

BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

12.	DRUG-FREE WORKPLACE
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Box Elder County finds that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of quality operations and all services rendered in this County, are important to employers, employees, and the general public. Box Elder County finds the abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

12-1. **Definitions**

1. **Alcohol** – means an intoxicating agent in beverage form.
2. **Drug paraphernalia** – means objects used to manufacture, produce, process, prepare, pack, contain, conceal, inject, ingest, inhale, or otherwise introduce a drug into the human body.
3. **Drug Testing** – means the scientific analysis for the presence of drugs or alcohol utilizing testing of body samples (blood, urine, saliva, hair, etc.) to detect a number of physical conditions, including the presence of drugs and/or alcohol.
4. **Drugs** – means any illegal or controlled substance the use or possession of which could be prosecuted by the County Attorney.
5. **Controlled Substance** – means a Controlled substance as defined by Utah State law or Federal Law.
6. **Employee** – means any person in the service of Box Elder County who receives compensation for hours worked.
7. **Prospective Employee** – means any person who has made a written or oral application to become an employee of Box Elder County and who has received a job offer but has not started working.
8. **Prospective Volunteer** - means any person who has made a written or oral application to become an authorized volunteer of Box Elder County under the Utah Volunteer Government Workers Act, but has not started providing service.
9. **Random testing** – means that unannounced drug testing of an employee or volunteer who was selected for testing by using a method uninfluenced by any personal characteristics other than job category.
10. **Reasonable suspicion for drug testing** – means an articulated belief based on a specific fact or facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this policy.
11. **Safety Sensitive position** – means any local governmental position involving duties which directly affect the safety of employees, the general public, or positions where there is access to controlled substances, as defined by State Law, during the course of performing job duties. Positions with any duties requiring a Commercial Driver’s License or use of County owned vehicle.
12. **Sample** – means a sample of a test subject’s urine, blood, breath, saliva, or hair.
13. **Under the influence** – as respects alcohol means having a blood alcohol content in excess of 0.02%.

14. **Volunteer** – means any person who has been authorized to provide voluntary uncompensated service to Box Elder County in accordance with the Utah Volunteer Government Workers Act.
15. **Positive test** – means any test result showing a blood alcohol content of 0.02% or greater or the presence of any controlled substance in the test subject.
16. **Refusal to Submit to Testing** – means failure to provide adequate breath or urine sample, after notice has been provided that a breath or urine sample is required for testing, or engaging in conduct that clearly obstructs the testing process. It is also considered a refusal to submit to testing if the lab certifies a sample is adulterated.

12-2. Testing

Box Elder County may test employees, volunteers, prospective employees and prospective volunteers for the presence of alcohol and/or drugs, in accordance with this policy, as a condition of hiring, continued employment, and voluntary services.

Drug testing may include, but does not require, drug testing under the following circumstances:

- a) Pre-employment testing or volunteer selection procedures;
- b) Post-accident investigations;
- c) Reasonable suspicion situations;
- d) Random testing for employees;
- e) To comply with the Federal Drug Free Workplace Act of 1988 or other federally required drug policies.

In order to test reliably for the presence of drugs or alcohol, Box Elder County may require samples from the employees, volunteers, prospective employees, or prospective volunteers and may require presentation of reliable identification to the person collecting the samples. Collection of the sample shall be in conformance with the requirements of the Utah Code. Box Elder County will designate the type of sample to be used for testing. Testing procedures will be conducted by a designated contract consultant.

All employees who require a CDL license to perform their job function will be tested following the controlled substances and alcohol use and testing for the Federal Highway Administration 49CFR part 382 (Copy on file in Human Resources Office). All collections will be performed according to 49CFR part 40

12-3. Notice

Each and every County employee and volunteer is hereby notified that as a condition of their employment or authorized volunteer status they must abide by this policy and must notify Human Resources and their immediate supervisor within five (5) days after they are charged with a drug related crime. Failure to make proper notification may result in disciplinary action including immediate termination.

- 1) If an employee or volunteer is under treatment which includes use of a prescribed legal drug that may alter his or her ability to safely perform the functions of a specific position, the employee or volunteer must notify his/her supervisor immediately. The employee or volunteer should provide a list of warnings and side-effects of the prescribed drug so an assessment can be made to determine if temporary accommodations to the position should be made or if the employee may be reassigned for a time, if a current job opening exists for which the employee or volunteer is qualified.
- 2) Box Elder County shall require a person selected for a position with the County to undergo a drug screen test to detect the presence of alcohol and illegal drugs in the body. Refusal to take such a test shall be grounds for denial of employment.
- 3) Employees shall not use, be under the influence of or be in possession of alcohol or any controlled substance while on duty, on Box Elder County premises or while in Box Elder County vehicles. Box Elder County premises include buildings, parking lots, grounds and vehicles owned by Box Elder County or personal vehicles while being used for Box Elder County business. Exceptions to this paragraph are:
 - a) Law Enforcement undercover officers but only with advance approval given on an individual basis; or
 - b) An employee or volunteer who is using, under the influence of or in possession of a legal drug prescribed as part of medical treatment, but only if the employee or volunteer has notified their supervisor in accordance with paragraph 1 of this section.
- 4) If an employee in a safety sensitive position is called to work outside the regularly scheduled work period, the employee has the right to refuse to go to work if the employee has used alcohol or prescribed legal drugs and feels impaired. **The employee must notify his or her supervisor if he or she has consumed any alcohol or has taken a prescribed legal drug that may impair their physical or mental abilities in the last four hours prior to being called in.** There will be no adverse job consequences for employees who exercise their right under this policy.
- 5) When any supervisor makes a determination that there is a reasonable suspicion to believe that an employee or volunteer is under the influence of, or is in possession of alcohol or controlled substance, the employee shall be subject to drug/alcohol testing.
- 6) Upon required testing due to an accident or reasonable suspicion, the employee or volunteer tested shall not engage in the operation of any County equipment or engage in any employment or volunteer related duties, which his/her supervisor deems unsafe. This leave will be with pay pending the outcome of test results.
- 7) Volunteers will be subject to drug/alcohol testing under the following conditions: reasonable suspicion, citizen complaint of alcohol or drug suspicion or post-accidents 8) Any employee who believes that an employee or volunteer is under the influence of, or is in possession of alcohol or

controlled substance, shall immediately report the suspected use or possession to the supervisor of the suspected employee or volunteer.

- 9) If an employee test result shows an alcohol concentration of greater than 0.02% the employee shall not be permitted to perform in a safety sensitive position for at least twenty-four (24) hours and will be subject to discipline including termination.
- 10) If a drug test result shows that the employee or volunteer has tested positive for a controlled substance, the employee shall be disciplined including terminated, unless the controlled substance is a legal drug prescribed for the treatment of the employee or volunteer, and the employee or volunteer has notified their supervisor of such use of a prescribed legal drug in accordance with paragraph 1 of this section.
- 11) INSPECTIONS TO ADMINISTER AND ENFORCE POLICY – In order to promote a safe, productive and efficient work place, the County maintains the right to conduct unannounced inspections of County owned property, work stations, equipment, desks, cabinets, etc.

12-4. Consequences Of Test Refusal:

1. **Prospective Employee:** Refusal to take a drug/alcohol screening test will be grounds for denial of employment.
2. **Employee:** An employee who refuses to submit to drug/alcohol testing will be terminated. If a testing sample is adulterated, it is also considered a refusal to test.
3. **Prospective Volunteer:** Refusal to take a drug/alcohol screening test will be grounds for denial of authorization to perform volunteer services.
4. **Volunteer:** A volunteer who refuses to submit to drug/alcohol testing will have their authorization to provide volunteer services terminated. If a sample is adulterated, it is also considered a refusal to test.

12-5. Guidelines – Procedures

- 1) For reasonable suspicion testing the Employee or volunteer may be transported to the designated medical facility, by a member of Management for testing or may be performed by designated contract consultant. Employee must sign a consent form agreeing or refusing to be tested for drugs and/or alcohol.
- 2) Employee may be suspended from work with pay, pending receipt of results of lab tests within 48 hours unless a Fitness for Duty Examination is conducted after the testing and the report clearly states in writing that the employee is fit for duty .
- 3) If the employee is considered to be impaired, management will transport the employee home.
- 4) If the drug/alcohol screen is negative, and it is determined the problem is

medical, the employee will need a release from their physician stating fitness for duty before returning to work.

12-6. Confidentiality

The County shall take all steps necessary to ensure reasonable confidentiality and to fulfill the requirements of the law. To this end, all information received by the County through this policy will be collected and maintained on separate forms in a separate file and will be treated as confidential. The County will designate a specific person or persons who shall have access to this information and release the information only as required.

12-7. Box Elder County Consent Form

Drug test for controlled substance (Drugs and Alcohol)
(CONFIDENTIAL)

Employee Name (Print)

(Social Security Number)

I hereby consent to a test to be conducted by Box Elder County designated appropriate certified personnel contracted to perform this service for the County. I specifically consent to the taking of samples of my urine, blood, hair, and breath for testing to determine the presence of drugs and/or alcohol in my system. I authorize the release of medical information concerning the results of tests to Box Elder County Human Resources who will use it to determine if I am in compliance with County work rules and policies on drugs and/or alcohol. I understand that I am entitled to a copy of this authorization. I also understand that refusal to sign this consent will be cause for discharge or ineligibility for employment or volunteering. This authorization shall remain valid for a period of one year from the date shown below for new applicants or volunteers, and at all times during the period of employment/volunteer services for existing employees/volunteers.

APPLICANT/EMPLOYEE/VOLUNTEER SIGNATURE

DATE

SIGNATURE OF WITNESS

DATE

12-8. Voluntary Self-Identification of Alcohol and Drug Abuse

1. Any employee who admits to alcohol misuse or drug abuse to their immediate supervisor, department head or human resources, and who has not violated the testing requirements of this policy is not subject to adverse action provided:
 - a. The admission is in accordance with this policy;
 - b. The employee does not self-identify in order to avoid testing under the requirements of this policy;
 - c. The employee makes the admission of alcohol misuse or drug abuse prior to reporting for duty, if the employee is under the influence of alcohol or drugs at the time (note: a good faith admission before reporting for duty is not considered to be an attempt to avoid testing, unless testing would be appropriate under another provision of this policy);
 - d. The employee does not self-identify in order to avoid discipline for violation of other county policies;
 - e. The employee receives a referral to counseling or a drug rehabilitation program in accordance with this policy.

2. A supervisor notified by an employee of an alcohol or drug problem may refer the employee to the EAP.
 - a. An employee will be allowed reasonable opportunity to seek evaluation, education or treatment to establish control over the alcohol or drug problem.
 - b. An employee seeking evaluation or treatment may apply for leave under the Family Medical Leave Act.
 - c. All costs for counseling or rehabilitation will be the employee's responsibility.