

SALT LAKE COUNTY HUMAN RESOURCES POLICY & PROCEDURE

ALCOHOL AND DRUG SCREENING, TESTING AND TREATMENT

REFERENCE

Federal Motor Carriers Safety Regulation; 49 CFR, Part 40, Part 382

Drug Free Workplace; 41 USC Chapter 10

Local Government Entity Drug-Free Workplace Policies, Utah Code Ann. §§ Title 34 Chapter 41

Salt Lake County Countywide Policy:

Discovery & Reporting of Non-Criminal Wrongdoing
Vehicles

Human Resources Policy & Procedure:

General Definitions
Drug Free Workplace
Employee Resource Program
Fitness for Duty
Leave Practices
Discipline
Standards of Conduct

POLICY

It is the policy of Salt Lake County to prohibit the use of alcohol and illegal drugs and the abuse of legal medications on the job which may impact job performance; may create a significant danger or harm to the public, employees and county property; may be in violation of the criminal laws of the state of Utah; and increase the potential legal liability of the county for accidents or misconduct of its employees. Employees who violate this policy shall be subject to discipline. Salt Lake County has the right to decline to defend and indemnify employees who willfully violate this policy.

PURPOSE

To provide alcohol and drug screening, testing and treatment procedures for county employees, merit, appointed, elected, temporary and volunteers, including those performing in safety sensitive positions and those who drive a vehicle on county business that requires a Commercial Driver's License (CDL).

PROCEDURE

1.0 JOB-RELATEDNESS

- 1.1 Action under this policy shall be limited to instances of alcohol and drug use that may impact job performance or the ability to safely perform assigned duties.
- 1.2 The use or possession of alcohol or drugs while on duty or at a county facility will not be considered a violation of this policy where use or possession is permitted by law, and is considered a normal part of job duties.
- 1.3 Refusal to submit a laboratory sample as provided in this policy, attempts to contaminate a sample or provide a false sample, interference with testing procedures or any violation of this policy may be grounds for disciplinary action which may include termination.

2.0 USE OF ALCOHOL OR DRUGS – EMPLOYEE RESPONSIBILITIES

2.1 Alcohol

- 2.1.1 No employee shall drink alcohol while on duty. The meal period is not considered on duty unless specified by the administrator/designee through a formal written policy and procedure, adopted in accordance with Salt Lake County Code of Ordinances.
- 2.1.2 No employee shall report for duty nor be on duty while under the influence of alcohol to the extent that it may impact job performance, nor be unfit for duty because of

such use.

- 2.1.3 No employee while on duty shall operate a vehicle when under the influence of alcohol in violation of state or federal law, or county policy when such use renders the employee incapable of safely operating the vehicle.

2.2 Drugs

- 2.2.1 No employee shall use or possess drugs while on duty unless properly prescribed by a licensed practitioner and properly used for the treatment of an illness or injury.
- 2.2.1.1 No employee shall sell or transfer prescription drugs to other employees.
- 2.2.2 The misuse of any over-the-counter drug is prohibited.
- 2.2.3 No employee shall use or possess illegal drugs while on duty.
- 2.2.4 No employee shall sell, transfer or purchase illegal drugs while on duty.
- 2.2.5 No employee shall report for duty nor be on duty while under the influence of any drug that may impact job performance.
- 2.2.6 No employee while on duty shall operate a vehicle when under the influence of any drug which renders the employee incapable of safely operating the vehicle.
- 2.2.7 Employees convicted of any illegal drug or controlled substance criminal violation occurring in the County workplace are required to notify their supervisor in writing no later than five calendar days after their conviction.

3.0 REASONABLE SUSPICION ALCOHOL AND DRUG TESTING, ALL EMPLOYEES AND VOLUNTEERS (INCLUDING CDL HOLDERS)

- 3.1 A supervisor/designee shall take action under this paragraph when there is a reasonable suspicion that an employee who is on duty is under the influence or affects of alcohol or drugs which may impact job performance.
- 3.2 A supervisor/designee's determination that reasonable suspicion exists to require an employee to undergo an alcohol or drug test shall be based on specific, articulable observations concerning the appearance, current behavior, speech or body odors of the employee.
- 3.2.1 Circumstances which may constitute a basis for determining a reasonable suspicion may include, but are not limited to:
- 3.2.1.1 Abnormal or erratic behavior (e.g. a significant change in the quantity or quality of work, unusual mistakes or errors of judgment, unusual absence);
- 3.2.1.2 A work-related accident, in combination with other factors;
- 3.2.1.3 The direct observation of the employee using illegal drugs or an open container of alcohol or misusing drugs in violation of policy;
- 3.2.1.4 The employee's possession of illegal drugs or an open container of alcohol at a county worksite;
- 3.2.1.5 The noticeable presence of physical symptoms of alcohol or drug use (e.g. glassy, blurry or bloodshot eyes, hand tremors, flushed or swollen face, the odor of alcohol, slurred speech, or poor coordination or reflexes);
- 3.2.1.6 Being informed by a county employee or other source that an employee is believed to be using or under the influence of alcohol or drugs, in combination with other factors.
- 3.3 When a supervisor/designee makes the determination that reasonable suspicion exists, the following steps shall be taken:

- 3.3.1 The employee shall be immediately removed from assigned duties.
- 3.3.2 The supervisor/designee shall immediately contact the administrator/designee to report that reasonable suspicion exists and request assistance.
- 3.3.3 The administrator/designee, after counsel with and in the presence of the supervisor/designee, shall inform the employee that impairment due to the use of alcohol or drugs is suspected.
- 3.3.4 The employee shall be given an opportunity to explain the behavior which led to the suspicion of being under the influence of alcohol or drugs.
- 3.3.5 The administrator/designee may direct that the employee submit to testing to determine whether alcohol or drugs are present in the employee's system. From this point forward the employee is not to be left unattended.
- 3.3.6 An employee confronted with reasonable suspicion may request testing be conducted. Such request must be honored.
- 3.3.7 Refusal to submit to testing will be regarded as a positive test and the employee is subject to disciplinary action.
- 3.3.8 The employee shall be escorted to the testing site by the supervisor/designee or the administrator/designee as soon as possible.
 - 3.3.8.1 An employee suspected of being under the influence of alcohol or drugs shall not be allowed to drive to a testing site or to any other location as long as reasonable suspicion exists that the employee is in an impaired state.
- 3.3.9 The employee may be placed on paid administrative leave at the discretion of the administrator/designee in accordance with the procedures outlined in Human Resources Policy & Procedure, Leave Practices.
- 3.4 The supervisor/designee shall prepare written documentation supporting the reasonable suspicion by detailing specific facts, symptoms or observations and forward it to the administrator/designee as soon as practical.

4.0 POST ACCIDENT ALCOHOL AND DRUG TESTING, ALL EMPLOYEES AND VOLUNTEERS (INCLUDING CDL HOLDERS)

- 4.1 All employees and volunteers who operate a vehicle, as defined, for the purpose of conducting county business will be tested for alcohol and drugs under the ten panel (See Section 5.2) when one or more of the following occur:
 - A. Major physical injury (immediately receives medical treatment away from the scene of the accident);
 - B. Loss of human life;
 - C. Employee is cited after the accident;
 - D. There is reasonable suspicion the employee is under the influence of alcohol or drugs;
 - E. An employee is involved in an accident more than once in a ninety-day period.
- 4.1.1 CDL holders may be tested outside of the DOT regulated panel under "D" and, if not cited, under "A" and "E".
- 4.2 Following a vehicle accident, the onsite County Safety Officer/designee or the supervisor/designee shall inform the employee involved in an accident of the requirement for alcohol and drug testing as stated in section 4.1

- 4.3 The employee's supervisor/designee will escort the employee to the independent laboratory for testing.
- 4.4 Any employee or volunteer subject to post-accident testing who leaves the scene of an accident or fails to remain readily available for testing may be deemed to have refused to submit to testing and is subject to discipline.
- 4.5 After testing, at the discretion of the administrator/designee, the employee may be released from duty and escorted to the employee's place of residence. An employee released from duty may be placed on paid administrative leave at the discretion of the administrator/designee in accordance with the procedures outlined in Human Resources Policy & Procedure, Leave Practices.
 - 4.5.1 Employees who return to duty shall not be allowed to operate a vehicle on county business until test results are received.
- 4.6 If there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the County Safety Officer/designee shall prepare a written record of all factors related to the accident including observations of appearance, behavior, speech or body odors of the employee and other relevant information, and provide a copy to Risk Management and the administrator/designee.

5.0 TESTING REQUIREMENTS FOR REASONABLE SUSPICION AND POST ACCIDENT (INCLUDING CDL HOLDERS)

- 5.1 Prior to performing an alcohol or drug test, all covered employees shall be notified they are subject to these tests.
- 5.2 Employees may be tested for alcohol and the following partial list of drugs (ten panel):
 - A) Synthetic Opiates (Oxycontin and Hydrocodone)
 - B) Cocaine
 - C) Opiates
 - D) Phencyclidine (PCP)
 - E) Amphetamines (including methamphetamines)
 - F) Barbiturates
 - G) Benzodiazepines
 - H) Cannabinoids
 - I) Methadone
 - J) Propoxyphene
- 5.3 Other drug tests may be administered based on specific information.
- 5.4 The costs for alcohol and drug testing under this policy shall be paid by the agency of the employee tested.
- 5.5 Time spent participating in the alcohol and drug testing procedures required by this policy is compensable time whether the employee is on or off duty.

6.0 TESTING PROCEDURES FOR ALL EMPLOYEES (INCLUDING CDL HOLDERS)

6.1 Alcohol Testing

- 6.1.1 A test for the presence of alcohol conducted by a trained and certified technician using an accepted and recognized testing method will be conducted at a county contracted independent laboratory.
- 6.1.2 Alcohol testing may be performed at the scene of an accident by a trained professional provided Salt Lake County can obtain the results of the test.

6.2 Drug Testing

- 6.2.1 Urine samples shall be collected by a county contracted independent laboratory and tested by a contracted drug testing laboratory approved by the county which follows the guidelines set forth by either the Substance Abuse and Mental Health Services Administration (SAMHSA), National Institute on Drug Abuse (NIDA), or the College of American Pathology, as provided in Utah Code Ann. §34-41-104 or the regulations adopted by the federal government in 49 CFR, Part 40, subparts B and C.
- 6.2.2 A Medical Review Officer (MRO) must review and verify all positive drug tests.
- 6.2.3 An employee notified of a positive test has ten days from date of notification to request in writing to the administrator/designee that additional independent testing of the original sample be conducted. Testing must be performed at a certified laboratory. The cost of the additional testing shall be paid by the employee.
 - 6.2.3.1 The administrator/designee will notify the contracted drug testing laboratory of the employee's request for an independent test.
- 6.2.4 Sample collection shall be conducted in reasonable and sanitary conditions with due respect for the privacy of the person tested and in a manner that ensures the samples are not contaminated or misidentified.

7.0 ALCOHOL OR DRUG TEST RESULTS FOR REASONABLE SUSPICION AND POST ACCIDENT**7.1 Evaluation and Treatment**

- 7.1.1 Employees with positive tests may be referred to a Substance Abuse Professional (SAP) or licensed mental health professional for counseling and/or treatment, but are not entitled to treatment in lieu of disciplinary action.
 - 7.1.1.1 An administrator/designee may consult with the Employee Assistance Program (EAP) Manager, a SAP or a licensed mental health professional before deciding on whether to issue discipline.
- 7.1.2 Employees with negative test results will be informed by the administrator/designee and are not subject to further action under this policy.

7.2 Violation of Policy

- 7.2.1 Nothing in this policy shall be construed as granting an employee immunity from disciplinary action under other policies, or arrest or prosecution by appropriate law enforcement authorities for activities involving alcohol or drugs, which are in violation of federal, state or local laws.
- 7.2.2 Employees convicted of any crime involving illegal drugs or controlled substances occurring in the County workplace are required to notify their supervisor in writing no later than five calendar days after their conviction.
 - 7.2.2.1 The county will provide written notification to agencies of the Federal Government through which it receives Federal grants or contract monies of any employee criminal drug statute convictions occurring in the county workplace within ten calendar days after receiving notice of the conviction.
- 7.2.3 Any employee whose county position includes professional responsibilities, ethical standards or certification requirements where alcohol or drug abuse, on or off the job, adversely affects the employee's professional standing may be subject to disciplinary action under this policy.
- 7.2.4 An employee under the influence of alcohol or drugs in violation of this policy shall be subject to discipline in accordance with Human Resources Policy & Procedure,

Discipline.

- 7.2.5 Upon notification of a positive test result, the administrator/designee must notify the employee within two working days by telephone and in writing to the employee's last known address.
- 7.2.6 The services of any volunteer who violates this policy shall be immediately terminated.

8.0 VOLUNTARY SELF-IDENTIFICATION OF ALCOHOL MISUSE AND DRUG ABUSE

- 8.1 An employee who admits to alcohol misuse or drug abuse to the EAP Manager or the immediate supervisor, who has not violated the testing requirements of this policy is not subject to adverse action provided:
 - 8.1.1 The admission is in accordance with this policy;
 - 8.1.2 The employee does not self-identify in order to avoid testing under the requirements of this policy;
 - 8.1.3 The employee makes the admission of alcohol misuse or drug abuse prior to reporting for duty;
 - 8.1.4 The employee does not self-identify in order to avoid discipline for violation of other county policies (e.g. Standards of Conduct).
 - 8.1.5 The employee receives a referral to counseling or a drug rehabilitation program in accordance with this policy.
- 8.2 A supervisor or manager notified by an employee of an alcohol or drug problem may refer the employee to the EAP Manager.
- 8.3 The County EAP Manager will refer an employee who requests assistance to counseling or to an alcohol or drug rehabilitation program.
 - 8.3.1 An employee seeking evaluation or treatment may apply for leave under Human Resources Policy & Procedure, Family, Medical and Military Family Leave or Human Resources Policy & Procedure, Leave Practices.
 - 8.3.1.1 The employee must be released by the SAP, the licensed mental health professional or a health care provider to return to work.
 - 8.3.2 All costs for counseling or rehabilitation will be paid by the employee.

9.0 RECORD KEEPING

- 9.1 Records related to alcohol and drug testing must be maintained in a secured, confidential file by the agency and shall not be kept in the employee's personnel file unless the record is used as basis for disciplinary action.
 - 9.1.1 Records and references to false positive test results shall be deleted from all files.
 - 9.1.2 Records relating to alcohol and drug testing are classified as "protected" under the Utah Government Records Access and Management Act (GRAMA) and are available for review only by the administrator/designee on a need-to-know basis.
 - 9.1.3 Records shall be kept for a minimum of five years.

COMMERCIAL DRIVER'S LICENSE (CDL) HOLDERS (SECTIONS 10.0 THROUGH 19.0 et.seq)

10.0 PRE-EMPLOYMENT DRUG TESTING (CDL)

- 10.1 Prospective employees who will drive a vehicle requiring a Commercial Driver's License (CDL) while on duty shall undergo testing for the drugs covered in this policy before starting work unless exempted under federal regulations.
- 10.2 Published job announcements to recruit for CDL holders shall state the applicants selected for hire will be required to consent to drug testing.
- 10.3 Applicants subject to pre-employment drug testing may request a copy of the test results within sixty days of hire.
- 10.4 Prospective employees must provide a release to obtain alcohol and drug testing records from DOT-regulated employers for a period two years prior to the date of application as required by the "Release of Information Form-49 CFR, Part 40, Alcohol and Drug Testing."

11.0 RANDOM ALCOHOL AND DRUG TESTING (CDL)

- 11.1 A minimum of 50% of all CDL holders must be tested for drugs and a minimum of 10% must be tested for alcohol misuse or abuse on a random basis every calendar year using a computerized random selection procedure generated by the independent laboratory that:
 - A. Will give all CDL holders an equal chance of being selected for testing;
 - B. Is unannounced;
 - C. Is evenly spaced throughout the year.
- 11.2 Alcohol and drug tests may be performed just prior, during or just after performing a safety sensitive driving function.
- 11.3 The employee's supervisor/designee will escort the employee to the independent laboratory for testing.
- 11.4 If a CDL holder selected for random testing is off duty a written record must be prepared by the employee's supervisor/designee and kept on file stating the reasons the test was not administered.
- 11.5 Positive tests for CDL holders will be reported immediately to the administrator/designee or the immediate supervisor/designee who will temporarily remove, with pay, the employee from all driving and safety sensitive functions pending results of a confirmatory test.

12.0 REASONABLE SUSPICION ALCOHOL AND DRUG TESTING (CDL) See Section 3.0**13.0 POST ACCIDENT ALCOHOL AND DRUG TESTING (DEPARTMENT OF TRANSPORTATION) (CDL)**

- 13.1 CDL holders who operate a vehicle on county business involved in an accident will be tested for alcohol and drugs when one or more of the following occur:
 - A. Accident results in loss of human life;
 - B. Employee is cited after the accident and;
 - 1. Accident results in physical injury to any person who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or
 - 2. Accident results in any vehicle incurring disabling damage requiring the vehicle to be towed from the scene of the accident;
- 13.1.1 CDL holders may also be tested under Section 4.1.1.
- 13.2 Following an accident, the onsite County Safety Officer/designee or the supervisor/designee

- shall inform the employee involved in an accident of the requirement for alcohol and drug testing.
- 13.3 The employee's supervisor/designee will escort the employee to the independent laboratory for testing.
- 13.4 Alcohol tests must be conducted within two hours of an accident.
- 13.4.1 If the alcohol tests cannot be conducted within two hours, a written record must be prepared by the employee's supervisor/designee and kept on file stating the reasons the tests were not administered within the two hour time limit. If the alcohol test cannot be administered within eight hours, all attempts to test must cease and a written record must be prepared by the employee's supervisor/designee and kept on file stating the reasons the test was not administered within the eight hour time limit.
- 13.4.2 No driver required to take a post-accident alcohol test shall use alcohol for eight hours or until post-accident testing has occurred whichever comes first.
- 13.5 Drug tests must be conducted immediately, but in no case beyond thirty-two hours of an accident.
- 13.5.1 If drug tests cannot be conducted within thirty-two hours, a written record must be prepared by the employee's supervisor/designee and kept on file stating the reasons the tests were not administered within the allowed time limits.
- 13.6 If reasonable suspicion exists, the County Safety Officer/designee shall prepare a written record of all factors related to the accident including observations of appearance, behavior, speech or body odors of the employee and other relevant information and provide a copy to Risk Management and the administrator/designee.
- 13.7 After testing, at the discretion of the administrator/designee, the employee may be released from duty and escorted to the employee's place of residence. An employee released from duty may be placed on paid administrative leave at the discretion of the administrator/designee in accordance with the procedures outlined in Human Resources Policy & Procedure, Leave Practices.
- 13.8 A CDL holder subject to post-accident testing who leaves the scene of an accident without authorization before a test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing and is subject to discipline.

14.0 TESTING REQUIREMENTS (DOT) (CDL)

- 14.1 Testing under sections 10, 11 and 13 must be performed by a National Institute on Drug Abuse (NIDA) certified laboratory for alcohol and the following drugs (DOT panel)
- A) Marijuana
 - B) Cocaine
 - C) Opiates
 - D) Phencyclidine (PCP)
 - E) Amphetamines (including methamphetamines)
- 14.1.1 A CDL holder is required to report on the county's "Disclosure of Prescription Drugs" form, the use of prescription drugs that may impact job performance.
- 14.1.2 An employee may be allowed to perform job duties while using prescribed medications if the employee's health care provider advises in writing to the administrator/designee, subject to review by the Medical Review Officer (MRO), that the substance will not adversely affect the employee's ability to operate a vehicle

requiring a CDL.

15.0 TESTING PROCEDURES (DOT) (CDL) (See Section 6.0)

16.0 ALCOHOL OR DRUG TEST RESULTS AND RETURN TO DUTY TESTING FOR REASONABLE SUSPICION, POST ACCIDENT AND RANDOM (DOT) (CDL)

16.1 Evaluation and Treatment

16.1.1 Upon receipt of a verified positive alcohol or drug test result, the supervisor/designee must remove the employee from performing safety sensitive driving functions. This action must be taken upon receiving the initial report of the verified test result. The supervisor/designee shall not wait to receive the written report or the result of a split specimen test. The employee shall not be returned to duty until successful completion of the return-to-duty process.

16.1.2 A CDL holder who tests positive for alcohol or drugs as a result of the testing requirements under this policy who undergoes evaluation and treatment by a Substance Abuse Professional (SAP) may at the discretion of the administrator/designee be reassigned to alternate duties, excluding safety sensitive driving functions, provided the employee is qualified.

16.1.3 An employee who tests positive for alcohol or drugs must be tested for alcohol and drugs as part of a counseling, education and/or treatment program recommended by a SAP prior to returning to the job or while continuing to perform in the same position as recommended by the SAP and approved by the administrator/designee.

16.1.4 Prior to the employee returning to safety sensitive driving functions, the employee shall undergo return to duty alcohol and drug testing with verified negative test results. Alcohol and drug testing for CDL holders must be administered under direct observation; and

16.1.5 The employee shall be subject to follow-up testing pursuant to the recommendations of the SAP overseeing the employee's evaluation and treatment.

16.1.6 Employees with negative test results will be informed by the administrator/designee and are not subject to further action under this policy.

16.2 A revoked driver's license may be grounds for termination.

16.3 Violation of Policy (See Section 7.2)

17.0 VOLUNTARY SELF-IDENTIFICATION OF ALCOHOL MISUSE AND DRUG ABUSE (CDL)

17.1 An employee who admits to alcohol misuse or drug abuse to the EAP Manager or the immediate supervisor, who has not violated the testing requirements of this policy, is not subject to adverse action provided:

17.1.1 The admission is in accordance with this policy;

17.1.2 The employee does not self-identify in order to avoid testing under the requirements of this policy;

17.1.3 The employee makes the admission of alcohol misuse or drug abuse prior to performing a safety sensitive driving function (e.g. prior to reporting for duty); and

17.1.4 The employee does not perform a safety sensitive driving function until the administrator/designee is satisfied the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

17.1.5 The employee does not self-identify in order to avoid discipline for violation of other

- county policies (e.g. Standards of Conduct).
- 17.1.6 An employee receives a referral to counseling or a drug rehabilitation program in accordance with this policy.
 - 17.2 A supervisor or manager notified by an employee of an alcohol or drug problem may refer the employee to the EAP Manager
 - 17.3 The County EAP Manager will refer an employee who requests assistance to a SAP or to an alcohol or drug rehabilitation program.
 - 17.3.1 An employee shall be allowed reasonable opportunity to seek evaluation, education or treatment to establish control over the alcohol or drug problem.
 - 17.3.2 An employee seeking evaluation or treatment may apply for leave under Human Resources Policy & Procedure, Family, Medical and Military Family Leave or Human Resources Policy & Procedure, Leave Practices.
 - 17.3.2.1 An employee shall return to the original safety sensitive driving position only upon successful completion of an educational or treatment program as determined by a SAP.
 - 17.3.3 An employee undergoing evaluation and treatment may at the discretion of the administrator/designee be temporarily reassigned to alternate duties, excluding safety sensitive driving functions, provided the employee is qualified.
 - 17.3.4 Prior to the employee returning to safety sensitive driving functions, the employee shall undergo a return to duty alcohol and drug test with verified negative test results. Alcohol and drug testing for CDL holders must be administered under direct observation; and
 - 17.3.5 Following a return to duty test, the employee is subject to follow-up testing pursuant to the recommendation of a SAP. Follow up testing recommended by a SAP for CDL holders must be administered under direct observation.
 - 17.2.5.1 The employee must be tested for alcohol and drugs a minimum of six times in the next 12 months or as many as thirty times in a total of 60 months pursuant to the recommendation of a SAP.
 - 17.3.6 Employees who fail to successfully complete such program may be subject to discipline including termination.
 - 173.7 All costs for counseling or rehabilitation will be paid by the employee.

18.0 TRAINING REQUIREMENTS (DOT) (CDL)

- 18.1 Supervisors designated to determine whether reasonable suspicion exists to require a CDL holder to undergo testing, must receive 60 minutes of training on alcohol and 60 minutes of training on drug abuse. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug abuse. Training will also include a description of types of testing required and testing procedures.
- 18.2 CDL holders shall receive 60 minutes of training on alcohol misuse and drug abuse use prior to participating in the alcohol and drug testing program. The training shall include:
 - 18.2.1 The affect and consequences of alcohol and drug use on personal life, health, safety and work environment;
 - 18.2.2 The behavioral changes that may indicate alcohol or drug use or abuse; and
 - 18.2.3 Testing policies and procedures.
- 18.3 Employees are required to sign a statement certifying they have received a copy of the training

materials described in this section.

19.0 RECORD KEEPING (DOT) (CDL)

- 19.1 Records related to alcohol and drug testing must be maintained in a secured, confidential file by the agency and shall not be kept in the employee's personnel file (official) unless the record is used as basis for disciplinary action.
 - 19.1.1 Records and references to false positive test results shall be deleted from all files.
 - 19.1.2 Records relating to alcohol and drug testing are classified as "protected" under the Utah Government Records Access and Management Act (GRAMA) and are available for review only by the administrator/designee on a need-to-know basis.
 - 19.1.3 Each agency shall be responsible for providing and maintaining confidential records.
 - 19.1.3.1 The following records shall be kept for a minimum of five years:
 - 19.1.3.1.1 Records of driver alcohol tests with an alcohol concentration of 0.02 Blood Alcohol Content (BAC) or higher;
 - 19.1.3.1.2 Records of verified positive drug test results;
 - 19.1.3.1.3 Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - 19.1.3.1.4 SAP reports;
 - 19.1.3.1.5 All follow-up tests and schedules for follow-up tests;
 - 19.1.3.1.6 Driver evaluation and referrals;
 - 19.1.3.1.7 Records related to the administration of alcohol and drug testing programs; and
 - 19.1.3.1.8 A copy of the annual calendar year summary report for the agency for a period of five years.
 - 19.1.3.2 The following records shall be maintained for two years:
 - 19.1.3.2.1 Records relating to the alcohol and drug collection process;
 - 19.1.3.2.2 Records related to the education and training of supervisors and CDL holders two years after the employee ceases to perform those functions.
 - 19.1.3.3 The following records shall be maintained for one year:
 - 19.1.3.3.1 Records of negative and canceled drug test results;
 - 19.1.3.3.2 Records of alcohol test results with an alcohol concentration of less than 0.02 BAC.

SAFETY SENSITIVE POSITIONS (Sections 20.0 through 28.0)

20.0 PRE-EMPLOYMENT DRUG TESTING (SAFETY SENSITIVE POSITIONS)

- 20.1 Prospective employees who will perform in a safety sensitive position shall be tested for misuse or abuse of drugs covered in this policy before starting work. A verified negative test result will be required.
- 20.2 Published job announcements to recruit for safety sensitive positions shall state the prospective employee will be required to consent to alcohol and drug testing.
- 20.3 Prospective employees who refuse to consent to testing or test positive for drugs in violation of this policy shall not be hired.

21.0 RANDOM ALCOHOL AND DRUG TESTING (SAFETY SENSITIVE POSITIONS)

- 21.1 Twenty-five percent of employees performing in safety sensitive positions shall be tested for alcohol misuse and drug abuse on a random basis every calendar year using a computerized random selection procedure generated by the independent laboratory that:
 - A. Will give all employees an equal chance of being selected for testing;
 - B. Is unannounced;
 - C. Is evenly spaced throughout the year.
- 21.2 The employee's supervisor/designee will escort the employee to the independent laboratory for testing.
- 21.3 If an employee selected for random testing is off duty, a written record must be prepared by the employee's supervisor/designee and kept on file stating the reasons the test was not administered.
- 21.4 Positive tests for safety sensitive employees will be reported immediately to the administrator/designee or supervisor/designee who will temporarily remove, with pay, the employee from all safety sensitive functions pending results of a confirmatory test.

**22.0 REASONABLE SUSPICION ALCOHOL & DRUG TESTING (SAFETY SENSITIVE POSITIONS)
See Section 3.0****23.0 POST ACCIDENT ALCOHOL AND DRUG TESTING (SAFETY SENSITIVE POSITIONS) See
Section 4.0****24.0 TESTING REQUIREMENTS (SAFETY SENSITIVE POSITIONS)**

- 24.1 Prior to performing an alcohol or drug test, all safety sensitive employees shall be notified they are subject to these tests.
- 24.2 Employees hired to perform in safety sensitive positions may be tested for alcohol and the following partial list of drugs (ten panel):
 - A. Synthetic Opiates (Oxycontin, Hydrocodone)
 - B. Cocaine
 - C. Opiates
 - D. Phencyclidine (PCP)
 - E. Amphetamines (including methamphetamines)
 - F. Barbiturates
 - G. Benzodiazepines

- H. Cannabinoids
- I. Methadone
- J. Prproxyphene

24.2.1 Employees who hold safety sensitive positions must report to the supervisor/designee on the county's "Disclosure of Prescription Drugs" form, the use of prescription drugs that may impact job performance.

24.2.2 An employee may be allowed to perform safety sensitive job duties while using prescribed medications if the employee's health care provider advises in writing to the administrator/designee, subject to review by the Medical Review Officer (MRO), that the substance will not adversely affect the employee's ability to perform safety sensitive functions.

25.0 TESTING PROCEDURES (Safety Sensitive Positions) (See Section 6.0)

26.0 ALCOHOL OR DRUG TEST RESULTS AND RETURN TO DUTY TESTING FOR REASONABLE SUSPICION, POST ACCIDENT AND RANDOM (SAFETY SENSITIVE POSITIONS)

26.1 Evaluation and Treatment

26.1.1 Upon receipt of a positive alcohol or drug test result, the supervisor/designee must remove the employee from performing safety sensitive functions. This action must be taken upon receiving the initial report of the test result. The supervisor/designee shall not wait to receive the written report of the result of a split specimen test. The employee shall not be returned to duty until successful completion of the return-to-duty process.

26.1.2 An employee who tests positive for alcohol or drugs must enroll in counseling, education and/or a treatment program recommended by a Substance Abuse Professional (SAP) or licensed mental health professional and must be tested for drugs and alcohol as part of the program prior to returning to a safety sensitive position or while continuing to perform in the same position as recommended by the SAP or licensed mental health professional and approved by the administrator/designee.

26.1.3 An employee who tests positive for alcohol or drugs who undergoes evaluation and treatment by a SAP or licensed mental health professional may, at the discretion of the administrator/designee, be temporarily reassigned to alternate duties, excluding safety sensitive functions, provided the employee is qualified.

26.1.4 An employee may continue to perform in the same position if recommended and approved by the SAP or licensed mental health professional overseeing the employee's evaluation and treatment.

26.1.5 Prior to returning to safety sensitive duties, the employee shall undergo return to duty alcohol and drug testing with verified negative test results; and

26.1.6 The employee shall be subject to follow-up testing pursuant to the recommendations of the SAP or licensed mental health professional overseeing the employee's evaluation and treatment.

26.1.7 Employees with negative test results will be informed by the administrator/designee and are not subject to further action under this policy.

26.2 Violation of Policy (Safety Sensitive Positions) (See Section 7.2)**27.0 VOLUNTARY SELF-IDENTIFICATION OF ALCOHOL MISUSE AND DRUG ABUSE (SAFETY SENSITIVE POSITIONS)**

- 27.1 An employee who admits to alcohol misuse or drug abuse to the EAP Manager or the immediate supervisor, who has not violated the testing requirements of this policy, is not subject to adverse action provided:
- 27.1.1 The admission is in accordance with this policy;
 - 27.1.2 An employee does not self-identify in order to avoid testing under the requirements of this policy;
 - 27.1.3 The employee makes the admission of alcohol misuse or drug abuse prior to performing a safety sensitive function (e.g. prior to reporting for duty);
 - 27.1.4 The employee does not perform a safety sensitive function until the administrator/designee is satisfied the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
 - 27.1.5 The employee does not self-identify in order to avoid discipline for violation of other county policies (e.g. Standards of Conduct).
 - 27.1.6 The employee receives a referral to counseling or to a drug rehabilitation program in accordance with this policy.
- 27.2 A supervisor or manager notified by an employee of an alcohol or drug problem may refer the employee to the EAP Manager.
- 27.3 The County EAP Manager will refer an employee who requests a referral to counseling or to an alcohol or drug rehabilitation program.
- 27.3.1 The employee shall be allowed reasonable opportunity to seek evaluation, education or treatment to establish control over the alcohol or drug problem.
 - 27.3.2 An employee seeking evaluation or treatment may apply for leave under Human Resources Policy & Procedure, Family, Medical and Military Family Leave or HR Policy & Procedure, Leave Practices.
 - 27.3.2.1 The employee shall return to the original safety sensitive position only upon successful completion of an educational or treatment program, as determined by a SAP or licensed mental health professional.
- 27.4 The employee undergoing evaluation and treatment may at the discretion of the administrator/designee be temporarily reassigned to alternate duties, excluding safety sensitive functions, provided the employee is qualified.
- 27.5 Prior to the employee returning to safety sensitive duties, the employee must be released by the SAP or licensed mental health professional or a health care provider.
- 27.6 Employees who fail to successfully complete such program may be subject to discipline including termination.
- 27.7 All costs for counseling or rehabilitation will be paid by the employee.

28.0 RECORD KEEPING (SAFETY SENSITIVE POSITIONS) See Section 9.0

APPROVED AND PASSED THIS 6TH DAY OF OCTOBER, 2009.