

SECTION 5.11 DRUG AND ALCOHOL TESTING

Certified Van Drivers

An employee in a position that requires the employee to obtain and maintain a van driver certification shall be subject to the policies and procedures for drug and alcohol testing, including, but not limited to, random as well as reasonable suspicion testing.

Employees shall fully comply with the testing requirements. Failure to cooperate or the refusal to submit to testing will be considered insubordination, and the employee will be subject to discipline.

All federal and state laws and regulations for certified van drivers will apply. Employees will be responsible for understanding and complying with these laws and regulations. Questions should be directed to the department head or Jefferson County Board of Developmental Disabilities (JCBDD).

Post-Accident Testing

Employees may be subject to post-accident testing while driving JCBDD - owned or leased vehicles. Employees who are involved in a vehicular accident where (1) a fatality occurs; or (2) the employee receives a citation and the JCBDD vehicle is disabled and requires a tow; or (3) the employee receives a citation and someone involved in the accident requires off-site medical treatment shall be required to submit to drug and alcohol testing. Employees are required to contact their supervisor or the Facilities Manager immediately or as soon as medically able to do so. The supervisor or Facilities Manager will inform Human Resources of the accident. This policy will serve as written notice to employees that the results of, or refusal to submit to, any properly ordered tests may affect the employee's eligibility for compensation and benefits from the Bureau of Workers' Compensation.

Reasonable Suspicion

To maintain a safe and healthful work environment, JCBDD reserves the right to require drug or alcohol testing of an employee based on "reasonable suspicion." This policy includes all employees, including those who are also subject to random testing such as certified van drivers, nurses, or other employees who are in safety sensitive positions.

Reasonable suspicion that an employee is under the influence of or has used or is using a controlled substance or alcohol in an unlawful or abusive manner may be based upon, but is not limited to, any of the following:

1. observable behavior, such as the direct observation of drug or alcohol use or possession, and/or the physical symptoms of being under the influence of a drug or alcohol;
2. a pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
3. arrest or conviction for a drug or alcohol related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug or alcohol possession, use, or trafficking;
4. information provided either by reliable and credible sources or independently corroborated;
5. evidence that an employee tampered with a previous drug or alcohol test; and
6. facts or circumstances developed during an authorized investigation of an accident or unsafe working practice.

Drug or alcohol testing of an employee, under this policy, will be conducted for administrative purposes, and the results will not be used to criminally prosecute the employee.

If JCBDD has reasonable suspicion that an employee is using an illegal drug or substance or a controlled substance (excluding alcohol), the employee will be transported to the testing facility used by JCBDD. A urine or other appropriate specimen will be collected and tested in accordance with the facility's established chain of custody. If the initial test is positive, a confirmation test will be conducted to verify the results of the initial test. A test for a controlled substance will be considered positive when it meets or exceeds the positive threshold established for the substance by the U.S. Department of Health and Human Services. The employee will provide the testing facility with a signed release for disclosure of the testing results to JCBDD. Failure to sign a release will be considered insubordination, and the employee will be subject to discipline, up to and including termination.

The results of the drug testing will be provided to JCBDD and to the employee tested.

An alcohol test will be conducted in accordance with the standards established by the state of Ohio for detecting drivers who operate motor vehicles while under the influence of alcohol. A test for alcohol will be considered positive when the employee's blood alcohol concentration meets or exceeds .04 percent.

If the initial and confirmation drug tests produce a positive result, or if the alcohol test determines that the employee is under the influence of alcohol, the employee may, in lieu of disciplinary action, be permitted to participate in a rehabilitation or detoxification program. Any discipline called for because of the test conclusions will be deferred pending successful rehabilitation of the employee. If an employee fails to enroll in or satisfactorily complete an assessment and/or treatment (including a drug and/or alcohol abuse intervention or rehabilitation program) as required, he will be terminated from employment unless otherwise required by law.

An employee who participates in a rehabilitation or detoxification program will be placed on leave without pay for the period of the rehabilitation or detoxification program. Prior to being placed on leave without pay, the employee may use accrued sick or vacation leave.

Upon satisfactory completion of the program, as verified in writing by the treatment facility, the employee will be returned to his/her former or a similar job classification. Such employee may be subject to random periodic retesting upon his/her return to work for a period of 1 year from the date of his/her return.

Refusal by an employee to submit to an alcohol or drug test, or refusal to sign a release for disclosure of testing results to JCBDD, will constitute insubordination and will result in disciplinary action, up to and including termination.

The cost of drug and alcohol testing shall be borne by JCBDD, except that any test initiated at the request of the employee will be at the employee's expense.

All employees are responsible for reporting suspected drug or alcohol use by other employees that would violate this policy.

The results of any drug or alcohol test will constitute medical information and will remain confidential except for its use in official safety investigations or any action necessary to defend the discharge or other discipline of the employee.