

PASSED BY THE CALHOUN COUNTY BOARD OF SUPERVISORS

CALHOUN COUNTY Substance Abuse Policy and Procedure

I. INTRODUCTION

A. PURPOSE AND SCOPE

1. The purpose of this policy is to develop a substance abuse program to attempt to employ only individuals who are capable of performing work without posing a threat to themselves, fellow employees, and the public. Calhoun County has an interest in guaranteeing employee safety, public safety, environmental safety and the safety, reliability and prompt delivery, of its products or services. The objective of this policy is to implement a program for post-offer/pre-placements drug screening for applicants and an alcohol and drug testing program for employees.
2. This program will be applied to applicants and employees of Calhoun County. In addition Calhoun County shall strive to include requirements of drug and/or alcohol testing in contracts entered into with contractors working on the Premises of Calhoun County or providing services for Calhoun County.
3. Nothing contained in this policy alters any prospective or current employee from being subjected to drug and/or alcohol testing as required by any State or Federal law, rule or regulation.

B. DEFINITIONS

1. "Alcohol" means ethanol, isopropanol or methanol.
2. "Drug" means a substance considered a controlled substance and included in Schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. 801, et. seq.
3. "Employee" means a person in the service of Calhoun County including full-time, part-time, hourly or temporary employees but excluding elected officials.
4. "Medical Review Officer" means a licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant responsible for receiving laboratory results generated by an employer's drug or alcohol testing program, and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and other relevant biomedical information.
5. "Prospective employee" means a person who has made application, whether written or oral, to an employer to become an employee.
6. "Drugs tested for" shall mean alcohol, amphetamines, barbiturates, cocaine, methadone, methaqualone, opiates, phencyclidine, propoxyphene and Cannabinoids.
7. "Department Head or authorized supervisor" shall mean the employee's department head, the program director, administrator, human resource manager or a person authorized to and acting in the place of one of the above named persons.

II. PRE-EMPLOYMENT TESTING

A. POLICY

1. Calhoun County shall require any prospective employee offered employment to complete a drug screening test administered by Trimark Corporate Health Services as a condition of an offer of employment. Calhoun County shall not employ any job applicant who refuses or fails a pre-employment drug test.

B. TESTING PROCEDURES

1. When requested by the testing laboratory, prospective employees must provide urine or other generally accepted samples for screening tests and provide reliable individual identification. An employee is not required to provide blood as a sample for testing.
2. Any prospective employee who fails to report for, provides insufficient reliable identification or refuses to submit to a drug screen will not be eligible for employment for a period of at least one (1) year from the date of the positive test result or such failure or refusal to take the test. If the person is considered for employment again, the same rules with respect to drug screening shall apply.
3. If the test sample shows the presence of any of the drugs being tested, the sample will be subject to a confirmatory test. The lab will notify the Medical Review Officer (MRO) of the test results. If the test results are negative, the MRO will immediately notify Calhoun County. If the lab results are positive, the MRO will talk with the sample donor and determine whether the positive lab results are the result of legitimate use of prescription drugs or from drug abuse. That final determination will be given in writing to Calhoun County. If the prospective employee refuses to provide the information required by the MRO, the test results will be interpreted strictly according to the lab results. Any confirmed positive test result will result in any offer of employment being revoked and the prospective employee will not be hired.
4. The employer will notify any prospective employee of the results of a confirmed positive test in writing and will provide the name and address of the MRO who made the report and the prospective employee's right to issue a written request for all records relating to the drug screen if said written request is made within 15 calendar days from the date Calhoun County mailed notice of the results to the prospective employee.

III. POST EMPLOYMENT - REASONABLE SUSPICION TESTING

A. APPLICABILITY

1. County employees shall not engage in the following conduct: (1) report for duty or remain on duty while having an alcohol concentration of .04 or greater; (2) Report for duty or remain on duty while using illegal drugs. Illegal drugs include those controlled substances under federal or state law which are not unauthorized for sale, possession or use, and legal drugs which are obtained or distributed illegally; (3) refuse to submit to an alcohol or drug test when such test is authorized under this policy; (4) report for duty or remain on duty when abusing prescription drugs or over-the counter medications.

2. Calhoun County may require an employee to submit to a urine, or generally accepted test, without prior notice, if Calhoun County, has reasonable suspicion to believe, based on the observations of a supervisor or others, that the employee is violating the policy set forth above. All determinations will be based upon observed or reported behavior or incidents. Any supervisor or a member of management who observes behavior or incidents which would suggest an employee is impaired by drugs and/or alcohol should observe the following procedure.

B. PROCEDURE FOR TESTING

1. Procedure for Initiating Drug/Alcohol Test

- a. Remove the employee from the work area and accompany the individual to a non-public work area.
- b. Fill out the observed behavior/incident form and have any other witness verify this by also signing the form.
- c. Obtain the approval of the department head, appropriate supervisor or person acting in place of the department head or supervisor for the test.
- d. Notify Trimark Corporate Health Services, the collection facility, of the need for a drug and/or alcohol test.
- e. The employee will be accompanied to the collection facility and then arrangement for the employee to be driven home will be made. To the extent that Calhoun County can control the employee, he/she will not be allowed to operate his/her car, and
- f. The employee will be suspended pending results of the drug/alcohol test. If the results are negative, the employee will be compensated for lost time.

2. Testing Procedure

- a. Testing will be scheduled immediately before, during or immediately after normal working hours. The employee shall be paid during the time it takes to comply with the testing. The employer shall either provide transportation or pay the costs of transportation and the entire cost of the test. Test refusal shall subject the employee, to discipline up to and including termination of employment.
- b. The employee shall have the opportunity to provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. To assist the employee in providing this information, Calhoun County shall provide a list of the drugs to be tested. Blood may not be requested as a sample for testing. Calhoun County may take action based upon the results of any blood test taken from any employee involved in an accident and administered by persons providing treatment to the employee, as long as Calhoun County did not request the blood test and the results are legally obtained.

C. PROCEDURES FOLLOWING TESTING

1. Positive Test Results

If the test sample shows the presence of any of the drugs being tested, the sample will be subject to a confirmatory, test. The lab will notify the Medical Review Officer (MRO) of the test results. If the test results are positive, the

MRO will talk with the sample donor and determine whether the positive lab results are the result of the legitimate use of prescription drugs or from drug abuse. That final determination will be given in writing to Calhoun County. If the employee refuses to provide the information requested by the MRO, the test results will be interpreted strictly according to the tab results. Any confirmed positive test result shall subject the employee to the strictest action provided by this policy and State and Federal Law.

2. Notice

Notice of a positive test result will be provided to the employee in writing by certified mail, returned receipt requested, and the notice will inform the employee of the right to a confirmatory test by an independent approved laboratory of the second sample held by the lab at employee's expense. The cost of the test will be paid to the second lab chosen by the employee by Calhoun County after the employee advances the cost of the test and identifies the laboratory to conduct the test. The cost to the employee of the second test will not be greater than the cost of the first test conducted by the employer. In order to obtain an independent test; the employee must provide the request in writing, along with the fee and the name of the approved laboratory and deliver it to Calhoun County within seven days from the date Calhoun County mails the written notice to the employee.

3. Second Confirmatory Test

A second confirmatory test will be conducted if the employee requests such a test in person or via certified mail, identifies approved lab and pays the fee to employer within 7 days of the date Calhoun County mailed notice of the test result to the employee. If the second test does not confirm the results of the first test, the employer will reimburse the employee for the cost of the second test and the first test shall not be considered a confirmed positive drug or alcohol test for purposes of taking disciplinary action.

4. Adverse Action Pending Results

Calhoun County may suspend the employee after receiving a positive test result with or without pay. The employee shall be reinstated with back pay and interest if the result is later determined not to be a confirmed positive test.

IV. POST-EMPLOYMENT- POST-ACCIDENT TESTING

An employee will submit to drug and/or alcohol testing after an accident, if the accident results in a injury to a person, or damage to property including equipment which exceeds an estimated one thousand dollars in damage. The procedure outlined above in III.B. & C. will be followed in performing this testing.

V. EMPLOYEE DISCIPLINARY ACTIONS

A. TEST FAILURE OR REFUSAL

Any employee who refuses or fails an alcohol or drug test may receive disciplinary action, up to and including termination. The first time a county employee tests positive for drugs or alcohol, the county shall provide substance abuse evaluation, and treatment if recommended by the evaluation, with costs apportioned as

provided under the employee benefit plan or at county, expense, if there is no employee benefit plan. The county shall take no discipline action against an employee due to the employee's first positive test if the employee undergoes a substance abuse evaluation, and if the employee successfully completes substance abuse treatment if treatment is recommended by the evaluation. However, if an employee fails to undergo substance abuse evaluation, or fails to successfully complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined up to and including discharge.

B. DRUG/ALCOHOL REHABILITATION WITHOUT TESTING

Calhoun County encourages every employee to voluntarily enter treatment whenever the employee feels he/she has a drug or alcohol problem. Any employee who voluntarily comes forward, independent of potential disciplinary action, and seeks help for a drug or alcohol abuse problem, may be afforded the opportunity to enter a licensed rehabilitation program.

VI. TRAINING

- A. The department head or appropriate supervisor is available to answer questions about this policy. Upon initial implementation of this policy Calhoun County will provide information of effects of substance abuse on an individual's health, work and personal life; signs of a substance abuse problem; and available methods of intervening when a problem is suspected. After the policy is initiated, Calhoun County will provide periodic training.
- B. A copy of this policy will be given to every county employee.
- C. Every supervisor, who will determine whether an employee must submit to a reasonable suspicion drug or alcohol test, initially will receive at least two hours of training on the specific, contemporaneous physical, behavioral, speed, and performance indicators of probable drug and alcohol abuse. One hour will cover alcohol use and one hour will cover drug use. Thereafter, supervisors are required to complete one hour of training annually.

VII. OTHER REQUIREMENTS

- A. Notifying Calhoun County of the Use of Medication
Any employee who drives, operates or works around dangerous equipment, machinery or chemicals, who is prescribed medications that indicate a caution regarding drowsiness and/or against driving must immediately inform Calhoun County of the dosage and name of 'the medication so that a determination can be made as to the safety of the affected employee performing his/her normal duties. If it is determined that it is not safe, the employee must be temporarily reassigned. Failure to report the use of such medications may result in disciplinary action against the employee.

VIII. CONFIDENTIALITY OF DRUG/ALCOHOL TEST RESULTS

The results of any drug screen shall remain confidential and will not be released by Calhoun County to any other employer. Test results will be kept in a separate file and will be disclosed by Calhoun County only to those who have a need to know, to those persons permitted pursuant to Iowa Code or with the written consent of the prospective employee.

Approved by the Calhoun County Board of Supervisors on Tuesday, December 22, 1998.

Approved by the Calhoun County Board of Supervisors on Tuesday, June 30, 2009