

BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

13.	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 that 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, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

13-1. DEFINITIONS

1. **Alcohol** – Alcohol is defined as an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
2. **Drug paraphernalia** – including objects used to manufacture, compound, convert, produce, process, prepare, test, and analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a drug into the human body.
3. **Drug Testing** – 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** – Any substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other drug compendia, including controlled substances.
5. **Controlled Substance** – Controlled substances are defined by Utah State law and Federal Law.
6. **Employee** – 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. **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.
9. **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.
10. **Safety Sensitive position** – means any local governmental position involving duties which directly affect the safety of governmental 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, firefighting duties, Police Duties, and any other positions deemed safety sensitive as described below:

- Justice Court Employees
- County Appraisers
- Surveyor/EMS Employees
- Fairground Staff
- County Inspectors
- Dispatchers
- Correction and Court Security Personnel
- Weed Department Personnel
- Landfill Equipment Operators
- Road Department Staff (includes seasonal workers)

11. **Sample** – means urine, blood, breath, saliva, or hair.
12. **Volunteer** – means any person who donates services as authorized by the local governmental entity without pay or other compensation except expenses actually and reasonably incurred.
13. **Positive test** – Any test result showing a blood alcohol content of 0.02% or greater or the presence of any controlled substance in the test subject.
14. **Refusal to Submit to Testing** – Failure to provide adequate breath or urine sample, after the employee has received notice that he/she is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process. *It is also considered a refusal to test if the lab certifies the sample is adulterated.*

13-2. **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 hiring or volunteer selection procedures;
- b) Post-accident investigations;
- c) Reasonable suspicion situations;
- d) Random testing for employees in safety sensitive positions;
- 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 and prospective employees, 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 Personnel Office). All collections will be performed according to 49CFR part 40 (Copy of file in Personnel Office).

13-3. NOTICE

Each and every County employee is hereby notified that as a condition of their employment they must abide by this policy and must notify the Personnel Office and immediate supervisor if they are convicted of a criminal drug offense within five (5) days after the conviction. Failure to make proper notification may result in immediate termination.

- 1) If the employee is under treatment with a legal drug that alters his or her ability to perform the essential functions of a specific position, the employee must notify his/her supervisor immediately and the employee shall be reassigned if a current job opening exists for which the employee 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. A person who tests positive for a controlled substance or alcohol, as defined in the definitions of this policy, shall be denied employment with the County.
- 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. Under the influence is defined as having a blood alcohol content in excess of 0.02%. The only exception would be if Law Enforcement undercover is involved and Law Enforcement may be exempted from this policy but only with advance approval given on an individual basis.

- 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 and feels impaired. **The employee must notify his or her supervisor if he or she has consumed any alcohol 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 a supervisor makes a determination that there is a reasonable suspicion to believe that an employee 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 tested shall not engage in the operation of any County equipment or engage in any employment related duties, which his/her supervisor deems dangerous. 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) If an employee test result shows an alcohol concentration of greater than 0.02% but less than 0.04%, the employee shall not be permitted to perform in a safety sensitive position for at least twenty-four (24) hours and may be subject to discipline including termination.
- 9) If any alcohol test result shows a blood alcohol content of 0.04% or greater, the employee shall be terminated.
- 10) If a drug test result shows that the employee has tested positive for a controlled substance, the employee shall be terminated.
- 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.

13-4. 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 sample is adulterated, it is also considered a refusal to test.

13-5. GUIDELINES – PROCEDURES

- 1) For reasonable suspicion testing the Employee must be transported to the designated medical facility, by a member of Management for testing. Employee must sign a consent form agreeing or refusing to be tested for drugs and/or alcohol. Forms are available from Personnel or at the various work sites.
- 2) If the employee is injured or impaired in such a way that they cannot sign a consent form, the form can be taken to the medical facility to be signed as soon as possible.
- 3) If the drug test cannot be immediately administered at the medical facility due to the condition of the employee, the physician in charge will be informed of the testing policy. Collecting the sample for the drug/alcohol test will be at the physician's discretion.
- 4) Employee will be suspended from work with pay, pending receipt of results of lab tests within 48 hours unless:
 - a. The physical clearly states in writing that the employee is fit for duty following a Fitness for Duty Examination; OR
 - b. The direct supervisor determines the accident did not endanger persons or property and the cause was not the result of any action of the employee.
- 5) If, after the medical evaluation, the employee is considered to be impaired, management will transport the employee home and release him/her into the care of a family member or responsible adult.
- 6) If the drug/alcohol screen is negative, and it is determined the problem is medical refer to personal physician for treatment. Employee will need a release from their physician stating fitness for duty before returning to work.

13-6. CONFIDENTIALITY

The County shall take all steps necessary to ensure 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 reveal the information only as required.

13-7. 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 the Personnel Director or in the absence of Personnel Director the designee, 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. This authorization shall remain valid for a period of one year from the date shown below for new applicants, and at all times during the period of employment for existing employees.

EMPLOYEE SIGNATURE

DATE

SIGNATURE OF WITNESS-DATE