

## **11.2 DRUG AND ALCOHOL TEST-ALL EMPLOYEES**

Austin County is a drug and alcohol-free workplace. A county employee may not be present at work during a period the employee's ability to perform their duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Austin County regardless of rank or position and shall include full time, part time and temporary employees. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

An employee may use prescription and over the counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do their job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over the counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of their job duties.

If the use of a medication could compromise an employee's ability to do their job or the safety of the employee, fellow employees or the public, the employee must report the condition to their supervisor at the start of the workday or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problem provided by the County's health plan program is available from the HR office.

Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.

An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from

a bona fide inpatient treatment facility, the employee may be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program may result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee may be terminated.

Austin County will drug test employees who ARE NOT CDL license holders under the following conditions:

### **Pre-Employment Testing:**

All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver.

### **Random Testing**

Employees who operate vehicles or equipment that require possession of a commercial driver's license or who occupy safety sensitive positions including EMS staff, R&B staff, deputies, investigators, jailers and dispatchers with the Sheriff's Office are subject to random testing. The county is required to perform unscheduled, random tests of covered employees at a rate of 50 percent of the total number of covered positions per year for drugs and 10% for alcohol. Certain other safety sensitive positions may be subject to random testing.

### **Reasonable Suspicion:**

If an employee is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to alcohol or drug test. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration

- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors should take action if they have reason to believe an employee has indicated that the substance abuse is affecting their employee's job performance or behavior. The following steps shall be taken:

1. Inform the employee of the problem with their job performance and possible violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected official or supervisor as well as the employee.
4. The elected official or supervisor will remove the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to Human Resources.

### **Post-Accident Testing:**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. Human Resources will provide a list of exception to all Elected and Appointed Officials.

### **Testing Procedures –**

1. The employee may be escorted and driven to the designated office or stay on site for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the contracted testing company.

3. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected. The same initial specimen must be used. All initial costs will be paid for by Austin County. All additional request will be paid for by the employee.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

**Return to Duty Testing:**

Before an employee is allowed to return to duty after having been sent home or suspended as result of a drug or alcohol test, they must be tested for illegal drugs and alcohol and found to be drug and alcohol free. In addition, an individual randomized drug testing schedule shall be developed for the employee for a time period not to exceed 60 months.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination.