



**KITSAP COUNTY**

**DRUG AND ALCOHOL  
POLICY AND PROCEDURES**

**October 27, 2008**

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# KITSAP COUNTY DRUG AND ALCOHOL POLICY AND PROCEDURES

Alcohol and drug use and misuse are serious problems affecting the lives of millions of workers and have been linked to accidents and deaths in the workplace, decreased worker productivity, increased health care costs and increased employee absences. The purpose of this Policy is to promote safety by detecting and deterring conduct that may jeopardize the individual health, safety and well being of employees and the public.

The U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA), Controlled Substances and Alcohol Use and Testing Regulations, and the State of Washington Uniform Commercial Driver's License Act, chapter 46.25 RCW, mandate that the County take special measures to ensure that the health and safety of its employees and public safety are protected. In compliance with these laws, the County conducts tests for alcohol and controlled substances on covered employees in safety-sensitive transportation-related positions.

Equally important, however, is the assurance to employees that personal dignity and privacy will be respected and harassment, discrimination and defamation will not result from the testing.

## **2. Confidentiality**

Fundamental to Kitsap County's application of the laws regarding alcohol and controlled substances (drug) testing is the commitment to respect the privacy and reasonable concerns of employees who are required to be tested for alcohol and controlled substances (drug) use. The County takes extensive measures to ensure that all records, documents and related materials concerning who has been tested, why they were tested and the results of those tests are held in strictest confidence, and that all meetings and conversations relating to alcohol and controlled substances (drug) testing are treated as confidential. Any employee who breaches confidentiality is subject to formal disciplinary action up to and including termination of employment.

## **3. Covered Employees**

- 3.1 Commercial Driver's License. Alcohol and controlled substances (drug) testing is conducted for all employees who are required to obtain a commercial driver's license (CDL) as a condition of employment. This applies to new and current employees, as well as current employees applying to transfer to a covered position.
- 3.2 Safety Sensitive Functions. Covered employees also include those defined by federal regulations as performing a "safety-sensitive function" in connection with a commercial motor vehicle, which means all time from the time an employee begins to work or is required to be in readiness to work until the time he/she is

relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- a. When at the County's facilities or other property, or on any public property, waiting to be dispatched, unless the covered employee has been relieved from duty by the employer.
- b. When inspecting equipment as required DOT regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- c. When at the driving controls of a commercial motor vehicle in operation.
- d. Other than driving time, when in or upon any commercial motor vehicle.
- e. When loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- f. When repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### **4. Test Administration**

The County uses a service agent to coordinate and provide a variety of controlled substances (drug) and alcohol testing services. Service agents instruct and assist employees with the controlled substances (drug) and alcohol testing process. The service agent employs trained collectors and licensed physicians who follow quality assurance procedures and strict confidentiality requirements. The County pays the cost of controlled substances (drug) and alcohol testing.

The Personnel Division of the Department of Personnel and Human Services is the designated employer representative with whom the service agent communicates concerning tests and testing results. Employees who have questions about DOT requirements, these policies and procedures, or substance abuse referrals, evaluations, or treatment should contact the Personnel Manager.

##### **4.1 Alcohol Testing**

The test for alcohol use is conducted by the County's service agent using a DOT approved breath-testing instrument that measures alcohol concentrations through breath samples.

An employee subject to testing reports to a designated testing center where the breath alcohol test is administered in an area that provides privacy to the employee being tested.

Test results are printed onto the breath alcohol test form, shown to the employee, and the form is signed by both the service agent and the employee.

If the alcohol concentration level is less than 0.02, no further testing is required and the employee can return to the workplace.

Employees with an alcohol concentration level of 0.02 or greater are given a confirmation test within 20 minutes.

The results of the initial test and the confirmation test are printed on the breath alcohol test form and signed by both the certified health care professional and the employee.

The service agent notifies the Personnel Division of the test results, and the Personnel Division notifies the employee's supervisor. Test results are filed in the Department of Personnel and Human Services in a confidential manner.

If the initial and confirmation tests report an alcohol concentration level of 0.02 or greater, the employee shall call his or her supervisor and wait at the collection site for a ride home. The employee shall not drive until the employee takes another alcohol test and tests below 0.02. If the employee attempts to drive, law enforcement will be notified.

#### 4.2 Controlled Substances Testing

Under DOT regulations, the only acceptable test for controlled substances is conducted by using a urine specimen that is provided at the time of the test.

The employee subject to testing reports to the specified testing center where the test is administered in an area that provides privacy to the employee being tested.

An employee who is being tested for controlled substances is permitted to provide urine specimens in private so that the employee is not observed while providing the sample.

An employee of the service agent who is of the same gender as the employee being tested may observe when the service agent has reason to believe the employee may attempt to alter or substitute the specimen.

All return-to-duty and follow-up controlled tests must be conducted using direct observation procedures.

All specimens will be processed as split samples. The split specimen is shipped by the testing center to a Substance Abuse and Mental Health Services Administration (SAMSHA) certified or DOT approved laboratory following quality assurance procedures.

The laboratory conducts the appropriate tests and reports results to the testing center.

The service agent notifies the Personnel Division of the test results, and the Personnel Division notifies the employee's manager or supervisor.

Test results are filed in the Department of Personnel and Human Services in a confidential manner.

## **5. Required Tests**

DOT regulations require testing for alcohol and the following controlled substances (drugs): marijuana, cocaine, opiates, amphetamines and phencyclidine. Covered employees are required to participate in alcohol and/or controlled substances (drug) testing, including but not limited to urine and breath screens, under the following circumstances:

- a. When there is reasonable suspicion an employee may be under the influence of some controlled substance (drug) or alcohol.
- b. Following an accident.
- c. When the employee is selected for random testing.
- d. Prior to initial employment.  
(Alcohol tests are permitted by DOT and required by Kitsap County.)
- e. After engaging in prohibited behavior regarding alcohol or controlled substances (drugs).

These required tests are described more fully in the sections that follow.

### **5.1 Reasonable Suspicion Testing**

5.1.1 Reasonable Suspicion Defined. Reasonable suspicion for controlled substances (drug) or alcohol testing means specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. In other words, a reasonable suspicion decision consists of specific facts,

circumstances, physical evidence, physical signs and symptoms or a pattern of performance and/or behavior that would cause a supervisor to reasonably conclude an employee may have engaged in on the job controlled substance (drug) or alcohol use, or may be under the influence of some drug/substance including alcohol. NOTE: An alcohol reasonable suspicion test may be conducted only if the observations are made during the time the employee is performing a safety-sensitive function for the County, or just preceding or just after the employee is to or has performed safety-sensitive work for County.

5.1.2. Examples of Reasonable Suspicion include but are not limited to:

- a. Unsatisfactory work performance, including accidents and incidents, adequately documented, and where some drug or alcohol related documentation indicates a linkage or a change in an employee's prior patterns of work performance such as:
- b. Physical symptoms consistent with substance abuse;
- c. Evidence of illegal substance use, possession, sale or delivery; or
- d. Fights (to mean physical contact) and assaults, or erratic or violent behavior.

5.1.3 Procedures for Reasonable Suspicion Testing

- a. Objective Inquiry. When reasonable suspicion exists, an employee will be questioned and observed. A decision to refer and employee for controlled substances (drug) and alcohol testing will be based on eyewitness reports, facts of the event and observed physical and behavioral characteristics of the employee. The employee will be interviewed in a private area.
- b. Verification. When possible, a request to an employee for afor controlled substances (drug) and alcohol test will be verified by another supervisor who has received training in recognition of signs and symptoms of drug and alcohol abuse. Such verification may be done in person or telephonically. The supervisor must then escort the employee to the testing center.
- c. Relief of Duty. The employee will be relieved of duty until the results of the controlled substances (drug) and alcohol tests are complete and verified. Supervisors who are unable to obtain a reasonable suspicion test because the service agent is not available, must not permit an employee to remain on duty if the employee is thought to be under the influence of, or impaired by,

alcohol or controlled substances (drugs) (as indicated by the behavioral, speech, and/or performance indicators).

- d. Transportation Assistance. The employee will be accompanied to the testing center by a supervisor. The employee will be provided transportation home. If the employee refuses and attempts to drive his/her vehicle, the supervisor shall notify law enforcement.
- e. Report. When a supervisor has reasonable suspicion that a covered employee is under the influence of a controlled substance (drug) or alcohol, the supervisor must record in writing the observations that led to this conclusion. The report will be provided to the affected department head/elected official and the Personnel Manager.
- f. Compensation. All time spent on testing, including travel time to and from the testing center, is paid time, including overtime if applicable.

## 5.2 Post Accident Testing

A covered employee must take an alcohol test within two hours (and no later than eight hours) following a qualifying accident. A controlled substance (drug) test must be administered within 32 hours following the accident. If the tests are not administered within these time frames, a report must be prepared to explain why the test(s) were not promptly administered. An employee is subject to post-accident testing under the following circumstances:

- a. The covered employee was performing safety sensitive functions with respect to the vehicle and the incident involved the loss of human life; or
- b. The covered employee receives a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, **and** if the accident also involved either bodily injury to any person who immediately receives medical treatment away from the scene of the accident or if one or more vehicles incurs disabling damage that requires the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver who is subject to post-accident testing must remain readily available to the employer for the testing or may be deemed to have refused to submit to testing.

### 5.2.1 Procedures for Post Accident Testing

- a. Treat any injury first. The physical health of the driver, responsible employee, or general public is always a higher priority than the collection of test specimen.
- b. Cooperate with law enforcement. Allow local law enforcement to conduct their investigation. The police may require a breath alcohol test or blood specimen to be drawn for a legal determination.
- c. Explain. Tell the employee that a controlled substances (drug) and alcohol test is needed as much to protect the employee as it is to determine facts for Kitsap County. Point out to the employee that a negative finding will objectively put to rest any suspicion of drug and/or alcohol involvement in the accident.
- d. Notify the hospital/medical facility of the need for a specimen, if required. If the employee is injured and unable to consent to a urine sample, wait until the treating physician determines the employee is able to understand a request, sign the necessary forms, and provide a sample. If the employee is unconscious, ask the treating physician to collect a specimen. If the hospital/medical facility takes a sample but refuses to release a specimen, ask them to retain it in their custody and freeze it with proper chain of custody procedures.
- e. Notify the County's Medical Review Officer (MRO). Explain the circumstances of the accident to the Medical Review Officer employed by the County's service agent. The Medical Review Officer will telephonically assist in facilitating the specimen collection process.
- f. Collection Timing. The specimen should be collected as soon as possible after the accident.
  - (1) Breath Alcohol Collection. Alcohol testing must occur within two hours of the accident. If the collection occurs after two hours but within eight hours of the accident, a report must be filed with FHWA.
  - (2) Drug Urine Collection. Urine collections must occur within 32 hours of the accident. If the collection does not occur within this time frame, a report must be filed with FHWA.
- g. Collect accident documentation promptly. Collect and document as many facts and observations as possible immediately following the

accident. Accident investigators, either employees or contracted individuals, should be used to accurately document critical information. Note the time and date of both the occurrence of the accident and specimen collection.

- h. Clearance for Duty. If the employee has been medically examined, post accident, they must receive a return to work clearance from the Medical Review Officer before returning to work.

### 5.3 Random Testing

Random testing is coordinated by the Department of Personnel and Human Services. Employees selected for random testing (and the individual's immediate supervisor), are notified the same day the test is scheduled.

#### 5.3.1 Random Testing means that:

- a. Random controlled substances (drug) and alcohol tests are unannounced;
- b. The selection of employees for random testing is made by a scientifically valid method; and
- c. Each employee selected for random testing shall have an equal chance of being selected each time selections are made.

#### 5.3.2 Random Testing Procedures

- a. Selection Rate. The selection rate occurs in accordance with federal regulations. The current minimum annual selection rate for alcohol testing is 10 percent of the average number of driver positions. The current minimum annual selection rate for drug testing is 50 percent of the average number of driver positions. The Personnel Division ensures that sufficient tests are performed to comply with Department of Transportation annual testing requirements.
- b. Notification of Employee. When an employee is notified that he or she has been randomly selected for controlled substances (drug) and/or alcohol testing, the employee shall cease work functions and proceed to the collection site immediately.
- c. Kitsap County follows Department of Transportation recommendations regarding notification of employees selected for random testing.

- (1) At the beginning of each testing period, Division Managers are notified of the employees randomly selected by the Personnel Division.
  - (2) The Personnel Division coordinates testing date schedules with the selected employee's Division Manager to ensure that employees are not scheduled for testing on days in which they may be on leave, in official travel status away from the test site, or scheduled for work when the collection site is closed.
  - (3) The Division Manager notifies the employee's immediate supervisor on the day of the test.
  - (4) Employees who are not scheduled to work during a test period are not notified or tested during that period.
  - (5) Each employee selected for testing and schedule to work during the selection testing period shall be tested during the selection period.
  - (6) An employee shall only be tested for alcohol during the time the employee is performing safety-sensitive work for the County, or just preceding or just after the employee is to or has performed safety-sensitive work for Kitsap County.
- d. Compensation. All time spent on testing, including travel time to and from the testing center, is paid time, including overtime if applicable.

#### 5.4 Return-to-duty and Follow-up Testing

- 5.4.1. The County is not required to continue the employment of an employee who engages in prohibited behavior regarding alcohol or controlled substances (drugs). In the event the County permits the employee to return to the performance of safety sensitive functions, the employee must undergo a return-to-duty test. The test cannot occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a verified negative result on a return-to-duty test.
- 5.4.2 Employees who are permitted to return to work after participating in a Substance Abuse Professional (SAP) recommended rehabilitation program are subject to unannounced follow-up alcohol and/or controlled substance (drug) testing as directed by the SAP. The number and

frequency of the tests is determined by the SAP, but must consist of at least six tests in the first 12 months following the employee's return to duty and may continue for up to five years. Return-to-duty and Follow-up testing is at the employee's expense.

## 5.5 Pre-Employment Testing

All offers of Kitsap County employment for a position requiring a commercial driver's license (CDL) are contingent upon the applicant successfully passing a pre-employment controlled substances (drug) and alcohol test, except as waived by paragraph 5.5.2 of this section. No applicant for employment to a position requiring a CDL will be assigned to work until the applicant has passed a controlled substances (drug) test and alcohol test and has completed employee training. To pass an alcohol test, an applicant's test results must indicate an alcohol concentration of less than 0.04.

### 5.5.1 Pre-employment Testing Procedures

- a. Upon a conditional offer of employment, the finalist will be scheduled for a controlled substances (drug) test and an alcohol test by the Department of Personnel and Human Services. The County pays the cost of tests.
- b. Notification of Testing Requirement. Applicants will be notified of the requirement to pass controlled substances (drug) and alcohol test through the job recruitment announcement.
- c. Canceled Test. When a pre-employment controlled substances (drug) and/or alcohol test is determined to be a canceled test by the Medical Review Officer, the applicant will be required to immediately report to the service agent's location to submit another urine specimen for controlled substances testing and to submit to a breath alcohol test.
- d. The service agent's Medical Review Officer reports results of pre-employment tests to the Personnel Division.
- e. The Personnel Division will notify the hiring authority and applicant of the results of the required pre-employment tests.
- f. Applicants who test positive without adequate explanation of the results will not be considered eligible for employment within one year of the positive test.
- g. Applicants who refuse to submit to the controlled substances (drug) or breath alcohol test shall be regarded as having failed the test

and shall not be considered eligible for employment within one year of such determination.

5.5.2 Current Employees: Pre-employment testing is not required if the applicant was tested for controlled substances (drugs) and alcohol as part of Kitsap County's CDL drug testing program within the past six months from the date of application for the position or has participated in Kitsap County's random drug testing program for the 12 months prior to the date of application for the position.

## **6. Employees Who Refuse to Take a Test**

Employees who refuse to be tested when required are not permitted to operate a motor vehicle and are immediately relieved of duty. Such refusal will be treated as a positive test. The following conditions or circumstances constitute a refusal to submit to testing:

- a. Failure to submit to post-accident, random, reasonable suspicion, or follow-up testing.
- b. Leaving the scene of an accident before a testing decision is made.
- c. Consuming alcohol after an accident and before a testing decision is made.
- d. Providing false information about a specimen and/or attempting to contaminate a specimen being collected.
- e. Engaging in conduct that clearly obstructs the collection process.
- f. Failing to provide adequate breath for testing or a urine specimen without a valid medical explanation after the employee has received notice of the requirement to be tested.
- g. Failing to sign the alcohol testing form.

Any refusal to take a controlled substances (drug) or alcohol test under circumstances that constitute a refusal under 49CFR40 and where the refusal to test has not been reported by the Medical Review Officer or Breath Alcohol Technician shall be reported by Kitsap County to the Washington State Department of Licensing in accordance with RCW 46.25.123 and RCW 46.25.125

The County regards a refusal to test as a serious offense and will take appropriate disciplinary action. Discipline is determined on a case-by-case basis and may range from suspension without pay to termination of employment. Any employee who refuses to be tested more than once during his or her employment shall be terminated.

## **7. Employees Who Test Positive for Alcohol**

- 7.1 If a covered employee is tested for alcohol and receives a breath-alcohol concentration level test result of between 0.02 and 0.039, the employee shall be removed from duty immediately and may not return to duty until the employee takes another alcohol test and tests below 0.02. The employee is responsible for the costs of the return-to-duty testing. The employee's absence from work due to an alcohol concentration level of between 0.02 and 0.039 is considered to be an unauthorized absence.
- 7.2 If a covered employee is tested for alcohol and receives a breath-alcohol concentration level test result of 0.04 or greater, the employee is advised that he or she has failed the test. The employee shall be removed from duty immediately. The employee must be advised of available treatment programs for alcohol abuse. The employee shall be subject to formal discipline up to and including termination.
- 7.2.1 An employee who has failed an alcohol test, yet is offered an opportunity to be returned to duty, must be evaluated by a Substance Abuse Professional (SAP) who is trained in alcohol abuse detection and rehabilitation, to determine what treatment, if any, the employee needs.
- 7.2.2 Upon completion of a recommended treatment plan, the Substance Abuse Professional (SAP) must re-evaluate the employee to ensure successful completion.
- 7.2.3 In order to return to safety-sensitive functions following removal for a positive alcohol test, the covered employee must pass a return-to-duty test by demonstrating a breath-alcohol concentration level of zero (0), paid for by the driver.
- 7.2.4 Once returned to duty, the covered employee is subject to at least six follow-up alcohol tests over a 12-month period and may continue testing for up to 5 years at the discretion of the Substance Abuse Professional (SAP). Follow-up tests will be paid for by the covered employee.
- 7.2.5 Employees who fail an alcohol test more than once in a five-year period shall be terminated from employment with the County.
- 7.3 All positive alcohol confirmation tests shall be reported to the Washington State Department of Licensing by the service agent's Medical Review Officer or Breath Alcohol Technician in accordance with RCW 46.25.123 and RCW 46.25.125
- 7.4 If the initial and confirmation test have an alcohol concentration level of 0.02 or greater, the employee shall call his or her supervisor and wait at the collection

site for a ride home. The employee shall not drive until the employee takes another alcohol test and tests below 0.02, paid for by the driver. If the employee attempts to drive, law enforcement will be notified.

## **8. Employees Who Test Positive for Controlled Substances**

8.1 If an employee tests positive for controlled substances (drugs):

- a. The employee is advised by the service agent that he or she has failed the test. The service agent makes a determination whether there is a legitimate explanation for the results.
- b. The service agent notifies the Personnel Division of the test results, and the Personnel Division notifies the employee's supervisor.
- c. The employee must be removed from safety-sensitive functions immediately and will be placed on an unpaid leave of absence.
- d. The Personnel Division advises the employee of available treatment programs for substance abuse.
- e. The employee has 72 hours to request that the split specimen be sent to another laboratory for a second opinion.

8.2 An employee who tests positive for controlled substances (drugs) shall be subject to formal discipline up to and including termination.

8.3 An employee who tests positive for controlled substances (drugs), yet is offered an opportunity to be returned to duty, must be evaluated by a Substance Abuse Professional (SAP) who is trained in controlled substance abuse detection and rehabilitation, to determine what treatment, if any, the employee needs.

8.3.1 Upon completion of a recommended treatment plan, the Substance Abuse Professional (SAP) must re-evaluate the employee to ensure successful completion.

8.3.2 In order to return to safety-sensitive functions following removal for a positive controlled substances (drug) test, the covered employee must pass a return-to-duty test by demonstrating a verified negative controlled substances (drug) test result, paid for by the driver.

8.3.3 Once returned to duty, the covered employee is subject to six follow-up drug tests over a 12-month period and may continue testing for up to five years at the discretion of the Substance Abuse Professional (SAP). Follow-up tests will be paid for by the covered employee.

- 8.4 All verified positive drug tests shall be reported to the Washington State Department of Licensing by the service agent's Medical Review Officer in accordance with RCW 46.25.123 and RCW 46.25.125
- 8.5 Under County policy, employees who test positive for controlled substances (drugs) more than once in a five-year period will be terminated from employment with the County.

## **9. Prohibitions**

- 9.1 Alcohol concentration. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If the County becomes aware that an employee has an alcohol concentration of 0.02 or greater, the County will not permit the employee to perform or continue to perform safety-sensitive functions.
- 9.2 On-duty use. No employee shall use alcohol while performing safety-sensitive functions.
- 9.3 Pre-duty use. No employee shall perform safety-sensitive functions within four hours after using alcohol.
- 9.4 Use following an accident. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 9.5 Controlled substances use. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the covered employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Employees are required to inform their supervisor of any therapeutic drug use.
- 9.6 Controlled substances (drug) testing. No employee shall report for duty, remain on duty or perform a safety-sensitive function, if the employee tests positive or has adulterated or substituted a test specimen for controlled substances (drugs).

## **10. Penalties**

- 10.1 As a condition of employment, all employees covered by this Policy agree to comply with the terms and conditions of this Policy. Any employee who engages in any of the prohibitions listed in section 9 of this Policy may be deemed to have failed to satisfy a condition necessary for continued employment and said employment may be terminated.

- 10.2 Employees who violate any other terms of this Policy shall be subject to disciplinary action up to and including termination.
- 10.3 Independent contractors or their employees who violate requirements of the U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA), Controlled Substances and Alcohol Use and Testing Regulations, or the State of Washington Uniform Commercial Driver's License Act, Chapter 46.25 RCW shall be subject to contract cancellation.

## **11. Record Retention**

- 11.1 Records of alcohol misuse and controlled substance use are maintained as confidential files by the Personnel Division with restricted access. As required by law, the records are retained as follows.
  - a. Records of any negative test results are retained for a minimum of one year.
  - b. Records related to the test collection process are maintained for two years.
  - c. The following records are maintained for a minimum of five years:
    - (1) Records of any employee alcohol test results indicating an alcohol concentration level of 0.02 or greater;
    - (2) Documentation of refusals to take required alcohol or controlled substance tests;
    - (3) Verified controlled substance test results;
    - (4) Equipment calibration documentation; and
    - (5) Documentation of employee evaluations and referrals.
  - d. Records relating to the education and training of supervisors are maintained for at least two years after the supervisor ceases to be a supervisor of covered employees.
  - e. Records relating to the education and training of employees are maintained for at least two years after the employee ceases to be a covered employee.
- 11.2 All records of verified positive test results are forwarded to the Personnel Division and are maintained as confidential files with only authorized individuals who have a "need-to-know" having access to them. The results of an alcohol or controlled

substances (drug) test of a County employee may not be disclosed unless the disclosure is:

- a. To the County's Medical Review Officer/service agent;
- b. To the substance abuse or health care professionals from whom the employee is receiving counseling or treatment;
- c. To any supervisory or management official within the County having authority to take action against such employee; or
- d. In response to a federal, state or local court order.

11.3 By law, the County must be prepared to submit a report summarizing the results of the program as requested by federal agencies. In addition, test results with all identifying information removed may also be made available to authorized County personnel for data collection and other activities necessary to comply with the law.

## **12. Employee Access to Records**

Any employee who is the subject of aof controlled substances (drug) or alcohol test may, upon written request to the Personnel Division, have access to any records relating to:

- a. The employee's controlled substances (drug) or alcohol test; and
- b. The results of any relevant certification, review, or revocation-of-certification proceedings.

## **13. Training and Referral**

13.1 Information for Employees. Educational materials that explain the requirements of the law and County policies and procedures with respect to meeting the federal requirements as well as written notice of their availability are provided to each covered employee and union representatives of covered employees. The educational materials also include information concerning the effects of alcohol and controlled substances (drug) use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem, and the methods for intervening when an alcohol or drug problem is suspected.

13.2 Certification of Receipt. Covered employees are required to sign a statement certifying that they have received a copy of this Policy.

13.3 Training for Supervisors. Because supervisors play a key role in establishing and monitoring a drug-free workplace, the County requires and provides training

to assist supervisors and managers in recognizing and addressing alcohol abuse and the use of controlled substances by employees. Supervisory training is provided as soon as possible after a person assumes responsibility for employees in safety-sensitive positions.

#### **14. Liberal Construction**

This Policy is intended to comply with state and federal laws and regulations, and shall be liberally construed not to contravene or limit any provisions of state or federal law or regulations. The definitions in 49 C.F.R. §382.107 and in 49 C.F.R. Part 40, Subpart A, as currently exist or are hereafter amended, shall apply to the terms in this Policy.

#### **15. Severability**

If any provision of this Policy, or its application to any person or circumstance, is held invalid, the remainder of the provisions or the application of the provisions to other persons or circumstances is not affected.