

(4-14) DRUG & ALCOHOL USE

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Purpose

Kittitas County recognizes that alcohol and drug use in the work place constitute a safety, health and economic hazard to the County. As an employer, Kittitas County desires to provide a work environment for all its employees, which is free from alcohol and drug use.

Policy

Employees shall not report to work under the influence of alcohol and/or illegal non-prescription drugs. Under no circumstances will an employee be allowed to operate equipment or drive a motor vehicle when it reasonably appears that his/her ability to do so has been impaired by alcohol and/or other drugs.

The unauthorized use, sale, purchase or possession of alcohol and/or other drugs at the work site is prohibited and shall be grounds for discipline and/or dismissal.

Employees shall not make or traffic in intoxicants while on County property or in any way use their position as a County employee to make or traffic in intoxicants. Such activity will be grounds for discipline and/or dismissal.

Any employee using drugs that affect cognitive mental functions or motor skills will notify his/her supervisor before beginning work. When job safety is in question by taking such medication a physician clearance will be necessary.

Employees reasonably believed to be under the influence of alcohol and/or other drugs shall be prevented from engaging in further work and will be provided transportation home. Law enforcement will be notified if an employee leaves the work site in his or her own vehicle under the influence of alcohol or drugs.

Rehabilitation of individual employees from the use of alcohol and/or other drugs is of primary importance to Kittitas County. Thus, Kittitas County encourages employees to seek professional help to overcome their drug/alcohol use and/or abuse.

The Employee Assistant Program (EAP) is available to all employees [enrolled in a medical plan through the Washington Counties Insurance Fund \(WCIF\)](#) who have concerns about their use and/or abuse of alcohol or other drugs. Kittitas County strongly encourages ~~all~~ employees to voluntarily seek assistance through the EAP.

The EAP is a confidential program available to ~~all~~ employees for screening, treatment referral and follow-up. Any employee wishing to self-refer into the program may contact [Green Spring Magellan](#) Health

Services at 1-800-523-5668. Confidentiality will be maintained unless the employee specifically requests that his/her department head or immediate supervisor be notified. If the employee's job duties were ~~affected-affected~~ by substance abuse, and the employee was required by the employer to participate with the EAP, feed-back from the treatment facility of client compliance with the treatment plan would be required.

If an employee requires leave time for substance abuse treatment he/she will be allowed to use accrued sick leave and/or vacation time according to Kittitas County Personnel Policies and/or union contracts. The employee may also apply for leave under FMLA. The Human Resources Department has the appropriate paperwork required for Family Medical Leave. The Department Head shall maintain confidentiality regarding the reason for leave time when advising the supervisor of an employee's time away.

The ~~County employee's~~ health insurance plan will be the primary coverage for substance abuse treatment. Any costs incurred by the employee for substance abuse treatment that exceeds the employee's health insurance plan will be the total responsibility of the affected employee.

It is the responsibility of the supervisors to encourage employees to utilize the EAP when a change is noticed in an employee's job performance or behavior. Such behavior changes noted could be but are not limited to: Personality swings, increased usage of sick leave and vacation time, leaving the job site early and coming in late and physical signs such as motor impairment. A supervisor will not attempt to diagnose an employee's problems but should monitor job performance.

An employee should be referred to the EAP when the supervisor notes deteriorating or unsatisfactory job performance or attendance and when usual supervisory actions have failed to yield improvement.

When an employee's job performance has not improved after supervisory actions have been taken, the Department Head or Elected Official can require an employee's participation in a Drug and Alcohol Assessment program as an alternative to dismissal.

The employee's compliance with recommendations by the EAP is voluntary. The program is confidential and does not replace normal disciplinary procedures for unsatisfactory job performance. Job security and promotional opportunities of an employee will not be jeopardized by the use of the EAP.

Confidentiality is the key element of the Employee Assistance Program and subsequent treatment programs. Any employee violating this confidentiality will be subject to disciplinary action up to dismissal.

Elected Officials, Department heads, supervisors, union and other employees play a key role in the implementation of a substance abuse policy. To facilitate their understanding and management of performance problems resulting from substance abuse, education, and training are critical.

All employees will notify their Department Head of any criminal drug statute conviction for violation occurring in the workplace no later than five days after the conviction.

Prevention of substance abuse among employees will be addressed through ongoing education programs available to all County employees. Supervisors and/or Department Heads will be trained regarding the Alcohol abuse, diagnosis and treatment. ~~Alcohol and Drug Abuse education will be provided to all employees one to two times per year.~~

Drug Testing Procedures Prohibition Regarding Alcohol and/or Controlled Substances

- A. The unauthorized use, sale, transfer or possession of alcohol, drugs, controlled substances and/or "mood altering" substances (except the possession or use of prescribed medication, verifiable by a current, properly issued prescription) during work hours (including meal and rest periods), on County property, in County vehicles, or in personal vehicles while conducting County business is prohibited. Violation of this section is just and sufficient cause for immediate discharge.
- B. Reporting for work or becoming intoxicated during working hours through the use of alcohol, drugs (including prescribed medication), controlled substances and/or "mood altering" substances is prohibited. Violation of this section will result in disciplinary action, which may include discharge.
- C. An employee utilizing prescribed and/or "over-the-counter"-medication(s) that could adversely affect job safety or performance must immediately report that fact to the employee's supervisor. Knowledge of cautions and warnings printed on the medication container label are the sole responsibility of the employee. Consultation with the employee's attending physician, concerning the affects a substance may have on the employee, may be appropriate.

If an employee notifies the Employer upon reporting to work that he/she is on medication or will be taking medication, the employer may determine that the effects of any over-the-counter or prescribed medication may impair the employee's ability to safely, properly, and effectively perform the employee's duties. The Employer may require the employee to not work until the effects of the medication subside to an acceptable level. In cases where the employee is instructed by the Employer to remain off work due to the possible side-effects of over-the-counter or prescription medication, the employee may utilize earned, but unused, sick leave benefits in accordance with the terms of this Agreement.

Violation of this section will result in disciplinary action, which may include discharge.

The applicable substance abuse testing procedures outlined below will be initiated if one (1) of the following events occurs:

- A. Management personnel concludes through objective observation, investigation and evaluation that an employee is under the influence or impaired by the use of alcohol, drugs, and/or controlled substances; and this conclusion is confirmed by another supervisor, elected official or department head.
- B. Where an employee is involved in any accident due to the action, inaction or inattention of the employee;
- C. Where the County received reliable information based upon personal knowledge of an individual, such as other employees of the County, the medical community, law enforcement personnel, residents of the County, of involvement by the employee with alcohol and/or controlled substances.

All relevant facts pertaining to an investigation conducted pursuant to the above provisions will be documented in writing and preserved for future reference by the County. There shall be no across the board or random drug testing of employees (except where required by law).

Substance Abuse Testing Procedures

- A. Before requesting an employee to undergo drug or alcohol testing, the County shall provide the employee with a written form containing reference to the following information:
 - 1. The employee has been provided a copy of the Drug Testing Policy set forth in this Section.

2. The employee is given the opportunity to indicate the use of any drugs, including over-the-counter or prescription medication currently being used and/or recently taken.
 3. The Employer will set forth facts pertaining to the reason for requesting the drug and/or alcohol test.
- B. The Employer will transport the suspected employee to a predetermined testing facility.
 - C. The employee will be requested to submit to the testing procedures. The employee has the right to refuse to submit to the tests; however, refusal to submit to the tests will be grounds for discharge.
 - D. The employee will provide a urine sample, a blood sample or breath sample for testing for controlled substance or alcohol.
 - E. Collection of the specimens will be under the direction of qualified medical or law enforcement personnel. Collection of the specimens will take place as soon as possible following the observation, accident or incident. The employee will cooperate fully in the collection of the specimens. Employee tampering with the specimens or refusal to submit to the test within a reasonable period of time will result in discharge. If the employee is physically unable to provide a urine sample, a blood sample will be drawn and analyzed by the laboratory. However, within twenty-four (24) hours following the drawing of the blood sample, the employee will submit to a urine test. If the employee fails to provide the urine sample within a twenty-four (24) hour time frame, disciplinary action will be taken up to and including discharge.
 - F. After collection of the specimens, the employee will be transported to the employee's residence or other safe location. The employee will be suspended from work with pay until the test results become available and are evaluated.
 - G. All specimens will be forwarded to laboratories meeting state or federal guidelines to conduct such tests. Strict adherence to the chain of custody requirements will be followed during the transportation of the specimen to the laboratory. The laboratory will analyze the specimen. The laboratory will perform initial screening, and if positive results occur, confirmatory tests on the specimen will be performed. The confirmatory test shall be the GC/MS test. The laboratory shall maintain the specimen in accordance with state or federal guidelines.

The laboratory will communicate the test results to the Department Head or elected official. The Department Head or elected official will evaluate those results, and confer with the Commissioners to determine the County's course of action. Within Five (5) working days after the receipt of a test result report, the Employer shall inform the employee in writing of the results.

- A. Test result will be kept in a confidential file outside the employee's regular personnel file. Access to the file will be confined to the County Commissioners, Department Head and/or Elected Official, and the Human Resources Department. The County will treat all records in the most confidential fashion. Disclosures, without employee consent, may occur when:
 1. The information is compelled by law or judicial or administrative process.
 2. The information has been placed at issue in a formal dispute between the Employer and the prospective employee.
 3. The information is needed by medical personnel for the diagnosis or treatment of a patient who is unable to authorize disclosure.
- B. All costs associated with substance abuse testing, other than an independent analysis requested by the employee, will be paid by the Employer.
- C. Should analysis of the specimens indicate a negative level of a substance in an employee's system, the employee will be reinstated to the employee's former position.
- D. Should analysis of the specimens indicate a positive level of a substance in an employee's system, the Employer shall meet with the employee within five (5) days

of the receipt of the result to advise the employee of the result. The Employer will also provide the employee the opportunity to respond to any potential disciplinary proceedings. The employee's response may include the following:

1. The employee will have the right to submit further information relative to the test results;
 2. The employee may request a confirmatory re-test of the original sample at the employee's own expense;
 3. The employee may request a confirmatory re-test be conducted at a different certified laboratory, with the same drug or alcohol threshold detection levels as used in the original test. If the confirmatory re-test does not confirm the original positive test result, a third test shall be employed on the same specimen and the result of the third test shall be final. The cost of the third test shall be equally divided between the Employer and employee.
- E. Should analysis of the specimens described in Section (d) of this Agreement indicate a positive level of substance in an employee's system, the County will have the following options:

1. Provide the employee an opportunity to enter into a Last Chance Agreement. Included in the Last Chance Agreement, the employee will be evaluated by a qualified drug/alcohol counselor to determine the extent of the employee's chemical dependency. If in the opinion of the counselor, the employee requires rehabilitation services, the employee will be placed on a non-paid leave-of-absence for a period not to exceed ninety (90) days, and enroll and complete a certified alcohol and/or rehabilitation program. An employee may use accumulated sick leave or vacation during this ninety (90) day period. If the employee successfully enrolls and completes the program within ninety (90) days the employee will be reinstated to the employee's former position.

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The County reserves the right of concurrence on the selection of the rehabilitation counselor, facility and program content. The employee or medical insurance provider (within contractual limitation) will pay cost of the rehabilitation program. The employer will be provided semi-weekly written progress reports from the employee's counselor during the entire treatment program. The employee will be reinstated to the employee's former position when the following conditions have been met:

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1. The employee has successfully completed the treatment program; and
2. The attending counselor has formally released the employee to return to work; and
3. The employee agrees to submit to a substance abuse test.

In addition to any testing done as part of the rehabilitation program, during the next twelve (12) months following reinstatement, the employee consents to four (4) random drug tests. These tests may be given at any time for the presence of alcohol, drugs and/or controlled substances notwithstanding any other provisions of this Agreement to the contrary. Any subsequent violation on this Agreement will be grounds for immediate discharge.

2. Discharge the employee.

Self-Recognized Substance Abuse

| Employees enrolled in a medical plan through the WCIF who think they may have a substance abuse problem can contact the EAP confidentially and on their own. Any recommendations made by the drug/alcohol counselor will be up to the employee to act on. If the employee enrolls in a rehabilitation program he/she will be subject to the guidelines as outlined in the section above.