

RESOLUTION 2003-12

A RESOLUTION AMENDING TOOEELE COUNTY PERSONNEL POLICIES AND PROCEDURES SECTION 18.H, J, M, N, O AND P; ADDING ALCOHOL AND DRUG USE REQUIREMENTS FOR PUBLIC SAFETY PERSONNEL; RENUMBERING SUBPARAGRAPHS L THROUGH P AS K THROUGH O; AND REQUIRING THE ANNUAL REPORT TO THE FHA TO BE MADE UPON REQUEST

WHEREAS, it is necessary to clarify the county's drug and alcohol personnel policies and procedures as they pertain to public safety personnel, to require the annual FHA report be provided upon request; and to renumber certain subparagraphs and make other technical corrections;

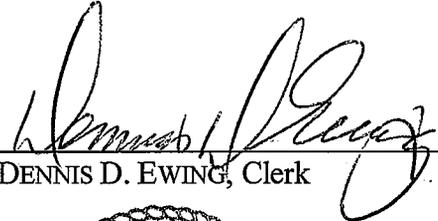
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF TOOEELE COUNTY THAT Section 18.H, J, L, M, N, O and P of the Tooele County Personnel Policies and Procedures are hereby amended to read as new Sections H, J, K, L, M, N, and O as attached hereto, which attachment is hereby made a part hereof.

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

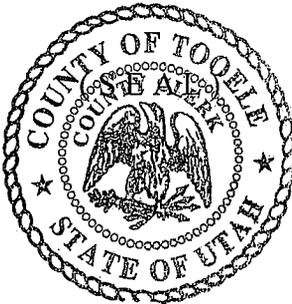
DATED this 22nd day of July 2003.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY

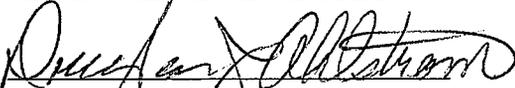

DENNIS D. EWING, Clerk


DENNIS ROCKWELL, Chairman



Commissioner Rockwell voted Abser 7
Commissioner White voted yes
Commissioner Lawrence voted yes

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

SECTION 18
ALCOHOL AND DRUG USE SCREENING, TESTING AND TREATMENT

A. POLICY STATEMENT:

1. Tooele County recognizes there must exist a healthy and productive work force within the county, safe working conditions free from the effects of drugs and alcohol, and high quality services rendered to the public. These circumstances are vital to the functioning of county government, the safety of its employees and the well-being of the general public.
2. The use of illegal drugs and alcohol and abuse of legal medications on the job creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, decreased employee morale, and a decline in the quality of services rendered to the public. Such use and abuse may be in violation of the criminal laws of the State of Utah. It greatly increases the potential legal liability of the county for accidents and misconduct of its employees.
3. In balancing the interests of the county and its employees and volunteers with the interests and welfare of the general public, the county commission finds it is in the best interest of all parties to implement a drug-free workplace policy in accordance with the Local Governmental Entity Drug-Free Workplace Enabling Act, Section 34-41-101, et seq., Utah Code Ann., 1953, as amended, the Federal Drug-Free Workplace Act of 1988, 41- U.S.C. 701 et seq.; and the Omnibus Transportation Employee Testing Act of 1991, Pub. L. 102-143, Title V. Accordingly, this policy addresses alcohol and drug screening, testing and treatment for all county employees, including those who hold a commercial driver license (CDL).
4. In adopting this policy, it is the intent and object of the county commission to be as comprehensive as possible in address the issues of safety, confidentiality, privacy, alcohol and drug use education treatment, and the appropriate use of alcohol and drug testing as described in this policy.

B. DEFINITIONS:

As used in this section:

1. "Abuse" or "misuse" means the use of either an illegal substance or controlled substance obtained without a prescription for other than medicinal purposes; the inappropriate use of drugs obtained by prescription; or the inappropriate use of legally obtained alcohol products or over-the-counter medications.
2. "Act" means the Local Governmental Entity Drug-Free Workplace Enabling Act, Utah Code Ann. 34-41-101, et seq., 1953, as amended.
3. "Alcohol" means any or all alcoholic beverages, including hard liquor, beer or wine.

4. "Alcohol test" means the scientific analysis for the presence of alcohol in the human body.
5. "Commercial driver license" or "CDL" means a license required to operate a commercial vehicle.
6. "Commercial vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. has a gross vehicle weight rating of more than 26,000 pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - b. is designed to transport 16 or more passengers including the driver; or
 - c. is of any size, is used to transport hazardous materials, and is required to be placarded.
7. "Confirmation test" means:
 - a. for alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration; and
 - b. for drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.
8. "Driver" means any person who operates a commercial vehicle.
9. "Drug" means any substance recognized as a drug in the Utah Controlled Substances Act, Title 58, Chapter 37, Utah Code Ann. 1953 as amended, or the Federal Controlled Substances Act, Title II, Pub. L. 91-513.
10. "Drug testing" or "drug test" means the scientific analysis for the presence of drugs or their metabolites in the human body.
11. "Employee" means every person working for Tooele County, whether compensated or not, including volunteers, full and part-time, temporary, merit, merit exempt and community service workers.
12. "Medical review officer" means a licensed physician who has knowledge of substance abuse disorders and has the training to interpret and evaluate test results.
13. "Prospective employee" means any person who has made written or oral application to become an employee of the county.

14. "Reasonable suspicion" means an articulated belief based on recorded specific facts and reasonable inferences drawn from those facts.
15. "Rehabilitation testing" means unannounced but preselected drug or alcohol testing done as part of a program of counseling, education and treatment of an employee.
16. "Safety-sensitive function" means anytime a CDL holder is driving a commercial vehicle, is ready to drive a commercial vehicle or is immediately available to drive as an employment responsibility.
17. "Sample" means any sample of urine or breath to be used for drug or alcohol testing.
18. "Screening test" means:
 - a. in alcohol testing, an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system; and
 - b. in drug testing, an immunoassay screen to eliminate "negative" urine specimens from further consideration.
19. "Substance abuse professional" means a licensed physician, psychologist, social worker, employee assistance professional or addiction counselor trained in the diagnosis and treatment of drug and alcohol abuse.

C. USE OF ALCOHOL OR DRUGS:

1. No employee shall drink alcohol while on Tooele County property, in a county vehicle, in a private vehicle on county business, at a county work site, on county business or while representing county interests.
2. No employee shall report for a regularly scheduled duty shift or be on duty while under the influence of alcohol or any drug to the extent that it adversely affects the proper performance of the employee's job or renders the employee incapable of safely and adequately performing job duties. No employee shall be unfit for duty because of being under the influence of alcohol or drugs.
3. On-duty employees shall not operate a motor vehicle while under the influence of alcohol or any drug to a degree which renders the person incapable of safely operating the vehicle.
4. No employee suspected of being under the influence of alcohol or drugs shall 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.
5. Employee shall not use, possess, distribute, manufacture, dispense, sell, or purchase any illegal drugs or controlled substances whenever such persons are on Tooele

County property, in a county vehicle, in a private vehicle on county business, at a county work site, on county business or while representing county interests,.

6. Employees shall not use or possess prescription drugs unless such drugs are properly prescribed by a licensed physician and are being properly used for the treatment of any illness or injury.
7. Refusing to submit a sample as provided in this policy, attempting to contaminate a specimen or provide a false specimen, interfering with drug or alcohol testing procedures, or violating this policy in any way are grounds for disciplinary action, which may include termination.

D. EXEMPTION: The use or possession of drugs or alcohol will not be considered a violation of this policy where use or possession is permitted by law, or is considered a normal part of job duties and is approved by the department head.

E. PRE-EMPLOYMENT TESTING: All persons selected for hire by Tooele County shall be given a conditional job offer, then they must submit to a drug test. Any such persons found to be using an illegal drug or controlled substance, or using a prescription drug without an authorized prescription, or who refuses to take the drug test shall be disqualified from employment.

F. REASONABLE SUSPICION TESTING:

1. Employees having a reasonable suspicion that an employee is under the influence of alcohol or drugs in violation of this policy shall notify the immediate supervisor or department head and provide the information in writing which justifies their suspicion.
2. Circumstances which may constitute a basis for determining a reasonable suspicion include, but are not limited to:
 - a. a pattern of abnormal or erratic behavior such as a significant change in the quantity or quality of work, unusual mistakes or errors of judgment or unusual absenteeism;
 - b. a work-related accident, in combination with other factors;
 - c. the direct observation of the employee using drugs or alcohol;
 - d. the employee's possession of alcohol or drugs at a county work site;
 - e. the noticeable presence of physical symptoms of drug or alcohol use such as glassy, blurry or bloodshot eyes, dilated or pinpoint pupils, hand tremors, flushed or swollen face, the odor of alcohol on the breath, slurred speech, needle marks, hallucinations, unusual euphoria, unusual, aggressive or bizarre

acts, or poor coordination or reflexes; or

- f. being informed by an employee that another employee is believed to be using or under the influence of drugs or alcohol.

3. In the event that a supervisor has a reasonable suspicion that an employee is impaired by the use of alcohol or drugs in violation of this section, the following steps shall be taken:

- a. The employee shall be immediately removed from assigned duties and informed by the supervisor that an impairment due to drug or alcohol use is suspected.
- b. The employee shall be given an opportunity to explain the behavior giving rise to the suspicion.
- c. The reporting supervisor shall immediately notify the department head or chief deputy of the supervisor's actions and request advice as to steps to be followed.
- d. The department head or chief deputy, after counsel with and in the presence of the supervisor, shall inform the employee that impairment due to the use of drugs or alcohol is suspected.
- e. The department head or chief deputy may direct the employee to submit to a drug and alcohol test by a qualified provider to determine whether drugs or alcohol is present in the employee's system. The employee's refusal to submit to the test may be subject to separate appropriate disciplinary action which may include termination.
- f. If the determination is made by the supervisor and the department head or chief deputy that alcohol or drug use impairment is involved to the extent that the performance of job duties is adversely affected, the employee shall be relieved from duty.
- g. An employee, upon being confronted by the reasonable suspicion that he or she is under the influence of drugs or alcohol, may request that a drug or alcohol test be conducted by a qualified provider to determine whether drugs or alcohol are present in his or her system if such a test has not already been directed.
- h. Upon being relieved of duty, appropriate steps shall be taken to discourage the employee from operating a motor vehicle. Reasonable efforts shall be taken to protect the public safety as well as the employee's safety.

G. POST-ACCIDENT TESTING: Employees operating a vehicle who are in an accident where they are cited, where there is an injury, where a vehicle is towed or which results in the loss of human life must be tested for misuse or abuse of drugs and alcohol.

1. Alcohol tests must be conducted within two hours of an accident. If alcohol tests cannot be conducted within two hours, a written report must be prepared by the employee's supervisor and kept on file stating the reasons the tests were not administered within the two hour time limit. The alcohol test must then be conducted within eight hours. After eight hours all attempts to test for alcohol must cease.
2. Drug tests must be conducted within 32 hours of an accident. If drug tests cannot be conducted within 32 hours, a written report must be prepared by the employee's supervisor and kept on file stating the reasons the tests were not administered within the allowed time limits.

H. REQUIREMENTS FOR COMMERCIAL DRIVER LICENSE LICENSEES AND PUBLIC SAFETY PERSONNEL

1. All commercial driver licensees and public safety personnel must be tested for alcohol and the following drugs:
 - a. marijuana (THC);
 - b. cocaine;
 - c. opiates;
 - d. phencyclidine (PCP); and
 - e. amphetamines, including methamphetamines.
2. No commercial driver licensees or public safety personnel shall report for duty or remain on duty requiring the performance of safety-sensitive functions when such person uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or perform public safety functions. Tooele County shall not permit the employee to perform or continue to perform a safety-sensitive function if the county has actual knowledge that a such person has used a controlled substance.
3. Notwithstanding the absence of a reasonable suspicion alcohol test, CDL drivers and public safety personnel are prohibited from reporting or remaining on duty requiring the performance of safety-sensitive functions if they have an alcohol concentration of .04 or greater. Such persons are not permitted to use alcohol while driving or for four hours prior to driving. Tooele County, if it has actual knowledge of such alcohol concentration or use, shall not permit such persons to perform safety-

sensitive functions. No such persons shall be on duty or operate a commercial vehicle while such persons possess alcohol, unless the alcohol is manifested and transported as part of a shipment. Such persons with a blood alcohol concentration of .04 or greater will be removed from safety-sensitive functions and not allowed to return until successfully completing return-to-duty testing. An alcohol test with results between .02 and .04 will also cause the employee to be removed from safety-sensitive functions, but will allow the employee to return for their next scheduled shift if at least eight hours have elapsed or 24 hours have passed for drivers.

4. Tooele County has the right to require a commercial driver licensees and public safety personnel to report the use of any therapeutic drug they are taking.
5. Commercial driver licensees and public safety personnel may be allowed to perform job duties while using prescribed medication containing a controlled substance if a physician advises in writing that the substance will not adversely affect their ability to operate a commercial vehicle or perform a safety-sensitive function.
6. The misuse of any over-the-counter drug which is labeled that it may cause drowsiness or a warning to users not to operate heavy machinery is prohibited while driving a commercial or public safety vehicle.
7. The unauthorized use of another employee's prescription drugs while driving a commercial vehicle or performing public safety functions is prohibited.
8. All prospective employees who will be driving a commercial vehicle while on duty or who will be employed in public safety must be tested for misuse or abuse of the drugs listed in Subsection H. 1. and alcohol before starting work. In lieu of this requirement, Tooele County may request detailed written documentation from a previous employer of a prospective employee's drug and alcohol history. Pre-employment testing will occur after a conditional offer of employment. In order to begin work, the test must indicate less than .04 alcohol concentration and negative drug test results.
9. All drivers operating commercial or public safety vehicles who are in an accident when they are cited, where there is an injury, where a vehicle is towed or which results in the loss of human life must be tested for misuse or abuse of drugs and alcohol. Post-accident testing shall comply with the following:
 - a. Alcohol tests must be conducted within two hours of an accident. If they cannot be conducted within two hours, a written report must be prepared by the employee's supervisor and kept on file stating the reasons the tests were not administered within the two-hour time limit. The alcohol test must then be conducted within eight hours. After eight hours all attempts to test must cease. Drivers shall not use alcohol for eight hours after the accident or until the post accident test has been completed.
 - b. Drug tests must be conducted within 32 hours of an accident. If drug tests

cannot be conducted within 32 hours, a written report must be prepared by the employee's supervisor and kept on file stating the reasons the tests were not administered within the allowed time limits.

- c. Any driver subject to post accident testing who leaves the scene of an accident before a test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.
10. Random testing is required of commercial driver licensees and public safety personnel pursuant to the following:
- a. Fifty percent of all such employees must be tested on a random basis for alcohol and drug misuse or abuse every calendar year and 10% of all such employees must be tested for alcohol every calendar year utilizing a procedure that will:
 - (1) give all such employees an equal chance of being selected for testing;
 - (2) is unannounced; and
 - (3) is evenly spaced throughout the year.
 - b. Alcohol tests must be performed just prior to or immediately following performance of a safety-sensitive or public safety function.
 - c. If employees selected for random testing are off work due to illness, injury, vacation, or similar leave, the supervisor will document it and keep that information in a permanent record.
 - d. A computerized random selection procedure generated by the office of personnel management will be utilized to select employees for random testing.
11. Reasonable suspicion testing of commercial driver licensees and public safety personnel will be conducted pursuant to the following:
- a. Such employees must be tested for drugs or alcohol when a supervisor has reasonable suspicion that they are under the influence of either alcohol or drugs. The supervisor's determination that a reasonable suspicion exists to require the employee to undergo an alcohol or drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
 - b. The required tests shall not be performed by the same supervisor who determined that reasonable suspicion existed.

- c. Supervisors shall document the specific facts and observations or symptoms which formed the basis for determination that reasonable suspicion existed.
 - d. Alcohol testing is authorized only when the observations are made just before, during or just after the employee operates a commercial vehicle or when the employee is working in a public safety function. An employee may be directed by the supervisor to only undergo reasonable suspicion testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.
 - e. Alcohol tests must be conducted within two hours of an accident. If alcohol tests cannot be conducted within two hours, a written report must be prepared by the employee's supervisor and kept on file stating the reasons the tests were not administered within the two-hour time limit. The alcohol test must then be conducted within eight hours. After eight hours all attempts to test must cease.
 - f. Drug tests must be conducted within 32 hours. If drug tests cannot be conducted within 32 hours, a written report must be prepared by the employee's supervisor and kept on file stating the reasons the tests were not administered within the allowed time limits. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor who made the observations, within 24 hours of the observed behavior or before the result of the controlled substance test is released, whichever is earlier.
12. Before an employee returns to duty requiring the performance of a safety-sensitive or public safety function after engaging in conduct prohibited by Subsection H regarding alcohol, the employee shall be evaluated by a substance abuse professional, receive proper treatment, if necessary, and undergo an alcohol test with a result indicating an alcohol concentration of less than .02. If the conduct regarded drugs, the employee must receive the evaluation, treatment and complete a drug test with a verified negative result.
13. Following a return-to-duty test, employees must be tested for drugs and alcohol a minimum of six times in the next twelve months or as many as 30 times in a total of 60 months pursuant to the recommendations of a substance abuse professional.
14. All supervisors who may be involved in determining if reasonable suspicion exists to require an employee to be tested must undergo 60 minutes of training on drug use and 60 minutes of training on alcohol misuse. This training must include physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug abuse.

15. All commercial driver licensees and public safety personnel must undergo 60 minutes of training on drug and alcohol misuse and abuse prior to their participation in the alcohol and drug testing program.
16. Refusing to submit to testing will prohibit the employee from performing safety-sensitive functions. Refusal is constituted by failure to provide adequate breath without explanation, obscuring testing, failing to sign a test form, leaving the accident scene before testing, and activities which are similar forms of set-back. The consequences for refusal are congruent to testing at .04 grams of alcohol concentration or violating rules.
17. All employees performing in safety-sensitive positions who are subject to drug and alcohol testing shall be given a copy of this policy along with any department or division policy on drug and alcohol testing before any testing is initiated.

I. DEPARTMENT POLICIES: Elected offices, departments or divisions of the county may adopt policies regarding drug and alcohol testing for sensitive driving functions or those occupations with duties involving public safety, at-risk clientele or other duties which, by law, are appropriately amendable to random drug testing. Such elected office, department or division policies shall be drafted to ensure their application to qualified occupations. They ensure that appropriate testing procedures are followed.

J. TESTING PROCEDURES:

1. Drug testing is performed using a urine collection method. Each department whose employee is being tested may send another trusted employee in company with the first to the collection site to minimize the opportunity for sample adulteration. Testing will be conducted under controlled procedures by a qualified technician. Samples collected will be sent for analysis to a drug testing laboratory that follows guidelines set forth by the National Institute of Drug Abuse (NIDA). Split sample testing will be followed. A medical review officer must review and verify all positive drug tests and notify the employee's supervisor and the director of personnel management. An employee whose test result is positive may submit a written request within ten days to the contracted testing facility for further, independent testing of the original specimen. This independent testing must be done at a NIDA certified laboratory and will be done at the employee's own expense.
2. Alcohol testing will be conducted by a certified breath alcohol technician (BAT), using an evidential breath testing device. It may be done at the scene of an accident providing Tooele County can obtain the results of that testing. The BAT must conduct an initial screening test. If the results are .02 or greater, a confirmation test must be administered. The confirmation test must be conducted at least 15, but no more than 20 minutes following the screening test. The BAT shall transmit all test results to the employee's supervisor and the director of personnel management. Use of a urine sample for both the drug testing and alcohol testing is not allowed.
3. Positive test results of alcohol or drug abuse will not be reported until after a

confirmatory test has been administered.

4. The department requesting the tests shall pay for all costs of alcohol and drug testing procedures covered under this policy.
5. Time spent participating in drug and alcohol testing procedures covered in this policy will be considered compensable time, whether the employee is on or off duty.
6. All drug or alcohol test sample collection, handling, transportation and testing under of this policy shall be conducted in accordance with the requirements of the Act and other applicable provisions of state or federal statutes or regulations.
7. Any person required to submit to a drug test under this policy may, at such individual's option and expense, submit a second drug test sample for further testing in accordance with the provisions of the Act and within six hours after the first drug test.
8. All drug and alcohol testing and sample collection procedures under this policy shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested.
9. In all drug testing and sample collection procedures, any transmittal or reporting of test results shall be conducted with due respect for confidentiality. Drug and alcohol test activities and result reports may be made available only to supervisors and management personnel with an immediate need to know. Testing procedures and results may be made available and communicated as needed for the purposes of any disciplinary action or criminal investigation or prosecution.

K. RECORD KEEPING:

1. Records regarding test results are generally considered protected documents under the provisions of the Government Records Access and Management Act, Utah Code Ann. 63-2-304(8), 1953, as amended.
2. All records related to drug and alcohol testing must be maintained in a secured, confidential file and shall not be made part of the personnel file unless the record is used as basis for an involuntary termination of employment or other disciplinary action.
3. Drug and alcohol related testing records for their employees who hold a CDL shall be maintained in accordance with the Omnibus Transportation Employee Testing Act of 1991. Alcohol results indicating an alcohol concentration of 0.02 or greater, documentation of refusals for testing, evidential breath testing calibration documentation, and substance abuse professional's evaluation of employees and referral documents all must be maintained for five years. Records relating to the

collection process and training must be maintained for two years. Negative test results must be kept for one year.

4. Applicants subject to pre-employment drug and alcohol testing may request and receive a copy of the test results within 60 days of hiring.
5. Employees must be notified by their supervisor as soon as possible by telephone and in writing to their last known address of positive test results for random, post accident, and reasonable suspicion testing, including the drug for which they tested positive.
6. The director of personnel management will, upon request, submit to the Federal Highway Administration an annual report summarizing the test results under Subsection H.

L. DISCIPLINE AND REHABILITATION:

1. If a confirmed positive drug or alcohol test result indicates a violation of this policy or if an individual refuses to provide a sample in accordance with this policy, or otherwise violates this policy, that test result, refusal, or violation may be used as a basis for imposing disciplinary action, including termination.
2. Whenever appropriate, rehabilitation of employees who suffer from drug or alcohol use or abuse problems should be pursued. The determination of whether to proceed with discipline, rehabilitation in addition to discipline, or rehabilitation in lieu of discipline for violations of this policy shall be within the discretion of the department head and the county commission. Consultation with the director of personnel management or an outside service provider is encouraged in making that decision.
3. Alcohol or drug abuse which can be determined through a medical or other recognized professional diagnosis to be a disabling condition will be subject to state and federal disability regulations. Drug or alcohol abuse conditions which can be treated through rehabilitation must be referred to a recognized rehabilitation center. The referral may be voluntary or mandatory at management's discretion and depending on the severity of the abuse.
4. Any rehabilitation in lieu of or in addition to disciplinary action should be undertaken in accordance with the terms of a written memorandum of understanding or agreement between the department head and the employee. The memorandum should set out the expectations which the employee must satisfy, including successful completion within one year of a rehabilitation program at the employee's expense; an appropriate waiver of confidentiality to permit communication between supervisors and rehabilitation service providers, as needed; rehabilitation drug and

alcohol testing as determined appropriate which is paid for by the employee; an acknowledgment that failure to successfully complete rehabilitation will lead to appropriate disciplinary action; and such further conditions as may be necessary and appropriate.

5. An employee undergoing rehabilitation may be granted no more than 30 working days of sick leave, annual leave, or leave without pay for inpatient treatment.
6. Nothing in this policy shall be construed as granting a county employee immunity from disciplinary action under other policies or arrest or prosecution by appropriate law enforcement authorities for activities involving drugs or alcohol, which are in violation of state law or city or county ordinance. County employees convicted of the use or possession of illegal drugs in the workplace must report that conviction to their supervisor.

M. SELF-REFERRAL: Employees are encouraged to refer themselves for drug rehabilitation services to be provided by a certified rehabilitation service provider. Employees who enter drug rehabilitation as a self-referral are encouraged to communicate this fact to the supervisor and the department head to determine whether drug use or rehabilitation activities will adversely affect job performance. Supervisors are encouraged to cooperate and work with employees who are undergoing a self-referral rehabilitation in order to assist in a successful completion of that rehabilitation. The status of employees in safety-sensitive positions must be carefully screened in order to determine that their rehabilitation activity shall have no potential adverse effect on job duties.

N. FEDERAL ACT COMPLIANCE:

1. As a condition of employment on any federal contract or grant of a value of \$25,000 or more, each employee shall:
 - a. abide by the terms of this policy; and
 - b. notify the supervisor or department head of any criminal or drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
2. The department head will notify the federal grantor or agency for which a contract is being performed within ten calendar days after receiving notice from the judicial system, through other means or from an employee performing work under the grant or contract that the employee has so been convicted.

O. POLICY DISTRIBUTION:

1. Each department will distribute this policy to its employees. It must be given to each new employee at the time of hire.

2. Department heads will assure that each employee engaged in the performance of federal contract or grant of a value of \$25,000 or more is given a copy of this policy.
3. Each person receiving this policy must sign a statement certifying they received it.