

Chambers County
Policy for Drug and Alcohol
Detection and Deterrence

Approved by Commissioners Court
April 9, 2019

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141.01 The purpose of this policy is to provide procedures for implementation of the Chambers County Policy for Drug and Alcohol Detection and Deterrence based upon the County's commitment to maintain a safe, healthful, and productive work environment for all employees, and to ensure the safe and efficient delivery of services to citizens of Chambers County.

OBJECTIVES

141.02 To establish a procedure to achieve a drug-free work force and to provide a workplace that is free from the use of illegal drugs and substance abuse.

To establish a procedure for drug and alcohol screening of applicants for County employment.

To establish a procedure for drug and alcohol screening of employees where there is reasonable suspicion that an employee has illegal or illicit Substances in their system while on duty or in the scope of their employment with the county.

To establish a procedure of random alcohol and drug screening for personnel positions that have a significant impact upon the public safety and themselves or others.

Procedures for drug and alcohol screening of personnel who operate County owned commercial motor vehicles and maintain a commercial driver's license are addressed as and addendum to this policy.

To establish a procedure for drug and alcohol screening of personnel employed as certified peace officers assigned to, or who are applicants for, positions as certified officers within the County.

To establish a procedure for drug and alcohol screening of personnel employed as reserve deputies and volunteer arson investigators within the County. Alcohol and drug screening of personnel employed as reserve deputies or as volunteer arson investigator shall be at the expense of the reserve deputy or the volunteer arson investigator.

POLICY

- 141.03 It is the Policy of Chambers County that the manufacture, distribution, dispensation, possession, sale or use of illegal drugs or alcohol by employees while on duty or in behalf of the County is prohibited. The County's goal is to establish and maintain a work environment that is free from the effects of abuse or misuse of any type of drug or alcohol. Consequently, employees are prohibited from being at work or acting in the scope of their employment with the County while impaired by alcohol or with illegal or illicit substances present in their systems, or on their persons, in County vehicles or on County premises. This policy incorporates any off duty use or misuse of illegal or illicit substances that result in a positive drug test pursuant to these procedures. Chambers County maintains a ZERO tolerance policy and violators will be terminated.
- 141.04 This policy applies to all employees of the County regardless of rank or position and includes temporary and part-time employees and appointed officials.
- 141.05 Any employee of the County that is terminated due to violation of this policy will be considered ineligible for rehire.

SCOPE

- 142.01 This procedure is applicable to individuals applying for employment with the County and all Chambers County employees

DEFINITIONS

- 143.01
- A. **APPLICANT FOR EMPLOYMENT** means a person applying for any position within the County.
 - B. **CERTIFIED DEPARTMENTAL SUPERVISOR** means a supervisor who attended the mandatory two hour training provided by a Certified Department of Transportation (DOT) trainer.
 - C. **CERTIFIED PEACE OFFICER** means employees authorized under state law as peace officers.
 - D. **COUNTY PREMISES** means all County owned or leases real or personal property and facilities, their surrounding grounds and parking lots and county provided motor driven equipment/vehicles.

- E. **COLLECTION SITES** means a designated medical facility where urine samples are collected from an employee or applicant by a certified specimen collector.

DEFINITIONS

- F. **CONFIRMATION OF DRUG TEST RESULTS** means a confirmatory drug test utilizing GC/MS for an applicant or employee after an initial screen test positive.
- G. **CONTRACT EMPLOYEE** means a County employee directly engaged in the performance of work pursuant to provisions of a federal contract valued in excess of \$250,000.
- H. **CONTROLLED SUBSTANCE** means any substance listed in schedule I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812) as amended, or in the Texas Health and Safety Code Ann.481.001, et. Seq. (Vernon 1992)
- I. **CONVICTION** means a finding of guilt or imposition of sentence, including deferred adjudication, or probations by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
- J. **COUNTY DRIVER/CDL HOLDER** means an employee who operates County owned commercial vehicles and maintains a commercial driver's license.
- K. **CRIMINAL DRUG STATUTE** means a federal or non-federal criminal statute pertaining to the manufacture, distribution, sale, use or possession of any controlled substance.
- L. **DRUG** herein after referred to as illegal, means any chemical substance that is defined by criminal statute as a controlled substance or which may produce physical, mental, emotional, or behavioral changes in the user.
- M. **DRUG PARAPHERNALIA** means equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or a controlled substance.

DEFINITIONS

- N. OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991** means federal guidelines governing employees who operate County owned commercial motor vehicles and maintain a commercial driver's license. The guidelines prohibit an employee from engaging in unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance. These procedures are further addressed as an addendum to this policy.
- O. DRUG SCREENING/DRUG TESTING** means a procedure to screen and/or test urine samples for the purpose of detecting the presence of amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, and marijuana metabolites.
- P. EMPLOYEE** includes persons applying for employment and means all individuals engaged in the performance of work for the County and who are under the direct supervision and control of the Chambers County Commissioners Court.
- Q. GRANT** means an award of funds by a foundation or a state or federal agency.
- R. GRANT EMPLOYEE** means a County employee directly engaged in the performance of work pursuant to the provisions of a federal or state grant, including all direct charge employees and indirect charge employees unless their impact or involvement is insignificant to the performance of the grant as determined by the Commissioners Court.
- S. ILLEGAL DRUG** herein before referred to as drug, means any drug or derivative thereof, the use, possession, sale, transfer, attempted sale, or transfer, manufacture or storage of which is illegal, or regulated under any federal, state or local law or regulation of any other drug, including, but not limited to, a prescription drug, over the counter drug or inhalant, used for any reason other than a legitimate medical reason. Marijuana or cannabis in all forms is included.
- T. INFORMED CONSENT** means an authorization completed by an applicant or employee consenting to a drug test and permitting the release of test results to designated County Officials.

DEFINITIONS

- U. **LABORATORY** means a Substance Abuse Mental Health Services Administration (SAMHSA) certified laboratory authorized by the County to perform drug screening/testing.
- V. **MEDICAL REVIEW OFFICER** means a licensed physician authorized by the County to review and interpret positive drug results.
- W. **ON DUTY** means that time period which constitutes an employee's work day, or that time period when he or she has been recalled to work.
- X. **REASONABLE SUSPICION** means an articulable belief that an employee is under the influence of drugs and/or alcohol based on specific facts and reasonable inferences drawn from those facts.
- Y. **SAFETY IMPACT POSITION** All safety impact positions shall be defined by the Chambers County Commissioner's Court upon the advice of the Human Resources Administrator and the County Attorney. (See Addendum 2)
- Z. **NOTICE** means an approved condensed and written notice of the County Policy on Drug and Alcohol Detection and Deterrence.
- AA. **POSITION ANNOUNCEMENTS** means every vacancy or employment opportunity announcement shall state "Any applicant tentatively selected for this position will be required to submit to testing to screen for illegal drugs use prior to employment." Each applicant will be notified that the employment position is contingent upon negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some manner.

RESPONSIBILITIES

- 144.01 A. The Human Resource Administrator, or a designated representative, is responsible for:
- 1) identify Safety Impact Positions for approval by the Commissioners Court;
 - 2) notify employees in departmental Safety Impact Positions that they are subject to random alcohol and drug testing;
 - 3) scheduling the employees for random alcohol and/or drug tests;
 - 4) receiving the results of alcohol and/or drug tests of departmental employees;
 - 5) notifying the employees of positive test results and their right to a split sample testing;
 - 6) retention of all alcohol and/or drug test related records for employees;
 - 7) ensuring policies are prominently displayed at all county facilities housing employees;
 - 8) ensuring that the alcohol and/or drug test, notice, forms and results are kept confidential
 - 9) providing initial communication and training for departments;
 - 10) coordinating the use of Employee Assistance Program (EAP's) with the Risk Management Department;
 - 11) developing a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of alcohol and/or drug use by employees.;
 - 12) collecting and maintaining employee alcohol and/or drug testing records and files from all sources and assuring that they are kept confidential;
 - 13) making available to departments alcohol and/or drug testing and notice forms.
 - 14) Notifying a department of its employees randomly selected for alcohol and/or drug testing;
 - 15) Issuing a request for quotations and administering the contract to provide urine sample collection and alcohol and/or drug screening/testing; and
 - 16) Overseeing the administration of the Chambers County Drug and Alcohol Detection and Deterrence Policy.

RESPONSIBILITIES

144.02 Certified Departmental Supervisors are responsible for:

- 1) determining if reasonable suspicion exists to warrant alcohol and/or drug testing and detailing in writing the specific facts, symptoms, or observations which form the basis for the reasonable suspicion;
- 2) submitting the documentation to the Human Resources Administrator or designee;
- 3) enforcing the appropriate provisions outlined in this procedure

144.03 Employees are responsible for:

- 1) reviewing and complying with the Chambers County Drug and Alcohol Detection and Deterrence Policy;
- 2) signing the acknowledgement form and returning to the Human Resources Department.

Grant or contract employees are additionally responsible for:

- 1) notifying their immediate supervisor of any criminal alcohol and/or drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

BASIS FOR TESTING

145.01 Employees subject to testing:

- 1) Full Time employees – subject to pre-employment physical/testing, reasonable suspicion, and will be subject to random drug/alcohol testing if the employee holds a CDL license and/or works in a safety impact position
- 2) Part Time employees – subject to pre-employment physical/testing, reasonable suspicion, and will be subject to random drug/alcohol testing if the employee holds a CDL license and/or works in a safety impact position
- 3) Temporary Part Time employees – subject to reasonable suspicion testing only

145.02 Pre-Employment Testing

All persons applying for employment with the county will be required as a condition of employment to undergo alcohol and a drug screening as this policy requires.

145.03 Applicants shall be asked to consent to alcohol and/or drug screening and sign and applicant's Informed Consent. The appropriate County official/Department Head shall complete the Pre-Employment Drug Test Notification form. Applicants who refuse to consent to an alcohol and/or drug screen, who fails to appear at the designated collection site, or who fail to provide their breath or urine sample after reasonable opportunity shall have their hiring process terminated and their conditional offer of employment shall be withdrawn.

145.04 At the collection site, applicants referred for alcohol and/or drug screening are required to present their Pre-Employment Drug Testing Notification form and photo identification in the form approved by the Human Resources Department.

- 1) All urine samples will be screened in accordance with contractual requirements and all test results will be sent to the Human Resources Administrator or designee for review.
- 2) The collection sites shall confirm to the Human Resource Administrator or designee that the applicant reported for the screening, supplied a urine sample and shall return the completed and executed Pre-Employment Drug Test Notification Form and the Applicant's Informed Consent Form to the Human Resources Administrator or designee.
- 3) The Medical Review Officer (MRO) will review all test results and report to the Human Resources Administrator or designee that the applicant has a positive test result. A written notice confirming positive results and of the procedure for obtaining, at their own expense, an additional urinalysis test conducted on the same urine sample at a NIDA certified laboratory and selected by the applicant, shall be sent to the applicant by the Medical Review Officer. The Medical Review Officer shall coordinate the retesting of applicants.
- 4) An applicant who has a confirmed positive test result shall have his/her hiring process terminated and his/her conditional offer of employment withdrawn.

145.05 REASONABLE SUSPICION OF DRUG USE

The County may require an employee to undergo an alcohol and/or drug test if there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol while on County property or while acting in the scope of employment on behalf of the County or has otherwise violated this policy. "Reasonable Suspicion" means an articulable belief based on specific facts and reasonable inference drawn from those facts that an employee is under the influence of drugs and/or alcohol. Specific designated acts or conduct can create reasonable suspicion and precipitate a drug and/or alcohol test.

Certified departmental supervisors of employees are required to detail in writing the specific facts, symptoms or observations which formed the basis for their determinations that reasonable suspicion exists to warrant the testing of an employee. This documentation shall be forwarded to the Human Resources Administrator or designee.

Only supervisors trained in substance abuse recognition shall determine if reasonable suspicion exists to warrant alcohol and or drug testing. The certified departmental supervisor shall be required to document in writing the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. If specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee exist, the certified departmental supervisor shall contact the Human Resources Administrator or designee for instructions regarding a "Reasonable Suspicion" interview.

The Human Resources Administrator or designee shall require an employee to undergo alcohol and/or drug testing if there is reasonable suspicion that the employee is in violation of the County's policy on Drug Detection and Deterrence. Circumstances which constitute a basis for determining "Reasonable Suspicion" may include but are not limited to:

- a) A Pattern of Abnormal and Erratic Behavior- This includes, but is not limited to a single, unexplainable incident or serious abnormal behavior or a patter of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
- b) Information provided by a Reliable and Credible Source- The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the Human Resources Administrator that an employee is violating the County's Policy on Drug Detection and Deterrence.

REASONABLE SUSPICION OF DRUG USE

- c) Direct Observation of Alcohol and/or Drug Use-The first line or another supervisor/manager directly observes an employee using alcohol and/or drugs while the employee is on duty. Under these circumstances, a request for alcohol and/or drug testing is **MANDATORY**.
- d) Presence of Physical Symptoms of Alcohol and/or Drug Use-The supervisor observes physical symptoms that could include but are not limited to glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments, e.g. colds, sinus, hay fever, diabetes, etc.

145.06 Alcohol and/or drug testing procedures for reasonable suspicion testing will be consistent with Section 146.

POST-ACCIDENT

145.07 Any on-the-job accident that results in any lost time, personal injury, or property damage, ***may*** result in a recommendation for alcohol and /or drug testing. Any such recommendation for alcohol and/or drug testing will be based upon a determination by the Human Resources Administrator, Department Head, or Safety Director. **All incidents that fall under this category will be forwarded by written correspondence to the Safety Coordinator via an incident report, regardless of the determination.**

Accidents involving a third party, bodily injury with immediate medical treatment away from the scene, a fatality, a vehicle being towed from the scene, the employee receiving a citation, or a determination of employee fault by a supervisor, ***shall*** result in a post-accident alcohol and drug test.

145.08 Alcohol and/or drug testing procedures for post-accident testing will be consistent with Section 146

RETURN TO DUTY TESTING

145.09 An employee shall be requested to submit to an alcohol and/or drug test upon returning to work in a safety impact position after an absence of over 30 calendar days for any reason

- 145.10 Alcohol and/or drug testing procedures for return to duty testing will be consistent with Section 146.

RANDOM DRUG TESTING

- 145.11 All County employees in certified safety impact positions, as approved by Commissioners Court, shall be subject to random alcohol and/or drug testing.
- 145.12 The selection of employees for random alcohol and/or drug testing shall be made by a random computer selection process.
- 145.13 Employees selected for a random test shall be notified by the department Head or designee to submit to an alcohol and/or drug test. Employees selected for a random test but absent due to vacation, sick leave, other leave or on urgent County business approved by the Department Head will not be notified to take the alcohol and/or drug test until the first day they return to work after random selections even if the first day back occurs in a later month.
- 145.14 Alcohol and drug testing procedures for random testing will be consistent with Section 146.

ASSIGNMENT TESTING

- 145.15 All employees shall be subject to alcohol and/or drug testing as a condition of transfer or promotion to an assignment that is in a certified safety impact position. Employees seeking a transfer or promotion into such positions shall be tested only if they are qualified and selected for the transfer or promotion and consent to the test. Notification and testing will be conducted consistent with alcohol and/or drug testing procedures in Section 146.
- 145.16 Successfully passing an alcohol and/or drug test is a condition of transfer or promotion to an assignment that is in a certified safety impact position. An employee who refuses to consent to alcohol and drug testing or who fails to appear or provide a breath and urine sample shall have their transfer or promotion process terminated and the conditional offer of transfer or promotion will be withdrawn. Section 149 herein shall not be applicable in this limited circumstance only.
- 145.17 Alcohol and drug testing procedures for assignment testing will be consistent with Section 146.

ALCOHOL AND/OR DRUG SCREENING/TESTING PROCEDURES

- 146.01 Employees selected for alcohol and/or drug testing for any reason shall be notified by the appropriate Department Head or designee to submit to the alcohol and/or drug test immediately and proceed to the testing site.
- 146.02 Once an employee has been notified to take an alcohol and/or drug test, unless hospitalized, no sick or other leave may be authorized until the collection process is completed.
- 146.03 An employee has 2 hours from the time of notification to complete all the requirements of the collection process. A notified employee may consult with anyone regarding the alcohol and/or drug test so long as the informed consent and the collection process are completed within the specified time period.
- 146.04 When drug screening is required or authorized under the provisions of this policy a urinalysis test will be given to detect the presence of Amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, and marijuana metabolites.
- 146.05 The initial drug screening shall be the enzyme immunoassay techniques (EMIT) test which shall be administered at a County approved laboratory and at the County expense. If an initial drug screen yields a positive result, a secondary confirmatory test, at County expense, using a gas chromatography/mass spectrometry (GC/MS) test will be conducted on a portion of the same urine sample provided by the applicant or employee for use in the initial drug screen.
- 146.06 The minimum levels of positive test results are the levels authorized by the Department of Transportation.
- 146.07 A copy of the Chambers County Policy on Drug Detection and Deterrence shall be given to all employees.
- 146.08 When alcohol and/or drug testing is authorized by Sections 145.05 and herein due to reasonable suspicion or post accident reasons, arrangements for obtaining a breath and/or urine sample from the employee shall be made as soon as possible following the decision to test by the Certified Departmental Supervisor. The employee's urine sample shall be tested only at a County approved facility. At least one supervisor shall accompany the employee. When only one supervisor accompanies the employee, that supervisor shall be of the same sex as the employee to be tested. The employee should be driven to the facility and not allowed to operate a motor vehicle.
- 146.09 A supervisor shall not be required, but may accompany an employee for random, assignment, or follow-up alcohol and/or drug testing.
- 146.10 The medical review officer shall maintain alcohol and/or drug test-related records on applicants and the Human Resource Administrator shall retain all final drug testing employee records. All final records relating to the taking or ordering of an employee drug test shall be kept in a separate, secure, and confidential file in the Human Resources Department.

ALCOHOL AND/OR DRUG SCREENING/TESTING PROCEDURES

- 146.11 Written consent authorizing disclosure from an employee is not required when alcohol and/or drug testing becomes the subject of a complaint or some other judicial or quasi-judicial proceeding initiated by or on the behalf of the employee.
- 146.12 Any employee who violates this confidentiality provision shall be subject to disciplinary action up to and including indefinite suspension/termination.
- 146.13 Employees reporting for Alcohol testing at County designated site will be required to provide a breath sample for detecting the presence of alcohol in their system. All results 0.04 or greater will be determined a positive alcohol test. The employee will be terminated.
- 146.14 Employees reporting for Drug Testing at the County's designated site will be required to provide a urine sample for detecting the presence of illegal drugs in their system. All results for Marijuana greater than 50 ng/ml, Cocaine 300 ng/ml, PCP 25 ng/ml, Amphetamines 1000 ng/ml, and Opiate 2000 ng/ml will be screened positive and subject to confirmatory testing. Confirmatory values for the samples screened positive are: Marijuana 15 ng/ml, Cocaine 150 ng/ml, PCP 25 ng/ml, Amphetamines 500 ng/ml and Opiate 2000 ng/ml.

POSSESSION OF DRUGS; CONSEQUENCE OF POSSESSION

- 147.01 Employees are prohibited from possessing or having in their control any alcohol and/or illegal drugs while on duty on County premises, or while acting in the course and scope of their employment at any geographic location.
- 147.02 Possession can include an employee's person or personal property if on County premises, a County motor vehicle/equipment under the employee's control or County provided property under an employee's control.
- 147.03 An employee who is determined to have any alcohol and/or drug in his/her possession will be terminated.
- 147.04 This section does not apply to an employee or law enforcement officer who, within the scope of their job duties, are required to possess alcohol and/or illegal drugs.

CONSEQUENCE OF POSITIVE DRUG TEST

- 148.01 An employee whose alcohol and/or drug test result has been confirmed positive by the MRO shall be terminated immediately.
- 148.02 An appointed employee whose alcohol and/or drug test result has been confirmed positive by MRO shall be removed from office or employment in accordance with applicable statutory or constitutional provisions.
- 148.03 Duly-authorized County officers and employees will have access to information furnished or obtained in connection with the alcohol and/or drug test. These individuals will maintain and protect the confidentiality of such information to the greatest extent possible, and they will share such information only to the extent necessary to make employment decisions, and to respond to inquiries from governmental agencies involved in legal proceedings or investigations connected to the test.

CONSEQUENCE OF REFUSAL TO CONSENT TO A DRUG TEST

- 149.01 Any employee, who refuses to consent to an alcohol and/or drug test after notification of the consequences of refusal, shall be terminated immediately.
- 149.02 Any employee who consents to an alcohol and/or drug test but failed to appear timely at the collection site or who failed to give their breath and/or urine sample after reasonable opportunity to do so, will be treated as a refusal to do so and will be terminated.
- 149.03 Any appointed official or employee who refuses to consent to an alcohol and/or drug test, fails to appear timely at the collection site or who fails to provide a breath and/or sample after reasonable opportunity to do so shall be treated as a refusal to submit to an alcohol and/or drug test and will be removed from office or employment in accordance with applicable statutory or constitutional provisions.
- 149.04 Request by employee for assistance via the employee assistance program or any other drug and/or alcohol rehabilitation program after the employee is notified of a pending drug and/or alcohol test, resulting in the employee's refusal to have a drug and/or alcohol test administered will be deemed an automatic positive. This action will result in immediate termination.

EMPLOYEE ASSISTANCE PROGRAM

- 150.01 An employee may request a referral to the Employee Assistance Program for assessment, counseling, and rehabilitation at any time. Participation in the Employee Assistance Program is voluntary and encouraged, and is at the employees own expense.
- 150.02 Employees shall remain alcohol and/or drug free while seeking and/or undergoing alcohol and/or drug rehabilitation or employee assistance counseling.
- 150.03 Disciplinary action based on a violation of the County's Drug and Alcohol Detection and Deterrence Policy is not suspended by an employee's participation in the Employee Assistance Program.
- 150.04 Employees seeking and/or undergoing alcohol and/or drug rehabilitation remain subject to follow-up testing as set forth in Section 145.10 herein.
- 150.05 Upon request by employee to enter a Drug and/or Alcohol rehabilitation program via the Employee Assistance Program, prior to Drug and/or Alcohol testing notification, Chambers County will suspend the employee without pay for a period no greater than 90 days. Employee is required to show proof of Alcohol and/or Drug rehabilitation completion and complete a Drug and/or Alcohol test with a negative result prior to being reinstated by Chambers County. Failure to comply with this action within 90 days will result in immediate termination.

**OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991
REQUIREMENTS FOR EMPLOYEES OF GRANT FUNDED
PROGRAMS**

- 151.01 All employees engaged in the performance of federal, state or local grant or federal state or local contract valued at over \$25,000 shall be given a copy of the County's Policy on Drug and Alcohol Detection and Deterrence, and informed that they must comply with the policy as a condition of employment.
- 151.02 Grant or contact employees shall notify the Elected or Appointed official or the Department head of any criminal conviction for a drug statute violation occurring in the workplace no later than five (5) days after the conviction.
- 151.03 The Elected or Appointed Official or the Department Head shall provide written notice to the grantor or contractor agency and the Human Resources Administrator of any criminal drug statute conviction occurring in the workplace within ten (10) calendar days after receiving actual notice of the conviction. The information provided by the appropriate official shall include the employee's position, title, and the grant identification(s) for each grant on which the convicted employee was working.
- 151.04 All employees who operate County owned commercial motor vehicles and maintain a commercial driver's license will also be subject to this requirement as defined in addendum 1.

RESERVATION OF RIGHTS

- 152.01 The county reserves the right to interpret, change, suspend, cancel or dispute, with or without written notice, all or any part of this Policy, or procedures or benefits discussed herein. Employees will be notified before implementation of any change.
- 152.02 Although adherence to this policy is considered a condition of employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time, for any or no reason, and the County retains the right to terminate any employee at any time, for any reason, without notice.

EMPLOYEE ACKNOWLEDGEMENT

- 153.01 Each and every County employee shall receive and acknowledge, in writing, a copy of this policy
- 153.02 An employee's refusal to acknowledge, in writing, this policy, will result in termination.
- 153.03 A prospective employee's refusal to acknowledge, in writing, this policy will result in termination of the hiring process.

AMERICA WITH DISABILITIES ACT COMPLIANCE

- 154.01 Chambers County is aware that certain applicants and employees may have rights guaranteed by the American with Disabilities Act, 42 U.S.C. 12101, et. Seq. (1990). Chambers County does not discriminate on the basis of disability in admission, or access, or treatment, or employment in its programs or activities.

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Acknowledgement:

I certify that I have received a copy of the Chambers County Policy for Drug and Alcohol Detection and Deterrence and have read and understood those policies.

These policies control over any statement made by a supervisor or other individual and I understand that any agreement concerning my employment are not binding unless they are in writing and signed by the County Judge.

I will continue to be familiar with all rules and regulations regarding Chambers County's Drug and Alcohol policy and any policy changes or additional rules and regulations affecting my job.

I understand that this policy represents only the County's current policy and regulations. The County retains the right to replace or alter the existing policy with or without notice.

I understand that Chambers County utilizes a **Zero Tolerance** policy toward Drug and/or Alcohol. I further understand that violation of this policy will result in immediate termination.

By: _____
(Print Name)

Date: _____

(Signature)

Addendum 1

Chambers County Policy for Drug and Alcohol Detection and Deterrence Omnibus/DOT/CDL

The safety and well being of our drivers, employees and the general public requires that our drivers perform their duties free from the effects of alcohol and/or drugs. A drug-free workplace is especially important to the transportation industry. A driver who uses or abuses alcohol and/or drugs is a hazard to Chambers County, the general public, other employees and him/herself. Chambers County carries a ZERO tolerance toward drug and/or Alcohol use, violators will be terminated.

In order to ensure the safe transportation and provide for an efficient and drug-free workplace while complying with the Federal Motor Carrier Safety Regulations, Chambers County has adopted this policy.

PROGRAM ADMINISTRATOR:

The Human Resources Administrator or designee has been designated by Chambers County as the Alcohol/Drug Testing Program Administrator or designee. In this function the Human Resources Administrator or designee will be responsible to answer any questions from the drivers, administrators or the public in general.

The Program Administrator or designee will handle all information on all tests of covered drivers as confidential. The Program Administrator or designee may provide such information as necessary to the supervisor to enable him/her to take proper disciplinary action as warranted. The Program Administrator or designee may also release test information to the county's Human Resources Administrator or designee to use to evaluate and recommend appropriate follow-up.

DRIVERS SUBJECT TO TESTING:

All drivers who must have a Commercial Drivers License to perform their duties, which are considered as safety-sensitive, will be subject to the alcohol and/or drug testing as outlined in this policy and required by Title 49 Code of Federal Regulations part 382.

DRIVER COMPLIANCE WITH REGULATION:

All drivers subject to alcohol and drug testing must be in compliance with the regulations and this policy at all times while in a working status for Chambers County.

This will include all time spent driving a commercial vehicle as well as time spent performing safety-sensitive functions or just before or just after performing safety-sensitive functions. Chambers County has ZERO Tolerance regarding Drug and/or Alcohol use and violators will be terminated.

Safety-Sensitive Function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2. All time inspecting equipment as required by Sect.392.7 and 392.8 of 49 C.F.R. otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth (a berth conforming to the requirements of section 393.76 of 49 C.F.R.);
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

SUBSTANCES TESTED FOR:

The following substances will be tested to determine their presence:

1. Alcohol
2. Marijuana
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP); and
6. Opiates

PROHIBITED CONDUCT:

During the time that drivers are performing safety-sensitive functions, they shall not:

1. Report to and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol;
3. Use any alcohol;
4. Use any alcohol within four hours of going on duty;
5. Use any alcohol for eight hours after an accident which will require the driver to be tested for alcohol or until tested;
6. Refusal to submit to a required alcohol and/or controlled substance test;
7. Report to or remain on duty when using any controlled substance, except when under a physician's orders **AND** the physician has informed the driver that the use will not effect the safe operations of a commercial vehicle;
8. Report to or remain on duty if he/she has tested positive for controlled substance.

TEST REQUIRED:

All drivers who are required to be tested for alcohol and/or controlled substance use or mis-use will be tested under the following circumstances:

1. **Pre-employment or pre-use.** All applicants for jobs requiring a commercial drivers license and/or current employees transferring to a job which requires a commercial driver's license will be required to be tested for the use of controlled substances.
2. **Random.** All drivers are subject to random testing. Ten (10) percent (unless the Federal Highway Administration announced another testing level) of all drivers will be selected to submit to unannounced random alcohol testing, which will be spread through out the calendar year. Fifty (50) percent (unless the Federal Highway Administration announces another testing level) of all drivers will be selected to submit to unannounced controlled substance testing.
3. **Post-accident.** Drivers will be alcohol and controlled substance tested in all accidents involving a fatality. If the accident is one where one or more vehicles were towed from the scene of the accident or involves somebody being injured to the degree that the injury must be treated immediately away from the scene of the accident then the commercial vehicle driver must also receive a summons for a "moving traffic violation" as a result of the accident before a test will be directed.
4. **Reasonable suspicion.** All drivers that exhibit signs and/or symptoms of alcohol and/or controlled substance use or mis-use , which are observed by a trained company supervisor, while performing safety sensitive functions will be required to submit to an alcohol and/or controlled substance test.
5. **Property Damage.** A driver will be required to take a drug and/or alcohol test in the event the driver causes property damage in excess of \$200 dollars. This test is above and beyond Federal DOT requirements and does not count toward Federal drug and/or alcohol testing requirements.

TESTING PROCEDURES:

Chambers County has contracted with qualified companies to do the alcohol and collection of the urine specimen(s) for controlled substance testing.

Once a driver has been directed to submit to an alcohol and/or controlled substance test, he/she will proceed immediately to the testing area. Drivers must comply with the lawful request to the technician doing the alcohol and/or controlled substance test.

The selected driver will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

The driver will be required to provide photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the selected driver. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review office (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the company. Should the specimen test positive, the MRO will contact the driver to discuss the test findings and afford the driver an opportunity to discuss his/her test results and any factors that could have attributed to the positive test. Should the driver question the test findings, the driver can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated confidentially and not results will be released to outside parties without the drivers express consent or when required by law, rule or regulation or expressly authorized.

All testing for alcohol use or mis-use will be conducted only by devices, which have been approved by the National Highway Traffic Administration or trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians.

REQUIREMENTS THAT DRIVERS MUST SUBMIT TO TEST:

All drivers who are required by Federal Motor Carrier Safety Regulations and this policy to be subjected to alcohol and/or controlled substances test must fulfill that requirement when so directed to the Alcohol/Drug Testing Program Administrator or trained supervisor. Failure to comply with the regulations of this policy will result in immediate termination.

REFUSAL TO TEST:

The following circumstances will be construed as refusing to submit to an alcohol and/or controlled substance test and will result in immediate termination:

1. Fails to give an adequate sample of breath for an alcohol test without a valid medical evaluation.
2. Fails to provide adequate urine sample for a controlled test without a genuine inability to provide a specimen, as determined by medical evaluation.
3. Engages in conduct that clearly obstructs the testing procedures.

DISCIPLINARY ACTION:

Any driver who violates either the Federal Motor Carrier Safety Regulations or this policy will be immediately terminated.

Any driver who has tested positive for either drugs or alcohol, will be immediately terminated.

Drivers who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 will be taken out-of-duty for a minimum of 24 hours. It is the County's policy that drivers in violation of this policy be immediately terminated.

INFORMATION:

Chambers County will provide each driver Subject to the Federal Motor Carriers Safety Regulations a copy of this policy. In addition, the county will provide printed material which describes the effects of alcohol and/or controlled substance use or abuse on the individual's health work and personal life, as well as information on the signs and symptoms of an alcohol or controlled substance problem.

Chambers County
Policy for Drug and Alcohol
Detection and Deterrence
Addendum 1

Acknowledgement:

I certify that I have received a copy of the Chambers County Policy for Drug and Alcohol Detection and Deterrence Addendum 1 and have read and understood those policies.

These policies control over any statement made by a supervisor or other individual and I understand that any agreement concerning my employment are not binding unless they are in writing and signed by the County Judge.

I will continue to be familiar with all rules and regulations regarding Chambers County's Drug and Alcohol policy and any policy changes or additional rules and regulations affecting my job.

I understand that this policy represents only the County's current policy and regulations. The County retains the right to replace or alter the existing policy with without notice.

I understand that Chambers County utilizes a Zero Tolerance policy toward Drug and/or Alcohol. I further understand that violation of this policy will result in immediate termination.

By: _____
(Print Name)

Date: _____

(Signature)

Addendum 2

Chambers County Safety Impact Positions

SAFETY IMPACT POSITION means an employment positions involving job duties, which if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure, may result in mistakes that could present a substantial and/or imminent threat to the personal health and safety of the employee, co-worker, and/or the public. Safety impact positions include but are not limited to those who are authorized and required to carry firearms in the performance of their duties, persons who have direct unsupervised contact with narcotics, controlled substances or other similar prohibited substances and persons who operate motor vehicles in the performance of their duties. All safety impact positions shall be defined by the Chambers County Commissioners Court upon advice of the Human Resources Administrator and the County Attorney.

The following positions will be considered safety impact positions and will be subject to random drug and alcohol testing:

1. CDL/DOT

Rationale: Federal Guidelines

2. Law Enforcement Officers (Deputies, Task Force, Investigators)

Rationale: Law Enforcement officers have contact with illegal drugs, firearms, and drive motor-vehicles in dangerous and possibly high-speed situations. Errors in their judgment pose a danger to coworkers and the public.

3. Jailers

Rationale: Jailers have care, custody, and control of people who could be suicidal and/or homicidal. Jailers have contact with and may confiscate illegal drugs. Jailers also have contact with and responsibility for passing out inmates' prescription medications. Errors in their judgment pose a danger to coworkers, inmates, and possibly the public.

4. Dispatchers

Rationale: Dispatchers are responsible for answering 911 calls from the public, as well as managing communications in possibly life-threatening situations (law enforcement, Fire, EMS). Errors in their judgment pose a danger to the lives of officers, firefighters, EMTs, Paramedics, and the public.

5. Motor Vehicle and Motorized Equipment Operators

Rationale: Employees who drive/operate, or are subject to driving/operating, county-owned motor vehicles and motorized equipment: May be involved in the direction or management of traffic, may work in construction areas and public right-of-ways, and may have contact with hazardous materials. Errors in their judgment pose a risk to themselves, co-workers, and the public.

6. Medical Staff

Rationale: Employees who provide medical care, and have access to medications as part of their duties. Errors in their judgment pose a risk to themselves, patients, and co-workers.

Addendum 2 approved by CC 9/27/16