



DRUG & ALCOHOL-FREE WORKPLACE POLICY

Prepared by

Employee
Screening Services

I. STATEMENT OF NEED

The County of Webster (hereafter referred to as The County) considers its employees to be its most valuable asset and is concerned about the health, safety, well-being, and satisfactory work performance of all employees. We understand that substance abuse can increase the possibility of accidents, absenteeism, usage of health care benefits and Worker's Compensation claims, as well as jeopardize the safety and work performance of all employees. Therefore, The County has chosen to institute a Drug and Alcohol Free Workplace Program. The following policy will provide the guidelines to implement such a program.

II. THE COUNTY'S POSITION

The County is most concerned about those situations where the use of alcohol and/or drugs seriously interferes with the safety, health and job performance of our employees. Such interference can only be considered detrimental to our employees and The County's business. While we have no intent or desire to intrude upon the private lives of our employees, we do have an obligation to provide the safest and best possible working environment for all our employees. The County also understands that certain employees may fall under the regulations stipulated by 49 CFR, Part 382 and will require all said employees to meet the requirements of those regulations (see attached DOT FMCSA POLICY, if required).

III. THE COUNTY'S AND EMPLOYEES' RESPONSIBILITIES

The County recognizes that it has a responsibility to provide a safe and productive work environment for all its employees. Our employees also have a responsibility to report to work fit for duty with no illegal drugs or alcohol in their systems.

IV. DEFINITIONS

As used in this Policy, the terms listed below shall have the following meanings:

- A. ALCOHOL - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- B. APPLICANT - a person who has applied for a position of employment with the County.
- C. BREATH ALCOHOL TECHNICIAN (BAT) - an individual who instructs and assists employees in the alcohol testing process and operates an

evidential breath testing device. For DOT purposes, a BAT must also meet the criteria of 49 CFR, Part 40, Subpart J.

D. Designated Employer Representative (DER) - An employee/official authorized by The County to take immediate action(s) to remove employees from duties or cause employees to be removed from duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for The County, consistent with The County's drug and alcohol testing policy. Currently, The County's DER is the Presiding Commissioner.

E. DRUGS - DFWP testing will include amphetamines, cannabinoids, cocaine, and opiates; DFWP tests may also include phencyclidine (PCP), barbiturates, benzodiazepines, methaqualone, methadone and propoxyphene, as well as any other drug The County may designate in the future.

F. Laboratory - Any U.S. laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), pursuant to federal and state law requirements.

G. Medical Review Officer - A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by The County's drug testing program and evaluating medical explanations for certain drug test results.

H. Safety-Sensitive employee:

1. Any employee who drives a vehicle of or for The County, carries a firearm, or operates equipment of The County that could affect the safety of said employee, other employees of The County or a member of the public at large. Examples of these positions would be:
 - i. All sworn law enforcement officers, including reserves and non-sworn communication and detention officers and bailiffs.
 - ii. All County employees who drive County vehicles but are not required to carry a Class A or B CDL license.
 - iii. Other departments as deemed appropriate.
2. Any employee who performs safety-sensitive functions as defined by administrations subject to the Department of Transportation (DOT) regulations. These administrations include FMCSA, PHMSA, FAA, FTA, FRA and USCG.

I. Substance Abuse Professional (SAP) - A person who evaluates employees who have violated The County's drug and alcohol policy and makes recommendations concerning education, treatment, follow-up testing and aftercare.

V. CIRCUMSTANCES UNDER WHICH TESTING IS TO BE PERFORMED AND PERSONS WHO ARE SUBJECT TO DRUG AND/OR ALCOHOL TESTING

A. Pre-employment

All applicants for employment must pass a pre-employment drug screen prior to the beginning of their work for The County. This includes all part-time and summer help applicants. All potential new hires will have The County's policy explained during the interview and will be required to be tested for drugs prior to employment. A negative test will be a condition of employment. The County will not hire any applicant who refuses to undergo said drug testing or whose drug test is confirmed to be positive.

B. Reasonable Suspicion

The County will require an employee reasonably suspected of being under the influence of alcohol and/or drugs, and so documented, to be tested by qualified personnel for the use of drugs and/or alcohol.

1. Observations of employee conduct while the employee is at work or on duty, which cause The County to require reasonable suspicion testing of an employee, shall be made by a supervisor or department head who has received training for the detection of symptoms or manifestations for being under the influence of drugs or alcohol. The supervisor and/or department head making the observation shall be required to make written documentation of the observations leading to reasonable suspicion testing immediately before, or as soon as possible after, the determination to test is made, but no later than 24 hours after the determination to test is made. Testing will be required of all employees, regardless of classification, when reasonable suspicion exists.

2. Every effort shall be made to have reasonable suspicion testing administered within two (2) hours of the determination that reasonable suspicion exists. But, the attempt to test for alcohol shall cease if the alcohol test is not performed within eight (8) hours after the determination to test; and attempts to perform the drug test after thirty-two (32) hours.

C. Post-Accident or On-the-Job Injury

1. An employee who is involved in an on-the-job accident or injury will be tested for alcohol and drugs, as part of The County's investigation into the cause of the accident. The County will require the alcohol and drug testing of any employee involved in an on-the-job accident resulting in significant damage to personnel, materials, equipment, vehicles or products. The County will also require alcohol and drug testing of the driver of any County car, truck, or other vehicle, involved in an accident. The County, additionally, will require the alcohol and drug testing of any employee, whose on-the-job injury warrants medical treatment at a medical facility.

1. Alcohol. Every effort shall be made to have a post-accident/on-the-job injury alcohol test administered within two (2) hours of the accident/injury. But, the attempt to test shall cease if the test is not performed within eight (8) hours after the accident/injury.

2. Drugs. Every effort shall be made to have a post-accident/on-the-job injury drug test administered within two (2) hours of the accident/injury. But, the attempt to test shall cease if the test is not performed within thirty-two (32) hours of the accident/injury.

D. Random

1. All safety-sensitive employees are subject to unannounced testing based on a random, scientifically based selection. If an employee is randomly chosen to take a drug and/or alcohol test, and the test is positive, the employee will be subject to immediate disciplinary action up to and including termination. The County shall test at the frequency and volume it deems necessary to ensure the safest, most productive workplace possible, or to meet federal testing percentages (when applicable). Dates for this testing are spread throughout the year.

2. The County will establish one or more random testing pools (as needed) to effectively administer random testing:

a. A pool(s) for all non-CDL safety-sensitive employees.

b. A pool(s) for all DOT-defined safety-sensitive employees.

E. Return-To-Duty

Any employee who elects to make use of The County's Employee Assistance Program (EAP) will be required to submit to, and pass, a return-to-duty drug and/or alcohol test after completion of an evaluation by a certified Substance Abuse Professional (SAP), successful completion of the SAP's recommended rehabilitation program, and prior to being allowed to return to work. The cost of the above evaluations, rehabilitations and testing will be borne by the employee.

G. Follow-Up

Any employee of The County who successfully completes a SAP evaluation and rehabilitation program, and passes a return-to-duty drug and/or alcohol test, will be required to submit to, and pass, periodic follow-up drug and/or alcohol tests. Follow-up testing will be unannounced. The frequency and volume of testing will be determined by the SAP, but no less than six (6) tests in the first twelve (12) months immediately following the employees return to work, and no greater than sixty (60) months.

VI. VIOLATIONS – A violation is considered misconduct and may result in suspension or termination of employment.

A. Alcohol:

1. Possession or drinking of any alcoholic beverage on The County's property, including the parking lot, driveways, at The County's work sites and in The County's vehicles, at any time, including during breaks or lunch, is prohibited. Also, reporting for work while under the influence of alcohol is prohibited. An individual who is found to have a concentration level of alcohol in the body in excess of **.02** is considered impaired and disciplinary action will be taken.
2. Levels of consequence are:
 - a. 0.02 - 0.039. Employee will be immediately removed from duty, without pay, and will not be allowed to return to work for twenty-four (24) hours.
 - b. 0.04 or greater. Employee will be immediately removed from work, without pay, and will not be allowed to return to work until successful completion of The County's employee assistance program.

B. Controlled Substances (Drugs)

1. Possession, use, distribution, purchase, sale or offering for sale of narcotics or any controlled or illegal substance, on The County's property, including the parking lot, at The County's work sites, and The County's vehicles, at any time, including breaks or lunch is prohibited.
2. Reporting for work or working while under the influence of any controlled or illegal substance, except a drug prescribed for the employee by a physician and used by the employee as prescribed, will be disciplined. The burden of proof lies with the employee. The County will determine the disposition of each case.
3. Employees who are not actually on The County's property, but are performing work for The County, are expected to follow these work rules. Failure by any employee to comply with these rules while on County business off-site will be treated the same as if the employee were on The County's property.

VII. REFUSAL TO TEST

A refusal to comply with a directive to undergo an alcohol or drug test will be treated in the same manner as a positive alcohol and/or drug screen. Discipline, up to and including termination, is the penalty for failing a drug/or alcohol screen.

The County will follow refusal procedures as found in current Department of Transportation regulations. The entire list of what is considered a refusal to test can be found in 49 CFR, Part 40.191 (drug) and 40.261 (alcohol). Some examples of a refusal to test are:

- A. Failure to appear for a test within a reasonable amount of time (except pre-employment).
- B. Failure to cooperate with any part of the collection process.
- C. Admission by the donor to the collector or MRO that the donor adulterated or substituted the specimen.
- D. The possession or wearing of a prosthetic or other device that could be used to interfere with the collection process.
- E. Failure to sign Step 2 of the Alcohol Testing Form (ATF).

VIII. EMPLOYEE ASSISTANCE PROGRAM (EAP)

- A. An employee of The County may utilize the Employee Assistance Program (hereafter referred to as the EAP) of The County one time during the course of said employee's tenure with The County. Once an employee has made use of the EAP, any future violation of The County's drug and alcohol program will result in immediate termination of said employee.

- B. An employee may make use of the EAP under the following circumstance:
 1. Voluntary request prior to being notified to test. Once an employee has been notified to take a required drug and/or alcohol test, the employee must submit to the test and may not invoke use of the EAP.

 2. Failure to pass a drug and/or alcohol test. An employee who fails a required drug and/or alcohol test will be offered the opportunity to complete The County's EAP. An employee who does not elect to complete the EAP will immediately be terminated.

- C. An employee who elects to make use of The County's EAP shall be required to bear the costs related to completing the program, which includes, but is not limited to: the SAP evaluation; any rehabilitation; the return-to-duty test(s); all follow-up testing.

- D. Any employee who seeks to make voluntary use The County's EAP shall make their request directly to The County's Designated Employer Representative (DER). The DER shall be responsible to offer The COUNTY'S EAP to any employee who fails a drug and/or alcohol test.

- E. Completion of The COUNTY'S EAP shall involve the following:
 1. Evaluation by a certified Substance Abuse Professional (SAP) to determine what assistance, if any, the employee needs in resolving problems associated with alcohol and/or drug abuse or misuse.

 2. Successful completion of the SAP's prescribed rehabilitation program. The SAP shall be responsible to determine if the employee has properly followed and completed the prescribed rehabilitation program.

 3. Upon successful completion of steps 1 and 2, the employee must pass a return-to-duty drug and/or alcohol test prior to being allowed to return to work.

4. Once the employee has returned to work, said employee must pass a series of follow-up drug and/or alcohol tests. The number of follow-up tests will be consistent with The County's policy for follow-up testing.

IX. WORKER'S COMPENSATION:

Missouri's Worker's Compensation Law allows penalties against employees who test positive for the use of alcohol and/or illegal drugs after a work-related accident and/or injury. These penalties may result in the forfeiture of 50% to 100 % of Worker's Compensation benefits, depending upon the circumstances and cause of the accident.

X. EMPLOYEE EDUCATION AND SUPERVISOR TRAINING

A. Employee education shall consist of:

1. Educate employees about the harmful effects of drugs and alcohol in the workplace. In connection therewith:
 - a. The County shall provide educational materials that explain The County's policies and procedures with respect to meeting the requirements of this policy.
 - b. The County shall ensure that a copy of these materials is distributed to each employee prior to the start of drug and/or alcohol testing and to each driver transferred into a position requiring driving a commercial motor vehicle.
2. Encouraging employees to voluntarily seek assistance through the EAP.
3. Informing employees about the collection process, times of compliance, certification of laboratory, MRO and SAP, and process to appeal results.
4. Informing employees about The County's concern for correcting drug and alcohol use or dependency before it adversely affects and employee's work record and caused irreparable harm to the employee and the residents of The County.
5. Providing written notice to representatives of employee organizations of the availability of this information,

6. Designating the Elected Official and/or the County's designee as the DER to answer questions concerning distributed materials and The County's policies.

B. Supervisor training shall include a minimum of 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. The training will be used by supervisors to determine whether reasonable suspicion exists to require an employee to undergo reasonable suspicion testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. In addition, training will include effective methods of confrontation and documentation.

XI. PROCEDURES AND PROVIDERS

A. Drug and/or Alcohol Collection and Collectors

1. All drug and/or alcohol collections will be performed by individuals meeting federal testing requirements as set forth by 49 CFR, Part 40.
2. All drug and/or alcohol collections will be performed in a manner consistent with federal testing regulations as set forth in 49 CFR, Part 40, unless otherwise designated for collections made for non-DOT collections.
3. Collections for Reasonable Suspicion, Post-Accident (non-injury), Return-To-Duty, and Follow-Up will be provided by:

Employee Screening Services
2055 S. Stewart, Ste. A
Springfield, Missouri 65804
Phone: 417-887-7697
Fax: 417-887-7692

4. Collections for Pre-employment will be provided by either:

Marshfield Family Clinic
487 Pomme De Terre Dr.
Marshfield, MO 65706

Phone: 417-7875

Or

Fordland Clinic
1059 Barton Drive
Fordland, MO 65652
Phone: 417-767-2273

B. Laboratory and Medical Review Officers (MRO)

1. The process for laboratory testing of drug specimens and MRO evaluation of drug test results and reporting of results shall be consistent with the guidelines set for in federal regulations found in 49 CFR, Part 40.

2. Laboratory services will be provided by:

Alere Toxicology Services, Inc.
1111 Newton St.
Gretna, LA 70053
Phone: 800-433-3823

3. MRO services will be provided by:

Dr. Benjamin Gerson, MD
University Services MRO
10551 Decatur Road, Ste. 200
Philadelphia, PA 19154
Phone: 215-637-6800

C. Substance Abuse Professional

1. The County will supply the name(s) of the individual(s) that meet federal criteria to perform the services of a Substance Abuse Professional consistent with 49 CFR, Part 40.

2. Potential SAP providers include:

Tri Star Counseling/ Dr. Michael Londe Joplin, Missouri 64804 65810 Phone: 800-621-3426 883-7227 Fax: 417-781-1922	Carl Dawson 1320 E. Kingsley Ave. Springfield, MO 65810 417-882-4110	Dennis Wells 5337-F S. Campbell Springfield, Mo 417-
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Vantage Point Counseling & Consulting
William Holtmeyer
1736 E. Sunshine St., Suite 406
Springfield, MO 65804
Phone: 417-860-3858

XII. CONFIDENTIALITY

A. The County shall maintain all drug and alcohol test results and related information, including, but not limited to, interviews, reports, statements and memoranda, as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding or any civil or administrative proceeding except in those actions taken by The County or in any action involving the individual tested and The County or unless such records are ordered released pursuant to a valid court order.

B. The records described in Paragraph A above, and maintained by The County, shall be the property of The County and, upon the written request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. The County shall not release such records to any person other than the applicant, employee of The County's MRO, unless the applicant or employee, in writing, following receipt of the test results, has expressly granted permission for The County to release such records or unless released pursuant to a valid court order.

C. Records of federal drug test results shall be kept for a minimum length of time consistent with federal testing regulations stipulated by the DOT administration(s) to which The County is subject. Results from non-federal testing may be kept in the same manner. Currently federal testing regulations require one-year retention of negative test results, and positive test result files are retained five years after case ending date.

APPROVAL BY THE COUNTY COMMISSION:

The County will coordinate the implementation of this policy and assure reasonable and consistent application. All managers and supervisors are responsible for enforcing this policy in accordance with applicable work rules.

Adopted and approved on _____
Date

Signature Title

Signature Title

Signature Title