

YAKIMA COUNTY
FITNESS FOR DUTY DRUG AND ALCOHOL POLICY
Policy No. HR-020

I. STATEMENT OF PHILOSOPHY

Yakima County has a significant interest in the health and safety of its employees and citizens. In furtherance of that interest, it is the policy of the County to take reasonable and necessary steps to assure its employees are free from the influence of alcohol and drugs while performing their duties. Furthermore, Yakima County is concerned about the adverse effect alcohol, drugs, and substance abuse may have on safe and productive job performance. It is Yakima County's belief that employees who are affected in their ability to perform their job safely and productively, because of use or abuse of alcohol and/or drugs, jeopardize the integrity of the work place. Our goal at the County is to comply with the Drug Free Workplace Act of 1988, WAC 296-800-11025, the Federal Highway Administration Regulations and all other applicable laws.

Detailed testing procedures are defined in the Yakima County Drug and Alcohol Testing Procedures Manual. This policy outlines those requirements for employees as designated by the Federal Highway Administration and complies with the requirements set forth in the Federal Drug Free Workplace Act of 1988, which requires that federal grant recipients, such as Yakima County, establish programs to educate employees about drug use and maintain a drug free workplace.

This policy supersedes any previous Fitness for Duty Drug and Alcohol policies of Yakima County including Policy Regulation No. 27-P. Provisions of negotiated collective bargaining agreements (labor contracts) which conflict with this policy take precedence over this policy to the extent applicable.

References:

- A. The U.S. Department of Transportation has adopted 49 CFR, Part 382 which mandates urine drug and breath alcohol testing of those employees required to have Commercial Driver's Licenses (CDLs) for their jobs and prevents performance of that job based on a positive alcohol and/or controlled substance test result.
- B. The U.S. Department of Transportation has also adopted 49 CFR, Part 40- Procedures for Transportation Workplace Drug and Alcohol Testing Programs which sets Standards for the Collection and Testing of Urine & Breath Specimens.
- C. The U.S. Department of Labor's Drug Free Workplace Act of 1988 requires all organizations covered by the Act to provide a drug-free workplace.
- D. Washington State Department of Labor and Industries has adopted WAC 296-800-11025 which mandates that employers must prohibit alcohol and narcotics in the workplace, and prohibit employees under the influence from being at the worksite.

II. TERMS OF EMPLOYMENT

Pre Federal regulations, prior to hiring applicants for any position requiring a Commercial Driver's License (CDL), Yakima County conducts pre-employment queries for drug and alcohol related violations in the Federal Motor Carrier Safety Administration's (FMCSA) Clearinghouse.

Additionally, Yakima County expects and requires all current employees to report to work free of drugs and/or alcohol and in condition to perform their duties safely and efficiently.

Employees have primary individual responsibility for managing their own behavior and, if a possible impairment issue exists, to successfully resolve that issue.

Any employee who is convicted of a criminal violation occurring in the workplace involving a controlled substance shall notify his or her immediate supervisor in writing within five (5) days of the conviction. The supervisor shall immediately inform the Department Head and the Human Resources Director.

Within thirty (30) days of the above notification, the County will take one of the following actions:

- Impose appropriate disciplinary action on the employee up to and including termination, or
- Direct the employee to complete a drug/alcohol assessment through Yakima County Employee Assistance Program and participate satisfactorily in any recommended drug/alcohol treatment program or plan as outlined in a Return to Work Agreement.

III. SCOPE

This policy applies to all appointed officials, Department Heads, regular, temporary, and part time employees of the County. Certain requirements of this policy apply only to employees who are employed in Yakima County Safety Sensitive job class categories and/or are required to have a Commercial Drivers License (CDL) for their job.

Employees who violate this policy will be subject to disciplinary action up to and including termination.

Department Heads, Elected Officials, and Employees should refer to Yakima County's Drug and Alcohol Testing Procedures Manual for specific information regarding test referrals, procedures, specimen collection, and records retention.

Independent Contractors and Owner-Operators and their employees working on Yakima County contracts shall be bound by this policy while working on County properties and right-of-ways. Those found violating the prohibitions of this policy may be subject to contract cancellation.

Prohibited Substances:

In accordance with the Alcohol and Drug Free Workplace Policy and State and Federal Laws, the following substances are prohibited in the workplace including during meal and break periods within the work shift:

Alcohol- Yakima County affirms that having alcohol in an employee's system, using, possessing, distributing, selling, and/or transferring alcohol while on the job, on Yakima County property, in a County vehicle, or while in stand-by or on-call status is prohibited. Yakima County receives Federal grant funding and therefore must comply with both Federal and State Law

concerning alcohol and drug use. As such, the County will adhere to the regulation with the lowest tolerance for alcohol use. Although having a blood alcohol concentration of 0.04 or greater as indicated by an Alcohol Breath test has additional and more severe consequences for those with Commercial Driver's Licenses, having a blood alcohol concentration of 0.02 or greater is a violation of the County's Drug and Alcohol Free Workplace Policy. The following is also prohibited:

- Reporting to or performing safety sensitive function within four (4) hours of consuming any alcohol; or
- Consuming any alcohol within eight (8) hours after an accident or until tested.

Controlled Substances- It is prohibited for an employee to have a controlled substance in their system, use, transfer, manufacture, or traffic a controlled substance while on the job, on Yakima County property, in a County vehicle, or while in stand-by status.

Prescribed Medications- An employee undergoing medical treatment which includes the use of prescription drugs which might impair the employee's ability to perform their job must report to their immediate supervisor prior to beginning work for possible temporary reassignment.

Unauthorized substances- Use of any substance in a manner other than its intended purpose that is known to cause impairment of physical and/or mental functioning.

Testing:

County employees and/or job applicants may fall into one or more of the following categories:

Safety Sensitive Positions- Functions of employees in Safety Sensitive Positions include inspecting or servicing equipment, operating controls of a commercial motor vehicle, loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate a vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

CDL Holders- Positions where a CDL is required by the job.

Public Safety Positions- Public Safety positions have the primary goal of protecting the public and keeping them safe including employees of the Sheriff's Office, Corrections, and Juvenile Detention.

Others- All other employees of the County who are not included in one or more of the above mentioned categories.

The County performs the following types of alcohol and controlled substance testing:

Pre-Employment- Urine tests and breath tests for alcohol for those who are required to possess a Commercial Driver's License (CDL) as a job requirement. Pre-employment testing may also be required for applicants in Public Safety Positions.

Random Testing- Urine testing for those employees who are required to possess a CDL as a job requirement and breath testing for alcohol for those who are required to possess CDL as a job requirement. All commercial motor vehicle operators subject to drug testing shall be required to submit to random testing. Random testing may also be required for employees in Public Safety Positions.

Reasonable Suspicion- Urine and/or breath testing for any employee where specific facts, circumstances, physical evidence, physical signs and symptoms or pattern of performance and/or behavior are cause for concern.

Post Accident- Urine and/or breath testing for all CDL drivers will be conducted in accordance with the requirements of *49 CFR § 382.303 Post Accident Testing* as soon as practicable if the accident:

- a) involved the loss of human life; or
- b) the driver/operator receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Other employees performing safety sensitive functions, and/or operating a motor vehicle that is involved in an accident while working, will be tested as soon as practicable if reasonable suspicion exists. Testing may be performed if the accident resulted in off-site medical treatment for a bodily injury to the employee or other person involved in the accident and if impairment possibly contributed to the incident.

Return to Duty Testing- Return to duty testing will be conducted when an employee who has previously tested positive for alcohol and/or drugs on the job was relieved of duty and is now ready to return to work.

Follow-Up Testing- As a result of a return to work agreement, follow-up testing is unannounced and is conducted when an employee who has previously tested positive for alcohol and/or drugs on the job was relieved of duty and has now returned to work.

IV. TRAINING & EDUCATION

Pursuant to the provisions of the Drug-Free Workplace Act of 1988, the County has established an education and training program to help employees understand and avoid the perils of drug and alcohol abuse. A reasonable ongoing educational effort will be made to prevent and eliminate drug and alcohol abuse that may affect the workplace.

All current and new employees will receive information and training on the impact of drugs and alcohol use in the workplace, the consequences of drug and alcohol use and resources for help and assistance.

The County shall ensure that a copy of this policy is distributed to each employee upon hire. Employees are required to sign an acknowledgement form certifying that they have received a copy of this policy. Human Resources shall maintain the original signed in the employee's records.

Supervisor/Managers:

The County shall provide training to supervisors and officials who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing. The training

shall include at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. This training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol usage and drug use. No supervisor will make a reasonable suspicion or post accident/incident decision unless they have completed supervisory training relating to this policy and as required by *49 CFR § 382.603 Training for Supervisors*. Supervisors who have not received training may request another supervisor or official who has undergone this training to make the determination.

V. REHABILITATION

Voluntary Self-Referral:

Yakima County highly encourages employees who may need assistance with alcohol/drug related problems to come forward before those problems impact their job performance or become a policy violation. Employees who seek treatment prior to the drug/alcohol problem becoming a compliance or performance issue may be entitled to reasonable job accommodation for their jobs during the evaluation and treatment time. An employee who self-identifies a problem and reports their concerns to a supervisor may be referred to a treatment program or provided with information about the County's Employee Assistance Program.

Employee Assistance Program- Yakima County will provide a confidential, voluntary referral, evaluation and treatment program for employees to seek assistance and treatment before the problem of drug and alcohol abuse affects the employee's performance in the workplace.

Mandatory Referral:

Employees who successfully enter and/or complete a substance abuse rehabilitation program after a positive drug or alcohol test may be allowed to return to work under the conditions of a Return to Work Agreement. The employee shall sign a "Release of Information Authorization" that allows the Yakima County Human Resources Department access to evaluation and treatment information from the attending physician and/or treatment facility.

Specific information about voluntary assistance, rehabilitation, and return-to-work contracts can be found in the Yakima County Drug and Alcohol Procedures Manual.

Adopted Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901

Acknowledgement of Receipt

By signing below I acknowledge that I have received a copy of **Yakima County's Fitness for Duty Drug and Alcohol Policy** (*Policy No. HR-020*).

Employee Name _____

Please print

Department _____

Employee Signature _____

Date I received this policy _____

Human Resources shall maintain the signed original of this page in the employee's personnel file.