6A. **Alcohol/Drug Use, Abuse and Testing**

Morrow County works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages, pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to Morrow County's reputation.

Morrow County expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

<u>Prohibited Conduct</u>

- Possession, transfer, use or being under the influence of any alcohol while on Morrow County property, on Morrow County time, while driving Morrow County vehicles (or personal vehicles while on Morrow County business), or in other circumstances which adversely affects Morrow County operations or safety of Morrow County employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, *e.g.,* collecting evidence.
    - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on Morrow County property, on Morrow County time, while driving Morrow County vehicles (or personal vehicles while on Morrow County business), or in other circumstances which adversely affect Morrow County operations or safety of Morrow County employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on Morrow County property or on Morrow County time.
    - Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
    - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If

use of such substances or withdrawal symptoms adversely affect an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

  - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.

- Bringing to Morrow County property, or possessing, items or objects on Morrow County property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in Morrow County property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to Morrow County property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

<u>Prescription Drugs and Medical Marijuana</u>

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or Morrow County operations.

Employees must inform their Supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect Morrow County operations or safety of Morrow County employees or other persons, Morrow County may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide Morrow County with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as Morrow County will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Random-Basis Testing of Employees

Random tests are required under the following circumstances:

1. For employees required to hold a commercial driver license (CDL) at the rate of 25% of the workforce per year for alcohol and 50% of the workforce per year for controlled substances, or less as permitted by the Department of Transportation regulations.
2. Employees will be randomly selected by a computer random selection program.
3. Random testing will be performed without advance notice. Employees will be notified that they have been selected for a random screening and must report to the collection site immediately for specimen collection.

Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, Morrow County may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the County Administrator or the County Administrator's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
    - a pattern of abnormal or erratic behavior;
    - information provided by a reliable and credible source;
    - direct observation of drug or alcohol use;
    - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
    - unexplained significant deterioration in individual job performance;
    - unexplained or suspicious absenteeism or tardiness;
    - employee admissions regarding drug or alcohol use; and
    - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the County Administrator. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result may request a second test. The costs for the retest will be the responsibility of the employee, unless the second test results are negative. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the County Administrator or Human Resources. The letter of notification shall state the particular substance identified by the laboratory tests.

The period of time while waiting for test results after a reasonable cause test or while awaiting the results of a challenged positive result shall be considered investigative and the employee will be on leave with pay. After a positive test result (or confirmation, if requested) from any test circumstance except pre-employment, the employee will be on unpaid leave until the Substance Abuse Professional has determined that an employee may return to duty and the employee has had a negative test result.

Post-Accident Testing

Following an accident, the employee on scene shall initiate the information-gathering process as quickly and thoroughly as is feasible. The Supervisor shall obtain accident data from the driver through the Incident Report Form and/or by verbal communication. The Supervisor will proceed with an investigation to determine the underlying causes and what can be done to prevent similar occurrences. The Incident Report will be forwarded to the Finance and Human Resource offices, along with any additional supporting data (e.g., witness statements, photographs, police reports, etc.)

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a Morrow County vehicle, machinery, equipment or property; (b) result in an injury to themselves or another employee requiring offsite medical attention; or (c) when Morrow County has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

For all employees required to hold a CDL, after all accidents, the driver shall be tested within two hours of occurrence.

If a fatal accident occurs, all employees on duty and present must be tested within eight hours of the accident. In the case of a vehicular accident, mechanics who worked on the vehicle within eight hours of the accident, must also be tested.

Any employee receiving a post-accident citation · from a law enforcement officer must be tested.

Post-accident testing for non-CDL holding employees, whenever it may be appropriate in the judgment of the supervisor. A supervisor may determine that testing is not necessary if it is shown that the use of substances could not have contributed to the cause of the accident (equipment failure, for example). A decision not to administer a post-accident

test will be made by a supervisor who was not involved in the accident. The supervisor will prepare and maintain a record stating the reasons the test was not administered.

An employee, except by reason of seeking or receiving assistance for the injured, must remain available for testing or will be judged to have refused the test. However, if the drug and alcohol test is being collected from an employee in need of medical attention, necessary medical attention will not be delayed in order to collect the specimens.

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on Morrow County property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, Morrow County may search the employee's possessions located on Morrow County property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to Morrow County property, or in property, equipment or supplies provided by Morrow County to employee.

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action, up to and including termination.

Drug and Alcohol Treatment

Morrow County recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. Morrow County is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or Human Resources for assistance.

Morrow County will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and Morrow County to the extent its existing benefits package covers some or all of the program costs.

Although Morrow County recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of Morrow County policy is discovered, the employee's willingness to seek Morrow County or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to discipline, up to and including termination.

Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or Morrow County is prohibited unless written authorization is obtained from the employee.