


Description: DRUG AND ALCOHOL TESTING		Policy Number: 62.18	
	WINNEBAGO COUNTY		Revision Date: 4/24/14
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I. POLICY

It is the policy of Winnebago County for its employees to report for work and to perform services without being adversely affected or impaired by the influence of drugs and/or alcohol and, therefore, has a zero tolerance policy for employees who report for work, who are present on County property, who use County-owned equipment, who are otherwise impaired by alcohol, illegal drugs or who abuse prescription or over-the-counter drugs or other mind-altering substances or who have such substances in their possession while on County property or while using County-owned equipment. This policy is necessary to promote a safe, effective and efficient work force and is in the best interests of the employees and the public that we serve. This drug and alcohol testing policy is to ensure that all Winnebago County employees support the County’s policy of a drug-free environment; to ensure that all drug and/or alcohol testing is performed consistently; and to define the drug and alcohol testing process.


II. SCOPE

To establish guidelines and procedures for the drug and/or alcohol testing policy. This policy applies to all Winnebago County employees, including elected officials if so adopted.


This policy supersedes all previous drug and alcohol policies. Provided, however, that if there are provisions in a collective bargaining agreement that conflict with the provisions of this policy as applied to an employee subject to that agreement, the agreement shall control.

III. DEFINITIONS

1. Alcohol Test – A Breath Alcohol Test (BAT) administered by the designated testing facility.
2. Drug Test – A urine test performed by an approved testing facility – Winnebago County uses the standard 5-panel NIDA test which tests for the most common illegal substances, such as marijuana, cocaine, opiates, etc. However, if the requirements of the involved employee’s position mandates that a different type of test be utilized (e.g., testing required by the Dept. of Transportation), the test required by law will be used. In the event the employee cannot provide a urine sample, the clinic or hospital will be directed to utilize a blood draw.

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3. Employee – any person on the Winnebago County payroll system or staff hired by Winnebago County through an employment agency.
4. Fitness for Duty Medical Exam – A medical exam conducted by a physician chosen by Winnebago County to determine if an employee is able to complete their job functions.
5. Property Damage – If an employee’s action results in damage to County, public or private property, other than standard “wear”, regardless of the extent and dollar value of the involved damage.
6. Reasonable suspicion – A supervisor/manager has a concern based on an employee’s appearance and/or actions. Some examples of possible causes for reasonable suspension include, but are not limited to: if an employee is slurring their words, walking in an unsteady manner, acting in an unusual manner, if they employee smells of alcohol or of other substances that are prohibited by this policy, if the employee’s eyes are glassy, a material change in the employee’s conduct and/or performance or if the employee appears to be unresponsive, etc. If a supervisor/manager has reasonable suspicion they will request another supervisor/manager or a human resources representative to confirm the concerns.
7. Near-Miss – Involves an incident where, despite the absence of property damage or a work-related injury, an employee is involved in an accident that may have resulted in property damage or a work-related injury and the employee’s suitability for work is called into question by his/her manager/supervisor.
8. Testing Facility – Winnebago County uses immediate care clinics and/or hospitals to conduct the necessary tests – each facility independently contracts their outside testing laboratory and Winnebago County has neither influence nor control over those facilities. The facilities are certified and are directed to use a laboratory that meet the Department of Health and Human Service Standards.
9. Work Related Injury – Any injury to the employee requiring medical treatment above and beyond first aid.
10. Abuse of prescription drugs, over-the-counter drugs or other mind-altering substances – Includes, but is not limited to, an employee’s use of a prescription drug written for another person; abuse of a prescription drug provided to the employee (i.e. use of a prescription in a manner other than prescribed); use of over-the-counter medications or other substances that may have mind-alerting

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affects and/or that may otherwise negatively impact the employee’s ability to safely and effectively perform the requirements of the position; etc.

11. Random testing – Is testing required on a random, unscheduled basis as required by applicable law (e.g. Dept. of Transportation requirements).


IV. TYPES OF TESTING REQUIRED

Employees may be required to undergo drug and/or alcohol testing as a condition of continued employment with the County of Winnebago. The types of testing that may be required include the following:

- Pre-employment testing (required after a conditional offer of employment has been extended); or
- Reasonable suspicion testing (as defined above);
- Testing as part of a fitness for duty medical exam (as defined above);
- Testing following an incident involving property damage, a work related injury and/or a near-miss (as defined above); and/or
- Random testing (to the extent required by applicable law or regulations).


V. DISCIPLINARY CONSEQUENCES

An employee who tests positive for alcohol, drugs, over-the-counter drugs or other mind-altering substances as a result of a test shall be subject to termination. Provided, however, that in the County’s sole and absolute discretion, an employee may be allowed the option of treatment through the Employee Assistance Program (EAP) and discipline. The option of treatment and discipline is available to each employee only once during their period of employment with Winnebago County. If the employee selects the option that includes treatment and discipline, the terms and conditions of the treatment and discipline will be decided by Management based on, among other factors, the employee’s longevity with the County, their job responsibilities/duties, the office/department they work in, the employee’s record of conduct and performance on the job, and extenuating circumstances that led up to the situation, etc. Each case will be reviewed and determined individually by the Human Resources Department, in conjunction with the Department Head. This option is allowed by the County only in exceptional circumstances involving employees who otherwise have excellent work records and only when substantial extenuating circumstances are found to exist by the County of Winnebago; therefore, the availability of a treatment option is not guaranteed.

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VI. PROCEDURE


1. Once the need for a drug and/or alcohol test is established, a designated Human Resources Representative will complete the authorization form.
2. The authorization form will be presented to the employee by their supervisor/manager or the Human Resources Representative.
3. The employee will be placed on an unpaid administrative suspension until the testing process has been completed.
4. For union-represented employees, the employee may have a union representative accompany the employee to the testing facility, so long as the request for a union representative does not delay the testing process.
5. Employees must successfully pass the drug and/or alcohol test. A passing drug test means a negative result is provided from the testing facility. A passing alcohol test means a BAT of 0.00.
 - a. If a drug test is returned with a positive result, the testing facility will complete the medical review process (MRO); the testing facility contacts the employee and determines if there is a legitimate and medical reason for the positive test result. The testing facility **will not** provide positive drug results to Winnebago County until the MRO process has been completed. This process can take up to five (5) days.
 - b. If a drug test is returned and noted as “diluted,” the employee will be notified by the Human Resources representative and they will have one hour to return to the facility for a second test. If the second test is also noted as “diluted,” the test will be considered as a failing test.
6. The Human Resources Department will receive the final alcohol and/or drug test results. If the employee failed to pass either test, the Human Resources Director or his/her designee will notify the involved Department Head as soon as possible. Either the Department Head or the Human Resources Director will contact the employee within two (2) business days of receiving the results and schedule a meeting to notify the employee of the results. Present at the meeting will be the employee’s Manager, Department Head and the Human Resources Director or his/her designee. If the employee is in a union, they may have a union representative present at the meeting, providing the request does not delay the meeting.

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7. Employees who are thought to be misusing prescription and/or over-the-counter medications will be required to submit to a “fitness for duty exam.” Winnebago County will pay for an exam by a physician to determine if the employee is capable of performing their job duties. Employees found to be unable to perform their job duties will be considered “unavailable for work” and appropriate action will be taken, which may include discipline, up to and including termination.
8. Employees who want to seek assistance with a drug and/or alcohol problem must do so prior to being tested under this policy. Employees requesting assistance must speak to their supervisor/manager, a human resources representative, or a trusted member of management and actively seek help prior to an incident which would cause this policy to take effect. Employees are strongly encouraged to seek help. The employer offers an employee assistance program and benefits through the group health plan for this reason.
9. Employees of the County who drive and County equipment (lawn mowers, fork trucks, cars, vans, trucks, etc.) must have a current valid driver’s license at all times during their employment with the County. A valid driver’s license is defined as an active license with no suspensions and/or restrictions. The employee also must maintain a good driving record, and driving histories will be reviewed prior to hiring an employee and/or randomly during their employment with the County.
10. An employee who fails to cooperate in the testing process, interferes with the process, tampers with or adulterates a specimen, or in any other manner is determined by the County to be interfering with or delaying the testing process shall be considered to have had a “positive” test for purposes of this policy and shall be subjected to discipline under this policy as is otherwise applicable to a positive test.

VII. OBLIGATIONS

1. Employees may not report to work under the influence of illegal drugs and/or alcohol nor may they have such substances in their possession while on County property or while operating County-owned equipment.
2. Employees may not report to work under the influence of prescription or over-the-counter drugs and/or other mind-altering substances that may impair their judgment and/or ability to complete their job functions.
3. Prior to beginning work, employees must report to their supervisor/manager the use of prescription medications, over-the-counter drugs or other mind-altering substances

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that may impact the employee’s judgment and/or ability to safely and/or effectively complete their job functions. The failure to make such a report shall be grounds for discipline, up to and including termination.

4. Employees may not knowingly attempt to alter a drug or alcohol test results. This includes drinking large quantities of fluids, taking herbal or other “home” remedies, substituting another person’s urine, sending another person to take the test, etc.
5. Employees must successfully pass the drug and/or alcohol test in order to be allowed to return to work.
6. The employee, if a member of a union, may choose to have a union representative present for the meeting and/or the drug/alcohol test, as long as the attempt to contact a union representative does not hinder the process.
7. The requirements of this policy apply to an employee when they are on County property and/or using County-owned vehicles and/or equipment, whether the employee is on or off duty.