



**ADMINISTRATIVE POLICIES**

<b>SECTION:</b>	<b>Health, Safety &amp; Security</b>	<b>POLICY #:</b>	<b>518</b>
<b>TITLE:</b>	<b>Drug and Alcohol Use and Testing</b>	<b>PROCEDURE #:</b>	<b>518-A</b>
		<b>ORDER #:</b>	<b>14-18</b>
<b>DEPT:</b>	<b>Business Services</b>	<b>DIVISION:</b>	
<b>ADOPTED:</b>	<b>4/03</b>	<b>REVIEWED:</b>	<b>REVISIED: 2/14</b>

**PURPOSE:** The purpose of this policy is to establish a drug and alcohol free workplace for Marion County officers, employees and volunteers.

**AUTHORITY:** The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interests and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

The Marion County Board of Commissioners expresses the governing body’s formal, organizational position on fundamental issues or specific repetitive situations through formally adopted, written policy statements. The policy statements serve as guides to decision-making for both elected and appointed officials on the conduct of county business.

The Marion County Administrative Policies and Procedures manual of the Board of Commissioners outlines the forms and processes through which the board takes official action on administrative policy, and is the official record of county administrative policy.

Statutory Authority: ORS 659A.127; Drug Free Workplace Act of 1988, P.L. 100-690, Title V, Subtitle D, § 5151; 41 USCS §§ 701 et seq.

**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.

**GENERAL POLICY:** 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.

## **SUBJECT: DRUG AND ALCOHOL USE AND TESTING**

### **POLICY:**

1. Definitions:
  - 1.1. Alcohol - Ethyl alcohol and all beverages or liquids containing ethyl alcohol.
  - 1.2. Controlled substance - All forms of narcotics, depressants, stimulants, analgesics, hallucinogens, and cannabis, as classified in Schedules I - V under the Federal Controlled Substances Act (21 USC 811-812) as modified by ORS 475.035, whose sale, purchase, transfer, use, or possession is prohibited or restricted by law.
  - 1.3. Drug paraphernalia - Any and all equipment, products, and materials of any kind, as more particularly defined in ORS 475.525, which are or can be used in connection with the production, delivery or use of a controlled substance.
  - 1.4. Drugs - Controlled substances, designer drugs (drug substances not approved for medical or other use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration), and/or over-the-counter preparations available without a prescription from a medical doctor that are capable of impairing an individual's mental or physical ability to safely, efficiently, and accurately perform work duties.
  - 1.5. Drug test - A certified laboratory analysis of a urine or blood sample to determine the presence of certain prohibited substances or their metabolites in the body.
  - 1.6. Medical Review Officer (MRO) - A medical doctor trained in toxicology who contracts with employers primarily to review positive preliminary drug test results with employees. The Medical Review Officer determines whether or not the results are likely to have been caused by factors other than substance abuse.
  - 1.7. On duty - The period of time during which a volunteer is scheduled for volunteer time or an employee is engaged in activities which are compensable as work performed on behalf of the county, or the period of time before or after work when an employee is wearing a uniform, badge, or other employee insignia provided by the county, or operating a vehicle or equipment on behalf of or which identifies Marion County.
  - 1.8. Prescription medication - A medication for which an employee is required by law to have a valid, current prescription from a health care provider.
  - 1.9. Reasonable suspicion - A set of objective and specific observations or facts that lead a supervisor to suspect that an employee is under the influence of drugs, controlled substances, or alcohol. Examples include, but are not limited to:
    - 1.9.1. Slurred speech
    - 1.9.2. Alcohol on breath
    - 1.9.3. Loss of balance or coordination
    - 1.9.4. Dilated or constricted pupils
    - 1.9.5. Apparent hallucinations
    - 1.9.6. High absenteeism or a persistent pattern of unexplained absences
    - 1.9.7. Erratic work performance
    - 1.9.8. Persistent poor judgment
    - 1.9.9. Difficulty concentrating
    - 1.9.10. Theft from office or from other persons
    - 1.9.11. Unexplained absences during office hours
    - 1.9.12. Employee's admission of use of prohibited substances
    - 1.9.13. Direct observation of use

## **SUBJECT: DRUG AND ALCOHOL USE AND TESTING**

- 1.10. Refusal to test - Refusing to take a drug or alcohol test required under this policy, including, but not limited to adulteration, substitution or tampering with a sample; failing to cooperate with testing personnel or protocols; or leaving the testing location without permission before the test is conducted or completed.
  - 1.11. Substance Abuse Professional (SAP) - A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional, addictions counselor or other medical professional with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.
2. Commercial Driver License (CDL) Requirements:  
Holders of CDLs are responsible for complying with all local, state and federal laws, regulations, work rules, and county rules and procedures pertaining to CDLs.
3. Prohibitions and Work Rules:
    - 3.1. While on duty or operating a vehicle on county business:
      - 3.1.1. Employees and volunteers shall not possess, consume, use, manufacture, distribute, cause to be brought, dispense, purchase, or sell alcohol or alcohol containers in or to the workplace except when lawfully required as part of the job or volunteer duties. An exception is made when the alcohol containers are sealed and in a private vehicle, or are purchased or collected in conjunction with a county authorized fundraiser. Supervisors must be notified when alcohol or alcohol containers are brought into the workplace.
      - 3.1.2. Employees and volunteers shall not possess, consume, use, manufacture, distribute, cause to be brought, dispense, purchase or sell illegal drugs or drug paraphernalia in or to the workplace except when lawfully required as part of the job or volunteer duties. Supervisors must be notified when illegal drugs or drug paraphernalia are brought into the work place.
      - 3.1.3. Employees and volunteers shall not distribute, dispense, purchase or sell prescription medications except when lawfully required as part of the job or volunteer duties.
      - 3.1.4. Employees and volunteers shall not possess or consume prescription medications without a valid prescription.
    - 3.2. While off duty but on county premises or in county vehicles:
      - 3.2.1. Employees and volunteers shall not possess, consume, use, manufacture, distribute, cause to be brought, dispense, purchase, be intoxicated or sell alcohol. An exception is made when the alcohol containers are sealed and in a private vehicle, or are purchased in conjunction with a county authorized fundraiser. Supervisors must be notified when alcohol or alcohol containers are brought into the work place.
      - 3.2.2. Employees and volunteers shall not possess, consume, use, manufacture, distribute, cause to be brought, dispense, purchase or sell illegal drugs.
    - 3.3. Fitness for duty:
      - 3.3.1. Employees and volunteers shall not report for regularly scheduled duty or be on-call while “under the influence” of alcohol or drugs. An individual is considered to be “under the influence” when testing indicates the presence of any detectable level of alcohol, or the presence of any detectable level of illegal drugs or controlled

**SUBJECT: DRUG AND ALCOHOL USE AND TESTING**

substances without a prescription. Employees contacted in an emergency callback shall notify a supervisor if he or she is under the influence of alcohol or drugs when requested to come in to work.

- 3.3.2. Employees and volunteers shall not report for duty while using, consuming, possessing or are under the influence of medical marijuana pursuant to the Oregon Medical Marijuana Act, ORS 475.300 to 475.346.
- 3.3.3. Employees shall not render themselves unfit to perform work duties through the use of alcohol or illegal drugs, or because of the abuse of prescription or non-prescription medications.
- 3.3.4. Employees shall not be absent from work because of the use of alcohol or illegal drugs, or because of the abuse of prescription or non-prescription medications, except when participating in a qualified assessment and rehabilitation program while on FMLA/OFLA or other approved leave.
- 3.3.5. Employees and volunteers shall educate themselves about the effects of any prescription or non-prescription medications by obtaining information from health care providers, pharmacists, medication packages and brochures, or other authoritative sources in advance of performing work or volunteer duties.
- 3.3.6. Employees and volunteers shall notify their supervisors in advance when their use of prescription or non-prescription medications may impair the individuals' ability to perform the essential functions of their positions or will result in a direct threat to others. These individuals include, but are not limited to, sworn deputies, holders of CDLs and those handling hazardous equipment or materials. Marion County Sheriff's Deputies must notify a supervisor when they are taking medications that may affect their ability to use a firearm or to perform other essential job functions. Employees and volunteers who drive a motor vehicle as part of their job or volunteer duties, whether it is a personal or county vehicle, should notify a supervisor when they are taking medications that may impair their ability to drive. Employees and volunteers do not need to identify the medication or reason for taking the medication to the supervisor, except an employee may be required to provide medical certification for FMLA/OFLA leave or an ADA request for accommodation.
- 3.3.7. Employees shall comply with legally mandated occupational requirements whether or not they are specifically included in this policy.

4. Supervisor Role and Responsibilities:

- 4.1. All elected officials, department heads, and supervisors are responsible for the implementation and enforcement of this policy, including reporting employees and volunteers reasonably suspected of being under the influence of drugs or alcohol to the appropriate departmental management or human resources.
- 4.2. The county will provide training to all supervisors on establishing reasonable suspicion and the nature of alcohol and drug dependency. Supervisors who have not been trained will not have the authority to direct employees to be tested on the basis of reasonable suspicion. Volunteers are at-will and may be dismissed for any reason. Volunteers under reasonable suspicion for drug or alcohol use will be dismissed from volunteer service. Only supervisors who have been trained will have the authority to dismiss a volunteer for reasonable suspicion.

**SUBJECT: DRUG AND ALCOHOL USE AND TESTING**

- 4.3. A supervisor shall articulate orally to the employee or volunteer a summary of the specific behaviors and observations that form the basis for the reasonable suspicion or for believing that the employee or volunteer is violating or has violated this policy.
- 4.4. The supervisor shall provide to the employee a written specification of the grounds within two working days of the oral determination of reasonable suspicion that the employee was/is under the influence of drugs or alcohol or that the employee is violating or has violated this policy. A copy of the written specification shall be forwarded to the human resources program of business services.

5. Disciplinary or Disqualifying Actions:

- 5.1. Applicants or volunteers that refuse to test post-offer or who fail the required drug test shall be disqualified from consideration for employment or placement.
- 5.2. Employees who violate this policy or refuse to test shall be subject to discipline in accordance with the appropriate collective bargaining agreements or personnel rules. Trial service employees violating this policy may be subject to immediate termination.
- 5.3. Employees will not be subject to discipline for seeking treatment for alcohol or drug dependency. Employees will be held fully accountable for their on-duty behavior. Seeking treatment will not mitigate discipline for rule or policy violations or other unacceptable conduct caused by alcohol or drug dependency.
- 5.4. The county recognizes that certain duties of employees and volunteers require a higher standard of accountability for compliance with the requirements of this policy than others. Safety sensitive and special needs job duties include, but are not limited to the following:
  - 5.4.1. Carrying firearms
  - 5.4.2. Working in the criminal justice system
  - 5.4.3. Responsibility for public safety or the safety of co-workers
  - 5.4.4. Handling narcotics or other controlled substances
  - 5.4.5. Handling hazardous equipment or substances
  - 5.4.6. Influencing the behavior of minors
  - 5.4.7. Holding a CDL

6. Employee and Volunteer Cooperation Required:

Employees and volunteers shall not interfere with the administration of this policy. Examples include, but are not limited to: tainting, tampering, or substitution of urine samples; falsifying information regarding the use of prescribed medications or controlled substances; failing to cooperate with the collection process in a manner that prevents the specimen from being obtained; or failure to cooperate with any tests outlined in this policy to determine the presence of drugs or alcohol.

Adopted: June 2003  
Revised: December 2008  
February 2014