and only available to the Medical Review Officer, department head, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and those with a need to know at the discretion of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee or job applicant or the disclosure is otherwise permitted by law. In any case, the results of an initial positive drug or alcohol test shall not be released until the results are confirmed.

# Violations of this policy

Notwithstanding any progressive policy to the contrary, a positive test, a no-show and a refusal to consent shall all result in termination.

# Employee assistance program

Referrals to an employee assistance program or rehabilitation program shall be made in accordance with established employee assistance policies, if any.

# Drug and alcohol convictions

Consistent with the Federal Drug-Free Workplace Act of 1988, employees shall report to his or her department head within five (5) working days any arrest or conviction made under a criminal drug or alcohol law and any charge made under a drug or alcohol law for which conviction could cause the loss of driving privileges. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall then investigate and make appropriate recommendations to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who shall make an appropriate employment decision consistent with the personnel policies.

# EXHIBIT A

**OBSERVATION CHECKLIST**

Physical Signs or Conditions

1. Walking

Stumbling

Swaying

Staggering

Holding On

Unable to Walk

Unsteady

Falling

1. Standing

Swaying

Sagging at knees

Rigid

Unable to stand

Feet wide apart

Staggering

1. Speech

Shouting

Silent

Whispering

Slow

Rambling

Mute

Slurred

Slobbering

Incoherent

1. Demeanor

Cooperative

Polite

Calm

Sleepy

Crying

Silent

Talkative

Excited

Sarcastic

Fighting

1. Actions

- Resisting communications

- Fighting

- Withdrawn or improperly talkative

- Spends excessive amount of time on telephone

- Displays violent behavior

- Avoids talking with supervisor about work issues

- Has exaggerated sense of self-importance

* 1. Eyes

- Bloodshot-Watery

- Dilated

- Glassy

- Droopy

- Closed

* 1. Appearance/Clothing

Unruly

Messy

Dirty

Partially dressed

Body excrement stains

Stains on clothing

Having odor

Neat

Clean

* 1. Breath

Alcoholic odor

Faint alcoholic odor

No alcoholic odor

* 1. Accidents

Taking needless risks

Disregard for safety of others

Higher than average accidents on the job

# EXHIBIT B

**PRE-EMPLOYMENT DRUG TESTING CONSENT AND RELEASE FORM**

I understand that \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“County”) has established drug testing policies and procedures to test for current illegal drug use by applicants seeking safety-sensitive positions.

I acknowledge that a copy of the County’s policies and procedures are attached hereto. I further acknowledge that I have had the opportunity to fully review the policies and procedures prior to affixing my signature down below.

I understand that a conditional offer of employment has been extended to me for a position identified by the County as safety-sensitive.

I further understand that the current use of illegal drugs prohibits me from being employed by the County in a safety-sensitive position.

I further understand that I have the right to refuse to submit to the drug test.

I further understand that a refusal to take the drug test will result in an irrevocable withdrawal of the conditional job offer.

After being apprised of my right to refuse to take a drug test, I hereby consent to submit to a drug test and to furnish a sample of my urine, hair and/or blood for the purpose of determining the drug content thereof.

I hereby acknowledge that I am aware that \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is a drug-free workplace.

I authorize \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and its personnel to collect the specimen or specimens for these tests and to forward them to a testing laboratory designated by the medical provider for analysis.

I further agree to and hereby authorize the release of the results of said test and associated documentation to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

In consideration of the drug testing services being rendered and paid on my behalf, I further agree to hold harmless from any liability the County and its employees, officers and agents in addition to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and its employees, officers and agents arising in whole or in part, out of collection of specimen(s), testing, and use of the information from said testing in connection with \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s consideration of my suitability for employment even if the County or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

(Applicant signature-next page)

Applicant

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SS#: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant

Signature:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Printed Name:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Signature:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Guardian Signature (if applicant/employee under 18):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( ) DRUG TEST

( ) BLOOD ALCOHOL

( ) BREATH ALCOHOL

( ) PRE-EMPLOYMENT

( ) CAUSE/REASONABLE SUSPICION

( ) POST-ACCIDENT

( ) RANDOM

( ) FOLLOW-UP TREATMENT

( ) OTHER \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# EXHIBIT C

**SAFETY SENSITIVE POSITIONS**

List Employee Positions which pose a risk of substantial bodily harm during performance of employees' duties or use of equipment provided:

*[See II. Definitions, 2) Safety Sensitive Positions in Policy.]*