

**BOURBON COUNTY
FT. SCOTT, KANSAS**

FINAL

**WORKPLACE
SUBSTANCE ABUSE AND TESTING POLICY
[Non-regulated]**

Effective Date:

July 2008

BOURBON COUNTY

Substance Abuse and Testing Policy

I. PURPOSE

As a part of its commitment to safeguard the health of its employees and provide a safe place for its employees to work Bourbon County (hereinafter "Company") has established this policy on the use or abuse of alcohol and illegal drugs by its employees. Substance abuse, while at work or otherwise, seriously endangers the safety of employees and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the Company. The Company has established this policy to detect users and remove abusers of alcohol and illegal drugs from the workplace. It is also the policy of the Company to prevent the use and/or presence of these substances in the workplace in accordance with the following guidelines.

Employment with the Company is at-will. Company policies, procedures, and/or employee assistance programs are not intended to create any implied or express contracts, written or verbal, between the Company and its employees, independent contractors, or job applicants. The Company reserves the right to alter any policy, procedure, or program at its discretion and without notice to its employees, independent contractors, or job applicants. The Company creates no promises with any of its policies, procedures, and programs, and remains free to change wages and all other working conditions without having to consult employees or anyone else and without anyone's agreement. The Company reserves the right to terminate an employee with or without cause and to refuse to hire any job applicant, as is consistent with existing law.

II. SCOPE

As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other Company policies may apply in these areas to the extent that they do not conflict with this policy.

[Certain employees may be subject to additional requirements under state and/or federal regulations.]

III. DEFINITIONS

A. "ILLEGAL DRUGS"

"Illegal drugs" are drugs or controlled substances that are (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful or prescribed manner. Examples include, but are not limited to, cocaine, marijuana, opiates, amphetamines, and phencyclidine (PCP) as well as prescription drugs that are not lawfully obtained and/or not properly utilized. The term "illegal drugs" also includes mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for the mind- or behavior-altering effect (e.g. glue, peyote).

B. LEGAL DRUGS

“Legal drugs” are those prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

C. COMPANY PROPERTY

The term “Company Property” includes work sites; parking lots; vehicles; offices owned, rented, utilized or serviced by the Company or by any customer of the Company; employee-owned or employee-rented vehicles on the property of the Company or of any customer of the Company while on Company business; and locations where the employee represents the Company in any capacity.

D. ON DUTY

The term “On Duty” includes all working hours as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the Company in any capacity.

E. COVERED EMPLOYEES

The term “Covered Employees” applies to any employee of Bourbon County who is considered safety sensitive and those employees who drive county vehicles or vehicles for county business.

IV. DRUG USE PROHIBITIONS

- A. The use, sale, purchase, possession, manufacture, distribution or dispensing of illegal drugs on Company property or while on duty is against Company policy and is cause for immediate termination.
- B. It is also against Company policy for any employee to report to work or to work with the presence of illegal drugs in the employee’s body. Employees who violate this policy are subject to disciplinary action, up to and including termination.
- C. The use of legal drugs can also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any legal drug that might impair safety, performance or any motor function [must advise his or her supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action. Improper use of “legal drugs” is prohibited and may result in disciplinary action up to and including termination].
- D. Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination, and/or referral to the Company’s EAP.

V. ALCOHOL USE PROHIBITIONS

- A. The consumption, possession or being under the influence of alcohol on Company property or while on duty is prohibited and will result in disciplinary action, up to and including termination. There may be occasions, however, removed from the usual work setting, at which it is permissible to consume alcohol in moderation (e.g., Company picnics, receptions, civic activities, sporting events).

- B. Notwithstanding the exception mentioned above, it is always against Company policy to report to work or to work under the influence of alcohol and such action will result in disciplinary action, up to and including termination.
- C. Employees asked to submit to an alcohol test and the test result is .04 or higher will be considered positive.
- D. Refusal to submit to, efforts to tamper with or failure to pass an alcohol test will result in a disciplinary action, up to and including termination.

VI. TESTING EVENTS

A. PRE-EMPLOYMENT TESTING

- 1. Applicants will be advised of the Company's pre-employment testing requirements in writing following an offer to hire and prior to referral for a physical and/or drug and/or alcohol testing. Applicants will be asked to sign the Applicant Drug/Alcohol Testing Consent Agreement.
- 2. All applicants considered final candidates and who have received an offer for a position will be tested for the presence of illegal drugs and/or alcohol and must receive negative test results as a part of the hiring process.

B. RANDOM TESTING

- 1. All covered employees are subject to random, unannounced drug and/or alcohol testing.
- 2. Selection of employees for random testing shall be conducted through the use of a computerized random number generator.
- 3. Random testing will be unannounced and unpredictable; and spread reasonably throughout the calendar year.
- 4. Employees are required to proceed immediately to the collection site upon notification of testing.
- 5. Drug and alcohol testing will be conducted anytime an employee is on duty.
- 6. The list of employees selected will be retained by the DER in a secure location.

C. POST-ACCIDENT TESTING

Employees who are involved in an accident will be tested for the presence of drugs and/or alcohol following an accident or other occurrence that involves one or more of the following covered events: a fatality, an injury to an employee or other individual, or damage to vehicles and/or other property.

D. REASONABLE SUSPICION TESTING

Employees will be required to submit to a drug and/or alcohol testing if reasonable suspicion exists that an employee is violating, or has violated this policy. Any supervisor or employee who believes another employee is violating this policy should report his or her belief to the Designated Employer Representative (DER).

E. FOLLOW-UP TESTING

Any covered employees who have participated in a substance abuse counseling or rehabilitation program and all supervisor referrals due to work performance problems will be subject to unannounced follow-up testing as determined by the Substance Abuse Professional or at the discretion of the Company for a twelve-month period following completion of the program.

F. ADDITIONAL TESTING

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations, or as deemed necessary by the Company. Upon initial implementation of this substance abuse policy, all current employees will be subject to testing.

VII. TESTING PROCEDURES

1. The Company will determine for which drugs and/or alcohol testing will be performed.
2. Specimen samples will be analyzed by an appropriately licensed or certified laboratory.
3. Employees will be informed of the results by the Designated Employee Representative (DER) or other appropriate Company official.
4. The testing laboratory will report the finding of a confirmed positive test result to a designated Medical Review Officer (MRO). The MRO will contact the employee to verify the positive result. Following the verification of a positive result by the MRO, the Designated Employee Representative (DER) will be informed of the positive test result.
5. An employee may request and receive from the Company a copy of the test result report.
6. If an employee challenges the validity or accuracy of the verified positive result, he/she may appeal, in writing, to the MRO, within three (3) working days of the employee having been notified of the positive result.
7. The employee will be responsible for all costs associated with conducting any requested retest.

VIII. DISCIPLINARY ACTION

- A. Any violation of the Company's substance abuse policy, including a verified positive drug or confirmed alcohol test, will result in discipline up to and including termination.
- B. Any employee engaging in the use, sale, purchase, possession or distribution of drugs or alcohol on duty or on Company property is subject to disciplinary action, up to and including termination.

IX. INVESTIGATION

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the Company reserves the right to search all vehicles, containers, lockers or other items on Company property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon Company request.
- B. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to Company premises.

- C. The Company will turn over all confiscated drugs to the proper law enforcement authorities. Further, the Company will cooperate with and may enlist the services of the proper law enforcement authorities in the course of any investigation.

X. ARREST OR CONVICTION FOR DRUG-RELATED CRIME

- A. If an employee is arrested or convicted of a drug-related crime, the Company may investigate the circumstances and Company officials may require a drug test.
- B. As a condition of employment, an employee shall notify the Company's Designated Employee Representative (DER) of any criminal drug statute conviction or for any plea of guilty, nolo contendere or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the Company within five (5) days of such conviction, plea or imposition.

XI. CONFIDENTIALITY

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be remitted to the Designated Employee Representative (DER). In order to effectively address the employees with drug or alcohol problems, it will be necessary for the Designated Employee Representative (DER) to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis.

Employees are encouraged to approach their supervisor or Designated Employee Representative (DER) at any time with any questions they have about the Company's substance abuse policy as stated herein.

BOURBON COUNTY

Last Chance Acknowledgment

I, _____, request reinstatement or continued employment with Bourbon County. I understand that my reinstatement to employment is conditional, subject to the following terms.

1. I am participating in and/or have completed an approved rehabilitation program at a licensed, approved facility and will actively comply with any and all follow-up requirements as stated by the program mandates.
2. I understand that any further violation of the substance abuse policy or failure to comply with and complete the follow-up terms of the approved treatment program will result in my immediate termination of employment.
3. I understand the importance of involving (if applicable) my spouse, family or the significant other person in my life in the process of my recovery program.
4. I understand and recognize the importance of communication between; my supervisor and treatment provider regarding performance and compliance issues **ONLY** and specifically consent to such communication.
5. **[I understand the adverse affects of overtime that may impair my recovery and waive my rights to overtime during the period of the Last Chance Acknowledgment.] OPTIONAL**
6. I understand and agree that, as a condition to reinstatement, I am expected to meet all established requirements of the policies and procedures and that I will continue to be subject to established procedures for failure to comply with those standards.
7. I understand that my past conduct and my recovery program require that I may be required to comply with random drug and/or alcohol screening requests and procedures during the period of this Agreement. My failure to comply with this section may result in my immediate termination.
8. I understand that I will be subject to the terms of this Last Chance Acknowledgment for a period of **[twelve (12)]** months from the date of my reinstatement. I understand that compliance with this Last Chance Acknowledgment does not constitute a guarantee of continued employment and that I remain an "at-will" employee.

I understand and agree that my reinstatement and continued employment are conditioned upon my satisfactory compliance with the terms listed above. I have discussed these terms with my supervisor(s) and understand that I will be subject to further disciplinary action, up to and including termination of employment with Bourbon County, if I fail to comply with the terms and intent of this agreement.

Employee's Name (print): _____

Employee's Signature: _____

Social Security Number: _____

Supervisor's Name (print): _____

Supervisor's Signature: _____

Date: _____

**SUPPLEMENT
DILUTE NEGATIVE DRUG TEST RESULTS**

Bourbon County

This supplement explains what happens when an employer receives a report from the MRO of a negative dilute specimen and employer options.

A negative dilute specimen (Creatinine 5mg/dl to <20 mg/dl, Specific gravity between 1.001 & 1.003) is a specimen that contains an unusually high level of water concentration. Some of the ways this can occur are outlined below:

1. Donor may consume large amounts of water as part of their regular routine.
2. In the case of "shy bladder" collector may offer extra fluids in order to obtain a specimen.
3. Donor may consume large amounts of water in an effort to intentionally dilute the specimen causing drug concentrations to fall below the cutoff levels.
4. Donor may conceal additional water on their person and add to the specimen in an effort to deliberately dilute the sample.

As an employer you may establish different policies regarding dilute negative specimens based on different types of tests. You have the following options:

- a. Accept a negative dilute specimen as a valid drug test.
- b. Require one recollection of the specimen.

Please mark the different types of tests in which your company will accept a negative dilute specimen or require a repeat test to be performed.

Pre-Employment	_____	Accept Test	_____	Repeat Test
Post-Accident	_____	Accept Test	_____	Repeat Test
Reasonable Cause	_____	Accept Test	_____	Repeat Test
Return to Duty	_____	Accept Test	_____	Repeat Test
Follow-Up	_____	Accept Test	_____	Repeat Test
Random	_____	Accept Test	_____	Repeat Test

1. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others for each test type. Retests should be done as soon as possible and within the same selection quarter.
2. You are required to inform your employees in advance of your decisions on these matters.
3. You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
4. You must treat the result of the recollected test as the test result of record.

Signature

Title

Date

BOURBON COUNTY

Announcement of Substance Abuse Policy

Letter to all employees:

Substance abuse is a nationwide issue in all sectors of our lives - and the workplace is no exception. Alcohol and drug abuse have a significant health and safety impact as well as seriously affecting a company's productivity, product quality, health care and workers' compensation costs, and most importantly, the well-being of the most valuable resource - the employees.

As you know, Bourbon County has always been committed to providing a safe and positive working environment and to looking out for the welfare of our employees. Substance abuse jeopardizes this commitment and undermines the capability of Bourbon County to provide high quality products and services.

To address this problem, Bourbon County has developed a policy regarding the illegal use of drugs and abuse of alcohol that we believe best serves the interests of all employees. Our policy formally and clearly states that the illegal use of drugs and the abuse of alcohol will not be tolerated. This policy was designed with two basic objectives in mind:

1. Employees deserve a work environment that is free from the effects of drugs and alcohol and the problems associated with their use; and
2. This Company has a responsibility to maintain a healthy and safe workplace.

I believe it is an important and worthwhile venture that we all work together to make Bourbon County a drug-free workplace and a safe, rewarding place to work.

NOTE: This policy will take effect on August 1, 2008.
Date

Prior to this date, all employees are required to sign the accompanying agreement form, indicating that he/she has read, understood, and will comply with the substance abuse policy, and return it to County Clerk's Office.

Joanne Long
Designated Person

County Clerk
Designated Person Title

July 8, 2008
Date