

**STOREY COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

NUMBER 206
EFFECTIVE DATE: 05/19/08
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AUTHORITY: BOC
COUNTY MANAGER: AO

SUBJECT: Drug and Alcohol-Free Workplace

I. Policy: The employer recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. This drug and alcohol free workplace policy applies to volunteers as well as employees.

1) The employer is committed to:

- a) Maintaining a safe and healthy workplace for all employees, and volunteers;
- b) Assisting employees or volunteers who recognize they have a problem with drugs or alcohol in receiving appropriate treatment;
- c) Periodically providing employees and volunteers with information about the dangers of workplace drug abuse; and
- d) When appropriate, taking disciplinary action for failure to comply with this policy.

2) The employer strictly prohibits the following behavior:

- a) The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs or prohibited substances by an employee during work hours or on employer premises and in any amount. Prohibited substances include medical and recreational marijuana, the use or possession of prescription medicines for which the individual does not have a valid prescription, and the inappropriate use of prescribed medicines for which the employee has a valid prescription. The prohibition also includes using over-the-counter medications contrary to manufacturer instructions, or consumer products not meant for human consumption. In addition, the employer prohibits employees from possessing open containers of alcoholic beverages while on the employer's premises and/or while on duty and from working with a blood-alcohol level of .02 or more at any time.
- b) Bringing alcohol, illegal drugs, and other substances which may impair the safety or welfare of employees or the public onto the premises controlled by the employer or placing in vehicles or equipment operated on behalf of the employer.

- c) Driving an organizational vehicle while on or off duty with a blood alcohol level of 0.02 or more or under the influence of an illegal drug, regardless of the amount.
- d) Public safety personnel performing job-related functions which require possession and/or transportation of such substances are exempt from this section.

3) Reporting Requirements

- a. A supervisor who receives information or is a witness to any use of illegal drugs, prohibited substances, or alcohol by an employee which violates employer's policies or the law, is required to report this information to his/her department head, County Manager, or Administrative Officer and/or Personnel Director immediately. The information reported must include:
 - The persons(s) involved, including all witnesses;
 - Any information gathered, such as actual observation of drug /alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors;
 - A written record of specific conversations held with the accused and any witnesses;
 - All pertinent facts, including date(s), time(s), and locations(s).
 - b. A department head is required to report this information to his/her immediate supervisor, e.g., the County Manager, Administrative Officer and/or Personnel Director, and may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization to do so.
 - c. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor.
- 4) Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
- 5) A positive test result for alcohol or drugs will be grounds for disciplinary action, up to and including termination.
- 6) Employees in safety-sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399) see policy HR 206A , as well as the employer's Drug and Alcohol-Free Workplace Policy.

- 7) The employer receives funding through federal grants and it is therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical marijuana), cocaine, opiates, amphetamines, (including methamphetamines), phencyclidine (PCP), MDMA are considered illegal Schedule I or II drugs through the federal government. All employees must comply with the Drug-Free Workplace Act of 1988 and may not have any detectable level of Schedule I or II drugs in their system while at work. Failure to comply will result in disciplinary action, up to and including termination.
- 8) As provided in NRS 453A, the employer is not required to provide reasonable accommodation for the medical use of marijuana for:
 - a. Attorneys, investigators, special investigators or other employees acting in his/her professional or occupational capacity within the District Attorney's Office, and
 - b. Peace Officers or other employees acting in his/her professional occupational capacity in a law enforcement agency.

II. Employee Responsibilities

Each employee is responsible for reviewing and complying with the employer's Drug and Alcohol-Free Workplace Policy.

- 1) Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
- 2) Employees shall not report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.
- 3) Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the employer's Employee Assistance Program (EAP) provider, a substance abuse professional or other treatment provider. The employer's medical insurance policy or other preferred programs may provide for payment of some or all of the treatment costs.
- 4) It is the responsibility and obligation of employees in safety-sensitive positions to determine, by consulting a health care provider if necessary, whether or not a legal drug s/he is taking may/or will affect his/her ability to safely perform his/her job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact the Administrative Officer and/or Personnel Director who will attempt to find an appropriate alternative assignment. If no alternative assignment is available, the employee may take sick leave or be placed on a medical leave of absence (if available and the employee otherwise qualifies) or take other steps consistent with the advice of a healthcare provider. If an employee reports to work under the influence of prescription medication and as a result of this

action endangers himself/herself or others, the employee will be disciplined, up to and including termination.

- 5) Each employee must report the facts and circumstances of any criminal drug or alcohol conviction that occurred while on duty or which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to employer must occur before resuming work duties or immediately after the conviction or revocation/suspension. Failure to notify employer will result in disciplinary action, up to and including termination. The supervisor shall immediately forward the notification to notify the employer's attorney.
- 6) Employees in safety-sensitive positions identified by the employer are subject to random drug and alcohol testing as provided in policy # 206A Vehicle Operators Drug and Alcohol Policy.
- 7) Employees must act as responsible representatives of the employer and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor, County Manager or to County Administrative Officer/Personnel Director. Such reporting is critical in preventing serious injuries or damage to the employer's property.
- 8) Employees who are required to submit to a drug/alcohol test must complete and sign the consent form.
- 9) Public Safety employees and applicants for Public Safety positions are also subject to the Public Safety Department's Drug Testing Policy.

III. Department Head Responsibilities: The department head or his/her designee is responsible for:

- 1) Authorizing the testing of employees.
- 2) Coordinating drug and/or alcohol testing.
- 3) Completion of a required consent form.
- 4) Notifying employees of positive test results and their right to a retest of the same sample.
- 5) Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.

- 6) Notifying the employer's attorney of an employee's conviction of a federal or state criminal drug and/or alcohol statute violation.
- 7) Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information.
- 8) Identifying safety-sensitive positions.
- 9) Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.

IV Supervisor Responsibilities: Supervisors are responsible for:

- 1) Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.
- 2) Submitting the documentation to the department head or designee.
- 3) Complying with the appropriate provisions outlined in this policy that apply to supervisory personnel.

V. Employer Responsibilities: Employers are responsible for:

- 1) Providing communication and training on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to take appropriate corrective action.
- 2) Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential.
- 3) Making drug and/or alcohol testing and notice forms available.
- 4) Notifying appropriate department heads of positive results of drug and alcohol tests.
- 5) Administering the contract with a third party to provide drug and alcohol testing services.
- 6) Overseeing the administration of the employer's Drug and Alcohol-Free Workplace Policy.
- 7) Designating safety-sensitive positions.

- 8) Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.
- 9) Ensuring the administration of all pre-employment drug testing for positions identified as safety-sensitive (see policy Vehicle Operators Drug and Alcohol Policy # 206A).

VI Employee Education

The employer maintains information relating to the hazards of and treatment for drug- and alcohol-related problems. Proactive training and information shall be sponsored by the employer periodically. Any employee may voluntarily seek advice, information, and assistance. Medical confidentiality will be maintained consistent with this policy.

VII Employee Assistance and Voluntary Referral

- 1) The employer strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs or alcohol under this policy and prior to any other violation of this policy, including a criminal conviction of that individual for a drug- or alcohol-related offense. A decision to participate in the employee assistance or other treatment program will not be a protection or defense from discipline.
- 2) Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program may, if the Americans with Disabilities Act applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.
- 3) The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and, if applicable, the employee's insurance provider. All information regarding an employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of business will be shared by the employer's management. Employees are limited to treatment for substance abuse one time only under this policy.

VIII. Searches

1. If the employer suspects that an employee or on-site contractor is in possession of illegal drugs, prohibited substances, alcohol, or contraband in violation of this policy, the employer may search employer vehicles parked on the county's property, lockers, desks, and work area. By entering into or being present at a job site while on employer time or representing the employer in any way, an individual is deemed to have consented to such searches. If an individual is asked to submit to a search and

refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. The employer may take whatever legal means consistent with policy that are necessary to determine whether alcohol, prohibited substances, or illegal drugs are located or being used on employer property. The employer may call upon law enforcement authorities to conduct an investigation if deemed necessary.

2. Searches will be conducted by management personnel or law enforcement authorities to and may or may not be conducted in the presence of the person whose property or work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by the employer's representative conducting the search.

RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary.