



## ADMINISTRATIVE PROCEDURES

<b>TITLE:</b> Drug and Alcohol Free Workplace		<b>PROCEDURE #:</b> 518-A	
<b>DEPT:</b> Business Services		<b>PROGRAM:</b> Risk Management	
<b>EFFECTIVE DATE:</b> 12/08	<b>REVIEWED:</b>	<b>REVISED:</b> 11/18	

**OBJECTIVE:** To establish a procedures for creating and maintaining a drug and alcohol free workplace that encourages a safe, healthy, and productive work environment, and promotes efficient and safe public services.

**REFERENCE:** Policy #518

**POLICY STATEMENT:** In compliance with the provisions of the federal Drug Free Workplace Act of 1988, Marion County expects its employees to report to work in a condition to perform in a safe, effective, and efficient manner free from drug and alcohol use.

**APPLICABILITY:** All Marion County employees.

### PROCEDURES:

1. Reasonable Suspicion
  - 1.1. Drug or alcohol testing may be requested if there is evidence that an individual is, or has been under the influence of drugs or alcohol while on duty.
  - 1.2. Reasonable suspicion must be based upon specific observations as listed in the Reasonable Cause Drug and /or Alcohol Testing Guide for Supervisors found on the county's HR Forms webpage. <http://intra.co.marion.or.us/BS/HR/Pages/hrforms.aspx>
  - 1.3. If an employee is thought to be under the influence of drugs or alcohol, two supervisors or managers that have been trained to detect reasonable suspicion must follow this procedure to determine if the employee should be tested.
  - 1.4. A supervisor shall articulate orally to the employee summary of the specific behaviors and observations that form the basis for reasonable suspicion, or for believing that the employee is violating or has violated this policy.
  - 1.5. Within two (2) working days, the supervisor shall provide, to the employee and Human Resources (HR), a written specification of the grounds of the oral determination of reasonable suspicion.

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1.6. Reasonable suspicion testing must be coordinated through Human Resources. Contact an HR representative to proceed with testing.

Human Resources	503-566-3999
HR Manager	503-589-3285
Loss Control Manager	503-373-4423
Risk Manager	503-584-7786

### 2. Post-Offer Drug Tests

2.1. Conducted for safety sensitive or special needs job classifications as listed on the Safety Sensitive/Special Needs list in the Drug and Alcohol Testing section of the Marion County HR Forms website. <http://intra.co.marion.or.us/BS/HR/Pages/hrforms.aspx>

### 3. Testing Methodology

3.1. 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.

3.2. A county representative trained in reasonable suspicion will drive the employee to the testing location.

3.2.1. The county representative will remain with the employee at the testing location throughout the entire process.

3.3. An alcohol test will be conducted by use of a breathalyzer.

3.4. 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.

3.4.1. Based on his/her professional judgment, the MRO 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.

3.5. Negative results in a rapid drug test or breathalyzer test will be provided to the employee and supervisor at the drug testing location.

3.6. Non-negative test results will be issued by the MRO, the testing laboratory, or the county's testing provider, and will be provided only to Human Resources and Risk Management.

### 4. Employee Cooperation Required

4.1. Employees shall not interfere with the administration of drug or alcohol testing. Examples of interference 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.

4.2. Employees shall respond fully and accurately to medical review officer inquiries related to drug and alcohol testing and shall complete any assessments required under this policy.

4.3. Employees shall authorize contact between the MRO and employee's health care provider(s) or substance abuse professional upon request.

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- 4.4. Employees shall provide the MRO with any information regarding a current valid prescription in the employee's name for any drug or medication that the employee alleges gave rise to the reasonable suspicion.
- 4.5. Upon request, employees taking a non-DOT test shall sign a waiver authorizing providers to disclose confidential information necessary to verify completion of assessments or treatment as directed by the substance abuse professional.
- 4.6. Employees shall promptly and fully disclose to their supervisor as soon as possible but no later than the next working day:
  - 4.6.1. All drug or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that resulted from conduct which occurred while the employee was on duty, on county property, in a county vehicle, or in a personal vehicle on county business.
  - 4.6.2. Any other violation of laws regulating the use of alcohol and controlled substances that adversely affects an employee's ability to perform essential job functions, including loss or limitation of driving privileges when the employee'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 position or job duties.
5. Mandatory Assessment and Treatment
  - 5.1. 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, treatment, or both as prescribed by a substance abuse professional selected by the county.
  - 5.2. 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.
  - 5.3. The county will verify an employee's attendance and that the assessment and treatment have been completed.
  - 5.4. All information concerning alcohol or drug dependency shall be treated as confidential medical information per applicable state and federal law and county policies.
6. Last Chance Agreements
  - 6.1. 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 substance abuse professional, the county may offer the employee continued employment under the terms of a last chance agreement.
  - 6.2. Last chance agreements shall include at a minimum the following:
    - 6.2.1. A requirement that the employee enrolls in, participates in, and successfully completes a treatment program recommended by a substance abuse professional of the county's choice.
    - 6.2.2. 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.
      - 6.2.2.1. Risk Management and/or Human Resources will coordinate the unannounced testing based on dates and times provided by the testing provider.
    - 6.2.3. The signatures of the employee's supervisor, the employee, and, if appropriate, the employee's union representative.

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- 6.2.4. 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.
- 6.2.5. The right of the county to discipline the employee for other work performance issues or misconduct up to and including termination.
- 6.3. The offer of a last chance agreement to an employee will not set a precedent for the discipline, including termination, of other employees.

**7. Testing Location and Contact Information**

**7.1. Reasonable Suspicion Testing**

- 7.1.1. Bio-Med Testing Services conducts all reasonable suspicion drug and alcohol tests.
- 7.1.2. Reasonable suspicion drug and alcohol testing services are available 24 hours per day/7 days per week.
- 7.1.3. HR or Risk Management must call the testing company prior to taking an employee for testing.

Testing facility for reasonable suspicion:      Bio-Med Testing Services  
3110 25th St. SE  
Salem, OR 97302  
Phone: 503-585-6654

- 7.1.4. Salem Health Occupational Medicine and Kaiser Permanente Occupational Medicine conduct all post-offer drug tests during the new hire process.

Testing facility for post offer:                      Salem Health Occupational Medicine  
1002 Bellevue St. SE  
Salem, OR 97301  
Phone: 503-814-5352

Testing facility for post offer:                      Kaiser Permanente Occupational Medicine  
2400 Lancaster Dr. NE  
Salem, OR 97305  
Phone: 800-813-2000