

POLICY 205: DRUGS AND ALCOHOL IN THE WORKPLACE

ADOPTED: OCTOBER 17, 1990 (REVISED: JUNE 20, 2017)

Policy:

Lee County recognizes that our employees are our most valuable resource. It is our goal to provide a healthy, safe and efficient working environment in which to provide our diverse services to the citizens of the County. It also recognizes that substance/alcohol abuse and/or addiction can pose serious risks to an employee's health and safety and can have detrimental effects on co-workers. Therefore, it is the policy of the County to:

- a) Assure that employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner;
- b) Create a workplace environment free from the adverse effects of substance abuse or dependency;
- c) Prohibit the unlawful manufacture, distribution, dispensing, possession, selling, using, buying or transferring of controlled substances and/or alcohol; and
- d) Provide an employee assistance program available to employees whose personal problems, including drug or alcohol abuse or dependency, adversely affect their ability to perform their duties.

205:1 ALCOHOL AND SUBSTANCE ABUSE

1. Abuse of alcoholic beverages or controlled substances, or the consumption of illegal substances by employees and potential employees is a significant problem both for the safety of the employee and the liability of the County.
2. Lee County has a responsibility to provide quality services to its citizens in a timely and cost effective manner. Employees at any and all levels in the organization who have drugs or alcohol in their systems may impair their ability to perform their duties at full, efficient capacity. Impaired judgment on their part may have serious consequences for the County through increased safety risks, potential accident liabilities, increased worker's compensation liabilities, and potential faulty decision making.
3. Employees who are involved in the abuse of controlled substances or the use of illegal drugs, whether on or off the job, or who abuse alcohol off the job to such an extent that work performance is affected, have an adverse impact on the County's ability to maintain a safe work environment and to provide the services expected by its citizens.
4. Lee County, recognizing that drug and alcohol abuse is a growing problem within our nations' workforce, urges self-referral to the employee assistance program for any employee who is concerned that he or she may have a problem with substance abuse, and mandates managerial referral to the employee assistance program when job performance is affected.

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5. Employee education and training programs shall provide information about the effects of drug and alcohol use and the detection of drugs and alcohol.

205:2 ALCOHOL AND SUBSTANCE REQUIREMENTS AND TESTING

1. Employees on or off duty are strictly prohibited from engaging in the manufacture, distribution, dispensing, possession, using, buying, selling or transferring of prohibited substances (controlled substances, illegal drugs) on or off County Property and during both working and non-working hours. The use, possession, purchase, sale or transfer of alcohol during regular work hours, including breaks or meal periods, on County property is strictly prohibited. This includes in County vehicles or while in County uniform, working under the influence of drugs or alcohol or using drugs or alcohol on their own time in a way which causes them to report for work under the influence of drugs or alcohol.
2. Any employee who is convicted, pleads guilty or no lo contendre (no contest) to any criminal drug statute violation, or who has adjudication deferred or enters into a pretrial intervention program in response to criminal drug charges, must notify the Director of Human Resources no later than five (5) days after such action. Failure to do so will be cause for appropriate disciplinary action, up to and including termination. Once the County receives such information, the County will make the appropriate determination as to what disciplinary action, if any, is to be taken.
3. Employees are required to perform their job duties free of alcohol or drug impairment. All employees, to include those in safety-sensitive positions or performing safety-sensitive functions, shall be subject to substance or alcohol tests if there is reasonable suspicion that they are under the influence of alcohol or drugs while on duty. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that the employee is using or has used drugs or alcohol in violation of this policy. Refusal to submit to such test shall be considered insubordination. Any employee whose test results are positive without an acceptable medical explanation will be subject to discipline.
4. Employees in a safety sensitive position or performing safety-sensitive functions shall be subject to the drug and alcohol regulations encompassed in Title 49 Code of Federal Regulations (CFR) Part 40, the Office of Drug & Alcohol Policy & Compliance (ODAPC), Title 49 Code of Federal Regulation (CFR) Part 382, Controlled Substances and Alcohol Use and Testing, or other relevant federal regulations and shall be subject to the following drug screening:
 - a) Pre-employment;
 - b) Random;
 - c) Post-accident;
 - d) Reasonable Suspicion;

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- e) Return to duty; and
 - f) Follow-Up.
5. All applicants offered employment with the County in mandatory-testing or other safety-sensitive positions (such as paramedics and emergency medical technicians) will be required to take a drug test before being employed. Any applicant who refuses to take the test, or whose test results are positive, will be denied employment at that time. Applicants testing positive may be offered the opportunity for a retest at their own expense. If the retest is negative, the County will reimburse the cost of the test.
6. Failure of an employee to notify Employee Health Services before beginning work when taking medications or drugs which may interfere with the safe and effective performance of duties may result in disciplinary action. Employees may be required to provide a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period.

205:3 UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) ALCOHOL AND SUBSTANCE ABUSE & TESTING POLICIES

1. Lee County employees subject to regulations detailed by the USDOT for policies regarding substance abuse and testing, are included by reference herein. A list of employees is available for inspection in each department.