



## MAINTAINING A DRUG FREE WORKPLACE

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Policy: POL-409-HR • Effective Date: July 1, 2024 • Res. # 088020  
Cancels: Res #076716 • Reference: POL-410-HR

Unless otherwise stated in a bargaining unit contract, this policy applies to all Whitman County employees.

### **Definitions:**

**Prohibited Substances:** Any drug or substance identified by the federal government as a controlled substance. This includes, but is not limited to: marijuana (within WA State regulations), amphetamines, opiates, phencyclidine (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.

**Public Safety Positions:** County positions determined to have a governmental responsibility for the prevention and protection of the public. Testing for these positions are governed by state and federal regulations or funding.

**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.

**Safety Sensitive Positions:** County positions where the employee performs a safety sensitive function under CFR 49, Part 382.107.

### **1. Purpose.**

Whitman County recognizes alcohol and drug abuse as potential health, safety and security problems. Whitman County strives to provide a safe and professional work environment for all its employees.

### **2. Scope of Testing.**

Drug and alcohol testing is allowed for public safety positions, safety sensitive positions and as a result of reasonable suspicion.

Reasons for testing include pre-employment, random, reasonable suspicion, return to duty, and post-accident. Application of each reason depends on the position and applicable state and federal regulations. Always consult with Human Resources before conducting drug and alcohol testing.

Thresholds for positive tests and the clinical testing process itself are governed by state and federal regulations.

Employees represented by a union have a right to representation prior to a drug/alcohol test being conducted.

**3. All Employees are Responsible for Maintaining a Drug Free Workplace.**

Whitman County expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances.

Employees are prohibited from manufacturing, dispensing, possessing, using, distributing, or purchasing non-prescribed drugs and intoxicants on County premises or in County vehicles and from working under the influence of alcohol, prohibited substances, or intoxicants during working hours. This includes when the employee returns from his/her lunch break during which he/she consumed one of the above substances.

If an employee suspects his/her co-worker of being under the influence, he/she should report it to the appropriate supervisor or Human Resources.

**4. Employees Shall Report to Work in an Appropriate Mental and Physical State.**

Employees are required to report to their jobs in an appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor's prescription, he/she is required to discuss it with his/her supervisor before commencing work that day.

If a supervisor develops a reasonable suspicion that an employee is under the influence of drugs or alcohol while at work, he/she may require that employee to take a drug/alcohol test. Reasonable suspicion includes, but is not limited to, abnormal coordination, behavior, speech or odor, unusual work performance or attendance problems. The suspicion needs to be confirmed by a reliable witness who has received substance abuse awareness training. All suspicious factors must be documented.

Since the symptoms mentioned above could be the result of other issues, every effort must be made to confirm possibilities other than drug/alcohol influence before requiring an employee to be tested.

**5. Employees Convicted of a Criminal Drug Violation Occurring on County Property or Time Shall Report it to the County.**

An employee who is convicted of a violation of any criminal drug statute (including misdemeanors) for a violation occurring on Whitman County property or time shall notify his or her supervisor within five (5) days of the conviction. Employees convicted of a drug-related crime shall be subject to termination. A conviction includes any finding of guilt (including one agreed to by the employee), or pleas of no contest, and/or any imposition of a fine, jail sentence or other penalty.

6. **Employees with Drug or Alcohol Abuse Problems are Strongly Encouraged to Seek Assistance.**

Employees who have an alcohol or drug abuse problem are strongly encouraged to voluntarily seek assistance through programs offered by the County's health carriers or the Employee Assistance Program. The County will make an effort to accommodate an employee's recommended drug and/or alcohol treatment program and will not discipline an employee because he/she voluntarily came forward seeking assistance. Employees may use accrued paid leave while seeking treatment for drug and/or alcohol problems.

7. **Whitman County will Utilize Available County Resources to Educate Employees About the Dangers of Drug and Alcohol Abuse.**

Supervisory staff receive instruction on how to identify the signs of drug and alcohol use/impairment, as well as how to manage a reasonable suspicion case. The same training is available to non-supervisory staff.

8. **All Testing Information will be Maintained in Separate Confidential Files.**

9. **Consequences of a Positive Test.**

Employees who test positive for drugs and/or alcohol will be removed from duty and placed on Paid Administrative Leave while any further investigation is needed. For unionized employees this includes contacting/meeting with a representative. During this time discipline and return to work requirements will be considered.

The County may require an employee to enter a rehabilitation program with a Chemical Dependency Professional for assessment and recommendations. The costs associated with the professional are the responsibility of the employee that tested positive.

Prior to the County's consideration for an employee's return to work, the employee shall:

- a. Successfully complete any agreed upon rehabilitation
- b. Complete a return-to-work drug and alcohol test with negative results
- c. Sign a "Last Chance" agreement, if determined appropriate
- d. Be subject to any follow-up testing recommended by a Chemical Dependency Professional

10. **Last Chance Agreements.**

Following a violation of this drug-free workplace policy, an employee may be offered an opportunity for rehabilitation and/or return to work. In such cases, the employee must sign and abide by the terms set forth in a Last Chance Agreement waiving his/her right to "just cause" under any applicable policies or Collective Bargaining Agreements. The waiver is to be limited to any future violations of the provisions of this policy for a period to be determined and negotiated. Violations of the agreement will be grounds for immediate termination.

11. **Violations of This Policy May Result in Discipline Up To and Including Termination.**

Any violation of this substance abuse policy will result in discipline up to and including termination. Compliance with this substance abuse policy is a condition of employment.

Violations also include if the employee refuses to test; adulterates, substitutes, or dilutes the specimen; refuses to sign the required testing forms; or refuses to cooperate in the process in such a way that prevents the completion of the test. Refusing to complete the return to work requirements or repeatedly violating this policy are also subject to discipline.

Employees with positive tests are subject to consequences governed by state and federal regulations applicable to their type of position and/or funding.

Nothing in this policy prohibits employees from being disciplined or discharged for other violations and/or performance issues.