

	P - § 10	Policy Name:	Approved Date:
		Alcohol- and Drug-Free Workplace	
	Prepared By:	Adopted Date:	
	Human Resources		
	Amended Date:		
	August 4, 1993; May 1, 1996		

A. PURPOSE

To create a safe, healthy, and productive work environment by addressing the use and misuse of alcohol and other substances altering cognitive function. This policy provides guidelines for addressing employee's possession, use of, and impairment due to alcohol, controlled substance, or illegal drug consumption.

B. DEFINITIONS

Controlled Substance – substance that is legally possessed or used under the supervision of a licensed health-care professional or regulated by state law.

Employee Assistance Program (EAP) - a benefit program that assists employees with personal or work-related problems that may impact their job performance, health and general wellbeing.

Essential Functions – the fundamental job duties that an employee must be able to perform to hold a position, with or without reasonable accommodation

Illegal Drug - substance for which manufacture, distribution, dispensing, possession, consumption, use, or sale is prohibited by state or federal law.

Reasonable Suspicion – observations of an employee's behavior, appearance, speech or body odors believed to be associated with alcohol, controlled substance, or illegal drug use.

Safety Sensitive Position – The Code of Virginia (§2.2-1201.1) defines sensitive positions as those generally described as directly responsible for the health, safety and welfare of the general population or protection of critical infrastructures. This list includes, but is not limited to, any of the following: All sworn personnel of the Police Department, uniformed employees of Fire and EMS and the Emergency Communications Center, and employees serving on the County's Human Services Alternative Response Team (HART), employees who handle or dispense prescription medications or other controlled substances, and non-uniformed Emergency Management employees.

C. ROLES AND RESPONSIBILITIES

Employees –

- 1) Employees must notify their supervisor of any criminal charges or convictions related to alcohol or drug-related conduct occurring in or outside of the workplace, which affect the employee's ability to perform job duties (e.g., driving a vehicle, operating equipment, direct interaction with children, enforcement of laws or regulations, etc.), within 2 business days.
- 2) Employees are responsible for consulting with their prescribing physician or pharmacist to determine whether any prescribed drugs or over-the-counter medications may affect their ability to safely and effectively perform their job duties. Employees must notify their supervisor if the use of such products may or does impact their ability to perform their job duties or the safety of the employee, other workers, or the public.
- 3) Employees must comply if they are required to participate in alcohol or drug testing when a supervisor or other designated manager determines that reasonable suspicion exists that the employee is impaired or under the influence of alcohol or drugs while performing their job duties. Employees may also be subject to post-accident testing when involved in safety incidents that result in bodily injury or property damage.
- 4) All County employees are responsible for reporting any evidence that any employee is under the influence of illegal drugs or alcohol while on County property or while performing work on behalf of the County. Employees called into work outside their normal hours must report to their supervisor, before beginning work, if they are under the influence of alcohol or controlled substances.

Supervisors –

- 1) The supervisor must notify Human Resources once an employee has reported that a prescribed medication will impact the ability to perform job duties for longer than 3 working days, as this may result in an accommodation request under the Americans with Disabilities Act or qualification of Family Medical Leave.
- 2) Supervisors are responsible for relieving employees of their active work responsibilities in the event of reasonable suspicion that an employee's cognitive function may be impaired. If a drug and alcohol screening is required, the test should be completed within 2 hours of the determination. Supervisors must notify Human Resources as soon as practicable when an employee has been sent for drug and alcohol screening due to reasonable suspicion.

Human Resources –

- 1) The Department of Human Resources shall provide instruction on this policy for supervisors, noting how to recognize behaviors that may indicate impairment from alcohol or other drug use, appropriate referral techniques, and resources for rehabilitation for alcohol and other drug use.

- 2) Human Resources will determine eligibility for paid leave or Family Medical Leave for employees enrolling in a drug and alcohol abuse recovery program.
- 3) Human Resources will work with supervisors to determine necessity for ADA accommodations or other work arrangements necessitated by the effects prescription drug consumption.

D. POLICY

- 1) Being under the influence of alcohol, an unauthorized controlled substance, or illegal drug while performing duties related to County employment is prohibited. No employee shall report to work, perform assigned duties, or otherwise engage in County business in the community, while impaired by alcohol, marijuana, cannabis, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system.
- 2) The manufacture, distribution, dispensing, possession, transportation, or sale of alcohol, marijuana, cannabis, other controlled substances, or illegal drugs at any time on County property, at a County sponsored function or event, or in any other manner while performing duties or obligations incident to County employment is strictly prohibited.
- 3) Any employee determined to have violated this policy will be subject to disciplinary action, up to and including dismissal in accordance with personnel policies P06 Standards of Conduct and P32 Employee Discipline.
- 4) Employee Assistance
 - a. Employees voluntarily seeking assistance for substance abuse through the Employee Assistance Program (EAP) or a medical professional will not be disciplined as a result of their disclosure of prior drug or alcohol use. This exception only applies where the employee:
 - Sought treatment before being confronted by a supervisor, department head, or human resources;
 - Adheres to and completes the prescribed treatment program; and
 - Does not thereafter violate this policy.
 - b. Employees claiming this exemption, and continuing to work during treatment, may be tested on a random or periodic basis during and following enrollment into an addiction recovery program.
 - c. Employees may use accrued sick or annual leave to participate in a substance abuse treatment program, and may qualify for Family Medical Leave. Consult Human

Resources for guidance. Employees may not use leave from the sick leave bank, once their accrued leave has been exhausted.

5) Drug and Alcohol Testing

Employees and applicants shall submit to testing for the presence of drugs and alcohol in the following situations and under the following circumstances. All employment-related, required testing will be paid for by the County.

- a. **Pre-employment.** Safety-Sensitive Positions and CDL positions are subject to pre-employment screening for illegal drug use. Offers of employment are conditioned upon a negative test result.
- b. **Reasonable Suspicion.** Employees may be asked to submit to testing if cause exists to indicate that their ability to perform their duties might be impaired. Examples include sudden changes in work performance or behavior, the odor of alcohol or residual odor peculiar to some chemical or controlled substances, involvement in an accident or near-accident, or discovery or presence of illegal or suspicious substances or material in an employee's possession or near an employee's workplace.
- c. **Post-Injury/Accident.** For employees in Safety-Sensitive Positions and CDL positions, testing will be conducted following a workplace safety incident that results in bodily injury or property damage, to include on-the-job vehicle incidents and any damage to a County vehicle.
- d. **Refusal of Testing.** Employees who refuse to be tested, who do not cooperate with a test, or leave a test site without completing the test, will be disciplined as if they had taken the test and failed it and are subject to additional disciplinary action for insubordination in accordance with County Policy §P-32 Employee Discipline.

6) Temporary Removal from Duty

Employees may be placed on paid administrative leave by Human Resources pending further investigation, assessment or testing in the following circumstances.

- After an injury or accident requiring testing; or
- When reasonable suspicion exists; or
- When the behavior, speech, or performance indicators of alcohol or controlled substance use cannot be confirmed or refuted with a test.

The findings of the investigation or assessment will determine whether an employee will be returned to active work status, or a violation of County Policy has occurred.

7) Use of Marijuana and Cannabis Products

The Drug-Free Workplace Act of 1988 requires certain federal contractors and all federal grantees to provide a drug-free workplace as a precondition of receiving a contract or grant from a federal agency. The Drug-Free Workplace Act considers cannabis to be a “controlled substance,” alongside other drugs such as heroin and methadone, and as such, is subject to the rules under the Act. The possession, distribution, and use of marijuana and cannabis products on County property or while performing work duties on behalf of the County is strictly prohibited. Refer to section D.1. of this policy.

8) Reporting Off- duty Motor Vehicle Infractions

Employees are required to report charges and convictions of a motor vehicle offense involving alcohol, controlled substances, or the misuse of any substance, outside of the workplace within 2 business days. Upon being charged by legal authorities, the employee may be suspended without pay until the case is resolved. If the employee is cleared of the charges, the employee will be reinstated with full pay retroactive to the date of suspension.

Employees who are convicted of a motor vehicle violation involving alcohol, controlled substances, or the misuse of any substance outside of the workplace, will be suspended from driving on County business for one year from the date of conviction. The employee can maintain employment in their position, as long as driving is not an essential function of their role. Any further evidence of personnel policy violations will result in disciplinary up to and including dismissal in accordance with County Policy §P-32 Employee Discipline.