

## **Kenosha County Drug and Alcohol Abuse Policy**

Kenosha County is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a Drug and Alcohol Abuse Policy that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

### **Covered Workers**

The policy includes, but is not limited to, department and division directors, administrators, managers, supervisors, full-time employees, part-time employees, on-call employees, off-site employees, grant-funded employees, seasonal employees, contractors, volunteers, interns and applicants.

### **Applicability**

The Drug and Alcohol Abuse Policy is intended to apply whenever a covered worker is representing or conducting business for the County. Therefore, this policy applies during all working hours, whenever conducting business or representing the County, while on call, on paid standby, on County property and at County-sponsored events.

### **Prohibited Behavior**

It is a violation of the Drug and Alcohol Abuse Policy to use, possess, trade, and/or offer for sale illegal drugs or intoxicants and abuse, sell, trade, and/or offer for sale prescription medications except for official Sheriff's Department operations. It is also a violation of the Drug and Alcohol Abuse Policy to divert or steal the prescription medications under the control of the County or those belonging to others. If it is suspected that an employee has engaged in prohibited behavior under this policy, the employee will be subject to reasonable suspicion testing.

### **Prescription Medications**

Nothing in this policy prohibits the appropriate use of prescription medications legally prescribed by a licensed physician. However, it is the employee's duty to discuss with his/her physician any adverse effects which that medication may have on the ability to safely perform his/her job functions and to inform his/her supervisor and the Director of Human Resources of those adverse effects. Employees are not required to divulge the identification of their prescription drug to a supervisor but are expected to share possible adverse side-effect information with them.

If a prescribing physician advises an employee to refrain from making business decisions or driving, or restricts some other major life functions due to the effects of the prescription, then the employee must obtain that restriction in writing and provide it to his/her supervisor and the Director of Human Resources.

The Director of Human Resources, by means of contacting the physician or medical practitioner or by whatever means deemed advisable, will investigate whether it is necessary to impose any restriction on employment as a result of the employee's use of the prescription. If it is determined that the legally prescribed medication may affect or interfere with the safety and effectiveness of job performance, then the County may remove the employee from his/her position until such time the prescription medication is discontinued or dosage reduced. Upon notification of a reduction in dosage, the Director of Human Resources will re-evaluate the restriction and render a new determination.

### **Notification of Convictions**

The Drug Free Workplace Act requires that an employee who is convicted of a criminal drug violation in the workplace must notify the employer in writing within five calendar days of the conviction. The employer then is to take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

### **Searches**

Covered workers entering the County's property constitutes consent to searches and inspections. If an individual is suspected of violating the Drug and Alcohol Abuse Policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases, lunchboxes, desks, work stations, vehicles and equipment.

### **Drug Testing**

To ensure the accuracy and fairness of the County's testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in the following types of testing as required by the Director of Human Resources: pre-employment, reasonable suspicion (including diversion or unexplained disappearance of drugs), post-accident, return-to-duty and follow-up testing. Random and related testing will also be conducted in accordance with federal and state Department of Transportation regulations and guidelines.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone, Propoxyphene, and other suspected drugs to include prescription drugs or those being diverted.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva and/or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, hair, saliva and/or sweat.

Any employee who is suspected of reasonable suspicion or who tests positive will be immediately removed from duty and suspended in accordance with the County's disciplinary policy pending the results of an investigation. An employee who tests positive and who is allowed to continue employment with the County may be referred by the Director of Human Resources to a substance abuse professional for assessment and recommendations, require the successful completion of recommended rehabilitation including continuing care, require the successful passing of a return-to-duty test, and/or require a signed return-to-work agreement. The employee may be subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the return-to-work agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

### **Consequences**

One of the goals of the Drug and Alcohol Abuse Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. However, if an individual violates the policy, the consequences are serious.

If an applicant violates the Drug and Alcohol Abuse Policy, the offer of employment will be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action up to and including termination. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Return-to-Work Agreements**

Following a violation of the Drug and Alcohol Abuse Policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a return-to-work agreement as a condition of continued employment.

An employee permitted to enter rehabilitation and who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment.

### **Assistance**

Kenosha County recognizes that alcohol and drug abuse and addiction are treatable illnesses, and realizes that early intervention and support improve the success of rehabilitation. To support all employees, the Drug and Alcohol Abuse Policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers covered employees and their family members assistance with alcohol and drug problems through the County health insurance plan.
- Allows the use of available leave benefits while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by the County through the Drug and Alcohol Abuse Policy is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and County policies.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on-duty or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to a supervisor.

It is the supervisor's responsibility to:

- Inform employees of the Drug and Alcohol Abuse Policy.
- Provide annual refresher meetings to include any updates to the policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Clearly state consequences of policy violations.

## **Communication**

Communicating the Drug and Alcohol Abuse Policy to both supervisors and employees is critical to its success. To ensure that all employees are aware of their role in supporting the Drug and Alcohol Abuse Policy:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy may be reviewed at safety meetings.
- Supervisors will keep apprised of current methodologies and techniques in recognizing and managing employees with alcohol and other drug problems.