

# **WHITMAN COUNTY**

## **COMMERCIAL DRIVER'S DRUG & ALCOHOL TESTING MANUAL**



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# **MANUAL TABLE OF CONTENTS:**

|                                 |    |                              |    |
|---------------------------------|----|------------------------------|----|
| Scope                           | 3  | Medical Review Officer       | 11 |
| Definitions                     | 3  | Releasing Test Information   | 12 |
| Intent                          | 6  | Positive Test Consequences   | 13 |
| Contractors, Vendors & Visitors | 6  | Testing After Rehabilitation | 13 |
| Prohibited Conduct              | 6  | Contracts After Treatment    | 13 |
| Pre-Duty                        | 7  | Voluntary Referrals          | 14 |
| On-Call                         | 7  | Seeking Assistance           | 15 |
| Refusal to Test                 | 7  | Record Retention             | 15 |
| False Information               | 7  | Copies                       | 15 |
| Testing Positive                | 7  | Medical Files                | 16 |
| Repeated Positives              | 7  | Confidentiality              | 16 |
| Refusal of Discipline           | 8  | Training                     | 16 |
| Refusal of Work Contract        | 8  | Violators                    | 16 |
| Reporting Legal Use             | 8  |                              |    |
| Types of Testing                | 8  |                              |    |
| Pre-Employment                  | 8  |                              |    |
| Random                          | 9  |                              |    |
| Reasonable Suspicion            | 9  |                              |    |
| Post-Accident                   | 10 |                              |    |
| Follow-Up                       | 11 |                              |    |
| Specimen Collection             | 11 |                              |    |



## DRUG AND ALCOHOL TESTING MANUAL

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This manual applies to:

- A. All CDL employees while on Whitman County owned or leased property or while off premises conducting County business.
- B. Employees who are required, in the course of employment, to operate a commercial motor vehicle.
- C. Includes lunch breaks or other break periods, where the employee is scheduled to return to work, designated on-call status and pre-shift periods as applicable.
- D. All CDL employees unless otherwise stated in union contract language.

### **Definitions:**

#### **Accident – DOT (FHWA):**

- A. The death of a human being.
- B. Bodily injury to a person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- C. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported or towed.
- D. The driver receives a citation under state or local law for a moving traffic violation arising from the accident.

**Alcohol Concentration:** - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. When the indicated alcohol concentration on an initial alcohol test is different from an indicated alcohol concentration on a confirmatory test, the employee shall be considered to have the lower indicated concentration.

**Alcohol** – the intoxicating agent in beverage, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

**Alcohol Use** – the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

**Canceled Test (drug)** – a test that has been declared invalid by the MRO. It is neither a positive nor a negative test. This term indicates a specimen that is rejected for testing by a certified laboratory. Further testing is required under pre-employment and return-to-duty testing.

**CDL** – Commercial Driver's License

**Commercial Driver** – any employee who has a commercial driver’s license and who may operate a commercial motor vehicle on a regular or intermittent basis at the direction of, or with the consent of the County, including, but not limited to full time, regularly employed drivers, casual, intermittent or occasional drivers.

**Confirmatory Test (alcohol)** – a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

**Confirmatory Test (controlled substances)** – a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

**Consulting Physician** – a licensed physician retained by Whitman County to advise on drug testing and other industrial medicine issues, otherwise known as a Medical Review Officer (MRO).

**Contractor** – a person or organization who provides service(s) to or works for Whitman County.

**Controlled Substance** – any substance whose use and dissemination is controlled by legal regulation.

**Covered Substances** – any of the following:

- A. Legally obtained drugs, prescription and non-prescription remedies when used according to directions to alleviate a specific condition.
- B. Illegal drugs, including: (1) drugs which are not legally obtained; (2) drugs which are legally obtainable but have not been obtained legally; (3) drugs which are legally obtained, but are knowingly used for other than the prescribed purpose or in other than the prescribed manner; and (4) so-called “designer” drugs or drug substances not approved for medical or other use by the State Board of Pharmacy, the U.S. Drug Enforcement Administrator or the U.S. Food and Drug Administration.
- C. Unauthorized substances including any substances that are intentionally used to cause impairment of a physical and/or mental functioning.
- D. DOT covered substances that will be tested when called for by DOT, specifically: (1) Marijuana (cannabinoids) and metabolites; (2) cocaine and metabolites; (3) amphetamines and metabolites; (4) opiates; (5) PCP (Phencyclidine); (6) alcohol (ethyl alcohol).

**Designated On-Call Employees** – when a supervisor directs an employee that he/she is on on-call status, as determined by a specific labor agreement, as applicable.

**DOT** – Department of Transportation

**FHWA** – Federal Highway Administration of the U.S. Department of Transportation.

**FHWA Covered Employee** – a person who is applying for or transferring to a FHWA defined position requiring a CDL.

**Medical Review Officer (MRO)** – a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the County’s drug testing program 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 his or her medical history of any other relevant biomedical information. See 49 CFR, Subpart A, 40.3.

**Post-Accident Testing** – drug and alcohol tests performed on employees involved in an accident with commercial motor vehicles. Post-Accident testing is required in the following situations:

- A. The death of a human being, or.
- B. Bodily injury to a person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
- C. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported or towed, or
- D. The driver receives a citation under state or local law for a moving traffic violation arising from the accident, or

**Pre-Employment Test** – a drug and alcohol test conducted after acceptance of a position by the applicant and before his/her first day of work. Passing such a test is a condition of employment.

**Prohibited Conduct** – processing, using, transferring, manufacturing, being under the influence of and/or trafficking a controlled substance while on the job, on Whitman County property, in a County vehicle or on County business while designated on call.

**Prohibited Substances** – Any drug or substance identified by the federal government as a controlled substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidines (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U. S. Food and Drug Administration. Illegal use includes use of any illegal drug, the misuse of legally prescribed drugs, or the use of illegally obtained prescription drugs.

**Proof of Wellness** – a written notice from the treatment specialist or substance abuse professional indicating the applicant/employee is no longer dependent on some drug/alcohol substance to the extent it can affect safe and productive work.

**Random Testing** – a drug and alcohol testing program whereby CDL drivers are randomly selected for testing.

**Reasonable Suspicion:** A belief, drawn from specific objective facts and reasonable inferences drawn from those in light of experience and training, that an employee is under the influence of drugs or alcohol while on County property or while performing Whitman County services, operations or work.

**Reasonable Suspicion Testing** – a drug and/or alcohol test based on a supervisor's reasonable suspicion of an employee's abuse.

**Refuse to Submit** – any of the following:

- A. A verbal declination after being given a clear and specific order to submit to urine and/or breathe testing.
- B. An employee fails to provide adequate breath for testing or the non-production of a urine specimen without a valid medical explanation after he or she has received notice of the requirement to be tested.
- C. An employee engages in conduct that clearly obstructs the collection process.

**Safety Sensitive Functions** – the operation of equipment subject to a commercial driver's license. Safety-sensitive positions are those held by employees who perform any work that requires possession of a commercial driver's license.

**Safety Sensitive Positions** – positions held by employees who perform any work requiring possession of a commercial driver’s license.

**SAMHSA** – the Substance Abuse and Medical Health Service Administration, U.S. Department of Health and Human Services.

**Screening Test (alcohol)** – an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.

**Substance Abuse Professional** – a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the Internal Certification Reciprocity Consortium/Alcohol and other Drug Abuse).

**Under the Influence** – a covered substance is present in the body and is detected by breath alcohol testing (0.02 BAC or greater) or urine drug testing (a confirmed positive). For purposes of this policy 0.02 BAC is established as the lowest conclusive detectable level in breath alcohol testing, however, noting breath odor is conclusive to remove an employee from service and will subject the individual to reasonable suspicion testing.

1. **This Manual is Intended to Establish Rules for Meeting Drug/Alcohol Testing Regulations.**

This manual is intended to establish procedures for implementing the policies established and required by law and insure consistent practices when conducting alcohol and drug testing. The law is very specific regarding many of the procedures included in this document. Those cannot be altered. There are various other procedures that naturally and logically direct themselves. Those may be adjusted from time to time when it is apparent that reasonable changes are needed. At those times the issue will be discussed with the appropriate collective bargaining representatives, if necessary.

The law is written to protect the health and safety of the public and work force, not to infringe on anyone’s personal rights. Certain procedures, designed to insure the integrity of the tests and law, must be followed or discipline, including discharge, could apply. It is not the intent of management of either the County or the Unions to terminate anyone. However, everyone must understand that the intent of the policy and procedures must be recognized as very serious and important.

2. **Independent Contractors, Vendor Employees and Visitors Are Expected to be Drug/Alcohol Free.**

Independent contractors, vendors, their employees and visitors are expected to be free from the effects of drug or alcohol use/abuse while conducting business for or in the name of Whitman County. As a consequence, contractors, vendor employees or visitors found to be violating this policy will not be allowed to continue conducting business and their supervisor, if appropriate, will be notified.

3. **Whitman County Prohibits Conduct Regarding Drugs and Alcohol.**

Performance of safety-sensitive functions is prohibited under these conditions: Processing, using, transferring, manufacturing, and/or trafficking a controlled substance while on the job, on Whitman County property, in a County vehicle or while on County business while designated on call.

Any employee engaging in a sale or attempted sale, purchase, transfer, or possession with intent to deliver drugs, prohibited substances or alcohol on Whitman County property, in a Whitman County vehicle or equipment or while on Whitman County business will be subject to disciplinary action. Law enforcement authorities shall be notified in all cases and their investigation will be utilized for determination of violation of this policy/procedure.

The consumption of alcohol is never a business obligation. Employees will not consume beverages containing alcohol while conducting Whitman County business.

**Pre-Duty Use:** No County employee shall report for work after having used a controlled substance which has not been legally prescribed by a health care practitioner. No employee shall report for work while impaired from the consumption of alcohol.

**Designated On-Call Use:** No employee who is on designated on-call status shall consume alcohol/drugs during the period of their on-call status. Employees on designated on-call status shall inform their immediate supervisor of any inability to perform safety sensitive functions before commencing work. The supervisor shall inform Human Resources of any drug/alcohol incident.

Any employee, prior to reporting to work, that acknowledges the use of alcohol/drugs during designated on-call status may be subject to MRO and substance abuse evaluation.

Any employee reporting to work after having consumed alcohol during their designated on-call status and failing to notify their supervisor will be regarded as “being under the influence.”

**Refusal to Submit to a Drug/Alcohol Test:** Refusal to submit to a drug/alcohol test is interpreted as any of the following:

- A. Insubordination as it relates to any employee refusing to comply with a request for a drug/alcohol test.
- B. Any employee leaving the scene of an accident before Department Head/Elected Official or Human Resources makes a testing decision. The only exception would be in cases where law enforcement and/or medical transportation is required.
- C. Any employee consuming alcohol after an accident and before a testing decision is made.
- D. Any misconduct by a Whitman County employee that clearly obstructs the collection process.

**Providing False Information and/or Attempting to Contaminate or Alter a Urine Specimen:** Any employee providing false information about a urine specimen and/or attempting to contaminate a urine specimen will be subject to disciplinary action.

**Testing Positive for Prohibited Drugs/Alcohol and Unauthorized Substances:** Should an employee test positive on a drug/alcohol test, the employee will be subject to a drug and alcohol testing plan for CDL drivers.

**Testing Positive for Prohibited Drugs/Alcohol and Unauthorized Substances on a Second or Subsequent Occasion:** Should an employee be retained or be re-employed following an initial positive test and then test positive for a prohibited drug, alcohol or unauthorized substance on a second or subsequent occasion and within five years of a prior positive drug/alcohol test, the employee will be subject to disciplinary action.

**Refusal of Discipline:** If an employee was found to be operating (or reporting to work with the intention of operating) a motor vehicle/equipment or performing any other safety-sensitive function and found to be positive (confirmed drug positive by the MRO, as defined in this policy, or a BAC of 0.02 or greater), the employee will be suspended without pay pending substance abuse evaluation and MRO review. Refusal will result in disciplinary action.

**Refusal of a Return to Work Contract (RTW):** If it is found the employee requires treatment he/she will be subject to a RTW contract requiring treatment and random drug/alcohol testing. Any employee refusing or failing to comply with the RTW contract treatment requirements or after-care treatment requirements will be subject to disciplinary action.

#### **4. Employees Must Report the Use of Legally Obtained Drugs Before Beginning Work.**

Employees adversely affected due to their use of any legally obtained drugs (prescription or non-prescription) cannot be allowed to perform a safety sensitive job. Employees must immediately report to their supervisor any affect and the supervisor may attempt to transfer the employee to a non-safety sensitive task or send the employee home on sick leave status.

**Level of Notification Required:** Prior to commencing work, each employee must report the use of any prescription or non-prescription drug which may affect work performance or contain a cautionary label regarding the operation of equipment or vehicles. Employees taking prescription medication(s) with cautionary labels will provide written medical authorization to work from a physician.

#### **5. Whitman County Recognizes Five Kinds of Drug/Alcohol Testing.**

Whitman County recognizes five kinds of drug/alcohol testing. They include pre-employment, random, reasonable suspicion, post-accident and return to work testing.

**Pre-Employment Testing:** All offers of Whitman County employment are contingent upon the applicant successfully passing a drug and alcohol test. No applicant will be assigned to work until they have passed a urine drug and breathe alcohol test. Breath alcohol testing clearance shall not be given if the alcohol concentration level is 0.02 BAC or greater.

All applicants for a position requiring a CDL will be subject to the collection of a breath sample to determine if current consumption of alcohol is present. Pre-employment breath alcohol testing is prohibited for non-CDL applicants.

All applicants being hired for safety sensitive tasks will be subject to a urine test for illegal and/or unauthorized substances.

Applicants will be notified of the requirements to pass a drug/alcohol test at the time of application for employment.

When a pre-employment drug test is determined to be a canceled test by the MRO, the applicant will be required to immediately submit to another urine specimen for testing.

Applicants who test positive without adequate explanation acceptable to the MRO will not be considered for employment until:

- For non-CDL positions – six months has passed; or
- For CDL positions – the next available position after a six-month waiting period, with written proof of wellness.

**Random Testing:** Effective January 1, 1996, random testing is required of all employees working in safety sensitive positions. This means tests are unannounced, and every commercial motor vehicle driver has an equal chance of being selected for testing. Employees shall be selected randomly. Selection rates will be no less than 50% for urine drug testing and 10% for breath alcohol tests.

Employees, when notified of a random test selection, shall cease work functions and will immediately proceed to the appropriate medical facility for testing. Random testing shall occur on County time. Suspensions due to positive test results are not paid time.

**Reasonable Suspicion Testing:** All CDL employees will be subject to drug/alcohol testing if there is reasonable suspicion to believe he/she may be under the influence of some drug and/or alcohol. Reasonable suspicion for drug/alcohol testing means specific, contemporaneous observations concerning the appearance, behavior, speech or body odors of the employee.

An alcohol reasonable suspicion determination must be based on observations and facts just before or while the employee is to or has performed work for Whitman County. The Whitman County Human Resources Director/designee will make final determination for testing on all reasonable suspicion cases.

Employees tested due to reasonable suspicion shall be subject to the collection of a breath sample(s) to determine if current consumption of alcohol is present. They will also be subject to a urine drug test for DOT covered substances.

When reasonable suspicion exists, the affected employee will be removed from safety-sensitive work, questioned and observed. A decision by the supervisor to request a drug/alcohol review will be based on observation and facts only. The employee shall be interviewed in a private area by Human Resource representatives. All requests for reasonable suspicion must be verified by a member of the Human Resources Department who has drug/alcohol test authority. Department Heads, managers and supervisors are expected to base testing requests on objective observations and thorough documentation. Human Resources staff shall utilize these observations and documentation along with their own observations to determine whether a drug/alcohol test is warranted. If the Human Resources Director or his/her designee is not working, and the case is urgent, the Department Head/Elected Official with the confirmation of another member of management may recommend testing. Both the Department Head/Elected Official and the other member of management must have completed the required DOT substance abuse awareness training before referring any employee for testing.

If reasonable suspicion is confirmed the employee will be relieved of duty without pay. However, the employee may use any type of leave available to him/her including sick leave, but not including administrative leave, until the results of the drug and/or alcohol test are complete and verified by the MRO. If the tests are negative, then all leave utilized will be reinstated.

The employee will be provided transportation home, a responsible third party may pick them up, or with their consent, drive their vehicle home. If the employee refuses and demands to drive his/her vehicle, Whitman County will notify Law Enforcement.

All requests for testing will be reduced to writing and will be reviewed and approved by the Whitman County Human Resources Director.

**Post-Accident Testing:** All CDL employees will be subject to drug/alcohol testing if an accident occurs as defined in this manual.

Employees will be subject to the collection of a breath sample(s) to determine if current consumption of alcohol is present and a urine drug test. Blood alcohol tests may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or a BAT is not readily available. The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by Federal, State or local officials having independent authority for the tests shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the test are obtained by the County.

Post-Accident steps shall be as follows:

- A. After an accident has occurred any injuries to those individuals involved shall be treated first. The physical health of the driver, responsible employee, or general public is always a higher priority than the collection of a drug and/or alcohol sample.
- B. Local law enforcement investigations take first priority in all accidents. If law enforcement conducts alcohol/drug tests, these test results will be utilized by the department.
- C. Testing for reasonable suspicion will be conducted for cause as defined in this manual.
- D. Public Works shall notify the appropriate medical facility of the need for a specimen.
- E. The MRO shall be notified by Public Works of the accident circumstances. The MRO shall contact the hospital and attending physician and coordinate the sample taking and sample handling with final determination of test results to the Public Works Office.
- F. The specimen shall be collected as soon as possible after the accident. Alcohol testing must occur within two hours of the accident. If the collection occurs after two hours but within eight hours of the accident, a report must be filed with FHWA. Urine collections must occur within 32 hours of the accident.
- G. If the accident results in the death of the employee, all those involved must cooperate with law enforcement and the Coroner.
- H. An accident investigation shall be coordinated with local law enforcement by the Public Works staff. All documentation such as law enforcement reports, photographs, etc. shall be secured and preserved by Public Works and Human Resources.

Department Heads, managers and supervisors are expected to base testing requests on objective observations and thorough documentation. Human Resources shall utilize these observations and documentation along with their own observations to determine whether a drug/alcohol test is warranted.

**Follow-Up Testing:** Employees who test positive for drugs and/or alcohol shall be subject to further testing before they may return to work and as part of their rehabilitation program. See section ten (10) for further details.

6. **Specimen Collection Shall be in Accordance with County Policy, State and Federal Regulations.**

**Collection:** Urine and /or breath specimens will be collected at the appropriate medical facility in accordance with State and Federal regulations. The only people authorized to collect specimens must have the required DOT qualification training and be in one of the following categories:

- A. Urine – people trained in the SAMLSA collection process.
- B. Breath – people trained as Breath Alcohol Technicians in a DOT approved training program.
- C. Blood – persons authorized or certified by Washington State law to draw blood.
- D. For Whitman County the authorized specimen collection people are: the assigned medical facility; an MRO for urine, breath and blood; and Occupational Health Nurse for urine breath and blood.

Breath and urine specimens will be collected strictly in accordance with established collection protocols and will strictly adhere to collection requirements as specified in 49 CFR Part 40, “Procedures for Transportation Workplace Drug & Alcohol Testing Programs.”

**Split Specimens:** All urine specimens for FHWA covered employees will be split in two specimens and shipped to the certified laboratory. If the drug test result of the primary urine specimen is verified positive, the second sample shall automatically be tested by a separate DHHS-certified laboratory for the presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall review results of both tests and make a determination on the results.

**Laboratories:** Only laboratories and laboratory systems approved for the testing of urine specimens by the U.S. Department of Health and Human Services, SAMHSA will be used. The laboratory will periodically provide summary information and number of tests and results to Whitman County Human Resources.

7. **A Medical Review Officer (MRO) Shall Verify Testing Results.**

The MRO will be the sole recipient of drug testing results from the laboratory. He/she will verify that the laboratory report of a positive result is reasonable, and if necessary shall:

- A. Review the individual’s medical history, including any medical records and biomedical information provided.
- B. If necessary, meet/converse with the employee and discuss the test results with 72 hours of notice of a positive test result.
- C. Determine whether there is a legitimate medical explanation for the positive test result, including legally prescribed medications.

D. Request, as needed, pertinent analytical records.

E. Determine if there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative if the laboratory does not confirm the presence of 6-monoacetylmorphine.

The MRO's scope of review shall include post-accident tests and the ability of an employee to report to work or continue to work when under the influence of over-the-counter medication and/or prescription medication. He/she shall also review the records and examine, when appropriate, all employees returning to duty after a positive drug urine or alcohol breath test and approve the return to duty, as necessary.

## **8. The Release of Test Results Shall be Restricted.**

Test results shall be released only under the following circumstances and in accordance with 49 CFR, Part 40, Section 40.81.

The MRO will report all positive and negative test results (after review) to the Whitman County Public Works Director or his/her designee.

The MRO may release the test results to a third party only with the approval of the Whitman County Public Works Director, his/her designee or when the individual tested signs an authorization for the release to an identified person.

The MRO may release the results of a drug/alcohol test to the person who was tested.

Testing laboratories may report results and make inquiries to the MRO, the Whitman County Public Works Director or his/her designee, as appropriate.

The MRO and the Whitman County Public Works Director or his/her designee will have direct contact with substance abuse professionals regarding drug positives.

## **9. Employees Testing Positive Shall Face Consequences.**

Testing positive and/or participating in any prohibited behavior as defined by this manual and policy POL.-4010- HR shall subject the employee to discipline up to and including termination. If the Department Head chooses not to terminate the employee, he/she shall at least be removed from duty until certain steps are taken.

**Alcohol Testing:** If a CDL employee tests at least 0.02 but less than 0.04, the driver shall be removed from the job for at least twenty-four (24) hours. Between the time an employee tests at least 0.02 but less than 0.04, the employee may use any type of leave available to him/her, including sick leave but not including administrative leave, or at the Public Works Director's discretion (if it is the employee's first positive test), the employee may be placed in a non-safety sensitive function, if available. When the employee returns to duty, a pre-disciplinary hearing shall be convened to address the impairment. The employee may return to work after the completion of the following:

A. After at least twenty-four (24) hours have elapsed from the breath test reading of at least 0.02 but less than 0.04, the employee has taken another breath test; and

- B. The breath retest showed an alcohol concentration of less than 0.02.
- C. The employee provided a copy of the breath retest results to his/her supervisor to be forwarded to the Public Works Director.

**Alcohol and Drug Tests:** No employee who tested 0.04 or greater on a breath test or who tested positive for any of five (5) controlled substances shall be permitted to return to work until he/she:

- A. Has been evaluated by a qualified substance abuse professional.
- B. If recommended by a substance abuse counselor, has properly followed any rehabilitation prescribed; and signs a return-to-work agreement.
- C. Has a negative result on a return-to-duty alcohol and/or drug test (depending upon which was failed).

**10. Employees Shall Be Subject to Testing After Returning From a Rehabilitation Program.**

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty (60) months as recommended by the substance abuse professional, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty. Employees participating will be entitled to use their accumulated vacation time and sick leave as prescribed in the drug/alcohol policy. All return to work and follow-up testing costs will be paid for by the employee.

No employee shall return to work after a positive test for alcohol (0.04 or above) or drugs (positive finding from the MRO) until they have been evaluated and released for duty by the MRO.

Return to work and follow-up testing shall consist of breath sample(s) to determine if current consumption of alcohol is present. They shall also include urine drug tests for DOT covered substances. Employees performing a safety sensitive function will have two (2) urine specimens (split specimen) collected for the covered substances test under the DOT rule.

**Canceled Tests:** When a return to duty test is determined to be a canceled test by the MRO, the employee will be required to immediately submit another urine specimen for testing.

**11. A Re-Entry Contract Shall be Required for Employees Returning to Work From Drug/Alcohol Treatment.**

Employees re-entering the workforce after a mandatory referral for a return to duty issue will agree to a re-entry contract. That contract may include:

- A. A release to work statement from an approved treatment specialist and/or attending physician.
- B. A written treatment plan setting out treatment, after care and follow-up treatment procedures with the assistance of a treatment specialist/counselor and MRO for a minimum of six (6) months. Longer periods of follow-up may be specified by the treatment specialist or MRO.

- C. Review and approval of the plan by the Whitman County Public Works Director, , MRO and the employee's representative(s).
- D. A negative test for drugs, unauthorized substances and alcohol.
- E. Agreement to unannounced drug/alcohol testing (for up to five (5) years).
- F. Specific agreement on any performance issues that outline compliance requirements.
- G. Specific agreement by the employee that any violation of the terms and conditions of the agreement may be grounds for termination.

**Voluntary Self-Referral:** Employees self-referring to a substance abuse treatment program, with the prior knowledge of the Whitman County Public Works Director must agree to a re-entry contract. The contract will only include a release to work statement from the attending physician and/or treatment specialist, with the review and approval of the Whitman County Public Works Director.

**12. Employees Who May Have Drug/Alcohol Problems Are Strongly Encouraged to Seek Assistance.**

Whitman County highly encourages employees who may need assistance with alcohol/drug related problems to come forward before those problems affect their job performance or become an enforcement action due to a positive drug/alcohol test. Employees who seek voluntary assistance prior to the drug/alcohol problem becoming a compliance issue may be considered for accommodation during the evaluation and treatment time period.

Employees, on a voluntary basis, who are referred as a part of a supervisory performance counseling or intervention are assured of confidentiality. Only those who are in the chain of responsibility and Human Resources may be made aware of a management referral/treatment situation. All others will be required to secure a signed "release of information" by the affected employee.

If an employee tests positive for the presence of alcohol or prohibited drugs and is requesting to be considered for a "return to work contract" they shall agree to be evaluated by a SAP and may be required to agree to fulfill the specific steps of the treatment before being considered for retention. Whitman County employees may be allowed the opportunity for on-the-job rehabilitation following a positive alcohol or drug test under the following conditions:

- A. Voluntary self-referrals by the employee prior to any type of accident or incident.
- B. Management intervention/referral prior to any accident or incident.
- C. First time positive drug or alcohol test (unrelated to any accident or incident).

No employee shall return to work after a positive test for alcohol (0.04 or above) or drugs (positive finding from the MRO) until they have been evaluated and released for duty by the MRO.

**13. Testing Records Shall be Retained by Public Works.**

Original test results will be maintained by the Whitman County Public Works Department. All test results will be stored in a secure location with controlled access. All records relating to the urine and alcohol collection process will also be maintained by Public Works.

Unless extended by State and/or Federal regulations, records shall be retained as follows:

- A. Ten (10) years for records relating to the administration of the Fit for Work policy including policy and program development, employee awareness and training, collection site training and program administration.
- B. Drug and alcohol test results and documentation will be kept by Whitman County for 7 years after an employee separates from County employment.

The Whitman County Public Works Department, or its contracted third-party administrator, will file an annual report with DOT summarizing the results of the anti-drug and alcohol misuse prevention program.

**Requesting Copies:** An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, and/or alcohol tests. Whitman County shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

**Medical Files:** All test results will be regarded as medical data and will be stored in the employee's medical file in the Public Works Department. Its confidentiality shall be in compliance with 49 CFR, Part 40, Section 40.81 and all other County policies, State and Federal regulations.

Any direct requests from an employee for assistance with a drug/alcohol problem, as well as knowledge of his/her attendance at a substance abuse treatment program, will also be made part of the employee's confidential medical file. Any disclosure must be approved by the Whitman County Human Resources Director, the employee and/or in compliance with State and Federal regulations.

**Confidentiality:** Department Heads/Elected Officials, managers, supervisors and Human Resources shall treat ALL testing reasons, results and fitness for duty communication strictly on a need-to-know basis.

**14. All Employees Will Receive Drug/Alcohol Abuse Training.**

All employees will receive information and training on:

- A. Effects and consequences of drug and alcohol use on personal health/safety and the work environment.
- B. Manifestations and behavioral clues indicative of drug and alcohol use and abuse.

All supervisors/managers will receive training on the physical, behavioral and performance indicators of probable drug and alcohol use.

**New Employees:** All newly hired employees will participate in an alcohol and drug abuse awareness session prior to assuming duties in the workplace.

**New Supervisors:** All newly promoted or hired supervisors/managers receive training on the physical, behavioral and performance indicators of probable drug/alcohol.

**15. Violators Shall be Subject to Discipline.**

Violators of the rules spelled out in this manual shall be subject to discipline up to and including termination.

An employee who fails a drug or alcohol test or engages in prohibited behavior will be subject to appropriate disciplinary action. Discipline resulting from a violation of the alcohol and controlled substance policies shall be subject to the grievance and arbitration procedure.

Department Heads/Elected Officials, managers and supervisors who knowingly disregard the requirements of this policy with respect to fit for work concerns will be regarded as neglecting their responsibilities.