



ADMINISTRATIVE PROCEDURES

TITLE: Drug and Alcohol Use and Testing		PROCEDURE #: 518-A
DEPT: Business Services		DIVISION:
EFFECTIVE DATE: 12/08	REVIEWED:	REVISED: 2/14

OBJECTIVE: To establish a procedure for reasonable suspicion and other legally allowed methods of drug testing of employees, officers and volunteers.

REFERENCE: Policy #518

POLICY STATEMENT: Marion County, in keeping with the provisions of the federal Drug Free Workplace Act of 1988, and to promote employee safety, health and efficiency, is committed to establishing and maintaining a workplace that is free of prohibited alcohol and drug use. Alcohol and drug use and abuse in the workplace are subjects of immediate concern in our society. Alcohol and drugs in the workplace pose a safety risk for the county’s employees, clients, and the general public.

APPLICABILITY: Marion County officers, employees, and volunteers. Employees who possess a commercial drivers license (CDL) are subject to the testing requirements in this policy as it relates to activities not covered under the United States Department of Transportation (DOT) testing.

PROCEDURES:

1. Basis for Testing:
 - 1.1. All applicants applying for a safety sensitive or special needs position may be tested post-offer.
 - 1.2. Volunteers applying for safety sensitive or special needs positions may be tested before placement.
 - 1.3. An employee may be tested:
 - 1.3.1. Based on reasonable suspicion of being “under the influence or the observed use of alcohol, controlled substances or drugs. Except in field, shift or emergency circumstances that render contact difficult, no supervisor shall refer an employee for a non-DOT drug or alcohol test based upon a “reasonable suspicion” or observed use unless the supervisor has consulted with another trained supervisor, manager, or non-union confidential employee regarding the grounds for the suspicion. Represented employees may request a union steward be present, so long as the steward is readily available, when referred for a drug or alcohol test based upon reasonable suspicion.
 - 1.3.2. Before returning to work after testing non-negative in an employment-related drug or alcohol test for being “under the influence” of alcohol or drugs.

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- 1.3.3. As part of a program of unannounced follow-up testing provided for in a “last chance agreement.”
 - 1.3.4. As part of post-accident testing.
 - 1.3.5. Pursuant to a sheriff’s office policy after an officer-involved shooting.
 - 1.4. All employees applying for a different county position will be subject to post-offer testing on the same basis using the same procedures and methods as outside applicants for safety sensitive or special needs positions. Positions requiring a drug test as a part of the application process shall list the requirement on the recruitment flyer.
 - 1.5. Post-accident testing: Employees and volunteers may be tested following a work-related accident resulting in a fatality, bodily injury to any person requiring immediate medical treatment away from the scene, or property damage. CDL holders are subject to DOT post-accident testing requirements. CDL holders may be required to comply with the non-DOT testing requirements under this policy.
2. Testing Methodology:
 - 2.1. Testing procedures for all employees and applicants will be governed by industry practices for non-DOT testing. These standards include, but are not limited to, standards governing sample acquisition, chain of custody, laboratory selection, testing methods and procedures, and verification of test results. An alcohol test will be conducted by use of a Breathalyzer.
 - 2.2. The drug testing company will contract with a certified medical review officer (MRO) The MRO will review preliminary non-negative drug test results with the employee and any relevant health care providers before the results are reported to the county. Based on his/her professional judgment, he/she may change the preliminary test results to negative. The county will not be able to distinguish a test result that is negative by virtue of MRO intervention from any other negative result.
 - 2.3. Test results will be issued by the MRO, the testing laboratory, or the county’s testing provider, and will be provided only to the human resources and risk management sections of the business services department. Non-negative results will be sent by certified mail or hand-delivered to the applicant or employee within three working days of receipt of results by county.
 - 2.4. If an employee or applicant disagrees with the results of the test, the employee or applicant may request the sample be retested at the employee’s or applicant’s expense. The request for retesting must be submitted in writing to the testing facility and human resources within three (3) business days. The result of any retest will be deemed final and binding and not subject to any further test. Failure to make a timely written request for a retest shall be deemed an acceptance of the test results. If an employee requests a retest, disciplinary action shall be stayed pending receipt of the results of the retesting. The employee may be placed on administrative leave pending results of retesting.
 - 2.5. Test results will only be released to human resources, risk management or a designated employee representative.
3. Employee Cooperation Required:
 - 3.1. Employees and volunteers shall respond fully and accurately to inquiries related to the drug and alcohol test from the designated MRO and authorize MRO contact with the treating health care providers or Substance Abuse Professional (SAP) upon request. Employees shall provide the MRO with any information regarding a current valid

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prescription in the employee's name for any drug or medication that the employee alleges gave rise to the reasonable suspicion.

- 3.2. Employees shall complete any assessments required under this policy.
- 3.3. Employees taking a non-DOT test shall sign a waiver upon request authorizing providers to disclose confidential information necessary to verify completion of assessments or treatment as direct by the SAP.
- 3.4. Employees and volunteers shall promptly and fully disclose to their supervisor as soon as possible but no later than the next working day:
 - 3.4.1. All drug or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that resulted from conduct which occurred while the employee or volunteer was on duty, on county property, in a county vehicle, or in a personal vehicle on county business.
 - 3.4.2. Any other violation of laws regulating the use of alcohol and controlled substances that adversely affects an employee's or volunteer's ability to perform essential job functions, including loss or limitation of driving privileges when the employee's or volunteer's job is identified as requiring a valid driver's license or loss or limitation of any other certification or license required by the employee's or volunteer's position or job duties.

4. Mandatory Assessment and Treatment:

- 4.1. Employees who are disciplined for conduct related to use of alcohol or drugs may be required to undergo assessment and to complete a program of education and/or treatment prescribed by a SAP selected by the county. Employees who test non-negative for alcohol or controlled substances shall be required to undergo assessment at the earliest opportunity, regardless of whether disciplinary action has been taken.
- 4.2. The county will verify an employee's attendance and that the assessment and treatment have been completed. This verification and any other information concerning alcohol or drug dependency will be treated as confidential medical information per applicable state and federal law and county policies.

5. Last Chance Agreements:

- 5.1. In instances in which the county determines that a regular employee's conduct warrants termination and the employee is diagnosed as having an alcohol and/or chemical dependency by a SAP, the county may offer the employee continued employment under the terms of a last chance agreement. These agreements shall include at a minimum the following:
 - 5.1.1. A requirement that the employee enrolls in, participates in, and successfully completes a treatment program recommended by a SAP of the county's choice.
 - 5.1.2. The right of the county to administer unannounced follow-up drug or alcohol tests at any time during the workday for a period of two (2) years from completion of any required treatment or education program. Risk management and/or human resources will coordinate the unannounced testing with the testing provider. The testing provider will generate the unannounced testing dates and times.
 - 5.1.3. The signatures of the employee's supervisor, the employee, and, if appropriate, the employee's union representative.

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- 5.1.4. The right of the county to terminate the employee for failure to comply with the terms of the last chance agreement, subsequent or non-negative drug or alcohol tests, or violations of county rules, policies or procedures based upon conduct related to alcohol or drugs.
- 5.1.5. The right of the county to discipline the employee for other work performance issues or misconduct up to and including termination.
- 5.2. The offer of a last chance agreement to an employee will not set a precedent for the discipline, including termination, of other employees.

6. Testing Location and Contact Information:

- 6.1. All reasonable suspicion drug and alcohol tests will be conducted at Bio-Med Testing Services.
- 6.2. Bio-Med Testing Services is located at 3110 25th St. SE, Salem, Oregon.
- 6.3. Bio-Med Testing Services' phone number is 503-585-6654.
- 6.4. Services are available 24 hours a day/7 days a week. The service must be called first, both during and after normal business hours.

7. Human Resources and Risk Management Contact Information:

Coordinate with one of the staff members below prior to any reasonable suspicion test:

Name	Desk Phone	Cell Phone
Amy Rose Fish	503-589-3285	503-932-5056
Andy Ingram	503-589-3298	503-932-5008
Gary Hales	503-373-4423	503-932-1565
Justine Flora	503- 584-7786	503-991-1070