

# DRUG FREE WORKPLACE POLICY

## GENERAL STATEMENT

Kitsap County Government is obligated and committed to provide our employees and the citizens of Kitsap County with an alcohol and drug free, healthy, safe, and efficient workplace.

While we are cognizant and respectful of your individual rights to personal privacy and your right to lead your private off-duty lives in the manner you see fit without employer interference, Kitsap County also recognizes that on- and off-the-job use of alcohol and drugs can adversely affect job performance and the work environment, including posing a hazard to the safety and welfare of the affected employee, other employees or the public.

Kitsap County's policy takes a hard line position against employees, who use, possess, sell and manufacture illegal drugs, but also recognizes that alcohol and drug abuse are treatable conditions and offers a supportive framework for intervention and treatment services.

### Section 1. Legislative Findings

- a. County government is obligated to provide the citizens and employees of Kitsap County with an alcohol- and drug-free, healthful, safe and efficient workplace.
- b. Kitsap County acknowledges the right of personal privacy that each employee has to choose the type of private lifestyle one sees fit to lead.
- c. Kitsap County also recognizes that on- and off-the-job use of alcohol and drugs can adversely affect job performance and the work environment, including posing a hazard to the safety and welfare of the affected employee, other employees or the public. This policy is aimed at both the direct and indirect impact of alcohol and drug abuse.
- d. Kitsap County expects its employees to report to work free from drug and/or alcohol impairment and to remain at work in a condition that enables them to perform their job duties in a safe, efficient, legal and professional manner.
- e. Kitsap County recognizes that alcohol and drug abuse are conditions that can be successfully treated.
- f. Kitsap County recognizes that its employees are its most important resource.
- g. Kitsap County encourages any of its employees who may have an alcohol and/or drug abuse problem to voluntarily seek evaluation, professional counseling or other appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services, that will lead to successful rehabilitation.

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- h. Kitsap County will provide to its employees a confidential program for alcohol and drug treatment and rehabilitation through the County's health insurance.

### Section 2. Definitions

- a. Alcohol and/or Other Drug Abuse. A condition in which the use of alcohol and drugs impairs the employee's job performance.
- b. Controlled Substances. Those substances whose dissemination is regulated by law including, but not limited to, opiates, narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. This definition includes both prescription and over-the-counter medications.
- c. Conviction. An adjudication that includes a verdict of guilty by a jury, a finding of guilt by a judge or acceptance by a judge of a plea of guilty (including a plea of nolo contendere) in either federal or state courts.
- d. Drug. Any substance which impairs an employee's ability to perform job duties in any of the following ways: safely, efficiently, legally and/or professionally.
- e. Impairs/Impaired. Behavior which may limit the employee's ability to perform job duties in any of the following ways which are commonly expected of all Kitsap County employees:
  - i. efficiently
  - ii. safely
  - iii. legally
  - iv. professionally
- f. Workplace. Any structure or portion thereof owned, leased, or rented and operated by or under the authority of Kitsap County, and any worksite where services are provided in the course of employment, including motor vehicles.

### Section 3. Kitsap County Drug-Free Workplace Policy

- a. Condition of Employees. No person employed by Kitsap County shall report to work impaired by alcohol and/or drugs nor shall any Kitsap County employee remain at work while in an impaired condition.
- b. Possession or Use of Controlled Substances. The possession, use, manufacture, distribution, transfer or offering for sale of controlled substances, including alcoholic beverages, at the workplace is prohibited.
  - i. **Exception**. The possession and use of medically-prescribed or over-the-counter drugs during working hours is permissible. Employees shall have no obligation to inform their supervisors of such usage unless the prescribed or over-the-counter drug may prevent the employee from performing his or her job safely or effectively. Drugs

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must be prescribed for the specific use of the employee by a licensed physician.

- ii. **Exception.** The Board of Commissioners may allow, for cultural or celebratory purposes, a display of unopened containers of alcohol in a secured area. Under no circumstance does this authorize any employee or contractor to possess or use controlled substances for personal sale or use.

### Section 4. Testing Programs

To meet the objectives of this policy, Kitsap County, will maintain a drug-testing policy that includes the following:

1. Pre-employment testing – Some positions require employees to complete an alcohol and/or drug test prior to employment. . Any offer of employment is rescinded as a result of a failed drug or alcohol test.
2. Reasonable Suspicion - When a supervisor observes behavior or performance problems that could adversely affect an individual’s personal safety, or another person’s safety, the supervisor, with the concurrence of another supervisor, will notify Human Resources to determine whether drug testing for reasonable cause is required. No prior notice to the employee is required in this occurrence.
3. Random testing - Kitsap County may, at any time require an employee or contractor who is in a safety sensitive position be tested. .
4. Commercial Drivers License (CDL) testing –Employees who hold positions requiring a CDL will comply with the requirements of the County’s CDL policy and Washington State law.

Employees must submit to alcohol and controlled substance testing when required by the policy. A refusal to test will have the same consequences as a positive test and may be grounds for disciplinary action up to and including termination from employment.

Employees will be deemed to have failed the exam for any of the following reasons:

- Does not show up for testing within a reasonable time after being directed to do so.
- Does not remain at the testing sited until testing has been completed.
- Does not comply with the testing requirements or provide the required specimens.
- Uses any method to cause the testing to provide false results, including tampering, replacing or diluting the samples collected.
- Does not provide a sample adequate to complete the testing process without a doctor’s explanation.
- Fails to cooperate with testing examiner during testing procedure.

### Section 5. Penalties.

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Employees will be advised of the test results. In the event of a positive test report, the employee will be removed from the workplace. The employee may use any accrued annual leave, compensatory time, personal holiday, or other leave as provided in this manual or by the respective collective bargaining agreement.

Violations of this policy by any employee may result in a referral for mandatory evaluation and satisfactory participation in and completion of the treatment program recommended in the evaluation report for alcohol and/or drug abuse, or may be cause for disciplinary action pursuant to any applicable collective bargaining agreement or county personnel policies, up to and including discharge from employment.

### Section 6. Treatment and Rehabilitation Program

- a. Individuals. Any employee who may have an alcohol and/or drug abuse problem is expected to voluntarily seek evaluation, professional counseling and appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services. Any requests for assistance made to the Kitsap County Human Resources Department will be treated confidentially. Kitsap County will extend the same consideration and assistance, including insurance and sick leave benefits, to those employees suffering from alcohol and/or drug abuse as is extended to employees having any other condition. The department will provide assistance in locating appropriate agencies to address the problem of alcohol and/or drug abuse.
- b. Supervisors. Supervisors concerned that an employee may have an alcohol and/or drug abuse problem may confidentially request assistance from their immediate supervisor unless the immediate supervisor is the person of concern. In that instance, employees shall take their concerns to the next highest supervisory level.
- c. No Special Privileges. This policy will not result in any specific privileges or exemption being granted, nor will it release any employee from the responsibility of meeting acceptable job performance standards.

Section 7. Return to Duty and Follow-Up Testing. All employees who test positive for controlled substances or alcohol will be removed from the workplace and precluded from returning until a Substance Abuse Professional completes an assessment. The employee may use accrued annual leave, personal holiday or compensatory time, however may not use accrued sick leave. Any time away in excess of accrued leave will be considered Leave Without Pay.

Prior to being considered for return to duty the employee must:

- Be in compliance with, and agree to continue, treatment recommendations from the Substance Abuse Professional.

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- Sign a return to work agreement.
- Retest and produce a negative test result.
- Take up to six unannounced follow-up tests within a twelve month period. Unannounced testing could be extended up to sixty months at the advice of the Substance Abuse Professional and Department.
- The employee will be allowed to use accrued sick leave, vacation leave, or leave without pay while participating in counselling and/or treatment, however, the cost of counseling and treatment will be paid for by the employee's insurance or by the employee.

### Section 8. Training Program.

Training will be made available to supervisory personnel to enable them to accurately identify employee alcohol and/or drug abuse and to assist those employees in obtaining an evaluation, professional counseling and appropriate certified treatment services that will rehabilitate them.

### Section 9. Alcohol- and Drug-Free Awareness Program

An alcohol- and drug-free awareness program shall be developed to inform employees about:

- a. the dangers of alcohol and drug abuse in the workplace;
- b. Kitsap County's policy of maintaining an alcohol- and drug-free workplace;
- c. The availability of certified alcohol and drug abuse counseling, rehabilitation and employee assistance programs to combat alcohol and/or drug abuse;
- d. The penalties that may be imposed upon employees for alcohol and/or drug abuse violations occurring in the workplace; and
- e. The effect of alcohol and/or drug abuse on individuals and families.

### Section 10. Federal Contractors or Grant Recipients

a. Conditions of Employment. Pursuant to the Drug-Free Workplace Act of 1988, any employee involved with the federal government by working in a program receiving direct federal contracts of \$25,000 or more or receiving direct federal grants of any amount is notified that as a condition of employment, the employee shall:

- i. Abide with the Kitsap County Drug-Free Workplace Policy; and
- ii. Notify the Director of the Kitsap County Human Resources Department in writing of any criminal drug statute conviction for a criminal violation occurring in the workplace no later than five (5) days after such conviction.

b. Elected Officials/Department Head Duties. Elected officials/department heads who directly receive federal funds as specified in Section 10 of this policy shall be responsible for notifying all department employees that they are subject to the provisions of the federal Drug-Free Workplace Act of 1988 and the related provisions of this policy. The elected official/department head shall also be responsible for ensuring that all department employees read and

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understand the related provisions of this policy and for providing all new employees, regular, part-time and temporary employees, with a copy of this resolution.

Section 11. Notice of Policy. Each regular, part-time or temporary employee of Kitsap County shall receive a written copy the Kitsap County Alcohol and Drug Policy.

Section 12. Severability. If any provision of this policy or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the policy or its application to other persons or circumstances shall not be affected.

Section 13. Effective Date. This policy shall take effect immediately on the below indicated date in order to promote the public health and safety and to comply with the federal Drug-Free Workplace Act of 1988.