

Title: Drug/Alcohol Free Workplace  
Policy Number: 707  
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Authorized by: Board of Supervisors

## **POLICY**

It is the policy of Pottawattamie County to provide safe, dependable and efficient services to the public which it serves. Pottawattamie County is committed to maintaining a workplace that is free from the effects of drug and alcohol use and abuse in accordance with the federal Drug-Free Workplace Act of 1988, Public Law 100-690, and any amendments thereof.

Pottawattamie County intends to provide a drug free environment for all of its employees. It is not the County's intent to intrude into the private lives of employees. However, the effect of drug and alcohol abuse on safety, work quality, increased medical expenses and lost productivity require a drug and alcohol free workplace policy. Pottawattamie County desires to make its employees aware of the dangers of drug and alcohol abuse and encourages employees to voluntarily seek assistance for any substance abuse. This policy prohibits the use and ingestion of illegal drugs at all times.

## **SCOPE**

This policy is applicable to all county employees including Elected Officials.

## **NON-DISCRIMINATION**

In accordance with the requirements of the Americans with Disabilities Act, the County does not discriminate against employees or applicants who are qualified individuals with a disability who are not currently engaged in the use of prohibited drugs or alcohol and who do not otherwise violate the provisions of this policy, including but not limited to individuals who:

1. Have successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or
2. Have otherwise been rehabilitated and are no longer engaging in such use.

## **PROHIBITED DRUGS**

Prohibited drugs addressed by this policy include the following:

1. **Illegal Drugs:** Illegally used controlled substances or drugs under the Drug Free Workplace Act of 1988, any drug or any substance identified in Schedule 1 through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by 21 CFR 1308.11 through 1308.15 are prohibited at all times in the workplace unless a legal prescription has been written for the substance. Illegal use includes use of any of the specified illegal drugs, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.
2. **Legal Drugs:** The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited under this policy. However, not taking the medication as prescribed; not having a prescription for the medication or excessive use or abuse of such drugs shall be considered to be the same as use of illegal drugs under this policy.

Employees must report their use of over-the-counter or prescribed medications to their supervisor if the use of such medications might impair their ability to perform their job safely and effectively. Employees required to drive are required to notify their supervisor of any medications prescribed which have a warning with respect to the operation of machinery or vehicles. If it is determined that the employee is unable to perform the job safely and properly, the employee will be required to utilize sick leave until they are released to return to work by a medical professional.

Pottawattamie County reserves the right to take appropriate action if the use of a prescribed or an over-the-counter drug is impairing or is deemed likely to impair the employee's ability to perform his/her job.

3. **Alcohol:** The use of beverages containing alcohol is prohibited in the workplace. Alcohol is considered a "prohibited drug" under this policy.

## **PROHIBITED BEHAVIOR AND CONDUCT**

1. The following is prohibited conduct and employees who engage in this conduct will be subject to termination of employment and may in addition, suffer legal consequences:
  - A. The use, sale, offering for sale, storing, distribution or possession of illegal drugs, including controlled substances, imitation controlled substances, counterfeit controlled substances on the job, County property or in County vehicles is prohibited.
  - B. The illegal use, sale, offering for sale, storing, distribution or possession of prescription medications or over-the-counter medication on the job, on county property, or in county vehicles is prohibited.
  - C. The use of alcohol in the workplace, or the sale, offering for sale, distribution or illegal possession of beer, wine, liquor, or other alcoholic beverages or medicines containing alcohol on the job, on county property or in county vehicles is prohibited.
  - D. Employees are prohibited from reporting for duty or remaining on duty anytime there is a presence of a prohibited illegal drug in the body.
  - E. Employees are prohibited from reporting for duty or remaining on duty if they are under the influence of alcohol.
  - F. An employee who tests positive for alcohol or illegal drugs has engaged in prohibited conduct.
  - G. Being under the influence of a prescription or over-the-counter medication that affects the employees' ability to safely perform any of their job functions is prohibited.
  - H. Commercial drivers are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he/she submits to a required post-accident drug and alcohol test, whichever occurs first.
  - I. Employees who refuse to test for drugs or alcohol when required by the employer or any conduct that results in a test refusal is prohibited conduct.
  - J. All County employees who are off duty and under the influence of alcohol or illegal drugs, are obligated to refuse any emergency calls or call outs. Reporting for work under the influence of alcohol or drugs is prohibited conduct.

2. For the purpose of enforcing this policy, employees, their personal possessions (including personal vehicles), and their County-issued equipment and containers are subject to inspection and surveillance at all times while on County property or work sites or while conducting County business as provided by law. Any refusal by the employee to submit to an inspection is an act of insubordination subject to disciplinary action.
3. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is Pottawattamie County's intent and obligation to provide a drug-free work environment.
4. As required by law, it is a condition of continued employment that any employee who is convicted of any criminal drug violation for conduct in the workplace is required to notify their Elected Official or Department Head of this fact no later than five (5) calendar days after such conviction. (A conviction means a finding of guilt, including a plea of "nolo contendere" or "no contest", of the imposition of a sentence, or both, by any judicial body charged with the responsibility of determining violations of federal, or state criminal drug statutes.) Employees who violate this provision will be subject to disciplinary action up to and including termination of employment.
5. Employees are obligated to report co-workers who are in violation of this policy. If an employee becomes aware of another employee using, possessing, selling, purchasing, or transferring prohibited drugs or alcohol while on the job, he/she is expected to take prompt action to report the information to their immediate supervisor. Failure to do so is prohibited conduct.
6. Employees are required to report alcohol/drug related traffic offenses to their supervisor, if it will affect their ability to operate a motor vehicle for county business. This report shall be made no later than the next scheduled business day and before operating a vehicle for county business.
7. Pottawattamie County will not take adverse action against any employee that makes a voluntary admission of alcohol misuse or controlled substance use provided that the employee does not self-identify in order to avoid testing. The County will allow the employee sufficient opportunity to seek an evaluation, education or treatment to establish control over the employee's drug or alcohol problem.

Self-reporting just after being notified of a test

- a. Does not release the employee from the responsibility of taking the alcohol or drug test.
- b. Does not release the employee from discipline which may arise from a positive test.
- c. Does not qualify as a voluntary referral.

Please refer to the Drug & Alcohol Testing Program, Section VI for additional information on employee admission of alcohol and controlled substance use.

## **DRUG & ALCOHOL TESTING REQUIREMENTS**

1. The federal Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) requires that commercial drivers be tested for drugs and alcohol under the following conditions: Pre-Employment, Reasonable Suspicion, Random and Post-Accident. Commercial drivers who voluntarily admit to alcohol misuse or controlled substance use will be subject to return-to-duty testing and may also be required to employee monitoring and non-DOT follow-up testing.

Commercial drivers performing safety sensitive functions will be tested for five (5) substances: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP).

2. Pottawattamie County will conduct Pre-Employment and Reasonable Suspicion drug and alcohol testing.

The County drug test will test for nine (9) substances which include: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), phencyclidine (PCP), Benzodiazepines, Barbiturates, Methadone, and Propoxyphene. For the purpose of this policy, this shall be hereinafter referred to as a County drug test. The county reserves the right to add additional drugs as they become available for testing.

Employees who are required to maintain a commercial driver's license shall be required to submit to both, the DOT and County drug and alcohol test for Pre-Employment and Reasonable Suspicion.

Employees who test positive for drugs or alcohol shall be placed on administrative leave without pay pending final disciplinary action.

**Please refer to the Drug & Alcohol Testing program (Appendix A) for additional information on Drug & Alcohol abuse and testing requirements.**