

# Drug Free Workplace Policy

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Drug-Free Workplace Act of 1988  
BCC 00-1828 8/31/00 Rev. 04-2361, 08-2184, 11-679, 14-754

- I. Purpose: The Wood County Drug Free Workplace Policy provides a safe, drug-free work environment to ensure an employee's health and job performance and guidelines for the consistent handling of drug use violations in the workplace.
- II. Definitions
  - A. County Property: Any premises owned, leased, or under the control of Wood County.
  - B. Controlled Substance: Any mind-altering substance not legally prescribed by a licensed physician (illegal drugs such as marijuana, crack, cocaine, downers, uppers, etc.) or legally prescribed but not taken as directed by the physician
  - C. Reasonable Suspicion: Belief based upon specific, contemporaneous, articulable, observations of the appearance, behavior, speech, or body odor of an employee.
  - D. Certified Testing Facility: Testing facility which is certified and operated in accordance with Federal regulations.
- III. Policy
  - A. Prohibited Drug Use
    1. Employees shall not manufacture, sell, or otherwise distribute, dispense, possess, or use alcohol or controlled substances on County property or while acting in any official capacity as a Wood County employee.
    2. Employees shall not work or report to work under the influence of alcohol or controlled substances.
    3. Employees shall not use prescribed controlled substances other than as directed by a physician while at work or on County property.
      - a. A County employee must advise his/her Supervisor of any prescription or non-prescription medications he/she uses which may impair judgment, coordination, or any other sensory ability necessary to perform job duties. Employees must submit written medical documentation for prescription medications. Reasonable accommodations will be made when possible for any employee on medications.

## B. Voluntary Drug Dependency Treatment

1. Employees may request assistance with any drug or alcohol problem before disciplinary action is necessary. Conscientious efforts to seek help will not jeopardize an employee's job and will not be noted in any personnel records. An employee may take sick leave or vacation for counseling or treatment or if leave is unavailable, the employee may request to take an unpaid leave of absence.
2. County sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.

## IV. Procedure

### A. Reporting of Drug Violations

1. Employees must provide written notification to their Supervisor or Appointing Authority within two business days of any criminal drug statute charge and/or conviction.
  - a. The Employee shall provide copies of all court documents related to the charge to the Appointing Authority within three days of the action, including but not limited to, the complaint or indictment, changes in court dates, or final outcomes of court proceedings.
2. Supervisors shall notify their Appointing Authority in writing within 24 hours of an employee's violation of this policy.
3. If the drug related violation occurs within the workplace, or while acting as a Wood County employee/representative, Supervisors shall forward the written notification and all ongoing case information received from the employee to the Commissioners' Office within two business days for insurance related purposes
  - a. If the agency receives federal grant funds, the Supervisor or Appointing Authority must notify the federal agency providing the funds of the conviction within 10 calendar days.

### B. Drug/Alcohol Testing

1. Cause for testing
  - a. If "reasonable suspicion" exists that an employee is working or has reported to work under the influence of alcohol or a controlled

substance, the Supervisor or Appointing Authority shall require that the employee submit to a drug and/or alcohol test immediately.

- b. The Supervisor or Appointing Authority may require testing after a work-related motor vehicle accident which results in bodily injury, property damage or if other reasonable suspicion exists for testing.

## 2. Documentation and Testing Procedures

- a. The Supervisor, Appointing Authority or other witness shall make a written record of the observable facts supporting "reasonable suspicion" for a drug and/or alcohol test. The report must be signed by the Supervisor and/or witnesses within 24 hours of the incident or before the results of the test are released, whichever is earlier. A copy of the report will be given to the employee.
- b. Supervisors shall notify the employee of the decision to require a drug and/or alcohol test in the presence of a witness, preferably by another departmental Supervisor.
- c. County personnel will transport the employees to the certified testing facility.
- d. Employees must sign an authorization form permitting the physician or lab to conduct the tests (urine and breath) and release the results to the testing employee's Appointing Authority.
- e. The standard for a positive initial test and for confirmation tests shall be those set forth in Federal regulations, 49 CFR, Part 40, and as amended. The cut off level for alcohol will be as set forth in Federal regulations which is currently an alcohol concentration of 0.04 or greater.
- f. An employee shall remain on active duty for pay purposes during testing.
- g. A positive test will result in the employee being relieved from duty until such time as the employer determines that rehabilitation and or discipline is appropriate. Employees may use sick or vacation leave, if available. If neither is available, said time shall be considered unpaid.
- h. An employee who refuses to be tested or tampers with test results will be presumed to test positive for drug or alcohol use.

### 3. Test Results

- a. Wood County shall maintain all test results in a confidential medical file.
- b. Wood County will retain negative test results for one year and positive test results for five years.
- c. The employee will be given a copy of the test results.

### 4. Appeal

- a. The employee may request another test on the split sample in accordance with Federal regulations at his/her own expense.
- b. Any employee may appeal action taken by the County under this policy through the grievance procedure.

### 5. Disciplinary Action

- a. Employees in violation of this policy and related procedures shall be subject to disciplinary action, including but not limited to termination of employment.
- b. The type and severity of discipline will depend on all the circumstances, including but not limited to, type and amount of drug or alcohol used, employee's explanation, employment record, and willingness to enter a rehabilitation program if treatment is appropriate.
- c. An employee who fails to comply with any portion of this policy including a refusal to sign the drug/alcohol test authorization form, or to take a requested drug/alcohol test can be discharged for insubordination.

### 6. Rehabilitation and Counseling

- a. Treatment programs shall be accredited by the Joint Commission on the Accreditation of Hospitals and/or licensed through an appropriate State licensing agency.
- b. Employees must provide written evidence of enrollment in a bona fide rehabilitation program within 48 hours of acceptance to their immediate Supervisor.
- c. The employee must complete the treatment program within 45 days of admission. The treatment can be extended with written medical

justification, but in no event for longer than six months from the date of the original positive test.

- d. The employee must provide written verification that he/she has completed the program and is fit to return to work. The employee must pass a drug/alcohol screen prior to returning to active duty.
- e. If the treatment requires a leave of absence, the employee will be considered on sick leave or FMLA if available. The employee must provide written documentation from the treatment provider that the employee is cooperating and making reasonable progress in the treatment program
- f. County sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.
- g. Failure to meet any provisions of this section will result in termination of employment.

#### 7. Distribution of Policy and Training

- a. All employees shall receive or have access to a copy of the Drug Free Workplace Policy.
- b. Supervisors shall receive two hours of initial training in accordance with the FHWA regulations regarding the detection of the use of controlled substances or alcohol as set forth in the Federal regulations. Training records shall be maintained for five years.