

Weber County Human Resources Policy 3-300

Alcohol and Drug Screening, Testing & Treatment

I. Purpose

Weber County is a drug-free workplace and is committed to providing a safe and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of Weber County employees and others, and to the security of the county's equipment and facilities. This policy provides alcohol and drug screening, testing and treatment procedures for county employees.

II. Policy

It is the policy of Weber County to prohibit the use of alcohol and illegal drugs and the abuse of legal medications that impact job performance; that may create a significant danger or harm to the public, employees and county property; that may be in violation of the criminal laws of the State of Utah; and that may increase the potential legal liability of the county for accidents or misconduct of its employees. Employees who violate this policy will be subject to discipline, up to and including termination.

III. Procedures

A. Use of Illegal Controlled and/or Abuse of Legal Substances

1. Any activity involving an illegal controlled substance, including use, possession, manufacturing, or distribution (purchasing, giving away, or otherwise dispensing) is prohibited at any time (not just during work hours) and is deemed sufficient cause for dismissal from employment. Moreover, any conviction by a court of competent jurisdiction for illegal drug activity is also deemed sufficient cause for dismissal from employment.
2. Abuse of a legal substance including alcohol, prescription, and over-the-counter drugs may also be a violation of this policy. Prohibited activities involving a legal substance include use, possession, distribution, or being under the influence of alcohol while on the job; use, possession, distribution, or being under the influence of drugs that are legally obtainable, but have not been obtained legally; and use or distribution of a drug in a manner, or for a purpose other than that for which it was intended or prescribed. Use of a legal prescription drug that has been prescribed by an employee's physician is permissible during work hours, but may require certification by the physician as to the ability of the employee to perform his/her job in a safe manner.
3. If an employee performs essential job functions that affect the safety of the employee or others, and if the employee's inability or impaired ability to perform those functions will result in a direct threat to safety, then the employee must notify the supervisor of medication use that may affect the employee's ability to perform those essential functions.

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B. Reasonable Suspicion Alcohol and Drug Testing (All Employees and Volunteers)

1. When to take action:
 - a. A supervisor or designee will take action under this paragraph when there is a reasonable suspicion that an employee or volunteer who is on duty is under the influence or effects of drugs or alcohol.
 - b. A supervisor or designee will document the employee's appearance, current behavior, speech, or body odors that cause the supervisor or designee to believe an alcohol or drug test is needed, by using the Reasonable Suspicion Process form.
 - c. Circumstances that may constitute a basis for a reasonable suspicion include, but are not limited to:
 - i. Abnormal or erratic behavior (e.g. a significant change in the quantity or quality of work, unusual mistakes or errors of judgment, unusual absence)
 - ii. A work-related accident, in combination with other factors
 - iii. The direct observation of the employee using illegal drugs or an open container of alcohol at a county worksite
 - iv. The noticeable presence of physical symptoms of alcohol or drug use (e.g. glassy, blurry or bloodshot eyes, hand tremors, flushed or swollen face, the odor of alcohol, slurred speech, or poor coordination or reflexes)
 - v. Being informed by a county employee or other source that an employee is believed to be using or under the influence of alcohol or drugs, in combination with other factors
 - d. When a supervisor or designee determines that reasonable suspicion exists, the following steps will be taken:
 - i. The supervisor or designee will complete the Reasonable Suspicion Process form and return the form to human resources for approval to meet with the employee and possibly schedule drug or alcohol testing.
 - ii. Upon receiving approval from human resources, the supervisor or designee will inform the employee that impairment due to the use of drugs or alcohol is suspected.
 - iii. The employee will be immediately removed from assigned duties and will not be left unattended.
 - iv. The employee will be given an opportunity to explain the behavior that led to the suspicion of being under the influence of alcohol or drugs.
2. If the supervisor/designee does not receive a satisfactory explanation for the behavior giving rise to the suspicion, the supervisor/designee may direct that the employee submit to testing to determine whether alcohol or drugs are present in the employee's system.

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- a. An employee confronted with reasonable suspicion may request testing be conducted. Such a request must be honored.
- b. All employees and volunteers are expected to cooperate fully in providing urine or other specimens and information, which may be required by these procedures. Failure to provide a urine specimen when directed, failure to provide an explanation of a positive test result, attempts to contaminate a specimen, or other interference with alcohol and drug-testing procedures are grounds for disciplinary action.
- c. A signed and approved informed consent statement is required before a specimen may be collected. An individual's refusal to sign the informed consent form, or to deliver a specimen as directed, will be considered insubordination and is grounds for disciplinary action.
- d. The employee will be escorted to the testing site by the supervisor/designee as soon as possible.
- e. An employee suspected of being under the influence of alcohol or drugs will not be allowed to drive to a testing site or to any other location as long as reasonable suspicion exists that the employee is in an impaired state.
- f. The employee will remain off duty, on paid administrative leave, until the test results come back.

C. Pre-Employment Testing

- 1. All offers of employment are conditional offers until the prospective employee successfully passes a drug-screening test. Pre-employment drug screens must be taken within forty-eight hours after the formal offer letter is accepted unless more time is needed and approved by Human Resources. If the test results are positive for use of a prohibited substance, the results may be confirmed by an outside laboratory in accordance with State Law. The prospective employee will be given an opportunity to explain such test results.

D. Post-Accident Alcohol and Drug Testing

- 1. All employees and volunteers who operate a vehicle or motorized equipment for the purpose of conducting county business will be tested for alcohol and drugs according to OSHA regulations which requires a "reasonable basis" to perform a post-accident alcohol and/or drug test. To verify whether a drug test qualifies for OSHA-regulated post-accident testing, the following factors should be considered:
 - a. The employee is involved in an at fault accident resulting in major physical injury (immediately receives medical treatment away from the scene of the accident) or loss of human life;
 - b. The employee is involved in an accident resulting in a citation;
 - c. The employee is involved in an accident more than once in a 90 day period;
 - d. There is reasonable suspicion, based on following the procedure outlined in Section B, that the employee is under the influence of alcohol or drugs.

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2. Following a vehicle accident, the onsite supervisor/designee will inform the employee involved in the accident of the requirement for alcohol and drug testing.
3. The employee's supervisor/designee will escort the employee to the laboratory for testing.
4. Any employee or volunteer subject to post-accident testing who leaves the scene of an accident or fails to remain readily available for testing may be deemed to have refused to submit to testing and will be subject to discipline.
5. After testing, the employee will be released from duty and escorted to the employee's place of residence. An employee released from duty will be placed on paid administrative leave until the test results come back.
 - a. Employees will not be allowed to operate a vehicle or motorized equipment on county business until test results are received.

E. Random Drug Testing

1. Weber County will randomly drug-test safety sensitive employees on a quarterly basis. As used in this policy, "random testing" means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested.
2. If an employee selected for testing is unavailable for a legitimate reason such as an extended medical absence, human resources will document the circumstances for not reporting for testing.
3. Weber County has no discretion to waive the selection of an employee selected by this random selection method.
4. Employees will be considered to be engaged at work during the time spent taking a drug test and will be compensated for such time at their regular rate of pay.
5. Employees who refuse to submit to a test or who adulterate, dilute or otherwise tamper with a test specimen will be subject to possible discipline up to and including termination of employment.

F. Alcohol and Drug Test Procedures and Requirements

1. Chapter 34-41 of the Utah Code governs local government policies for drug testing. Weber County will comply with the requirements of that chapter. Some, but not all, of those requirements are listed here.
2. Split urine sample required
 - a. Employees, volunteers, and prospective employees and volunteers who are required by this policy to submit to a drug or alcohol test shall submit a split urine sample for testing, as required by state law.
 - b. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one

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bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs or alcohol, the donor of the test shall have 72 hours from the time the donor is so notified to request, at the donor's option, that the 15 ml urine sample be tested for the indicated drugs or alcohol, the expense of which shall be divided equally between the donor and the county. In addition to the test results of the 30 ml urine sample, the test results of the 15 ml urine sample shall be considered at any subsequent disciplinary hearing.

3. Requirements for samples

- a. The collection of samples shall be performed under reasonable and sanitary conditions.
 - b. Samples shall be collected and tested:
 - i. to ensure the privacy of the individual being tested; and
 - ii. in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 - c. Sample collection shall be appropriately documented to ensure that:
 - i. samples are labeled and sealed so as reasonably to preclude the probability of erroneous identification of test results; and
 - ii. employees, volunteers, prospective employees, or prospective volunteers have the opportunity to provide notification of any information:
 1. that they consider relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information; and
 2. in compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 through 12213.
 - d. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration.
 - e. Sample testing shall conform to scientifically accepted analytical methods and procedures.
4. Drug or alcohol testing required by this policy shall occur during or immediately after the regular work period of the employee or volunteer and shall be considered as work time for purposes of compensation and benefits.
5. The county shall pay all costs of sample collection and testing, unless otherwise specified by this policy.

G. Alcohol and Drug Test Results

1. Before a positive initial screening test result may be used as a basis for employment or disciplinary action under this policy, the county shall verify the positive result as required by law. The county shall then notify the individual, as soon as possible, of the result of the initial test and tell the individual of his or her option to have the 15 ml urine sample tested, as described above.

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2. Evaluation and Treatment

- a. Employees with positive tests may be referred to the Employee Assistance Program (EAP) for counseling or treatment, but are not entitled to treatment in lieu of any disciplinary action.
- b. Employees with negative test results will be informed by the supervisor/designee and are not subject to further action under this policy.

3. Violation of Policy

- a. Nothing in this policy will be construed as granting an employee immunity from disciplinary action under other policies, or arrest or prosecution by appropriate law enforcement authorities for activities involving alcohol or drugs, which are in violation of federal, state or local laws.
- b. Any employee whose county position includes professional responsibilities, ethical standards or certification requirements, and whose professional standing is adversely affected by alcohol or drug abuse, on or off the job, may be subject to disciplinary action under this policy.
- c. Volunteers who violate this policy will be immediately terminated.

H. Voluntary Self-Identification of Alcohol and Drug Abuse

1. Any employee who admits to alcohol misuse or drug abuse to their immediate supervisor, department head or human resources, and who has not violated the testing requirements of this policy is not subject to adverse action provided:
 - a. The admission is in accordance with this policy
 - b. The employee does not self-identify in order to avoid testing under the requirements of this policy
 - c. The employee makes the admission of alcohol misuse or drug abuse prior to reporting for duty, if the employee is under the influence of alcohol or drugs at the time (note: a good faith admission before reporting for duty is not considered to be an attempt to avoid testing, unless testing would be appropriate under another provision of this policy)
 - d. The employee does not self-identify in order to avoid discipline for violation of other county policies
 - e. The employee receives a referral to counseling or a drug rehabilitation program in accordance with this policy
2. A supervisor notified by an employee of an alcohol or drug problem may refer the employee to the EAP.
 - a. An employee will be allowed reasonable opportunity to seek evaluation, education or treatment to establish control over the alcohol or drug problem.
 - b. An employee seeking evaluation or treatment may apply for leave under the Family Medical Leave Act.
 - c. All costs for counseling or rehabilitation will be the employee's responsibility.

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I. Records Keeping

1. Records related to alcohol and drug testing must be maintained in a secured, confidential file and will not be kept in the employee's personnel file unless the records are used as a basis for disciplinary action.

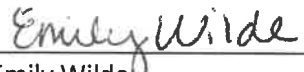
DATED this 17th day of October, 2023.

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Ricky Hatch, CPA
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Emily Wilde
Human Resources

Approved as to form and legality:


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Deputy County Attorney