

# Douglas County



## Substance Abuse

## **Douglas County Substance Abuse Policy**

Douglas County is committed to providing a safe work environment and to fostering the well being and health of its employees. That commitment is jeopardized when any Douglas County employee illegally uses drugs on or off the job, comes to work under the influence of alcohol or drugs, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, Douglas County has established the following policy:

1. The use, possession, scale trafficking or trading of illegal drugs on or off duty, while on county property, including county owned or leased vehicles, while conducting business on behalf of the county, or while participating in any county sponsored event, is prohibited.
2. Reporting for work, remaining on duty, or being on county property under the influence of drugs or alcohol is prohibited.
3. The unauthorized use or abuse of prescription drugs that may affect an employee's performance of duty is prohibited. Failure to inform the Human Resource Department of the use of prescribed medication that may affect an employee's safety, the safety of other employees, or the safety of the public is a violation of county policy.
4. Having a verified positive drug or alcohol test, administered under the terms of this policy, refusing to submit to an alcohol or drug test required under this policy, or engaging in conduct to obstruct or subvert an alcohol or drug test is prohibited.
5. Violations of this policy are subject to disciplinary action up to and including termination of employment.

It is the responsibility of the county's supervisors and managers to identify employees whose duty performance, conduct, or behavior may indicate they have a substance abuse problem. While it is not management's responsibility to diagnose personal problems, the supervisor should encourage the employee to seek evaluation and assistance, and advise them of available resources for getting help. Everyone shares responsibility for maintaining a safe and healthy work environment, and co-workers should encourage anyone who has a substance abuse problem to seek help.

The goal of this policy is to balance respect for employees and their privacy with the need to maintain a safe, productive, substance abuse-free environment. The intent of this policy is to offer a helping hand to those employees who seek assistance with resolving alcohol and drug abuse problems, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at Douglas County. (Additional regulatory requirements apply to employees who are required to operate Commercial Motor Vehicles).

In accordance with the Drug Free Workplace Act of 1988, (by nature of a contract or grant with the Federal Government), employees must, as a condition of employment at Douglas County, abide by the terms of this policy and must notify Douglas County Human Resource Department in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) days after such convictions.

## **Definitions**

**Alcohol.** Any ethanol containing beverage or any isopropanol or methanol ingested to cause a positive breath or blood alcohol test.

**Illegal Drug (Drugs).** Any Schedule I drug used, possessed, sold, or detected in an individual's urine without a valid prescription (or authorization) from a licensed medical practitioner.

**Medical Review Officer (MRO).** A licensed medical doctor or doctor of osteopathy, who has expertise in drug test interpretation and drug pharmacology and is designated by Douglas County to review and verify test results.

**Positive Drug Test.** A urine drug test, verified by the Medical Review Officer, as evidence of illegal drug use.

**Positive Alcohol Test.** A breath or blood alcohol test result of 0.04 or greater alcohol concentration.

**Prescription Drugs.** Any Schedule II drug authorized or prescribed by a physician or other licensed medical practitioner. Authorization or recommendations for use of Schedule I drugs, such as marijuana or heroin are illegal under Federal Law, and therefore are not legally prescribed medications.

**Refusal to Test.** Refusing to submit to a drug or alcohol test as required, refusal to report for the test in a timely manner, adulterating or substituting the urine specimen, or otherwise failing to cooperate with the testing process.

**Schedule I Drug.** Any drug or other substance that has a high potential for abuse and currently has no accepted medical use in treatment in the United States. Under Schedule I, there is a lack of accepted safety for use of the drug or other substance under medical supervision. (As defined by the U.S. Drug Enforcement Administration under the Controlled Substance Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970).

**Schedule II Drug.** Any drug or other substance that has a high potential for abuse and currently has accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. Abuse of Schedule II drugs or other substances may lead to severe psychological or physical dependence. (As defined by the U.S. Drug Enforcement Administration under the Controlled Substance Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970).

**Under the Influence.** Appearing or behaving in a manner unable to perform one's duties safely and appropriately as determined by the observations and documentation of a supervisor having been trained in the signs and symptoms of alcohol and drug use.

**Applicant Drug Testing.** Douglas County reserves the right to require all applicants for a position with the County to undergo drug testing as a condition of employment. Any applicant with a positive drug test result will be denied employment. Any applicant denied employment due to a positive test may not reapply for at least six months, and upon re-application, must present documentation acceptable to the County of substance abuse evaluation and rehabilitation.

The applicant will be required to complete the drug test at a facility designated by the County within two (2) business days of being requested to do so. Refusal to submit to the test will result in denial of employment.

The County will not discriminate against applicants for employment because of past history of drug or alcohol abuse. However, a positive drug test is considered evidence of current illegal drug use, and will result in denial of employment.

### **Reasonable Suspicion Testing**

All employees are subject to reasonable suspicion drug and alcohol testing when there is reason to believe that the employee is using or has used drugs or alcohol in violation of this policy. Such belief must be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. These facts and inferences may be based upon, but not limited to, the following:

1. Observations of the employee's behavior, conduct or appearance that are reasonably associated with drug or alcohol use. The observation must be made and documented in writing by a supervisor or manager who has been trained in the signs and symptoms of alcohol and drug abuse.
2. A report of on-duty use of alcohol or drugs by a reliable and credible source.
3. Evidence that an employee has used, possessed, sold, solicited or transferred drugs or alcohol while on-duty, or while on County property or while operating the County's vehicles, machinery, or equipment.

Any employee who is believed to be under the influence of alcohol or drugs will be considered unfit for duty. The supervisor or manager will consult with the employee privately, and will inform him/her of the requirement to undergo testing. The employee will be escorted to the facility where the testing is conducted, and will not be allowed to return to work for the remainder of the duty period. Transportation home will be arranged for the employee. If the employee refuses the offer for transportation, and insists on operating a motor vehicle, the County will take all reasonable steps to protect the employee's safety and the safety of others.

### **Post Accident Testing**

When an employee is injured on the job, resulting in the loss of work time (including any period of time during which an employee stops performing the duties of employment and leaves the work area for treatment by a licensed medical provider), the County reserves the right to subject the employee to drug and alcohol testing. If the employee has caused or contributed to a workplace accident in which there is substantial damage to County property, the County reserves the right to subject the employee to drug and alcohol testing.

The employee will be escorted to the facility where the testing is conducted. If the employee exhibits any behavior, conduct or appearance signs associated with alcohol or drug use, the employee will not return to work until his/her next scheduled duty period.

Employees who test positive for drugs or alcohol will be automatically referred to the EAP and will be subject to disciplinary actions, up to and including termination of employment with the County. The Employee Assistance Program (EAP) provides confidential counseling and referral services to employees.

### **Return to Duty and Follow-up Testing**

Any employee who returns to work following treatment for alcohol or drug abuse, must undergo alcohol and drug testing prior to resuming his/her duties. The employee must have a negative result on each test. In addition, the County reserves the right to subject any employee returning to work following alcohol or drug abuse treatment to periodic, unannounced drug and/or alcohol testing for up to two years after return to duty.

### **Drug Testing Procedures**

Drug testing will be conducted on the employee's urine specimen. Employee's privacy, dignity and confidentiality will be protected in the specimen collection process. The County will ensure that the employee's specimen is collected using standard procedures approved by the U.S. Department of Health and Human Services. Employees will provide their urine specimens in a private enclosed toilet facility. The collector will not observe the employee while providing his/her specimen unless the employee attempts to adulterate or substitute his/her specimen, or presents a specimen that is suspected of being adulterated or substituted. A chain of custody document will be completed by the employee and the collector to ensure the proper identification and handling of the specimen. The employee's specimen will be labeled and sealed in his/her presence. Employees will not be required to provide information about medications or medical conditions at the time of the specimen collection

Drug testing specimens will be analyzed at a U.S. Department of Health and Human Services certified drug testing laboratory. Specimens will be tested for Schedule I drugs. All specimens will be tested at the laboratory using cut-off levels by the laboratory's workplace drug testing protocols. The laboratory may also conduct testing to detect specimens that may be adulterated or substituted. The specimens will undergo an initial screening analysis at the laboratory. If drugs are detected in the specimen, a second analysis, using confirmation technology is conducted. Only specimens testing positive for drugs on both the screening and the confirmation analysis are reported as positive. The laboratory will retain all documents on positive tests for at least one year. All positive specimens will be retained in a secure frozen storage at the laboratory for at least one year after the reporting of the result to the Medical Review Officer (MRO).

All laboratory test results are reported to the Medical Review Officer. If the test result is reported as positive, the Medical Review Officer will contact the employee. The employee will be given the opportunity to discuss the test result with the MRO. If the employee presents documentation acceptable to the MRO of authorized medical use of the drug(s) detected in the specimen, the MRO will declare the test negative. The MRO will accept only valid prescriptions and documentation of drugs used in medical treatment.

Use of drugs obtained outside the U.S., use of medications prescribed to family members or friends, use of food products containing drugs (including hemp products) and use of marijuana, heroin, or other Schedule I drugs for health or medicinal purposes cannot be accepted by the MRO as legitimate medical explanations of a positive result. The employee's interview with the MRO is confidential, and medical information other than the test result determination will not be shared with the employer or any other party, except where required by law, a court jurisdiction, or where the MRO believes the information provided affects the safety of the workplace or the public.

## Alcohol Testing Procedures

Employees required to take an alcohol test will be required to provide a breath or saliva specimen for alcohol screening. Procedures used for testing the breath or saliva sample will be consistent with those approved by the U.S. Department of Transportation. If the employee's result on the alcohol screening test shows an alcohol concentration of 0.02 or greater, a confirmation test must be conducted. The confirmation test must be done using a second breath specimen or saliva sample. The procedures used for the confirmation test must be consistent with *those approved by the* U.S. Department of Transportation. The alcohol testing will be conducted by personnel trained in breath or saliva specimen testing. Any employee whose alcohol test result is 0.04 or greater will be provided transportation home. Alcohol test results will be reported by the technician or laboratory to the County Human Resource Department.

<b>Collection Site(s):</b>	Mariner Medical Clinic 109 North 28 <sup>th</sup> Street Superior, WI 54880 715-395-3930	On Site Collection/Testing:	Jane Perrin Perrin Mobile Medical Phone: 715-378-2269 Cell: 701-361-9858
	Denfeld Medical Clinic 4702 Grand Avenue Duluth, MN 55807 218-249-6822		

**Laboratory:**  
*Address Revised 01-2012*

LabCorp Corporation of America Holdings

**Medical Review Officer:**  
*Revised 01-2014*

First Advantage  
480 Quadrangle Drive, Suite D  
Bolingbrook, IL 60440

### Initial Screen

All urine specimens will be initially tested for the use of controlled substances by an immunoassay screen, which will eliminate negative urine specimens from further consideration. Any positive test results in an initial test be subject to confirmation through an additional, more precise and accurate testing methodology.

Initial screening of specimens will analyze an individual's urine to test for the presence of the following substances:

1. Marijuana
2. Cocaine
3. Opiates
4. Phencyclidine
5. Amphetamines

Testing panel: 5-panel + Nitrites

## **Confirmatory Tests**

Any urine specimen identified as positive on the initial test screen will be confirmed by a second analytical procedure independent from the initial test and which uses a different chemical technique and procedure. Methods used to confirm initial positive test results in the second independent test will analyze an individual's urine to test for the presence of the following substances:

1. Marijuana
2. Cocaine
3. Opiates
  - Codeine
  - Morphine
4. Phencyclidine
5. Amphetamines
  - Amphetamine
  - Methamphetamine

## **Confidentiality of Test Results**

Employee test results will be confidential. Test results will be provided only to the County Human Resource Department and management personnel who have a need to know. Test results will be maintained in secure, confidential files and will not be part of the employee's personnel record. A written release form signed by the employee is required for release of test results to anyone other than the MRO or the County. If the employee initiates any administrative or legal challenge to actions taken based on the test result, the County may release test result information to the decision maker in the administrative hearing or legal proceeding.

## **Consequences of Violation of the Policy**

Any employee who engages in conduct prohibited in this policy will be subject to disciplinary actions, up to and including termination of employment with the County.

Any employee who is convicted of a violation of a criminal drug statute occurring in the workplace, who uses alcohol or drugs while on duty, or who refuses to test (including adulterating or substituting a urine specimen) will be terminated.

## **Right to Appeal or Contest Test Results**

Any employee who disagrees with his/her test result may request reconfirmation and review of the result by the Medical Review Officer. The MRO shall authorize a re-analysis of the urine specimen maintained in secure storage at the laboratory. Any re-analysis of the specimen shall be at the employee's expense. The MRO is not authorized to review or consider test results of a urine or breath specimen obtained after the test in question. At the employee's request, the MRO shall review the alcohol test results, including the test result documentation, quality control data, and technician qualifications. The employee is entitled to a copy of any positive test result. If the employee requests additional data or information concerning his/her test result, he/she must submit the request in writing to the MRO. The employee is responsible for all cost associated with obtaining the additional information requested.

## **Referral, Evaluation and Treatment**

### **Available Resources**

Any employee who engages in violation of this policy will be provided with information about the resources available for evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

### **Substance Abuse Evaluation**

Any employee who engages in conduct prohibited by this policy will be required to undergo an evaluation by an appropriate substance abuse professional, who will determine what, if any, assistance the employee may need in resolving problems associated with alcohol misuse and controlled substances use. This requirement will apply regardless of whether such conduct is discovered as a result of a positive drug or alcohol test, independent employer knowledge, or a voluntary admission by the employee.

The employee will be allowed to select any substance abuse professional referred by the County. If an employee desires to use a substance abuse professional not referred by the County, he/she will be required to obtain advance approval from the County.

### **Treatment**

Any employee recommended for further assistance by a substance abuse professional will be afforded the opportunity to take a medical leave of absence in order to undergo any recommended treatment. Any such treatment will be at the employee's expense, unless coverage for the same is provided by any otherwise applicable health insurance plan. However, employees who violate this policy will only be provided with this leave of absence opportunity one (1) time.

Any employee who desires to take a leave of absence in order to participate in any recommended treatment program will be expected to follow normal procedures for requesting a medical leave of absence. The employee will also be required to admit himself/herself into any prescribed program and actively participate in the same. Accordingly, proof of admission in to the program, regular attendance and "drug/alcohol free" participation will be required. The Company will also require participation in any recommended or prescribed aftercare or similar follow-up treatment. Failure to participate in any such prescribed program or failure to attend any scheduled after-care or follow-up sessions will disqualify the individual from further employment.

### **Employee Education and Training**

All employees will be provided a copy of the County's Substance Abuse Policy. All employees will be provided with information on Employee Assistance Program resources.

All supervisory personnel will participate in training on reasonable suspicion testing determination and the signs and symptoms associated with alcohol and drug abuse.