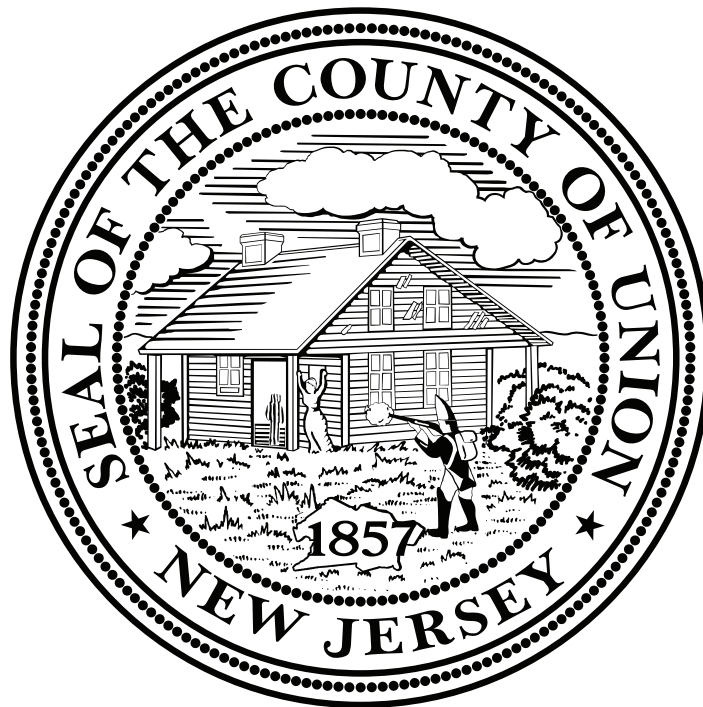


COUNTY OF UNION

Drug and Alcohol Abuse Policy



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COUNTY OF UNION

DRUG AND ALCOHOL ABUSE POLICY

I. Introduction

The County of Union is concerned about the effects that alcohol and drug abuse has upon the health and safety of our employees. The purpose of this policy is to insure that all County employees adequately and safely perform their duties free of any alcohol, drugs, and/or any other mood altering substance. A copy of this policy is being distributed to each employee, receipt of which will be acknowledged in writing.

The use, possession, distribution, trade, purchase, manufacture or sale of alcoholic beverages or illegal mood altering drugs while working for the County of Union, or while on the County's property or premises, or being under the influence of alcohol or drugs during working hours, in County vehicles or while on or in County property is strictly prohibited. The prohibition against reporting to work under the influence includes reporting back to work after breaks or lunch. Any County employee engaged in such activity will be subject to serious disciplinary action, up to and including termination.

II. Definitions

1. The term "employee" means any individual who receives compensation from the County of Union.
2. The term "alcohol or alcoholic beverage" means any liquid that has an alcoholic content of 4% or more by volume. This cutoff level is defined in accordance with the Department of Transportation standards.
3. The term "drug" means any substance (other than alcohol) that produces a physical, mental, emotional, or behavioral change in its user; the sale, possession, manufacture or consumption of which is illegal. This term includes prescription drugs (substances which may only be lawfully obtained by prescription issued by a licensed medical practitioner) where such prescription has not been prescribed for the person possessing or using such drugs.
4. The term "reasonable suspicion" means suspicion based upon objective facts derived from observation of an employee's appearance, behavior, speech, breath odor, or any and all reasonable inferences drawn therefrom in light of the observer's knowledge of the signs of drug abuse or intoxication.

III. Drug and Alcohol Screening

1. All job applicants must successfully undergo drug screening prior to employment with Union County.

- A. Job offer letters will advise all applicants that drug screening tests will be performed as part of the County's medical evaluation and that any job offer is made contingent upon, amongst other things, successfully passing such screening tests.
- B. All job applicants will be required to complete a form by which the applicant consents to and authorizes reasonable and appropriate testing, disclosure of test results and other related important information which may be necessary to carry out the purpose of this policy. Any recipient who refuses to sign this consent/authorization form will not be hired by the County.
- C. Confirmed test results indicating the presence of a drug, (other than a drug duly prescribed by one's physician, taken as prescribed), at or above the cutoff level for impairment according to current Department of Transportation standards will be the cause for rejection of any applicant. The County will not discriminate against applicants because of past history of alcohol or drug abuse. Therefore, individuals who have failed previous pre-employment testing may initiate another employment inquiry after a period of no less than six months, and must present themselves to be drug free.

2. Employees:

- A. All employees who hold a CDL will be subject to the County's CDL Drug & Alcohol Testing Policy which will identify those persons who use illegal drugs on or off the job.

It shall furthermore be a condition of employment for all employees not subject to testing under Department of Transportation requirements (employees not possessing a CDL) to submit to drug and alcohol testing under the following circumstances:

Where there is reasonable suspicion to believe that an employee is under the influence of alcohol or is using illegal drugs.

When an employee is involved in an on the job accident where personal injury or damage to property occurs.

As part of a follow up program for treatment of drug and/or alcohol abuse.

All drug testing of law enforcement applicants and/or existing officers shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy.

- B. It is the responsibility of the County's supervisors to counsel employees whenever they see a change in the performance or behavior that suggests an employee has

an alcohol or drug problem. In the event a supervisor has a reasonable suspicion to believe an employee is under the influence of alcohol or drug use he or she shall complete a form outlining the reasons for the suspicion that will immediately be forwarded to the Director of Personnel. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment and should encourage anyone who may have an alcohol or drug problem to seek help.

- C. **Supervisors are also expected to cooperate with all phases of carrying out drug and/or alcohol testing, including but not limited to transporting employees who are selected for drug and/or alcohol testing or making arrangements for same.**
- D. All County employees who are selected for drug and/or alcohol testing will be required to complete and execute a form by which the employee consents to and authorizes reasonable and appropriate testing, disclosure of test results to the County, and reasonably necessary intra-County disclosure of test results and other related information, as may be necessary, to carry out the purpose of this policy. Any employee who refuses to take a drug and/or alcohol test administered through this policy shall be subject to possible termination.

3. Disciplinary Actions:

Confirmed test results revealing the presence of a drug, (other than one duly prescribed by a licensed physician, taken as prescribed or any detection of alcohol at or above the cutoff level for impairment established by the Department of Transportation, will constitute cause for disciplinary action up to and including termination.

Employees who violate the County's policy regarding use, possession, sale, manufacture or distribution of alcohol or illegal drugs during work hours, in County vehicles or while on County property will be subject to disciplinary action up to and including termination.

The goal of this policy is to balance the respect of the individual with the need of the County to maintain a safe, productive, and an alcohol/drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear signal that improper consumption of alcohol or the illegal use of drugs is not compatible with employment by the County of Union. The County recognizes the health implications of alcohol and drug abuse and considers it to be a treatable illness. As with other illnesses, the County's objective is to assist in the employee's rehabilitation. The County designed this policy to encourage its employees to seek help for their abuses.

Prior to a positive test for alcohol or drugs, an employee may voluntarily admit to the County that he or she has an abuse problem without fear of discipline or

termination. Upon admission of a substance abuse problem, as long as the employee immediately enrolls themselves in a rehabilitation program through the County's Employee Assistance Program (EAP), the County will not take any disciplinary action against the employee if he/she successfully completes such rehabilitation program and any follow up treatment prescribed. Upon return to work after completing rehabilitation, the employee must agree to submit to follow up testing at the County's discretion. Employees who test positive in subsequent testing or who enter rehabilitation on more than one occasion may be subject to disciplinary action up to and including possible termination.

4. Rehabilitation and Follow-Up Testing:

An employee who tests positive for drugs and/or alcohol may, in the sole discretion of the County, be given one opportunity to accept a referral to an approved rehabilitation program via the County's (EAP) Employee Assistance Program. The employee will be permitted to return to work only following satisfactory completion of the rehabilitation program, compliance with any recommendations from the program, and consent to periodic testing thereafter and passing of such tests if part of an individualized assessment. An unpaid leave of absence will be granted for rehabilitation and treatment consistent with applicable law. The County of Union is not responsible for the cost of the rehabilitation program. Such rehabilitation and treatment shall be the sole responsibility of the employee. The County's decision to allow an employee the opportunity for rehabilitation under these circumstances is separate and apart from any discipline that may be imposed (short of termination) for violation of this policy. Any employee who tests positive a second time will be subject to termination.

5. Medication or Prescribed Drugs:

If an employee takes an over the counter medication or prescription drug, they must first consult with their medical professional to determine whether this medication will have any adverse effect on the employee's personal safety or job performance. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or citizen, the employee must inform his/her supervisor. Every effort will be made to adjust the worker's duty until full, effective, and safe work activities can be resumed. If alternate duties are not available, the County may request the employee take sick leave. Failure or refusal by an employee to properly inform their supervisor may result in discipline, up to and including termination.

IV. Responsibility

The County Manager or designee will be responsible for the selection of a qualified laboratory to perform the appropriate drug and/or alcohol screening tests. The County Manager or designee will also be responsible to conduct

physical examinations, or drug and/or alcohol screening tests where appropriate. The County Manager or designated alternate shall be responsible for the overall implementation of the County's Alcohol and Drug Abuse Policy.

V. General Methods and Procedures for Drug Screening

1. Urinalysis will be the primary method for drug screening of applicants and full-time employees.
2. Established quality control and chain of custody procedures will be maintained throughout the entire testing process.
3. All urine samples obtained from applicants and full time employees will be delivered to a certified laboratory for analysis.
4. No adverse action will be taken against an applicant or full time employee until the laboratory preliminary analysis and subsequent confirmation have been reported to the County.
5. Laboratory Method-The certified laboratory is a SAMHSA approved laboratory that is required by the DOT {Department of Transportation} and is the sole facility for both the initial screening and confirmation analysis of urine. Testing will be done by a certified laboratory chosen by the County. Florescence polarization immunoassay (Adx) and enzyme multiplier immunoassay (EMIT) are currently used as initial drug screening procedures. Gas Chromatography/Mass Spectrometry (GC/MS) is used to confirm all positive results of initial screening procedures. As new procedures are developed and prove to be more reliable and efficient, as alternatives they may be adopted as procedures for this policy.
6. Preliminary Acquisition Procedures - Prior to the submission of a urine sample, the applicant/employee will be asked to fill out a medical questionnaire, describing all medications, both prescribed by a physician and/or available over the counter (nonprescription) which he/she ingested during the past 96 hours.
7. Specimen Acquisition Procedure:
 - A. The County's physician or other designee (Official Monitor) will be responsible for ensuring that all related forms such as waivers, laboratory forms, and medical questionnaires have been thoroughly and accurately completed by the applicant/employee. Prior to the submission of the

sample, both the Official Monitor and applicant will inspect the specimen bottle packet for indication of pre-void tampering.

- B. Generally, the applicant/employee will submit the urine sample in the presence of the Official Monitor. On those rare occasions when the applicant is not able to provide a sample in the presence of the Official Monitor, the County may choose to permit the applicant to provide a sample without the witness, so long as applicant makes deposit of sample where there is a room that does not contain access to water or other additives.
- C. The Official Monitor will always be of the same sex as the applicant/employee being tested.
- D. Urine samples will be processed in accordance with chain of custody procedures. Throughout the urine acquisition process, the sample will only be identified by use of the individuals Social Security Number (SSN#). No form forwarded to the laboratory will contain the applicant's/employee's name.
- E. The applicant/employee will complete the information requested on any related County or laboratory forms and will put their initials, and date on the specimen bottle label. After the Official Monitor has inspected the information for accuracy, the applicant/employee will unseal the specimen bottle packet, affix label to bottle, and void approximately fifty (50) ml. of urine into the specimen bottle. The applicant/employee will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, and down the other side. The applicant/employee will then put his/her initials, and date on the evidence tape and surrender the specimen to the Official Monitor.
- F. After ascertaining that all forms have been completed accurately and after serving as witness to the void, the Official Monitor shall take possession of the sample. The sample shall be placed in a controlled access refrigerator storage area until it is delivered to a certified laboratory. This delivery shall occur within one laboratory working day from acquisition.

8. Drug Screening Results:

The certified laboratory will forward to the County Manager or designee a written report of the results of the drug test, whether positive or negative, as soon after completion of analysis as possible. The laboratory will report as positive only those samples, which have been confirmed to be positive for the presence of illegal drugs. The County will orally notify all results as soon after notification from the laboratory as possible. The County will

provide a copy of the laboratory report to the applicant/employee (**only**) if he/she requests it.

VI. General Methods and Procedures for Alcohol Testing

1. The breathalyzer will be the initial method for the screening of employees for alcohol content, to be administered by a qualified Health Official of the testing facility on behalf of the County of Union.
2. Blood alcohol testing will be the primary method for verifying alcohol content in the hospital's emergency room.
3. Established quality control and chain of custody procedures will be maintained throughout the entire process, from sample acquisition to delivery at the laboratory.
4. All blood samples obtained from employees will be delivered to the County designated physician or laboratory for analysis.
5. No adverse action will be taken against an employee until the County designated physician/laboratory preliminary analysis and subsequent confirmation have been reported to the County.
6. The following methods and procedures apply when an employee submits to alcohol testing through blood samples for the purpose of determining alcohol content in the blood. Employees will be required to submit a blood sample after having been given a breathalyzer test, based upon a supervisor's reasonable suspicion that the employee has consumed alcohol while on duty, or is in any way impaired while on duty due to alcohol consumption, and has received a positive result from the breathalyzer test.
 - A. Alcohol screening through blood testing will be conducted when an employee has received a positive test result from a breathalyzer. Any employee who has reasonable suspicion to believe that a fellow employee has consumed alcohol while on duty, or is in any way impaired from alcohol consumption, must immediately report such concern to his/her immediate supervisor. Any employee who produces a confirmed positive test result for alcohol consumption may be subject to disciplinary action. The employee may be granted, upon request, and at the sole discretion of the County, an unpaid medical leave of absence for rehabilitation and treatment. (See III. 4 Rehabilitation and Follow-Up Testing).

- B. Any employee who refuses to provide a blood sample upon a lawful request made upon individualized reasonable suspicion may also be terminated.
- C. The County designated physician/laboratory will be the sole facility for the blood alcohol testing.
- D. Before an employee is ordered to submit a blood alcohol test, the County will have prepared a confidential report which documents the basis for reasonable suspicion. The individual whose approval is necessary to order the blood alcohol test shall base their decision on the contents of this confidential report.
- E. Prior to submission of the blood sample, the employee must complete a medical questionnaire which clearly describes all medicines, both prescribed by a physician and/or available over the counter (nonprescription) which he/she has ingested during the past 96 hours.

7. Specimen Acquisition Procedures:

- A. At the time that the blood sample is provided, the employee will have the option to submit two (2) samples. Both samples will be acquired according to the procedures outlined herein. One sample will be forwarded to the County designated physician/laboratory for testing; the remaining sample will be stored in a frozen state within the County according to Police Department procedures regarding chain of custody and evidence storage. The sample will be made accessible to the employee or his/her attorney.
- B. The County will be responsible for acquiring blood samples from employees and shall designate an individual to serve as Official Monitor. The employee may also choose to name another witness to be in attendance to sample acquisition.
- C. The Official Monitor shall be responsible for insuring that all related forms have been thoroughly and accurately completed by the employee.
- D. Generally, the employee will submit the blood sample in the presence of the Official Monitor.
- E. Blood samples will be processed in accordance with accepted chain of custody procedures, and the confidentiality of the employee's identity will be maintained in accordance with HIPPA Regulation. Throughout the blood acquisition process, the sample(s) will be identified by use of only the employee's initials and date.

- F. The employee will complete the information requested on any related County or laboratory forms and will put their initials, and date on the specimen bottle label. After the Official Monitor has inspected the information for accuracy, the employee will unseal the specimen bottle packet and affix the label to the bottle. The employee will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, and down the other side. The employee will then put their initials and date on the evidence tape and surrender the evidence specimen to the Official Monitor.
- G. After ascertaining that all forms have been completed accurately, the Official Monitor shall take possession of the sample. The sample will then be placed in a controlled accessed refrigerator storage area until it is delivered to the County designated physician/laboratory. This shall occur within one laboratory working day of acquisition.

8. Alcohol Testing Result:

The County designated physician/laboratory will notify the County Manager or designee of the results of the analysis immediately upon completion. The laboratory will report as positive only the samples which have been confirmed to be positive for the presence of alcohol. The laboratory will follow up immediately with notification by written reports. The County will notify the employee of the results of the analysis as soon as possible after notification by the laboratory. The County will provide a copy of the laboratory report to the employee only if he/she requests it.

VII. Refusal to Test

Any employee who refuses to comply with a request for alcohol and/or drug testing shall be considered as having produced a positive test result and will be discharged. Any applicant who refuses a pre-employment drug test will not be hired by the County. Any employee/applicant who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated. If the laboratory detects that a substance has been added to the sample to interfere with the normal testing process, the employee/applicant will be deemed to have refused to test and the same sanctions will apply.

VIII. Right to Inspect

Pursuant to its independent authority as an employer, the County reserves its right to inspect, investigate, and search for alcohol or

alcoholic beverages and drugs at any time, with or without prior notice, on or in any and all County property and County owned vehicles. County property includes offices, work locations, desks, parking lots and any vehicle engaged in County operation. Searches of County premises, including personal effects when entering County premises and employee vehicles parked at County premises, may be conducted pursuant to a lawful investigation. Employees have no expectation of privacy regarding illegal drug activities. Refusal to cooperate with any inspection, investigation, or search that is authorized by a County representative shall result in disciplinary action up to and including termination. The County may take into custody any alcohol found on County premises and use it as evidence in disciplinary proceedings. Illegal drugs will be confiscated and turned over to law enforcement officials as appropriate.

Resolution No. 2018-993

Adopted: November 28, 2018