

**DOUGLAS COUNTY GOVERNMENT
POLICY FORM**

SUBJECT DRUG-FREE WORKPLACE	POLICY NO. HR.6.10
TITLE DRUG-FREE WORKPLACE	APPROVAL DATE January 1, 2011
	REVISION/REVIEW DATE May 24, 2018

PURPOSE: To ensure a drug-free work environment within Douglas County Government.

DEPARTMENT RESPONSIBLE: Human Resources Department

DEPARTMENT(S) AFFECTED: All (Election Judges and Temporary Election workers hired for a period of 60 days or less are Exempted from Pre-Employment Testing)

POLICY:

Use of illegal drugs, legal drugs used contrary to physician orders, and alcohol alter employees' judgment resulting in increased safety risks, workplace injuries and faulty decision making. It is the goal of Douglas County to foster a work environment free from the behavior altering effects of drugs and alcohol.

- Working under the influence of alcohol, a controlled substance, any illegal substances, or the abuse of any other substances is prohibited.
- Possession, purchase, consumption (use), or sale of a controlled substance or an open container of alcohol on County premises or while conducting County business is prohibited.
- Testing positive for controlled substances or alcohol pursuant to this policy is a violation of the policy.
- Employees are expected to follow all physician, manufacturer, or package insert directions when taking a prescription or over-the-counter drug.
- Excluded from this policy are prescribed drugs when used in the manner, combination and quantity intended unless job performance could be affected.
- If prescribed drugs could possibly impair the employee's ability to perform his/her job, work restrictions may be implemented for the duration of the period while the employee is under the influence of the drug. Any work restrictions will be made in coordination with the employee's immediate supervisor.
- The use of any illegal drug covered under the Federal Controlled Substances Act U.S.C. Title 21 Section 812, as amended, is prohibited. The use of marijuana, for any purpose, including medical, is also prohibited.
- DOT drug tests perform screenings for DOT-defined controlled substances (49 CFR Part 40, as amended). Non-DOT drug tests perform screenings for the following substances: Amphetamines, Benzodiazepines, Expanded OPI, Marijuana, Barbiturates, Cocaine, Phencyclidine, and Opiates.

TESTING REASONS:

- Where there is suspicion of possession of controlled substances or of an employee under the influence of alcohol, legal drugs and/or controlled substances, Human Resources shall be notified immediately.
- The County will bear the costs of specimen collection and testing for controlled substances, alcohol and/or drug testing. Split sample testing of a positive result shall be at the employee's or applicant's sole and absolute expense.

Pre-Employment Drug Testing:

- Pre-employment drug screening will be conducted as a condition of employment or a condition of approval to provide temporary or contractual employment services.
- This applies to candidates for full-time, part-time and temporary/seasonal positions – excludes Tax-Work-Off program.
- Human Resources will be responsible for the communication and scheduling of pre-employment drug testing.
- Each hiring department will be responsible for reimbursement of all costs related to the drug screenings for final candidates.
- Drug screenings must be completed by the candidate within the specified time frame as communicated by Human Resources.
- Any offer of employment is contingent upon receipt of a satisfactory test result.
- Individuals who refuse to submit to testing shall not be further considered for employment.
- Adulteration of a specimen by a candidate will be considered a refusal to test and will preclude hiring of the individual.
- Any candidate who ultimately tests positive shall be denied employment with the County.
- A dilute sample is defined as a sample having a creatinine level of less than 20 mg/dL. Any candidate whose sample is reported as dilute will be given one opportunity for a re-test. Such re-test must be completed within the specified time frame. If the second sample is also reported as dilute, that will be considered a positive drug test and the job offer will be withdrawn.
- Employment cannot begin until Human Resources has received a negative and normal test result.

Reasonable Suspicion Alcohol and Drug Testing:

- Screenings will be conducted where the County has a reasonable suspicion that an employee is under the influence of alcohol, legal drugs and/or controlled substances.
- Reasonable suspicion includes objective observations of appearance, behavior, speech or body odor which leads a supervisor to believe the employee is under the influence.
- The County will provide the employee with transportation to and from the testing site.
- In no event shall the employee be authorized to drive to the testing site.
- Refusal to test or adulteration of a specimen will be considered a positive test and will result in appropriate disciplinary action up to and including termination.
- A dilute sample is defined as a sample having a creatinine level of less than 20 mg/dL. Any employee, whose sample is reported as dilute will be given one opportunity for a re-test. Such re-test must be completed within the specified time frame. If both samples are reported as dilute, that will be considered a positive drug test.
- Any employee who tests positive will be referred to a Substance Abuse Professional and will face appropriate disciplinary action up to and including termination.

Post-Accident Alcohol and Drug Testing:

- Any employee driving a County vehicle who is involved in an automobile accident where they either receive a ticket or cause injury to themselves or others, will be required to submit to a mandatory drug and alcohol screen before returning to duty (but within 24 hours for the drug screen and within 8 hours for the alcohol screen).

- Refusal to test or adulteration of a specimen will be considered a positive test and will result in appropriate disciplinary action up to and including termination.
- A dilute sample is defined as a sample having a creatinine level of less than 20 mg/dL Any employee, whose sample is reported as dilute will be given one opportunity for a re-test. Such re-test must be completed within the specified time frame. If both samples are reported as dilute, that will be considered a positive drug test.
- Any employee who tests positive will be referred to a Substance Abuse Professional and will face appropriate disciplinary action up to and including termination.

DRUG TEST NOTIFICATIONS:

- Medical Review Officer (MRO): A licensed physician who is responsible for receiving and reviewing laboratory results generated by and employer's drug testing program and evaluating medical explanations for certain drug test results. At times, the MRO may have a member of his/her staff assisting in the process.
- A Medical Review Officer (MRO), as defined above, must perform the initial contact to the employee/applicant prior to verifying a positive test result. If the MRO is unable to reach the employee/applicant directly, the MRO shall contact the Human Resources Department. The Human Resources Department shall contact the employee/applicant and request that he/she contact the MRO within 24 hours. The Human Resources Department shall inform the MRO that the employee/applicant was so notified. The MRO shall inform the employee/applicant which drugs were verified as positive and report the positive test result to Douglas County.
- The employee/applicant who tested positive will be contacted by the Human Resources Department.

TESTING PROCEDURES:

Controlled Substances:

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS). All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

The substance screen will test for the following drugs - marijuana, cocaine, opioids, amphetamines, phencyclidine, benzodiazepines and barbiturates.

In accordance with Douglas County policy, as allowed under Colorado regulations, testing positive for or being under the influence of medical or recreational marijuana, may result in a positive drug test result and will be subject to actions outlined in this policy.

Any positive initial test will be confirmed by a gas chromatography/mass spectrometry (GC/MS) test.

Douglas County shall contract with an MRO who will receive the laboratory results. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated specimen, the MRO may provide the employee/applicant an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to Douglas County. Douglas County will consider the verified adulterated or substituted specimen as a refusal to test and immediately place the employee on Administrative Leave, pending a final decision related to disciplinary action.

The MRO's office will be the sole custodian of the individual test results. The MRO will advise Douglas County only of whether the test results were negative or positive.

After receiving notification of a verified positive test or an adulterated or substituted specimen, an employee/applicant may request that the split sample be analyzed. Such a request must be made to the MRO's office within 72 hours of notification of the verified positive test. If such a request is made, the sample will be tested at another DHHS certified laboratory, at the employee's/applicant's expense. Upon written request within 7 days of a verified positive test, the employee/applicant may obtain copies of any records pertaining to his or her controlled substance tests.

Precautions shall be taken to ensure that the specimen is not adulterated, diluted, or substituted during the collection procedure and that the information on the collection container matches the information on the custody and control form.

In accordance with Douglas County policy, Federal DOT and FMCSA regulations, and as allowed under Colorado regulations, testing positive for or being under the influence of medical or recreational marijuana, may result in a positive drug test result and will be subject to actions outlined in this policy.

Alcohol Testing:

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The employee will provide a breath sample.

- a. If an employee's alcohol concentration is 0.02 – 0.039, a second, confirmation test will be performed. If the confirmation test results are in the same range, the results will be reported to Douglas County. The employee will be removed from performing any safety sensitive functions for 24 hours before being required to re-test and being allowed to return to work if those results are below 0.02.
- b. If an employee's alcohol concentration is 0.04 or greater, a second, confirmation test will be performed. If the confirmation test results are the same or greater, the test will be considered positive and reported to Douglas County. The employee will be removed from duty and will be referred to a Substance Abuse Professional and will face appropriate disciplinary action up to and including termination.

REFUSAL TO SUBMIT TO TESTING: – Current Employees Only

Refusal to submit to testing is a violation of this policy. Any employee refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action up to and including termination. The following behavior constitutes a refusal:

1. Refusal to submit to testing is defined as:
 - a. refusal to appear for testing,
 - b. failure to remain at the testing site until the testing process is complete,
 - c. failure to provide a urine specimen,
 - d. refusal to sign the testing form,
 - e. failure to provide adequate breath,
 - f. failure to take a second test as directed,
 - g. otherwise fail to cooperate in the testing process,
 - h. perform any actions which prevent the completion of the test,
 - i. a test result reported by the MRO as a verified adulterated or substituted test
 - j. inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.

2. Tampering with, attempting to adulterate, adulteration or substitution of the specimen, or interference with the collection procedure.
3. Not reporting to the collection site in the time allotted.

VOLUNTARY EMPLOYEE SELF-IDENTIFICATION PROGRAM:

Douglas County supports sound treatment efforts. Whenever practical, Douglas County will assist employees in overcoming drug, alcohol, and other problems which may affect employee job performance as long as this policy has not already been violated. An employee may not self-identify in order to avoid required testing. The following is required to participate in this voluntary program: the employee makes the admission of alcohol misuse or controlled substances use **prior** to reporting to duty.

Employees who seek voluntary treatment **prior** to a violation of this policy will not be disciplined for making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program. The employee will be allowed a sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem. Prior to the employee returning to work, the employee shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or controlled substance test with a verified negative test. In addition, Douglas County may monitor any employee who voluntarily reports under this provision by conducting unannounced follow-up testing not to exceed 24 months following the employee's return to work.

If the employee elects to enter an appropriate treatment program, the employee may be placed on an appropriate medical leave (if applicable), but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program so long as the employee is complying with the conditions of treatment. Douglas County will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in Douglas County medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.