Travis County Commissioners Court Agenda Request for Executive Session Item

Meeting Date: July 22, 2014

Prepared By/Phone Number: William Paterson, Risk & Safety Manager
John Brady, Senior Risk/Safety Specialist

Elected/Appointed Official/Dept. Head: Debbie Maynor, HRMD Director

Commissioners Court Sponsor: Judge Samuel Biscoe

AGENDA LANGUAGE:

Discuss and take appropriate action on the proposed revisions to Travis County Code Chapter 15, Drug & Alcohol Policy (may be taken in Executive Session under consultation with Attorney exception).

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Background documents include the current policy, the proposed policy with verbiage that is new or revised since the Court's approval on July 27, 2010 highlighted in yellow. Also attached is the proposed policy without the changes highlighted.

STAFF RECOMMENDATIONS:

Staff recommends the adoption of the attached Travis County Code Chapter 15 Drug & Alcohol Policy containing revised verbiage and the addition of "Subchapter B" addressing STARflight operational requirements.

ISSUES AND OPPORTUNITIES:

The updated policy is intended to clarify certain provisions of the current policy while developing a new subchapter that specifically addresses the requirements of the Federal Aviation Administration in regards to the STARflight program.

FISCAL IMPACT AND SOURCE OF FUNDING:

There is no anticipated financial impact.

REQUIRED AUTHORIZATIONS:

Debbie Maynor, HRMD Director	512-854-9170
William Paterson, Risk & Safety Manager	512-854-9650
Leroy Nellis, County Executive Planning & Budget	512-854-9066
Danny Hobby, County Executive Emergency Services	512-854-4416

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a single pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us **by Tuesdays at 5:00 p.m.** for the next week's meeting.

Human Resources Management Department

700 Lavaca St. Suite 420 • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512) 854-3128

Memorandum

July 15, 2014

To: Commissioners Court

From: Debbie Maynor, HRMD Director
William Paterson A.R.M., Risk Manager
John Brady, Senior Risk/Safety Specialist

Re: Update of Travis County Code Chapter 15, Drug & Alcohol Policy

The current Drug & Alcohol Policy was approved by Commissioners Court on July 27, 2010. The policy supports a drug and alcohol free workplace and also meets the Department of Transportation's rule requiring a Drug and Alcohol Program for employees holding a Commercial Driver's License as written in the Code of Federal Regulations (CFR) Title 49, Part 40.

DOT regulations also require a Drug and Alcohol Program for businesses engaged in flight operations such as those performed by STAR Flight, these rules are contained within CFR Title 14, Part 120. While the rules are largely the same as those for CDL holders there are some slight differences in the administration of the program. In order to address these differences and enhance the overall administration of the drug and alcohol program Subchapter C, which is specific to STARflight operations, has been added to the existing policy. During this process the existing policy has been updated in order to maintain the precept of a "0" tolerance for drug and alcohol use in the workplace.

The backup provided includes attachment A – Current Drug and Alcohol Policy (pages 1 - 25) Attachment B - a copy of the proposed policy with the revisions or new verbiage highlighted (pages 26 - 68) and attachment C – the proposed policy without high lights or track changes (pages 69 - 111. The changes in Subchapter B are deletions to exclude Star Flight as Subchapter C is new, it only applies to STAR Flight and addresses requirements with in CFR Title 14, Part 20. Subchapter D has new definitions of performance, aviation incident and use of alcohol related to STAR Flight and Subchapter Z has been updated to include STAR Flight for jurisdiction purposes, effective date and interpretations.

Following its development copies were submitted to the Travis County Sheriff Officers Association, American Federation of State, Municipal and County Employees, Travis County Sheriff's Law Enforcement Association and the Transportation and Natural Resources Human Resources Department for a two-week period of comments and questions. At this time, all questions and concerns have been satisfactorily addressed and no opposition voiced to the version submitted today.

Sincerely;

Debbie Maynor, Director, HRMD
William F Paterson ARM, Risk Manager
John Brady, Senior Risk/Safety Specialist

A1

Chapter 15. Drug and Alcohol Policy

Subchapter A. Drug And Alcohol Free Workplace 1

15.001 Purpose 2
15.002 Affected Departments/Employees 2
15.003 Employee Responsibilities 332
15.004 Supervisors' Responsibilities 3
15.005 Drug and Alcohol Testing 5
15.006 Consequences 5
15.007 Assistance Provided 5
15.008 Employee Education 5
(Sections 15.009 through 15.019 are reserved for expansion.) 665

Subchapter B Commercial Driver's License (CDL) Drug And Alcohol Policy 665

15.020 Purpose 6
15.021 Covered Employee 6
15.022 Employee Responsibilities 76
15.023 Referral/Evaluation and Testing Process 7
15.024 Disciplinary Actions 8
15.025 Evaluation and Rehabilitation Process 998
15.026 County Requirements 109
15.027 Medical Information 10109
15.028 Types of Required Testing 10
15.029 Methods of Testing 111110
15.030 Pre-Employment Drug & Alcohol Testing Procedures 121211
15.031 Post Accident Drug & Alcohol Testing Procedures 131211
15.032 Random Drug & Alcohol Testing Procedure 151413
15.033 Reasonable Suspicion Drug & Alcohol Testing Procedures 161615
15.034 Drug & Alcohol Testing Collection Site Procedures 191917
15.035 Post Testing Procedures for Alcohol Testing 202018
15.036 Post Testing Procedures for Drug Testing 202018
(Sections 15.037 through 15.05049 are reserved for expansion) 212119

Subchapter C. Definitions 212119

15.50 Definitions 212119

Subchapter Z. General Interpretive Provisions- 232321

9.951 General Interpretive Provisions-Authority 232321
9.952 Jurisdiction 242421
9.953 Effective Date 242422
9.954 ~~Construction~~, Precedents, and Interpretation 242422
9.955 Computation of Time 252522

Subchapter A. Drug And Alcohol Free Workplace

A2

15.001 Purpose

The purpose of the Drug and Alcohol Free Work Place policy is to ensure that Travis County is a drug and alcohol free workplace. The County prohibits the use, exchange, and presence of illegal drugs and the misuse of legally obtained drugs and alcohol in the workplace and offsite while conducting official County business.

15.002 Affected Departments/Employees

(a) The Drug and Alcohol Free Work Place policy applies to all employees who work in departments under the direction of Commissioners Court. It does not apply to the employees of any Elected Official unless that Elected Official expressly adopts it in writing. The Human Resources Management Department (HRMD) should inform all new employees of Elected Officials that this policy does not apply to them unless HRMD has a written adoption of this policy on file. A list of those Elected Officials who have adopted it may be obtained at HRMD.

(b) Elected Officials who have adopted other guidelines for their staff may provide HRMD with a copy of those guidelines so that HRMD may provide a copy of the guidelines to each employee of that Elected Official during their employee orientation.

(c) The County reserves the right to change any provision of the Drug and Alcohol Free Work Place policy unilaterally at any meeting of the Commissioners Court without specific notice of the potential change to any employee.

(d) No employee, supervisor, official, or representative of the County has any authority to change any portion of the Drug and Alcohol Free Work Place policy without the express and specific authorization of the Commissioners Court.

(e) Employees who work for Elected and Appointed Officials who have not adopted the Drug and Alcohol Free Work Place policy should contact their supervisor for a copy of their department's drug and alcohol policy. If these employees' positions require them to hold a Commercial Driver's License, they must also comply with Subchapter B. Commercial Driver's License Drug and Alcohol Policy as required by federal law.

15.003 Employee Responsibilities

(a) Employees shall not use, manufacture, procure, distribute, sell, dispense, possess (i.e. on a person, in a desk or county vehicle) or consume illegal drugs or alcohol while in the workplace or while conducting official County business.

(b) Alcohol consumption is prohibited during the workday, including rest periods and meal periods, as well as at all times an employee is conducting County business.

(c) Employees shall not arrive to work or remain at work under the influence of illegal drugs or alcohol.

(d) Employees shall not arrive to work or remain at work while under the influence of lawfully prescribed or over-the-counter substances if these substances impair the employee's ability to perform the essential functions of the employee's job.

(e) Employees shall not misuse substances and materials available in the workplace which may impair the employee's ability to perform the essential functions of the employee's job

(f) Any employee suspected of noncompliance with the Drug and Alcohol Free Work Place policy may voluntarily request that a drug or alcohol test be performed at the County's expense. If the test result is positive and the employee faces disciplinary or possible legal action, the employee may request a second test be performed on a second sample from the same specimen. If the second test result is positive, the employee shall reimburse the County for the second test. However, if the second test is negative, it will be at the County's expense.

(g) An employee shall notify his or her supervisor on the next business day of any arrest for a violation of a criminal statute related to drugs or alcohol.

(h) If an employee has reason(s) to believe that his or her supervisor is under the influence of drugs or alcohol, he or she should report the matter to his or her Elected or Appointed Official, Executive Manager, department head, the HRMD director, the County Attorney, or a member of Commissioners Court.

15.004 Supervisors' Responsibilities

(a) Supervisors shall make every effort to ensure the County provides a drug and alcohol free environment for its employees. If a supervisor observes or is

notified of a potential violation of the Drug and Alcohol Free Work Place policy, he or she shall take immediate action(s) to prevent the employee from causing harm to him or herself, to others, and to Travis County property.

(b) A determination that there is probable cause that an employee is using or under the influence of drugs or alcohol may be made on the basis of the direct observations of one supervisor, and confirmed by a second supervisor.

(c) If a supervisor has probable cause to believe an employee is in violation of the Drug and Alcohol Free Work Place policy, the supervisor should immediately notify his or her department head or Elected or Appointed official as well as the Risk Management Division of HRMD or the County Attorney's Office.

(d) If it is determined that an employee in violation of the Drug and Alcohol Free Work Place policy, supervisors shall not allow that employee to remain on-duty in a safety-sensitive position such as law enforcement, EMS, medical or similar position, before the employee has successfully completed rehabilitation through EAP. However, as part of a rehabilitation or counseling program approved in writing by the EAP's Substance Abuse Professional, each department head or Elected or Appointed Official or his or her designee may allow an employee in his or her department to return to duty in a safety-sensitive position if it is determined that this action would not pose a danger to public health or safety.

(e) If a supervisor determines there is probable cause to believe an employee is using or is under the influence of drugs or alcohol, the supervisor should immediately notify his or her department head or Appointed or Elected Official. The department head, or his or her designee, shall:

(1) Stop the employee from performing his or her job duties,

(2) Contact another supervisor, if at all possible,

(3) Contact the Risk Management Division of HRMD or the County Attorney's Office to determine whether there is probable cause to suspect the influence of drugs or alcohol to support drug or alcohol testing,

(4) Arrange to safely transport or have the employee transported to the appropriate testing location if there is probable cause to suspect the influence of drugs or alcohol,

(5) Determine what appropriate actions must be taken prior to the employee returning to work, and

(6) Determine appropriate disciplinary action in consultation with the Risk Management Division of HRMD or the County Attorney's Office.

(f) Any Elected or Appointed Official whose department receives a grant or administers a contract financed directly by federal funds shall give a copy of the drug and alcohol policy adopted by their department to each employee involved in the performance of that grant or contract. No later than ten (10) days after a conviction, the Elected or Appointed Official must also notify the federal government of any employee who is convicted of a criminal offense relating to illegal drugs for a violation occurring in the workplace.

15.005 Drug and Alcohol Testing

(a) If there is probable cause to believe an employee is in violation of the Drug and Alcohol Free Work Place Policy, upon review by the Risk Management Division of HRMD or the County Attorney's Office, that employee's supervisor may request that the employee submit to drug and alcohol testing. If the result of a drug or alcohol test is positive, disciplinary action up to and including termination may be taken.

(b) Employees who hold positions requiring a Commercial Driver's License are covered under Subchapter B Commercial Driver's License Drug & Alcohol Policy for more information.

(c) Employees who report to Elected or Appointed Officials who have not adopted this specific Drug and Alcohol Free Work Place Policy should consult their departmental personnel policy for guidance on this issue.

15.006 Consequences

Violations of the Drug and Alcohol Free Work Place policy may result in disciplinary action up to and including termination, or required participation in a rehabilitation program.

15.007 Assistance Provided

The County recognizes drug and alcohol dependency as an illness. Employees needing assistance in dealing with these dependencies are encouraged to contact the

Risk Management Division of HRMD, the County's Employee Assistance Program, or his or her healthcare provider.

15.008 Employee Education

The County shall inform all employees of the Drug and Alcohol Free Work Place policy, dangers of drug abuse in the workplace, disciplinary action that may be taken for violations of the Drug and Alcohol Free Work Place policy, the Employee Assistance Program and any other drug counseling and rehabilitation programs available through County employee benefits.

(Sections 15.009 through 15.019 are reserved for expansion.)

Subchapter B Commercial Driver's License (CDL) Drug And Alcohol Policy

15.020 Purpose

The purpose of the Commercial Driver's License Drug and Alcohol Policy to provide a brief overview of the federal requirements in the Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation regulations in 49 CFR § 382.101 et seq. The Commercial Driver's License Drug and Alcohol Policy is interpreted to be consistent with these requirements as they may be amended from time to time. Employees may direct questions about these requirements and Subchapters B and C to the Drug and Alcohol Program Coordinator in HRMD.

15.021 Covered Employee

In the Commercial Driver's License Drug and Alcohol Policy, Covered Employees are all employees who are required to hold a Commercial Driver's License to perform their jobs, and all employees whose positions are covered by the Federal Aviation Administration (FAA) regulations. Affected classifications may include: Van Driver, Equipment Operator, Maintenance Worker, Corrections Officer-Transportation, Mechanic, Senior Mechanic, and Building Maintenance IV-Exposition Center, Helicopter Pilot, Helicopter Mechanic and Directors of Aviation Operations.

15.022 Employee Responsibilities

(a) Covered Employees are responsible for knowing the terms of and complying with the Commercial Driver's License Drug and Alcohol Policy and procedures.

(b) In accordance with the Omnibus Transportation Employee Testing Act of 1991, a Covered Employee shall not:

(1) Engage in work within four hours after consuming alcohol (8 hours for those employees defined as a flight crew member under Federal Aviation Regulations), regardless of the employee's actual alcohol concentration,

(2) Report for duty or remain on duty while using drugs, unless using them in compliance with the instructions of a licensed medical practitioner who has indicated that there will be no adverse affect related to operating a commercial vehicle or equipment safely,

(3) Use Alcohol or illegal drugs on the job when performing or on call to perform safety-sensitive functions,

(4) Use Alcohol for eight hours following an Accident, or until the employee submits to alcohol testing, whichever occurs first, if required to undergo post-accident alcohol testing,

(5) Refuse an alcohol or drug test required by law,

(6) Report for duty or remain on duty if the Covered Employee has a Positive Drug Test,

(7) Report for duty or remain on duty while having an alcohol concentration of 0.02 or greater, or

(8) Refuse to sign an Acknowledgment Form indicating training and explanations on the Commercial Driver's License requirements were made available to a Covered Employee.

15.023 Referral/Evaluation and Testing Process

(a) Covered Employees who violate any provision of the Commercial Driver's License Drug and Alcohol Policy are evaluated by a Substance Abuse Professional who determines what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use. The Covered Employee is required to release any evaluation information before return-to-duty testing.

(b) Referrals and evaluations are required by federal law. Any Covered Employee who violates any provision of the Commercial Driver's License Drug and Alcohol Policy shall be:

(1) Advised by their department of resources available to assist him or her in evaluating and resolving problems associated with the misuse of alcohol and the use of Illegal Drugs;

(2) Referred to the County's EAP by their department, or

(3) Evaluated by a Substance Abuse Professional who determines what assistance, if any, the employee needs in resolving problems associated with the misuse of alcohol and the use of illegal drugs.

(c) If the Substance Abuse Professional prescribes a rehabilitation program the Covered Employee must complete that program as a condition of continued employment.

(d) The Substance Abuse Professional advises the Drug and Alcohol Program Coordinator of the prescribed rehabilitation program.

(e) Before a Covered Employee returns to duty after engaging in prohibited conduct, the Covered Employee shall undergo return-to-duty tests, as directed by the Substance Abuse Professional, and receive a report of negative results for all tests.

(f) The County may direct the Covered Employee to undergo return-to-duty testing for both alcohol and drugs, if the Substance Abuse Professional determines that return-to-duty testing for both alcohol and drugs is necessary for that particular Covered Employee.

15.024 Disciplinary Actions

(a) For the first violation of the Commercial Driver's License Drug and Alcohol Policy, the initial action includes at least disciplinary suspension without pay for three days and may result in termination if the Covered Employee is not able to perform the essential functions of his or her job.

(b) Disciplinary action under the Commercial Driver's License Drug and Alcohol Policy shall not be required for a Covered Employee who:

(1) Voluntarily identifies himself or herself as having a drug or alcohol problem before it is identified through other means and before starting a safety sensitive job,

(2) Obtains counseling or rehabilitation, and

(3) Refrains from engaging in these behaviors after that in accordance with the Commercial Driver's License Drug and Alcohol Policy.

(c) In addition, the Covered Employee shall be:

(1) Referred to a Substance Abuse Professional for evaluation and rehabilitation,

(2) Placed on disciplinary probation and advised that a future violation within five years results in dismissal, and

(3) Subject to return-to-duty testing as required by federal regulations.

15.025 Evaluation and Rehabilitation Process

(a) As part of the evaluation and rehabilitation process,

(1) The Covered Employee is further evaluated by a Substance Abuse Professional to determine whether the Covered Employee has properly followed any rehabilitation program prescribed,

(2) After return-to-duty, the Covered Employee may be subject to unannounced follow-up alcohol and drug testing,

(3) The number and frequency of this follow-up testing is directed by the Substance Abuse Professional and consists of at least six (6) tests for alcohol or drugs or both in the first twelve (12) months after return-to-work,

(4) The County may direct the Covered Employee to undergo follow-up testing for both alcohol and drugs, if the Substance Abuse Professional determines that follow-up testing for both alcohol and drugs is necessary for that particular Covered Employee,

(5) Follow-up testing shall not exceed 60 months from the date of the Covered Employee's return to duty, and

(6) The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered if the Substance Abuse Professional determines that this testing is no longer necessary.

(g) Elected and Appointed Officials may allow a Covered Employee to return to duty if return is approved in writing by the Substance Abuse Professional and it is determined that this action would not pose a danger to public health or safety.

15.026 County Requirements

(a) The County provides the following materials to all Covered Employees:

(1) Specific information about drug use and alcohol abuse,

(2) The requirements of federal law,

(3) The Commercial Driver's License Drug and Alcohol Policy,

(4) The consequences for violating those requirements,

(5) The drug and alcohol testing process,

(6) Information about the effects of drug use and alcohol abuse,

(7) Specific information about where employees can get help for drug use and alcohol abuse, and

(8) An acknowledgment form which the Covered Employee must sign that indicates training opportunities on the Commercial Driver's License Drug and Alcohol Policy and the consequences of any violations were made available.

(b) Supervisors who manage Covered Employees are trained by professionals approved by the U.S. Department of Health and Human Services to recognize behavior which might be associated with drug or alcohol use.

15.027 Medical Information

(a) All Drug and alcohol test results and medical information furnished during the testing process is treated as confidential medical information and is released only as required by federal regulations.

(b) Records of all tests conducted under the Commercial Driver's License Drug and Alcohol Policy are maintained and used in accordance with federal regulations.

(c) Any tested employee has the right to request a copy of his or her test records.

15.028 Types of Required Testing

Drug and alcohol testing is conducted in accordance with the U.S. Department of Transportation regulations and the procedures which implement the Commercial Driver's License Drug and Alcohol Policy. The County has contracted with a laboratory

approved by the U.S. Department of Health and Human Services for these testing services. The following types of tests are conducted:

(a) Pre-Employment Testing- If an applicant applies for the positions of Covered Employees, pre-employment drug and alcohol testing is required, at the County's expense. Applicants for these positions are advised that any job offer is contingent upon not having a Positive Drug Test or a Positive Alcohol Test or both.

(b) Post-Accident Testing- If a Covered Employee is involved in an Accident as defined in this policy, the Covered Employee is required to submit to post-accident drug and alcohol testing.

(c) Random Testing- Covered Employees are required to submit to random drug and alcohol testing throughout the year at unannounced times. A Covered Employee could be randomly selected for testing more than once annually. Each year, at least 50% of Covered Employees are tested for drugs and at least 10% are tested for alcohol.

(d) Reasonable Suspicion Testing-Covered Employees are required to submit to drug and alcohol testing if reasonable suspicion exists to believe that Covered Employee has violated any part of the federal regulations or the Commercial Driver's License Drug and Alcohol Policy.

(e) Return to Duty- Any Covered Employee who violates any of the requirements in the Commercial Driver's License Drug and Alcohol Policy, is subject to drug and alcohol testing as directed by the Substance Abuse Professional before returning to duty.

15.029 Methods of Testing

(a) Drugs- In testing for drugs, a urinalysis is used. Any Covered Employee who uses drugs in compliance with the instructions of a licensed medical practitioner is responsible for reporting that information before providing a urine specimen.

(b) Any Covered Employee who is notified of a Positive Drug Test has the right to request that a confirmation test be conducted on a second urine sample from the same specimen, (which has not previously been subjected to any testing). The Covered Employee must request this test within 72 hours after being notified of the Positive Drug Test and this request must be made in writing to the Medical Review Officer (MRO). If the second test is positive, the

Covered Employee must reimburse the County for the cost of the second test. If the second test is negative, the County pays for that test.

(c) Alcohol- In testing for alcohol, an Evidential Breath Testing Device is used to determine a breath alcohol concentration. The device conforms to specifications established by federal regulations.

15.030 Pre-Employment Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, in all job postings for the positions of Covered Employees the County indicates that

(1) Pre-employment testing, at the County's expense, is required and

(2) Any applicant who is hired is also required to submit to ongoing drug and alcohol testing. This information is also provided to applicants during the initial job interview.

(b) All applicants for the position of a Covered Employee must complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test.

(c) If the Medical Review Officer determines that an applicant's drug or alcohol test is Positive, the hiring process is terminated. The MRO forwards a copy of the test results to the Drug and Alcohol Program Coordinator. Records of a Positive Drug Test or Positive Alcohol Test are maintained for five years. The Drug and Alcohol Program Coordinator provides the applicant with information about an EAP that can make referrals to a Substance Abuse Professional for evaluation.

(d) An applicant may re-apply for a position of a Covered Employee if the applicant presents a letter from a Substance Abuse Professional confirming that the applicant may engage in safety-sensitive functions as defined in CFR 49, Part 382. A copy of the letter is forwarded to the Drug and Alcohol Program Coordinator. The applicant for a position of a Covered Employee must then complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test before being employed in a position of a Covered Employee. A copy of the results of this test is forwarded to the Drug and Alcohol Program Coordinator.

(e) All recommendations made by the Substance Abuse Professional about continued testing or treatment are administered by the Drug and Alcohol Program Coordinator.

15.031 Post Accident Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, the County requires Covered Employees to submit to alcohol and drug testing if they are involved in an incident.

(b) If the Covered Employee is involved in an incident, then he or she must notify his or her departmental dispatch office or supervisor that an incident has occurred.

(c) If the appropriate law enforcement agency has not been notified, then the Covered Employee or departmental dispatcher must contact the supervisor or law enforcement agency.

(d) The individual who first receives notification of the incident asks the Covered Employee the following questions to determine whether the incident is an Accident under the federal regulations:

(1) Was there a fatality?

(2) Was a person removed from the scene for medical treatment?

(3) Was a vehicle towed from the scene?

(4) Was a citation for a moving traffic violation resulting from the incident issued to the Covered Employee? Within 8 hours after the incident? Within 32 hours?

(e) The answers to these questions determine whether post accident testing occurs as indicated in the following chart:

Type of Incident	Was a Citation Issued to Employee?	Is Post Accident Testing Required and Allowed?
(1)Human fatality occurred	Yes	Yes
	No	Yes
(2) Person removed from scene for medical treatment	Yes, within 8 hours.	Yes, both alcohol and drug testing are required.
	Yes, within 32 hours	Yes, drug testing is required, alcohol testing is not allowed.
	No	No

(3) Vehicle has disabling damage & is towed from the scene	Yes	Yes
	No	No

(f) If there is an Accident and post accident testing is required, the supervisor on call reports to the Accident scene to transport the Covered Employee to a collection site and follows the Collection Site and Post Testing Procedures. The supervisor also notifies the Drug and Alcohol Program Coordinator immediately of the Accident and of the need for testing. If transportation of the Covered Employee to a collection site is not feasible, the Drug and Alcohol Program Coordinator makes other arrangements so that testing is completed within the required time.

(g) If a Covered Employee who is subject to post-accident testing does not remain readily available for this testing, the Covered Employee may be deemed by the County to have refused to test.

(h) If a required alcohol test is not administered,

(1) within two (2) hours after an Accident, the supervisor may continue attempts to administer an alcohol test and shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours of the Accident.

(2) within eight (8) hours after an Accident, the supervisor shall cease all attempts to administer an alcohol test and prepare and maintain on file, a record stating the reasons the test was not administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 72 hours of the Accident.

(i) If a required drug test is not administered within thirty two (32) hours after an Accident, the supervisor shall cease all attempts to administer a drug test and prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator.

(j) If the Covered Employee is injured, then ensuring that the Covered Employee receives medical attention takes priority over the requirement to conduct drug and alcohol testing.

15.032 Random Drug & Alcohol Testing Procedure

(a) In compliance with federal regulations, the County requires Covered Employees to submit to random alcohol and drug testing. On an annual basis, a minimum of ten percent (10%) of Covered Employees are tested for alcohol, and a minimum of fifty percent (50%) of Covered Employees are tested for drugs. Random testing is not announced and occurs at unpredictable times.

(b) Each department, including Elected and Appointed Officials, notifies the Drug and Alcohol Program Coordinator of the names of a primary contact person and an alternate contact person within the department.

(c) Once every month, department contacts must provide the Drug and Alcohol Program Coordinator with an updated list of Covered Employees who operate, or could be called upon to operate, a commercial motor vehicle or who are governed by the Federal Aviation Administration regulations. The list must include the work location and work schedule of each Covered Employee. If the work location changes during the month, the department contact must notify the Drug and Alcohol Program Coordinator.

(d) The Drug and Alcohol Program Coordinator contacts the contracted laboratory and requests that a random list of names of County Covered Employees be generated.

(e) The random list of names is delivered in a sealed envelope, marked "CONFIDENTIAL" by an employee of the contracted laboratory, by commercial courier or by secure electronic means to the Drug and Alcohol Program Coordinator. Except when in actual use, the list of names is kept in a locked storage unit at all times. Access is limited to authorized employees only.

(f) In advance, the Drug and Alcohol Program Coordinator notifies the contracted laboratory of the date, time, and number of Covered Employees to be tested for alcohol or drugs.

(g) The Drug and Alcohol Program Coordinator notifies the department contact by telephone or secure electronic means or both no sooner than 24 hours before the time testing is to occur.

(h) Immediately before testing the department contact notifies the supervisor(s) of the Covered Employees to be tested.

(i) The supervisor:

(1) Confirms that the Covered Employee(s) to be tested have reported to work,

(2) Confirms that the Covered Employee(s) to be tested for drug or alcohol was performing, is performing, or may be called upon to perform a safety sensitive function,

(3) Ensures that the selected Covered Employee(s) report for testing immediately,

(4) Transports the Covered Employees to be tested to the collection site, and

(5) Follows the Collection Site and Post Testing Procedures.

(j) If the supervisor needs to be tested, an alternate supervisor must be designated as the transporting supervisor to transport all those to be tested to the collection site.

(k) Upon arrival at the collection site, the transporting supervisor meets with collection site contact to confirm list of Covered Employees to be tested.

15.033 Reasonable Suspicion Drug & Alcohol Testing Procedures

(a) In compliance with the federal regulations, the County requires Covered Employees to submit to testing for the presence of drugs and alcohol when a reasonable suspicion exists that a Covered Employee has violated any part of the federal regulations or the Commercial Driver's License Drug and Alcohol Policy.

(b) In accordance with federal regulations, supervisors are trained to and do monitor the following symptoms as indicators of the possible use of alcohol or drugs: body odor, appearance, speech, and behavior. For drugs only, supervisors are trained to and do monitor indications of the chronic effects and withdrawal effects of drugs.

(c) After a trained supervisor makes specific, contemporaneous, clearly described observations that are consistent with the use of drugs or alcohol, he or she must request, when at all possible, that another trained supervisor make independent observations and verify these observations and conclusions.

(d) If a supervisor who has not received alcohol and drug training suspects that a Covered Employee is under the influence of alcohol or drugs, he or she must:

(1) Immediately remove the Covered Employee from performing safety sensitive functions, and

(2) Document the observations creating the suspicion in writing, and wait until a trained supervisor can confirm the suspicion.

(e) If a trained supervisor is not available within the department to confirm the suspicion, the untrained supervisor should contact Drug and Alcohol Program Coordinator to provide assistance in locating a trained supervisor. Confirmation by a trained supervisor must occur before administering a drug or alcohol test to the Covered Employee.

(f) In cases when a verification by a second supervisor is not possible or practical—such as when the supervisor and the Covered Employee are in a remote location and no other trained supervisor is available to observe the Covered Employee—the supervisor may contact HRMD and the County Attorney to determine whether a determination of reasonable suspicion is warranted.

(g) Reasonable suspicion exists when one supervisor has made specific observations that are consistent with the use of drugs or alcohol if

(1) That supervisor has been specifically trained to recognize the appearance, behavior, speech or body odors associated with drug and alcohol use and the indications of the chronic effects and withdrawal effects of drugs or alcohol, and

(2) A request has been made that a second trained supervisor, based on independent observations of the Covered Employee, verify the initial observations and concurs with the conclusions and either there was a second trained supervisor available who could do this or extenuating circumstance preclude the review by a second trained supervisor, and

(3) The observations and conclusions of the supervisors available to make the observations are reviewed by the County Attorney and HRMD.

(h) If the Covered Employee is suspected of drug or alcohol use, and the supervisors, HRMD and the County Attorney have determined that reasonable suspicion exists, reasonable suspicion testing may only be administered:

(1) If the supervisor's observations were made during, just preceding, or just after a work day during which the Covered Employee is performing or on call to perform safety sensitive functions and, therefore, subject to compliance with the federal regulations.

(2) Before, during, or after the Covered Employee has performed a safety sensitive function.

(i) Each supervisor is required to document in writing the specific indicators, symptoms, or observations that form the basis for the determination that reasonable suspicion exists and that testing of the Covered Employee is warranted.

(j) If the supervisor making the determination of reasonable suspicion is not the Covered Employee's immediate supervisor, the supervisor making the determination must notify the Covered Employee's immediate supervisor of the intent to test. The immediate supervisor must then coordinate the testing of the Covered Employee in accordance with these procedures.

(k) The immediate supervisor contacts HRMD and the County Attorney for final approval to test the Covered Employee.

(l) Once approval to test has been obtained from HRMD and the County Attorney, the supervisor notifies the affected Covered Employee of the intent to test, requests that the Covered Employee sign the Consent to Test Form, and follows the Collection Site and Post Testing Procedures.

(m) The following time limits apply to reasonable suspicion testing:

(1) Alcohol-The Covered Employee must be tested within two (2) hours after the observation of suspicious behavior. The Covered Employee may not be tested unless there is a determination by the supervisors, HRMD, and the County Attorney that alcohol testing based on reasonable suspicion is warranted. All attempts to administer alcohol testing must cease within eight (8) hours after observation of suspicious behavior even if there has been a determination that alcohol testing based on reasonable suspicion is warranted. If alcohol testing is not administered within two hours after the initial observation, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered and update it if the attempt to test is not accomplished. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours.

(2) Drugs-A urine specimen must be collected within thirty-two (32) hours after the observation of suspicious behavior. The Covered Employee may not be tested unless there is a determination by the supervisors, HRMD, and the County Attorney that drug testing based on reasonable suspicion is warranted. All attempts to administer a drug test must cease within thirty-two (32) hours after the observation. If

the urine specimen is not collected within thirty-two (32) hours, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within seventy two (72) hours.

(f) After testing has been conducted, the supervisor making the referral must complete a Behavior/Incident Documentation Report. The supervisor must forwarded copies of the report and any other documentation that supports the determination of reasonable suspicion to the Elected or Appointed Official and to the Drug and Alcohol Program Coordinator within 24 hours of the initial observation of the behavior.

15.034 Drug & Alcohol Testing Collection Site Procedures

The procedures provided below are followed for all alcohol and drug testing except Pre-Employment Testing:

(a) On the Consent to Test Form, the supervisor(s) indicates the name(s) of the Covered Employee(s) to be tested and whether the Covered Employee(s) are performing, have been performing or could be called upon to perform safety sensitive functions.

(b) If a Covered Employee indicates at the time of notification that he/she is sick, the supervisor must still request that the Covered Employee provide a specimen for the alcohol test or drug test.

(c) If the Covered Employee refuses to be tested, refuses to sign the Consent to Test Form, or becomes hostile or threatening, all attempts to test shall cease. These actions will result in termination for refusal to test.

(e) Covered Employee(s) to be tested are transported to the collection site in a County vehicle by an individual in a supervisory capacity referred to as the "transporting supervisor".

(f) When the Covered Employee and transporting supervisor arrive at the collection site, the transporting supervisor delivers a Consent to Test Form for each Covered Employee to be tested to collection site personnel. The form includes the name of the Covered Employee to be tested, signature of the Covered Employee, and the type of test(s) to be administered.

(g) Alcohol testing is administered at the collection site, in accordance with federal regulations.

15.035 Post Testing Procedures for Alcohol Testing

(a) Personnel at the collection site inform the transporting supervisor of the test result for alcohol testing.

(b) If the Covered Employee is tested for alcohol and drugs at the same time or for alcohol only, and the test result for alcohol is less than .02, the transporting supervisor transports the Covered Employee back to the worksite to resume normal job duties.

(c) If the Covered Employee has a Positive Alcohol Test with a result between .02 and .039, the transporting supervisor transports the Covered Employee back to the worksite where he or she must be removed from safety-sensitive functions but may resume other job duties.

(d) If the Covered Employee has a Positive Alcohol Test with a result over .04, the Covered Employee:

(1) Is removed from duty,

(2) Required to leave the work site, and

(3) Ordered to report to duty at his or her next scheduled shift.

(e) Each department is responsible for making a reasonable effort to arrange safe transportation for the Covered Employee.

(f) If the transporting supervisor and the Covered Employee's immediate supervisor are not the same person, the transporting supervisor is responsible for notifying the Covered Employee's immediate supervisor of the test results.

15.036 Post Testing Procedures for Drug Testing

(a) Unless the Covered Employee is tested for reasonable suspicion or post accident, results of drug testing may not be available for 72 hours or more from the time the test is administered. Therefore, the Covered Employee continues to perform normal job duties until otherwise notified.

(b) If being tested for reasonable suspicion or post accident, the Covered Employee is reassigned to non-safety sensitive duties until test results are available.

(c) The Medical Review Officer (MRO) notifies the Drug and Alcohol Program Coordinator of drug test results.

(d) The Drug and Alcohol Program Coordinator notifies the HRMD director and departmental personnel of the drug test results. All notified personnel have the responsibility of maintaining the confidentiality of all drug test results.

(e) The MRO notifies each Covered Employee who has a Positive Drug Test that he or she has 72 hours in which to request a second test of a second sample from the same specimen.

(f) If the MRO is unable to contact a Covered Employee, the Drug and Alcohol Program Coordinator makes reasonable efforts to contact each Covered Employee who submitted a urine specimen, regardless of the Covered Employee's employment status. If the Drug and Alcohol Program Coordinator is able to contact a Covered Employee, the Coordinator requests the Covered Employee to contact the MRO to discuss the results of the drug test within 24 hours.

(g) The Drug and Alcohol Program Coordinator immediately notifies the MRO that the Covered Employee has been notified to contact the MRO within 24 hours.

(h) If there is a Positive Drug Test the Covered Employee is removed from all safety-sensitive duties until evaluation, rehabilitation and discipline are completed.

(Sections 15.037 through 15.05049 are reserved for expansion)

Subchapter C. Definitions

15.050 Definitions

(a) Words used in the Drug and Alcohol Free Workplace Policy and the Commercial Driver's License (CDL) Drug and Alcohol Policy that are defined in the Drug and Alcohol regulations of the Department of Transportation related to holders of Commercial Driver's Licenses have the meanings stated in those sections in 49 CFR § 382.101 et seq.

(b) The following words in the Drug and Alcohol Free Workplace Policy and the Commercial Driver's License (CDL) Drug and Alcohol Policy have the meanings stated in this section.

(c) "Accident" is any incident involving a commercial motor vehicle which results in:

(1) A human fatality, or

(2) A citation arising from the incident being issued for a moving violation under state or local law if:

(A) An injury is reported which is treated away from the scene, or

(B) A vehicle is towed from the scene.

(d) "Drug and Alcohol Program Coordinator" is a person in HRMD who is responsible for the overall administration of the County Drug and alcohol testing program.

(e) "Drugs" means controlled substances.

(f) "Employee Assistance Program" or "EAP" is a professional, confidential counseling service available to all employees and their families that is provided by the County that offers assessment, short-term counseling and referral services for a wide range of issues including Drug, alcohol, and mental health programs that affect employee job performance. The EAP is responsible for referring employees using Drug and alcohol to rehabilitation and for monitoring these employees' progress and treatment.

(g) "Illegal Drugs" refer to marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine) and other controlled substances for which an employee does not have instructions for use from a licensed medical practitioner.

(h) "Medical Review Officer" or "MRO" is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's Drug testing program. An MRO has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed Positive Drug or Alcohol Test, together with his or her medical history, and any other relevant biomedical information.

(i) "Positive Alcohol Test" is a breathalyzer test that reveals an alcohol concentration at or above .04.

(j) "Positive Drug Test" is a urinalysis by a certified laboratory that reveals the presence of Illegal Drugs that is performed using acceptable medical cutoff levels for screening and confirmation.

(k) "Probable cause" exists where a person has reasonably trustworthy information which, when considered as a whole, is sufficient to justify a reasonable person to believe that a particular person has violated the Drug and Alcohol Free Work Place Policy.

(l) "Refuse to Test" means that, after receiving notice of the requirement under federal regulations to be tested, a Covered Employee fails to do any of the following:

(1) Appear at the site for testing and remain until the testing is complete,

(2) Provide a sufficient urine specimen or a breath specimen unless a valid medical explanation for not doing so is provided,

(3) Allow observation of collection if requested,

(4) Undergo a medical examination directed by the MRO,

(5) Cooperate with the testing process,

(7) Engage in conduct that clearly obstructs the testing process, or

(8) Does not provide an unadulterated and unsubstituted test result as reported by the MRO.

(m) "Substance Abuse Professional" is a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and Drug disorders.

(n) "Use alcohol" means drinking or swallowing any beverage, liquid mixture or preparation (including a medication) that contains beverage alcohol, ethyl alcohol or other low molecule weight alcohol including methyl and isopropyl alcohol.

(Sections 15.051 through 15.950 are reserved for expansion)

Subchapter Z. General Interpretive Provisions

15.951 General Interpretive Provisions-Authority

(a) Subchapter A Drug Free Work Place is adopted by the Commissioners Court in compliance with the federal requirements in the Drug-Free Workplace Act of 1988 and 1990 These Acts require companies and governmental entities that receive contract funds from the federal government to have a policy that includes these provisions.

(b) Subchapter B. Commercial Driver's License (CDL) Drug and Alcohol Policy is adopted by the Commissioners Court in compliance with the federal requirements in the Omnibus Transportation Employee Testing Act of 1991

and the Department of Transportation regulations in 49 CFR § 382.101 et seq.

15.952 Jurisdiction

(a) Drug Free Work Place only applies to employees who can be hired and terminated by the Commissioners Court and employees of Elected Officials who have adopted it in writing.

(b) Commercial Driver's License (CDL) Drug and Alcohol Policy only applies to employees who are required to hold a Commercial Driver's License to perform their job and employees whose positions are covered by the Federal Aviation Administration (FAA) regulations.

15.953 Effective Date

(a) Drug Free Work Place initially became effective on March 28, 1995 as part of Chapter 9 and was replaced in December 2, 2003, as Subchapter D of Chapter 9. It has been moved to this chapter on July 20, 2010. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

(b) Commercial Driver's License (CDL) Drug and Alcohol Policy initially became effective on May 16, 1995 and has been amended on July 20, 2010. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

15.954 Precedents and Interpretation

(a) The provisions of this chapter shall be applied prospectively from the dates of their initial adoption.

(b) Commissioners Court shall resolve any questions about any interpretation of this chapter.

(c) If there is any conflict between this chapter and the state constitution, or state law or rule adopted under a state law or the United States Constitution, a federal law or a rule adopted under federal law, the policy prevails to the greatest extent possible without violating the United States Constitution, the state constitution, any constitutional federal or state law, or any constitutional rule adopted under either of these.

(d) The masculine, feminine, and neuter genders shall be interpreted to include the other genders if required. The singular and plural numbers should be

interpreted to include the other number if required. Words in the present tense shall be interpreted to include the future tense. Words in the future tense shall be interpreted to include the present tense.

(e) Words and phrases shall be read in context and interpreted according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition in this chapter or otherwise, shall be interpreted according to that acquired meaning.

(f) Throughout this chapter, headings for chapters and sections are used for convenience only. These headings shall not be interpreted to expand or to limit the interpretation of the section that follows the heading.

15.955 Computation of Time

(a) When a period of time is stated in days, the days shall be interpreted as calendar days unless otherwise stated.

(b) If the last day of any period is a Saturday, Sunday, or County holiday, the period is extended to include the next day that is not a Saturday, Sunday, or County holiday.

B 26

Chapter 15. Drug and Alcohol Policy

Subchapter A. Drug And Alcohol Free Workplace 2
15.001 Purpose 2
15.002 Affected Departments/Employees 2
15.003 Employee Responsibilities 3
15.004 Supervisors' Responsibilities 3
15.005 Drug and Alcohol Testing 6
15.006 Consequences 7
15.007 Assistance Provided 7
15.008 Employee Education 8
15.009 Management Discretion 8
(Sections 15.010 through 15.019 are reserved for expansion.) 8

Subchapter B Commercial Driver's License (CDL) Drug And Alcohol Policy 8
15.020 Purpose 8
15.021 Covered Employee 8
15.022 Employee Responsibilities 9
15.023 Referral/Evaluation and Testing Process 9
15.024 Disciplinary Actions 10
15.025 Evaluation and Rehabilitation Process 11
15.026 County Requirements 12
15.027 Medical Information 13
15.028 Types of Required Testing 13
15.029 Methods of Testing 14
15.030 Pre-Employment Drug & Alcohol Testing Procedures 14
15.031 Post Accident Drug & Alcohol Testing Procedures 15
15.032 Random Drug & Alcohol Testing Procedure 17
15.033 Reasonable Suspicion Drug & Alcohol Testing Procedures 19
15.034 Drug & Alcohol Testing Collection Site Procedures 22
15.035 Post Testing Procedures for Alcohol Testing 22
15.036 Post Testing Procedures for Drug Testing 23
(Sections 15.037 through 15.0539 are reserved for expansion) 24

Subchapter C Drug And Alcohol Policy for Safety Sensitive Positions in STAR Flight 24
15.040 Purpose 24
15.041 Safety Sensitive Employee 24
15.042 Employee Responsibilities 24
15.043 Disciplinary Actions 25
15.044 County Requirements 26
15.045 Medical Information 27
15.046 Types of Required Testing 27
15.049 Methods of Testing 28
15.050 Prior to Hire Drug & Alcohol Testing Procedures 29
15.051 Post Aviation Incident Drug & Alcohol Testing Procedures 29
15.052 Random Drug & Alcohol Testing Procedure 31
15.053 Reasonable Suspicion Drug & Alcohol Testing Procedures 33
15.054 Drug & Alcohol Testing Collection Site Procedures 36
15.055 Post Testing Procedures for Alcohol Testing 36
15.056 Post Testing Procedures for Drug Testing 37
(Sections 15.057 through 15.059 are reserved for expansion) 38

Subchapter D. Definitions 38
15.060 Definitions 38

B27

(Sections 15.061 through 15.950 are reserved for expansion) 41

Subchapter Z. General Interpretive Provisions 41
15.951 General Interpretive Provisions-Authority 41
15.952 Jurisdiction 41
15.953 Effective Date 42
15.954 Precedents and Interpretation 42
15.955 Computation of Time 43

Subchapter A. Drug And Alcohol Free Workplace

15.001 Purpose

The purpose of the Drug and Alcohol Free Work Place policy is to ensure that Travis County is a drug and alcohol free workplace. Travis County intends to prevent and eliminate the use, exchange, or presence of illegal drugs and the misuse of legally obtained Drugs and Alcohol in the workplace and offsite while conducting official County business.

15.002 Affected Departments/Employees/Persons

(a) The Drug and Alcohol Free Work Place policy applies to all employees who work in departments under the direction of Commissioners Court and those Elected and Appointed Officials who adopt the Drug and Alcohol Free Work Place policy, the Commercial Driver's License Drug and Alcohol Policy, or the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*. To comply with its purpose, in this subchapter only, "employee" includes an employee, volunteer, intern and anyone who performs functions in or on County property or on behalf of County.

(b) Employees who work for Elected and Appointed Officials who have **not** adopted the Drug and Alcohol Free Work Place policy should contact their supervisor for a copy of their department's drug and alcohol policy. If these employees' positions require them to hold a Commercial Driver's License, they must also comply with Subchapter B. Commercial Driver's License Drug and Alcohol Policy as required by federal law. If these employees are in safety sensitive positions in ***STAR*** *Flight*, they must also comply with Subchapter C. Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* as required by federal law.

15.003 Employee Responsibilities

(a) Employees shall not use, manufacture, procure, distribute, sell, dispense, possess (i.e. on a person, in a desk or county vehicle) or consume illegal drugs or alcohol while in the workplace or while conducting official County business.

(b) Alcohol consumption is prohibited during the workday, including rest periods and meal periods, as well as at all times an employee is conducting County business.

(c) Employees shall not arrive to work or remain at work under the influence of illegal drugs or alcohol that is detectable with a breath alcohol test.

(d) Employees shall not arrive to work or remain at work while under the influence of lawfully prescribed or over-the-counter substances if these substances impair the employee's ability to perform the essential functions of the employee's job.

(e) Employees shall not misuse substances and materials available in the workplace which may impair the employee's ability to perform the essential functions of the employee's job

(f) Any employee suspected of noncompliance with the Drug and Alcohol Free Work Place policy may voluntarily request that a drug or alcohol test be performed at the County's expense. If the test result is positive and the employee faces disciplinary or possible legal action, within 72 hours the employee may request a second test be performed on a second sample from the same specimen.

(g) An employee shall notify his or her supervisor on the next business day of any arrest for a violation of a criminal statute related to drugs or alcohol.

(h) If an employee has reason(s) to believe that his or her supervisor is under the influence of drugs or alcohol, he or she should report the matter to his or her Elected or Appointed Official, County Executive, department head, the HRMD director, the County Attorney, or a member of Commissioners Court.

15.004 Supervisors' Responsibilities

(a) Supervisors shall make every effort to ensure the County provides a drug and alcohol free environment for its employees. If a supervisor observes or is

notified of a potential violation of the Drug and Alcohol Free Work Place policy, he or she shall take immediate action(s) to prevent the employee from causing harm to him or herself, to others, and to Travis County property.

(b) If an employee, himself or herself, voluntarily advises a supervisor that he or she has an Illegal Drug or alcohol problem or that he or she is under the influence of drugs or alcohol while in the workplace or while conducting official County business, that admission should not result in disciplinary action for the employee beyond being placed on probation but should result in:

(1) A referral by their department to a Substance Abuse Professional to be evaluated and for a determination of what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use and for the preparation of a treatment plan that the employee must follow;

(2) Advise by their department of resources available to assist him or her in evaluating and resolving problems associated with the misuse of alcohol and the use of Illegal Drugs, or

(3) A referral to the County's EAP by their department.

(c) A determination that there is probable cause that an employee is using or under the influence of drugs or alcohol may be made on the basis of the direct observations of one supervisor, who is trained to detect behaviors associated with the Use of Alcohol and/or Drugs or through the results of a drug and alcohol testing program authorized by Commissioners Court. The Human Resources Management Department assists any department if a trained supervisor is not available.

(d) If a supervisor determines that there is probable cause to believe that an employee is in violation of the Drug and Alcohol Free Work Place policy, the supervisor should immediately notify his or her department head or Elected or Appointed official as well as the Risk Management Division of HRMD or the County Attorney's Office.

(e) If it is determined that an employee is in violation of the Drug and Alcohol Free Work Place policy, supervisors shall not allow that employee to remain on-duty before the employee has successfully completed rehabilitation and/or education through EAP. However, as part of a rehabilitation or counseling program approved in writing by the EAP's Substance Abuse Professional, each department head or Elected or Appointed Official or his or her designee may allow an employee in his or her department to return to duty. However, if

a Safety Sensitive Employee is referred to the EAP as a result of a violation of the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR** Flight*, that Safety Sensitive Employee may not be returned to duty.

(f) If a supervisor determines there is probable cause to believe an employee is using or is under the influence of drugs or alcohol, the supervisor should immediately notify his or her department head or Appointed or Elected Official. The department head, or his or her designee, shall:

(1) Stop the employee from performing his or her job duties,

(2) Contact another trained supervisor, if at all possible,

(3) Contact the Risk Management Division of HRMD or the County Attorney's Office to determine whether there is probable cause to suspect the employee is under the influence of drugs or alcohol to support drug or alcohol testing,

(4) Arrange to safely transport or have the employee transported to the appropriate testing location if there is probable cause to suspect the influence of drugs or alcohol,

(5) Determine what appropriate actions must be taken prior to the employee returning to work, and

(6) Determine appropriate disciplinary action in consultation with the Risk Management Division of HRMD or the County Attorney's Office.

(g) If an employee who is tested for Illegal Drugs or alcohol because there was a probable under section 15.004 (f) and the result of the test is a Positive Drug Test or a Breath Alcohol Test with a result of a determinable concentration of alcohol while in the workplace or while conducting official County business:

(1) If the test result for alcohol is less than 0.02, the supervisor should inform the County Elected or Appointed Official or County Executive for whom the employee works about the result if the test result for alcohol is less than 0.02 so that he or she can exercise the discretion granted to him or her in section 15.009;

(2) If the test result for alcohol is greater than 0.02 and less than 0.04, the employee is

(A) Removed from duty,

(B) Required to leave the workplace, and

(C) Referred to County's EAP to be evaluated and for a determination of what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use;

(3) If the test result for alcohol is greater than 0.04, the department head, or his or her designee, shall determine appropriate disciplinary action in consultation with the Risk Management Division of HRMD or the County Attorney's Office and the employee is

(A) Removed from duty,

(B) Required to leave the workplace, and

(C) Referred to County's EAP to be evaluated and for a determination of what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use.

(h) Any Elected or Appointed Official whose department receives a grant or administers a contract financed directly by federal funds shall give a copy of the drug and alcohol policy adopted by their department to each employee involved in the performance of that grant or contract. No later than ten (10) days after a conviction, the Elected or Appointed Official must also notify the federal government of any employee who is convicted of a criminal offense relating to illegal drugs for a violation occurring in the workplace.

15.005 Drug and Alcohol Testing

(a) **For Employees of the Commissioners Court and Employees of Officials Adopting this Policy.** This policy applies to employees of departments under the Commissioners Court and employees of other elected or appointed officials who have adopted this policy. If there is probable cause to believe such an employee is in violation of the Drug and Alcohol Free Work Place Policy, upon review by the Risk Management Division of HRMD or the County Attorney's Office, that employee's supervisor may request that the employee submit to drug and alcohol testing. If the result of a drug or alcohol test is positive, disciplinary action up to and including termination may be taken. Refusal to test is a violation of policy and subject to discipline.

(b) **Employees with a Commercial Drivers' License**. Employees who hold positions requiring a Commercial Driver's License are covered under Subchapter B Commercial Driver's License Drug & Alcohol Policy. Please see Subchapter B for more information.

(c) **Employees in Safety Sensitive Positions in *STAR* *Flight***. Employees who hold safety sensitive positions in ***STAR*** *Flight* are covered under Subchapter C Drug & Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight.* Please see Subchapter C for more information.

(d) **Employees of Officials not Adopting Policy**. Employees who report to Elected or Appointed Officials who have not adopted this specific Drug and Alcohol Free Work Place Policy should consult their departmental personnel policy for guidance on this issue.

15.006 Consequences

(a) Violations of the Drug and Alcohol Free Work Place policy may result in disciplinary action up to and including termination, required participation in a rehabilitation program, or possible legal action.

(b) In considering appropriate disciplinary action, a department should consider that an employee:

(1) Voluntarily identified himself or herself as having a drug or alcohol problem before it is identified through other means, and

(2) Obtains professional counseling or rehabilitation, such as the Employee Assistance Program available through County employee benefits, and

(3) Does not engage in these behaviors in the future in accordance with the Drug and Alcohol Free Work Place policy.

15.007 Assistance Provided

The County recognizes drug and alcohol dependency as an illness. Employees needing assistance in dealing with these dependencies are encouraged to contact the Risk Management Division of HRMD, the County's Employee Assistance Program, or his or her healthcare provider.

15.008 Employee Education

The County shall inform all employees of the Drug and Alcohol Free Work Place policy, dangers of drug abuse in the workplace, disciplinary action that may be taken for violations of the Drug and Alcohol Free Work Place policy, the Employee Assistance Program and any other drug counseling and rehabilitation programs available through County employee benefits.

15.009 Management Discretion

If an employee has a Positive Alcohol Test with a result above 0.0 and less than 0.02 the County Elected and Appointed Officials and County Executives have the discretion to take appropriate action considering all relevant circumstances. This may include but is not limited to removing the employee from duty, requiring the employee to leave the work site, and ordering the employee to report to duty at his or her next scheduled shift. This also includes the discretion to refer the employee to the Employee Assistance Program and any other drug counseling and rehabilitation programs available through County employee benefits.

(Sections 15.010 through 15.019 are reserved for expansion.)

Subchapter B Commercial Driver's License (CDL) Drug And Alcohol Policy

15.020 Purpose

The purpose of the Commercial Driver's License Drug and Alcohol Policy is to provide a brief overview of the federal requirements in the Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation regulations in 49 CFR § 382.101 et seq. The Commercial Driver's License Drug and Alcohol Policy is interpreted to be consistent with these requirements as they may be amended from time to time. Employees may direct questions about these requirements and Subchapters B, C, and D to the Drug and Alcohol Program Coordinator in HRMD.

15.021 Covered Employee

In the Commercial Driver's License Drug and Alcohol Policy, Covered Employees are all employees who are required to hold a Commercial Driver's License to perform their jobs. Affected classifications may include but are not limited to: Van Driver, Equipment Operator, Maintenance Worker, Corrections Officer-Transportation, Mechanic, Senior Mechanic, and Building Maintenance IV-Exposition Center.

15.022 Employee Responsibilities

(a) Covered Employees are responsible for knowing the terms of and complying with the Commercial Driver's License Drug and Alcohol Policy and procedures.

(b) In accordance with the Omnibus Transportation Employee Testing Act of 1991, a Covered Employee shall **not**:

(1) Engage in work within four hours after consuming alcohol, regardless of the employee's actual alcohol concentration,

(2) Report for duty or remain on duty while using drugs, unless using them in compliance with the instructions of a *licensed medical practitioner* who has indicated that there will be no adverse effect related to operating a commercial vehicle or equipment safely,

(3) Use Alcohol or illegal drugs on the job when performing or on call to perform safety-sensitive functions,

(4) Use Alcohol for eight hours following an Accident, or until the employee submits to alcohol testing, whichever occurs first, if required to undergo post-accident alcohol testing,

(5) Refuse an alcohol or drug test required by law,

(6) Report for duty or remain on duty if the Covered Employee has a Positive Drug Test,

(7) Report for duty or remain on duty while having an alcohol concentration of 0.02 or greater, or

(8) Refuse to sign an Acknowledgment Form indicating training and explanations on the Commercial Driver's License requirements were made available to a Covered Employee.

15.023 Referral/Evaluation and Testing Process

(a) Covered Employees who violate any provision of the Commercial Driver's License Drug and Alcohol Policy are evaluated by a Substance Abuse Professional who determines what assistance, if any, the employee needs in

resolving problems with alcohol misuse or Drug use. The Covered Employee is required to release any evaluation information before return-to-duty testing.

(b) Referrals and evaluations are required by federal law. Any Covered Employee who violates any provision of the Commercial Driver's License Drug and Alcohol Policy shall be:

(1) Advised by their department of resources available to assist him or her in evaluating and resolving problems associated with the misuse of alcohol and the use of Illegal Drugs;

(2) Referred to the County's EAP by their department, or

(3) Evaluated by a Substance Abuse Professional who determines what assistance, if any, the employee needs in resolving problems associated with the misuse of alcohol and the use of illegal drugs.

(c) If the Substance Abuse Professional prescribes a rehabilitation program, the Covered Employee must complete that program as a condition of continued employment.

(d) The Substance Abuse Professional advises the Drug and Alcohol Program Coordinator of the prescribed rehabilitation program.

(e) Before a Covered Employee returns to duty after engaging in prohibited conduct, the Covered Employee shall undergo return-to-duty tests, as directed by the Substance Abuse Professional, and receive a report of negative results for all tests.

(f) The County may direct the Covered Employee to undergo return-to-duty testing for both alcohol and drugs, if the Substance Abuse Professional determines that return-to-duty testing for both alcohol and drugs is necessary for that particular Covered Employee.

15.024 Disciplinary Actions

(a) For the first violation of the Commercial Driver's License Drug and Alcohol Policy, the initial action includes at least disciplinary suspension without pay for three days and may result in termination if the Covered Employee is not able to perform the essential functions of his or her job.

(b) Disciplinary action under the Commercial Driver's License Drug and Alcohol Policy shall not be required for a Covered Employee who:

(1) Voluntarily identifies himself or herself as having a drug or alcohol problem before it is identified through other means and before starting a safety sensitive task,

(2) Obtains counseling or rehabilitation, and

(3) Refrains from engaging in these behaviors after that in accordance with the Commercial Driver's License Drug and Alcohol Policy.

(c) In addition, the Covered Employee shall be:

(1) Referred to a Substance Abuse Professional for evaluation and rehabilitation,

(2) Placed on disciplinary probation and advised that a future violation within five years results in dismissal, and

(3) Subject to return-to-duty testing as required by federal regulations.

15.025 Evaluation and Rehabilitation Process

(a) As part of the evaluation and rehabilitation process,

(1) The Covered Employee is further evaluated by a Substance Abuse Professional to determine whether the Covered Employee has properly followed any rehabilitation program prescribed,

(2) After return-to-duty, the Covered Employee may be subject to unannounced follow-up alcohol and drug testing,

(3) The number and frequency of this follow-up testing is directed by the Substance Abuse Professional and consists of at least six (6) tests for alcohol or drugs or both in the first twelve (12) months after return-to-work,

(4) The County may direct the Covered Employee to undergo follow-up testing for both alcohol and drugs, if the Substance Abuse Professional determines that follow-up testing for both alcohol and drugs is necessary for that particular Covered Employee,

(5) Follow-up testing shall not exceed 60 months from the date of the Covered Employee's return to duty, and

(6) The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered if the Substance Abuse Professional determines that this testing is no longer necessary.

(b) Elected and Appointed Officials may allow a Covered Employee to return to duty if return is approved in writing by the Substance Abuse Professional and it is determined that this action would not pose a danger to public health or safety.

15.026 County Requirements

(a) The County provides the following materials to all Covered Employees:

(1) Specific information about drug use and alcohol abuse,

(2) The requirements of federal law,

(3) The Commercial Driver's License Drug and Alcohol Policy,

(4) The consequences for violating those requirements,

(5) The drug and alcohol testing process,

(6) Information about the effects of drug use and alcohol abuse,

(7) Specific information about where employees can get help for drug use and alcohol abuse, and

(8) An acknowledgment form which the Covered Employee must sign that indicates training opportunities on the Commercial Driver's License Drug and Alcohol Policy and the consequences of any violations were made available.

(b) Supervisors who manage Covered Employees are trained by professionals approved by the U.S. Department of Health and Human Services to recognize behavior which might be associated with drug or alcohol use.

15.027 Medical Information

(a) All Drug and alcohol test results and medical information furnished during the testing process is treated as confidential medical information and is released only as required by federal regulations.

(b) Records of all tests conducted under the Commercial Driver's License Drug and Alcohol Policy are maintained and used in accordance with federal regulations.

(c) Any tested employee has the right to request a copy of his or her test records.

15.028 Types of Required Testing

Drug and alcohol testing is conducted in accordance with the U.S. Department of Transportation regulations and the procedures which implement the Commercial Driver's License Drug and Alcohol Policy. The County has contracted with a laboratory approved by the U.S. Department of Health and Human Services for these testing services. The following types of tests are conducted:

(a) Pre-Employment Testing- If an applicant applies for the positions of Covered Employees, pre-employment drug and alcohol testing is required, at the County's expense. Applicants for these positions are advised that any job offer is contingent upon not having a Positive Drug Test or a Positive Alcohol Test or both.

(b) Post-Accident Testing- If a Covered Employee is involved in an Accident as defined in this policy, the Covered Employee is required to submit to post-accident drug and alcohol testing.

(c) Random Testing- Covered Employees are required to submit to random drug and alcohol testing throughout the year at unannounced times. A Covered Employee could be randomly selected for testing more than once annually. Each year, at least 50% of Covered Employees are tested for drugs and at least 10% are tested for alcohol.

(d) Reasonable Suspicion Testing-Covered Employees are required to submit to drug and alcohol testing if reasonable suspicion exists to believe that Covered Employee has violated any part of the federal regulations or the Commercial Driver's License Drug and Alcohol Policy.

(e) Return to Duty- Any Covered Employee who violates any of the requirements in the Commercial Driver's License Drug and Alcohol Policy, is subject to drug and alcohol testing as directed by the Substance Abuse Professional before returning to duty.

15.029 Methods of Testing

(a) Drugs- In testing for drugs, a urinalysis is used. Any Covered Employee who uses drugs in compliance with the instructions of a licensed medical practitioner is responsible for reporting that information before providing a urine specimen.

(b) Any Covered Employee who is notified of a Positive Drug Test has the right to request that a verification test be conducted on a second urine sample from the same specimen, (which has not previously been subjected to any testing). The Covered Employee must request this test within 72 hours after being notified of the Positive Drug Test and this request must be made in writing to the Medical Review Officer (MRO).

(c) Alcohol- In testing for alcohol, an Evidential Breath Testing Device is used to determine a breath alcohol concentration. The device conforms to specifications established by federal regulations.

15.030 Pre-Employment Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, in all job postings for the positions of Covered Employees and during the initial job interview for these positions, the County indicates that:

(1) Pre-employment testing, at the County's expense, is required and

(2) Any applicant who is hired is also required to submit to ongoing drug and alcohol testing.

(b) All applicants for the position of a Covered Employee must complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test.

(c) If the Medical Review Officer determines that an applicant's drug or alcohol test is Positive, the hiring process is terminated. The MRO forwards a copy of the test results to the Drug and Alcohol Program Coordinator. Records of a Positive Drug Test or Positive Alcohol Test are maintained for five years. The Drug and Alcohol Program Coordinator ensures that the applicant is provided

with information about an EAP that can make referrals to a Substance Abuse Professional for evaluation.

(d) An applicant may re-apply for a position of a Covered Employee if the applicant presents a letter from a Substance Abuse Professional confirming that the applicant may engage in safety-sensitive functions as defined in CFR 49, Part 382. A copy of the letter is forwarded to the Drug and Alcohol Program Coordinator. The applicant for a position of a Covered Employee must then complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test before being employed in a position of a Covered Employee. A copy of the results of this test is forwarded to the Drug and Alcohol Program Coordinator.

(e) All recommendations made by the Substance Abuse Professional about continued testing or treatment are administered by the Drug and Alcohol Program Coordinator.

15.031 Post Accident Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, the County requires Covered Employees to submit to alcohol and drug testing if they are involved in an incident.

(b) If the Covered Employee is involved in an incident, then he or she must notify his or her departmental dispatch office or supervisor that an incident has occurred.

(c) If the appropriate law enforcement agency has not been notified, then the Covered Employee or departmental dispatcher must contact the supervisor or law enforcement agency.

(d) The individual who first receives notification of the incident asks the Covered Employee the following questions to determine whether the incident is an Accident under the federal regulations:

(1) Was there a fatality?

(2) Was a person removed from the scene for medical treatment?

(3) Was a vehicle towed from the scene?

(4) Was a citation for a moving traffic violation resulting from the incident issued to the Covered Employee? Within 8 hours after the incident? Within 32 hours?

(e) The answers to these questions determine whether post-accident testing occurs as indicated in the following chart:

Type of Incident	Was a Citation Issued to Employee?	Is Post Accident Testing Required and Allowed?
(1)Human fatality occurred	Yes	Yes
	No	Yes
(2) Person removed from scene for medical treatment	Yes, within 8 hours.	Yes, both alcohol and drug testing are required.
	Yes, within 32 hours	Yes, drug testing is required, alcohol testing is not allowed.
	No	No
(3) Vehicle has disabling damage & is towed from the scene	Yes	Yes
	No	No

(f) If there is an Accident and post-accident testing is required, the supervisor on call reports to the Accident scene to transport the Covered Employee to a collection site and follows the Collection Site and Post Testing Procedures. The supervisor also notifies the Drug and Alcohol Program Coordinator immediately of the Accident and of the need for testing. If transportation of the Covered Employee to a collection site is not feasible, the Drug and Alcohol Program Coordinator makes other arrangements so that testing is completed within the required time.

(g) If a Covered Employee who is subject to post-accident testing does not remain readily available for this testing, the Covered Employee may be deemed by the County to have refused to test.

(h) If a required alcohol test is not administered,

(1) within two (2) hours after an Accident, the supervisor may continue attempts to administer an alcohol test and shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours of the Accident.

(2) within eight (8) hours after an Accident, the supervisor shall cease all attempts to administer an alcohol test and prepare and maintain on file, a record stating the reasons the test was not administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 72 hours of the Accident.

(i) If a required drug test is not administered within thirty two (32) hours after an Accident, the supervisor shall cease all attempts to administer a drug test and prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator.

(j) If the Covered Employee is injured, then ensuring that the Covered Employee receives medical attention takes priority over the requirement to conduct drug and alcohol testing.

15.032 Random Drug & Alcohol Testing Procedure

(a) In compliance with federal regulations, the County requires Covered Employees to submit to random alcohol and drug testing. On an annual basis, a minimum of ten percent (10%) of Covered Employees are tested for alcohol, and a minimum of fifty percent (50%) of Covered Employees are tested for drugs. Random testing is not announced and occurs at unpredictable times.

(b) Each department, including Elected and Appointed Officials, notifies the Drug and Alcohol Program Coordinator of the names of a primary contact person and an alternate contact person within the department.

(c) Once every month, department contacts must provide the Drug and Alcohol Program Coordinator with an updated list of Covered Employees who operate, or could be called upon to operate, a commercial motor vehicle. The list must include the work location and work schedule of each Covered Employee. If the work location changes during the month, the department contact must notify the Drug and Alcohol Program Coordinator.

(d) The Drug and Alcohol Program Coordinator contacts the contracted entity and requests that a random list of names of County Covered Employees be generated.

(e) The random list of names is delivered in a sealed envelope, marked "CONFIDENTIAL" by an employee of the contracted laboratory, by commercial courier or by secure electronic means to the Drug and Alcohol Program Coordinator. Except when in actual use, the list of names is kept in a locked storage unit at all times. Access is limited to authorized employees only.

(f) In advance, the Drug and Alcohol Program Coordinator notifies the contracted entity of the date, time, and number of Covered Employees to be tested for alcohol or drugs.

(g) The Drug and Alcohol Program Coordinator may notify the department contact by telephone or secure electronic means or both no sooner than 24 hours before the time testing is to occur.

(h) Immediately before testing the department contact notifies the supervisor(s) of the Covered Employees to be tested.

(i) The supervisor:

(1) Confirms that the Covered Employee(s) to be tested have reported to work,

(2) Confirms that the Covered Employee(s) to be tested for drug or alcohol was performing, is performing, or may be called upon to perform a safety sensitive function,

(3) Ensures that the selected Covered Employee(s) report for testing immediately,

(4) Transports the Covered Employees to be tested to the collection site, and

(5) Follows the Collection Site and Post Testing Procedures.

(j) If the supervisor needs to be tested, an alternate supervisor must be designated as the transporting supervisor to transport all those to be tested to the collection site.

(k) Upon arrival at the collection site, the transporting supervisor meets with collection site contact to confirm list of Covered Employees to be tested.

15.033 Reasonable Suspicion Drug & Alcohol Testing Procedures

(a) In compliance with the federal regulations, the County requires Covered Employees to submit to testing for the presence of drugs and alcohol when a reasonable suspicion exists that a Covered Employee has violated any part of the federal regulations or the Commercial Driver's License Drug and Alcohol Policy.

(b) In accordance with federal regulations, supervisors are trained to and do monitor the following symptoms as indicators of the possible use of alcohol or drugs: body odor, appearance, speech, and behavior. For drugs only, supervisors are trained to and do monitor indications of the chronic effects and withdrawal effects of drugs.

(c) After a trained supervisor makes specific, contemporaneous, clearly described observations that are consistent with the use of drugs or alcohol, he or she must request, when at all possible, that another trained supervisor make independent observations and verify these observations and conclusions.

(d) If a supervisor who has not received alcohol and drug training suspects that a Covered Employee is under the influence of alcohol or drugs, he or she must:

(1) Immediately remove the Covered Employee from performing safety sensitive functions, and

(2) Document the observations creating the suspicion in writing, and wait until a trained supervisor can confirm the suspicion.

(e) If a trained supervisor is not available within the department to confirm the suspicion, the untrained supervisor should contact Drug and Alcohol Program Coordinator to provide assistance in locating a trained supervisor. Confirmation by a trained supervisor must occur before administering a drug or alcohol test to the Covered Employee.

(f) In cases when a verification by a second supervisor is not possible or practical—such as when the supervisor and the Covered Employee are in a remote location and no other trained supervisor is available to observe the Covered Employee—the supervisor may contact HRMD and the County

Attorney to determine whether a determination of reasonable suspicion is warranted.

(g) Reasonable suspicion exists when one supervisor has made specific observations that are consistent with the use of drugs or alcohol if

(1) That supervisor has been specifically trained to recognize the appearance, behavior, speech or body odors associated with drug and alcohol use and the indications of the chronic effects and withdrawal effects of drugs or alcohol, and

(2) A request has been made that a second trained supervisor, based on independent observations of the Covered Employee, verify the initial observations and concurs with the conclusions and either there was a second trained supervisor available who could do this or extenuating circumstance preclude the review by a second trained supervisor, and

(3) The observations and conclusions of the supervisors available to make the observations are reviewed by the County Attorney and HRMD.

(h) If the Covered Employee is suspected of drug or alcohol use, and the supervisors, HRMD and the County Attorney have determined that reasonable suspicion exists, reasonable suspicion testing may only be administered:

(1) If the supervisor's observations were made during, just preceding, or just after a work day during which the Covered Employee is performing or on call to perform safety sensitive functions and, therefore, subject to compliance with the federal regulations, and

(2) If the testing is performed before, during, or after the Covered Employee has performed a safety sensitive function.

(i) Each supervisor is required to document in writing the specific indicators, symptoms, or observations that form the basis for the determination that reasonable suspicion exists and that testing of the Covered Employee is warranted.

(j) If the supervisor making the determination of reasonable suspicion is not the Covered Employee's immediate supervisor, the supervisor making the determination must notify the Covered Employee's immediate supervisor of the intent to test. The immediate supervisor must then coordinate the testing of the Covered Employee in accordance with these procedures.

(k) The immediate supervisor contacts HRMD and the County Attorney for final approval to test the Covered Employee.

(l) Once approval to test has been obtained from HRMD and the County Attorney, the supervisor notifies the affected Covered Employee of the intent to test and follows the Collection Site and Post Testing Procedures.

(m) The following time limits apply to reasonable suspicion testing:

(1) Alcohol-The Covered Employee must be tested within two (2) hours after the observation of suspicious behavior. The Covered Employee may not be tested unless there is a determination by the supervisors, HRMD, and the County Attorney that alcohol testing based on reasonable suspicion is warranted. All attempts to administer alcohol testing must cease within eight (8) hours after observation of suspicious behavior even if there has been a determination that alcohol testing based on reasonable suspicion is warranted. If alcohol testing is not administered within two hours after the initial observation, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered and update it if the attempt to test is not accomplished. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours.

(2) Drugs-A urine specimen must be collected within thirty-two (32) hours after the observation of suspicious behavior. The Covered Employee may not be tested unless there is a determination by the supervisors, HRMD, and the County Attorney that drug testing based on reasonable suspicion is warranted. All attempts to administer a drug test must cease within thirty-two (32) hours after the observation. If the urine specimen is not collected within thirty-two (32) hours, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within seventy two (72) hours.

(n) After testing has been conducted, the supervisor making the referral must complete a Behavior/Incident Documentation Report. The supervisor must forward copies of the report and any other documentation that supports the determination of reasonable suspicion to the Elected or Appointed Official and to the Drug and Alcohol Program Coordinator within 24 hours of the initial observation of the behavior.

B47

15.034 Drug & Alcohol Testing Collection Site Procedures

The procedures provided below are followed for all alcohol and drug testing except Pre-Employment Testing:

(a) If a Covered Employee indicates at the time of notification that he/she is sick, the supervisor must still request that the Covered Employee provide a specimen for the alcohol test or drug test.

(b) If the Covered Employee refuses to be tested or becomes hostile or threatening, all attempts to test shall cease and a report of the refusal to test is sent to the Drug and Alcohol Program Coordinator.

(c) Covered Employee(s) to be tested are transported to the collection site by an individual in a supervisory capacity referred to as the "transporting supervisor".

(d) Drug and Alcohol testing is administered at the collection site, in accordance with federal regulations.

15.035 Post Testing Procedures for Alcohol Testing

(a) Personnel at the collection site inform the transporting supervisor of the test result for alcohol testing.

(b) If the Covered Employee has a Positive Alcohol Test with a result of 0.02 or greater, the Covered Employee

(1) Is removed from duty,

(2) Required to leave the work site, and

(3) Ordered to report to duty at his or her next scheduled shift.

(c) If the Covered Employee is tested for alcohol and drugs at the same time or for alcohol only, and the test result for alcohol is less than 0.02, the transporting supervisor transports the Covered Employee back to the worksite to resume job duties unless the County Elected or Appointed Official or County Executive for whom the employee works exercises his or her discretion as authorized in in section 15.009.

(d) Each department is responsible for making a reasonable effort to arrange safe transportation for the Covered Employee.

(e) If the transporting supervisor and the Covered Employee's immediate supervisor are not the same person, the transporting supervisor is responsible for notifying the Covered Employee's immediate supervisor of the test results.

15.036 Post Testing Procedures for Drug Testing

(a) Because results of drug testing may not be available for 72 hours or more from the time the test is administered, the Covered Employee continues to perform normal job duties until otherwise notified unless the Covered Employee is being tested post-accident or for reasonable suspicion. If being tested for reasonable suspicion or post-accident, the Covered Employee is reassigned to non-safety sensitive duties until test results are available.

(b) The Medical Review Officer (MRO) notifies the Drug and Alcohol Program Coordinator of drug test results.

(c) The Drug and Alcohol Program Coordinator notifies the Risk Manager and departmental personnel of the drug test results. All notified personnel have the responsibility of maintaining the confidentiality of all drug test results.

(d) The MRO notifies each Covered Employee who has a Positive Drug Test that he or she has 72 hours in which to request a second test of a second sample from the same specimen.

(e) If the MRO is unable to contact a Covered Employee, the Drug and Alcohol Program Coordinator makes reasonable efforts to contact each Covered Employee who submitted a urine specimen, regardless of the Covered Employee's employment status. If the Drug and Alcohol Program Coordinator is able to contact a Covered Employee, the Coordinator requests the Covered Employee to contact the MRO to discuss the results of the drug test within 24 hours.

(f) The Drug and Alcohol Program Coordinator immediately notifies the MRO that the Covered Employee has been notified to contact the MRO within 24 hours.

(g) If there is a Positive Drug Test, the Covered Employee is removed from all safety-sensitive duties until evaluation, rehabilitation and discipline are completed.

(Sections 15.037 through 15.0539 are reserved for expansion)

Subchapter C Drug And Alcohol Policy for Safety Sensitive Positions in STAR Flight

15.040 Purpose

The purpose of the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* is to provide a brief overview of the federal requirements in the Federal Aviation Administration's Drug and Alcohol Testing Program and the Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs. The Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* is interpreted to be consistent with these requirements as they may be amended from time to time. Employees may direct questions about these requirements to the Director of Aviation or the Drug and Alcohol Program Coordinator in HRMD.

15.041 Safety Sensitive Employee

In the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*, Safety Sensitive Employees are all employees whose positions are covered by the Federal Aviation Administration (FAA) regulations and medical staff who perform safety sensitive functions during helicopter operations such as operating the hoist and Bambi bucket. Affected classifications may include but are not limited to: Helicopter Pilot, Helicopter Mechanic, Directors of Aviation Operations, Flight Nurse, and Flight Paramedic.

15.042 Employee Responsibilities

(a) Safety Sensitive Employees are responsible for knowing the terms of and complying with the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* and procedures as well as the ***STAR*** *Flight* Policy for Alcohol Misuse and Prevention Program and the ***STAR*** *Flight* Substance Abuse Policy.

(b) A Safety Sensitive Employee who performs flight crewmember or flight medical attendant duties shall not perform work within eight hours after consuming alcohol, regardless of the employee's actual alcohol concentration. A Safety Sensitive Employee who performs other safety sensitive duties, like instruction, dispatch or maintenance, shall not perform

these safety sensitive functions within four hours after consuming alcohol, regardless of the employee's actual alcohol concentration. In addition, any Safety Sensitive Employee shall not:

(1) Report for duty or remain on duty while using drugs, unless using them in compliance with the instructions of a licensed medical practitioner who has indicated that there will be no adverse effect related to operating aviation related equipment safely,

(2) Use **any Alcohol** or illegal drugs on the job when performing, ready to perform, immediately available to perform, or on call to perform safety-sensitive functions,

(3) Use Alcohol following an Aviation Incident involving an aircraft for which they performed a safety-sensitive function at or near the time of the Aviation Incident, until the first of these occur:

(A) eight hours have passed since the Aviation Incident, or

(B) the Safety Sensitive Employee submits to alcohol testing if required to undergo post-Aviation Incident alcohol testing unless the supervisor determines that the employee can be completely discounted as a contributing factor to Aviation Incident,

(4) Refuse an alcohol or drug test required by law or this policy,

(5) Report for duty or remain on duty if the Safety Sensitive Employee has a Positive Drug Test, or

(6) Report for duty or remain on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

15.043 Disciplinary Actions

(a) If a Safety Sensitive Employee Refuses to Test when requested to submit to a post-Aviation Incident, random, reasonable suspicion, or follow-up Alcohol or Drug test, the Safety Sensitive Employee is immediately removed from performing or continuing to perform safety-sensitive functions.

(b) If a person Refuses to Test when requested to submit to a prior to hire or return to duty Alcohol or drug test, the person will not be allowed to perform or continue to perform safety-sensitive functions.

(c) If a Safety Sensitive Employee has one (1) verified positive alcohol test result or one (1) verified positive drug test while performing a safety sensitive function, that Safety Sensitive Employee is barred from performing or continuing to or being ready to or being immediately available to perform safety-sensitive functions until cleared for return to duty by the Federal Air Surgeon if regulated by the Federal Aviation Administration.

(d) If a Safety Sensitive Employee uses Illegal drugs or Alcohol while performing a safety sensitive function, that Safety Sensitive Employee is permanently barred from performing or continuing to or being ready to or being immediately available to perform safety-sensitive functions.

(e) Any Safety Sensitive Employee who holds an airman certificate issued under 14 CFR part 67and has been reported to the Federal Air Surgeon is barred from performing or continuing to or being ready to or being immediately available to perform safety-sensitive functions until the Federal Air Surgeon recommends that this Safety Sensitive Employee be permitted to perform these safety sensitive functions.

(f) Any Safety Sensitive Employee who violates any provision of this policy is subject to disciplinary action, including termination.

15.044 County Requirements

(a) The County provides the following materials to all Safety Sensitive Employees:

(1) Specific information about drug use and alcohol abuse,

(2) The requirements of federal law,

(3) The Drug Free Work Place Policy and the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*,

(4) The consequences for violating those requirements,

(5) The drug and alcohol testing process,

(6) Information about the effects of drug use and alcohol abuse, including the behavioral cues that may indicate drug use and abuse,

(7) Specific information about where employees can get help for drug use and alcohol abuse, including a community service hot-line telephone number for employee assistance, and

(8) An acknowledgment form which the Safety Sensitive Employee must sign that indicates training opportunities on the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* and the consequences of any violations were made available.

(b) Supervisors who manage Safety Sensitive Employees are trained by professionals approved by the U.S. Department of Health and Human Services to recognize behavior which might be associated with drug or alcohol use.

15.045 Medical Information

(a) All Drug and alcohol test results and medical information furnished during the testing process is treated as confidential medical information and is released only as required by federal regulations.

(b) Records of all tests conducted under the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* are maintained and used in accordance with federal regulations and this policy.

(c) Any tested employee has the right to request a copy of his or her test records.

15.046 Types of Required Testing

Drug and alcohol testing is conducted in accordance with the U.S. Department of Transportation regulations and the procedures which implement the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*. The County has contracted with a laboratory approved by the U.S. Department of Health and Human Services for these testing services. The following types of tests are conducted:

(a) Prior to Hire Testing- If an applicant applies for the positions of Safety Sensitive Employees, prior to hire drug and alcohol testing is required, at the County's expense. Applicants for these positions are advised that any job offer is contingent upon **not** having a Positive Drug Test or a Positive Alcohol Test or both. These results must be verified.

(b) Post-Aviation Incident Testing- If a Safety Sensitive Employee is involved in an Aviation Incident as defined in this policy, the Safety Sensitive Employee is required to submit to post- Aviation Incident drug and alcohol testing unless the employee can be completely discounted as a contributing factor to Aviation Incident.

(c) Random Testing- Safety Sensitive Employees are required to submit to random drug and alcohol testing throughout the year at unannounced times. A Safety Sensitive Employee could be randomly selected for testing more than once annually.

(d) Reasonable Suspicion Testing-Safety Sensitive Employees are required to submit to drug and alcohol testing if reasonable suspicion exists to believe that Safety Sensitive Employee has violated any part of the federal regulations or the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*.

(e) Return to Duty- Any Safety Sensitive Employee who violates any of the requirements in the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*, is subject to drug and alcohol testing as directed by the Substance Abuse Professional before returning to duty.

15.049 Methods of Testing

(a) Drugs- In testing for drugs, a urinalysis is used. Any Safety Sensitive Employee who uses drugs in compliance with the instructions of a licensed medical practitioner is responsible for reporting that information before providing a urine specimen.

(b) Any Safety Sensitive Employee who is notified of a Positive Drug Test has the right to request that a verification test be conducted on a second urine sample (which has not previously been subjected to any testing) from the same specimen. The Safety Sensitive Employee must request this test within 72 hours after being notified of the Positive Drug Test and this request must be made in writing to the Medical Review Officer (MRO).

(c) Alcohol- In testing for alcohol, an Evidential Breath Testing Device is used to determine a breath alcohol concentration. The device conforms to specifications established by federal regulations.

15.050 Prior to Hire Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, in all job postings for the positions of Safety Sensitive Employees and in the initial interview for these positions, the County indicates that:

(1) Prior to Hire testing, at the County's expense, is required and

(2) Any applicant who is hired is also required to submit to ongoing drug and alcohol testing.

(b) All applicants for the position of a Safety Sensitive Employee must complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test.

(c) If the Medical Review Officer determines that an applicant's drug or alcohol test is Positive, the hiring process is terminated. The MRO forwards a copy of the test results to the Drug and Alcohol Program Coordinator. Records of a Positive Drug Test or Positive Alcohol Test are maintained for five years. The Drug and Alcohol Program Coordinator ensures that the applicant is provided with information about an EAP that can make referrals to a Substance Abuse Professional for evaluation.

(d) An applicant may re-apply for a position of a Safety Sensitive Employee if the applicant presents a letter from a Substance Abuse Professional confirming that the applicant has successfully complied with the prescribed education and/or treatment . A copy of the letter is forwarded to the Drug and Alcohol Program Coordinator. The applicant for a position of a Safety Sensitive Employee must then complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test before being employed in a position of a Safety Sensitive Employee. A copy of the results of this test is forwarded to the Drug and Alcohol Program Coordinator.

(e) All recommendations made by the Substance Abuse Professional about continued testing or treatment are administered by the Drug and Alcohol Program Coordinator.

15.051 Post Aviation Incident Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, the County requires Safety Sensitive Employees to submit to alcohol and drug testing if they are involved in an Aviation Incident and their performance either contributed to the occurrence

or cannot be affirmatively discounted as a contributing factor to the Aviation Incident.

(b) If the Safety Sensitive Employee is involved in an Aviation Incident, then he or she must notify his or her supervisor that an Aviation Incident has occurred.

(c) The individual who first receives notification of the Aviation Incident asks the Safety Sensitive Employee questions to determine whether there was an Aviation Incident and whether post-Aviation Incident testing is required and allowed.

(d) Post Aviation Incident testing is limited as follows:

When Post Aviation Incident Testing Is Required and Allowed	
Within 8 hours.	Yes, both alcohol and drug testing are allowed and required.
Within 32 hours	Yes, drug testing is required, alcohol testing is not allowed.
More than 32 hours	No, drug testing and alcohol testing are not allowed

(e) If there is an Aviation Incident and post Aviation Incident testing is required, the supervisor on call reports to the Aviation Incident scene to transport the Safety Sensitive Employee to a collection site and follows the Collection Site and Post Testing Procedures. The supervisor also notifies the Drug and Alcohol Program Coordinator immediately of the Aviation Incident and of the need for testing. If transportation of the Safety Sensitive Employee to a collection site is not feasible, the Drug and Alcohol Program Coordinator makes other arrangements so that testing is completed within the required time.

(f) If a Safety Sensitive Employee who is subject to post-Aviation Incident testing does not remain readily available for this testing, the Safety Sensitive Employee may be deemed by the County to have Refused to Test.

(g) If a required alcohol test is not administered,

(1) within two (2) hours after an Aviation Incident, the supervisor may continue attempts to administer an alcohol test and shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours of the Aviation Incident.

(2) within eight (8) hours after an Aviation Incident, the supervisor shall cease all attempts to administer an alcohol test and prepare and maintain on file, a record stating the reasons the test was not administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 72 hours of the Accident.

(h) If a required drug test is not administered within thirty two (32) hours after an Aviation Incident, the supervisor shall cease all attempts to administer a drug test and prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator.

(i) If the Safety Sensitive Employee is injured, then ensuring that the Safety Sensitive Employee receives medical attention takes priority over the requirement to conduct drug and alcohol testing.

15.052 Random Drug & Alcohol Testing Procedure

(a) In compliance with federal regulations, the County requires Safety Sensitive Employees to submit to random alcohol testing and drug testing for illegal drugs. The Federal Aviation Administration requires that the only Safety Sensitive Positions regulated by the Federal Aviation Administration may be in the random testing pool and all Safety Sensitive Positions regulated by the Federal Aviation Administration must be in that random pool. The Federal Aviation Administration also requires that the only Safety Sensitive Positions who are NOT regulated by the Federal Aviation Administration may be in another random testing pool and all Safety Sensitive Positions who are NOT regulated by the Federal Aviation Administration must be in that second random pool. For all Safety Sensitive Positions, the Federal Aviation Administration, through its Administrator, sets the minimum annual percentage of these positions that are tested for alcohol and drugs each year. At 2014, the minimum for alcohol testing is ten percent (10%) and for drug testing the minimum is twenty five percent (25%). Random testing is not announced and occurs at unpredictable times.

(b) County Executive Emergency Services notifies the Drug and Alcohol Program Coordinator of the names of current primary contact person and an alternate contact person within ***STAR*** *Flight*.

(c) The ***STAR*** *Flight* contact must provide the Drug and Alcohol Program Coordinator with a list of Safety Sensitive Employees and their SSNs who are governed by the Federal Aviation Administration regulations and of Safety Sensitive Employees who are not regulated by the Federal Aviation Administration, and promptly notify the Drug and Alcohol Program Coordinator of any changes to the list.

(d) The Drug and Alcohol Program Coordinator contacts the contracted entity and requests that two random lists of names be generated: one list from the names of all Helicopter Pilots, Helicopter Mechanics, and Directors of Aviation Operations, and the second list from the names of the Flight Nurses, Flight Paramedics and all other Covered Employees

(e) The random list of names is delivered in a sealed envelope, marked "CONFIDENTIAL" by an employee of the contracted laboratory, by commercial courier or by secure electronic means to the Drug and Alcohol Program Coordinator. Except when in actual use, the list of names is kept in a locked storage unit at all times. Access is limited to authorized employees only.

(f) In advance, the Drug and Alcohol Program Coordinator notifies the contracted laboratory of the date, time, and number of Safety Sensitive Employees to be tested for alcohol or drugs.

(g) The Drug and Alcohol Program Coordinator notifies the ***STAR*** *Flight* contact by telephone or secure electronic means or both and testing is to occur as soon as practical after notification.

(h) Immediately before testing the department contact notifies the supervisor(s) of the Safety Sensitive Employees to be tested.

(i) The supervisor:

(1) Confirms that the Safety Sensitive Employee(s) to be tested have reported to work,

(2) Confirms that the Safety Sensitive Employee(s) to be tested for drug or alcohol was performing, is performing, or may be called upon to perform a safety sensitive function,

(3) Ensures that the selected Safety Sensitive Employee(s) report for testing immediately,

(4) Transports the Safety Sensitive Employees to be tested to the collection site, and

(5) Follows the Collection Site and Post Testing Procedures.

(j) If the supervisor needs to be tested, an alternate supervisor must be designated as the transporting supervisor to transport all those to be tested to the collection site.

(k) Upon arrival at the collection site, the transporting supervisor meets with collection site contact to confirm list of Safety Sensitive Employees to be tested.

15.053 Reasonable Suspicion Drug & Alcohol Testing Procedures

(a) In compliance with the federal regulations, the County requires Safety Sensitive Employees to submit to testing for the presence of drugs and alcohol when a reasonable suspicion exists that a Safety Sensitive Employee has violated any part of the federal regulations or the Drug and Alcohol Policy for Safety Sensitive Employees in ***STAR*** *Flight*.

(b) In accordance with federal regulations, supervisors are trained to and do monitor the following symptoms as indicators of the possible use of alcohol or drugs: body odor, appearance, speech, and behavior. For drugs only, supervisors are trained to and do monitor indications of the chronic effects and withdrawal effects of drugs.

(c) After a trained supervisor makes specific, contemporaneous, clearly described observations that are consistent with the use of drugs or alcohol, he or she must request, when at all possible, that another supervisor make independent observations and verify these observations and conclusions.

(d) If a supervisor who has not received alcohol and drug training suspects that a Safety Sensitive Employee is under the influence of alcohol or drugs, he or she must:

(1) Immediately remove the Safety Sensitive Employee from performing safety sensitive functions, and

(2) Document the observations creating the suspicion in writing, and wait until a trained supervisor can confirm the suspicion.

(e) If a trained supervisor is not available within the department to confirm the suspicion, the untrained supervisor should contact Drug and Alcohol Program Coordinator to provide assistance in locating a trained supervisor. Confirmation by a trained supervisor must occur before administering a drug or alcohol test to the Safety Sensitive Employee.

(f) In cases when a verification by a second supervisor is not possible or practical—such as when the supervisor and the Safety Sensitive Employee are in a remote location and no other trained supervisor is available to observe the Safety Sensitive Employee—the supervisor may contact HRMD and the County Attorney to determine whether a determination of reasonable suspicion is warranted.

(g) Reasonable suspicion exists when one supervisor has made specific observations that are consistent with the use of drugs or alcohol if

(1) That supervisor has been specifically trained to recognize the appearance, behavior, speech or body odors associated with drug and alcohol use and the indications of the chronic effects and withdrawal effects of drugs or alcohol, and

(2) That, when possible to do so in a timeframe that does not delay testing, a second trained supervisor, based on independent observations of the Safety Sensitive Employee, has verified the initial observations and the second trained supervisor concurs with the conclusions

(h) If the Safety Sensitive Employee is suspected of drug or alcohol use, and the supervisors, have determined that reasonable suspicion exists, reasonable suspicion testing may only be administered

(1) If the supervisor's observations were made during, just preceding, or just after a work day during which the Safety Sensitive Employee is performing or on call to perform safety sensitive functions and, therefore, subject to compliance with the federal regulations.

(2) If testing is performed before, during, or after the Safety Sensitive Employee has performed a safety sensitive function.

(i) Each supervisor is required to document in writing the specific indicators, symptoms, or observations that form the basis for the determination that reasonable suspicion exists and that testing of the Safety Sensitive Employee is warranted.

(j) If the supervisor making the determination of reasonable suspicion is not the Safety Sensitive Employee's immediate supervisor, the supervisor making the determination must notify the Safety Sensitive Employee's immediate supervisor of the intent to test. The immediate supervisor must then coordinate the testing of the Safety Sensitive Employee in accordance with these procedures.

(k) The ***STAR*** *Flight contact* person or designee contacts HRMD to arrange for testing of the Safety Sensitive Employee.

(l) Once HRMD has arranged for testing, the supervisor notifies the affected Safety Sensitive Employee of the intent to test and follows the Collection Site and Post Testing Procedures.

(m) The following time limits apply to reasonable suspicion testing:

(1) Alcohol-The Safety Sensitive Employee must be tested within two (2) hours after the observation of suspicious behavior. The Safety Sensitive Employee may not be tested unless there is a determination by the ***STAR*** *Flight* contact person that alcohol testing based on reasonable suspicion is warranted. All attempts to administer alcohol testing must cease within eight (8) hours after observation of suspicious behavior even if there has been a determination that alcohol testing based on reasonable suspicion is warranted. If alcohol testing is not administered within two hours after the initial observation, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered and update it if the attempt to test is not accomplished. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours.

(2) Drugs-A urine specimen must be collected within thirty-two (32) hours after the observation of suspicious behavior. The Safety Sensitive Employee may not be tested unless there is a determination by the ***STAR*** *Flight* contact person that drug testing based on reasonable suspicion is warranted. All attempts to administer a drug test must

cease within thirty-two (32) hours after the observation. If the urine specimen is not collected within thirty-two (32) hours, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within seventy two (72) hours.

(n) After testing has been conducted, the supervisor making the referral must complete a Behavior/Incident Documentation Report. The ***STAR*** *Flight* contact person or designee must forward copies of the report and any other documentation that supports the determination of reasonable suspicion to the County Executive Emergency Services and to the Drug and Alcohol Program Coordinator within 24 hours of the initial observation of the behavior.

15.054 Drug & Alcohol Testing Collection Site Procedures

The procedures provided below are followed for all alcohol and drug testing except Prior to Hire Testing:

(a) If a Safety Sensitive Employee indicates at the time of notification that he/she is sick, the supervisor must still request that the Safety Sensitive Employee provide a specimen for the alcohol test or drug test.

(b) If the Safety Sensitive Employee refuses to be tested or becomes hostile or threatening, all attempts to test shall cease. These actions result in termination for refusal to test.

(c) Safety Sensitive Employee(s) to be tested are transported to the collection site by an individual in a supervisory capacity referred to as the "transporting supervisor".

(d) Alcohol testing is administered at the collection site, in accordance with federal regulations.

15.055 Post Testing Procedures for Alcohol Testing

(a) Personnel at the collection site inform the transporting supervisor of the test result for alcohol testing.

(b) If the Safety Sensitive Employee is tested for alcohol and drugs at the same time or for alcohol only, and the test result for alcohol is less than 0.02, the transporting supervisor transports the Safety Sensitive Employee back to the

worksite to resume job duties unless the County Elected or Appointed Official or County Executive for whom the Safety Sensitive employee works exercises his or her discretion as authorized in in section 15.009

(c) If the Safety Sensitive Employee has a Positive Alcohol Test with a result over 0.02, the Safety Sensitive Employee:

(1) Is removed from duty, and

(2) Required to leave the work site.

(d) ***STAR*** *Flight* is responsible for making a reasonable effort to arrange safe transportation for the Safety Sensitive Employee.

(e) If the transporting supervisor and the Safety Sensitive Employee's immediate supervisor are not the same person, the transporting supervisor is responsible for notifying the Safety Sensitive Employee's immediate supervisor of the test results.

15.056 Post Testing Procedures for Drug Testing

(a) Because results of drug testing may not be available for 72 hours or more after the test is administered, the Safety Sensitive Employee continues to perform normal job duties until otherwise notified unless the Safety Sensitive Employee is tested for reasonable suspicion or post Aviation Incident. If being tested due to reasonable suspicion or an Aviation Incident, the Safety Sensitive Employee is reassigned to non-safety sensitive duties until test results are available.

(b) If there is a Positive Drug Test, the MRO requests a second test of a second sample from the same specimen. If the Positive Drug Test is verified for a Safety Sensitive Employee regulated by the Federal Aviation Administration, the MRO reports that Safety Sensitive Employee who holds an airman certificate issued under 14 CFR part 67 to the Federal Air Surgeon within 2 working days of the violation. This notice is sent to: Federal Air Surgeon, Federal Aviation Administration, Office of Aerospace Medicine, Attention: Drug Abatement Division (AAM-800), 800 Independence Avenue, SW., Washington, D.C. 20591. The Medical Review Officer (MRO) notifies the Drug and Alcohol Program Coordinator of drug test results.

(c) The Drug and Alcohol Program Coordinator notifies the Risk Manager and departmental personnel of the drug test results. All notified personnel have the responsibility of maintaining the confidentiality of all drug test results.

(d) The MRO notifies each Safety Sensitive Employee who has a verified Positive Drug Test.

(e) If the MRO is unable to contact a Safety Sensitive Employee, the Drug and Alcohol Program Coordinator makes reasonable efforts to contact each Safety Sensitive Employee who submitted a urine specimen, regardless of the Safety Sensitive Employee's employment status. If the Drug and Alcohol Program Coordinator is able to contact a Safety Sensitive Employee, the Coordinator requests the Safety Sensitive Employee to contact the MRO to discuss the results of the drug test within 24 hours.

(f) The Drug and Alcohol Program Coordinator immediately notifies the MRO that the Safety Sensitive Employee has been notified to contact the MRO within 24 hours.

(g) If there is a verified Positive Drug Test the Safety Sensitive Employee is immediately removed from all safety-sensitive duties.

(Sections 15.057 through 15.059 are reserved for expansion)

Subchapter D. Definitions

15.060 Definitions

(a) Words used in the Drug and Alcohol Free Workplace Policy and the Commercial Driver's License (CDL) Drug and Alcohol Policy that are defined in the Drug and Alcohol regulations of the Department of Transportation related to holders of Commercial Driver's Licenses have the meanings stated in those sections in 49 CFR § 382.101 et seq.

(b) The following words in the Drug and Alcohol Free Workplace Policy, the Commercial Driver's License (CDL) Drug and Alcohol Policy, and the Drug And Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* have the meanings stated in this section.

(c) "Accident" is any incident involving a commercial motor vehicle which results in:

(1) A human fatality, or

(2) A citation arising from the incident being issued for a moving violation under state or local law if:

(A) An injury is reported which is treated away from the scene, or

(B) A vehicle is towed from the scene.

(d) "Alcohol" means any beverage alcohol, ethyl alcohol or other low molecule weight alcohol including methyl and isopropyl alcohol.

(e) "Aviation Incident" is an occurrence associated with the operation of an aircraft, or any hoist or Bambi bucket or other external equipment attached to an aircraft, which

(1) takes place between the time any person boards the aircraft with the intention of flight and the time that all persons have disembarked, and

(2) results

(A) in a human fatality or serious injury to any person, or

(B) substantial damage to the aircraft.

(f) "Drug and Alcohol Program Coordinator" is a person in HRMD who is responsible for the overall administration of the County Drug and alcohol testing program.

(g) "Drugs" means controlled substances.

(h) "Employee Assistance Program" or "EAP" is a professional, confidential counseling service available to all employees and their families that is provided by the County that offers assessment, short-term counseling and referral services for a wide range of issues including Drug, alcohol, and mental health programs that affect employee job performance. The EAP is responsible for referring employees using Drug and alcohol to rehabilitation and for monitoring these employees' progress and treatment.

(i) "Illegal Drugs" refer to marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine) and other controlled substances for which an employee does not have instructions for use from a licensed medical practitioner.

(j) "Medical Review Officer" or "MRO" is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's Drug testing program. An MRO has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's verified Positive Drug or Alcohol Test, together with his or her medical history, and any other relevant biomedical information.

(k) "Positive Alcohol Test" is a breathalyzer test that reveals an alcohol concentration at or above 0.02.

(l) "Positive Drug Test" is a urinalysis by a certified laboratory that reveals the presence of Illegal Drugs that is performed using acceptable medical cutoff levels for screening and confirmation.

(m) "Performing" includes any period in which the employee is actually performing, ready to perform or immediately available to perform a safety sensitive function.

(n) "Probable cause" exists where a person has reasonably trustworthy information which, when considered as a whole, is sufficient to justify a reasonable person to believe that a particular person has violated the Drug and Alcohol Free Work Place Policy.

(o) "Refuse to Test" means that, after receiving notice of the requirement under federal regulations to be tested, a Covered Employee fails to do any of the following:

(1) Appear at the site for testing and remain until the testing is complete,

(2) Provide a sufficient urine specimen or a breath specimen unless a valid medical explanation for not doing so is provided,

(3) Allow observation of collection if requested,

(4) Undergo a medical examination directed by the MRO,

(5) Cooperate with the testing process,

(7) Engage in conduct that clearly obstructs the testing process, or

(8) Does not provide an unadulterated and unsubstituted test result as reported by the MRO.

(p) "Substance Abuse Professional" is a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and Drug disorders.

(q) "Use Alcohol" means consuming any beverage, mixture or preparation (including a medication) that contains Alcohol.

(Sections 15.061 through 15.950 are reserved for expansion)

Subchapter Z. General Interpretive Provisions

15.951 General Interpretive Provisions-Authority

(a) Subchapter A Drug Free Work Place is adopted by the Commissioners Court in compliance with the federal requirements in the Drug-Free Workplace Act of 1988 and 1990. These Acts require companies and governmental entities that receive contract funds from the federal government to have a policy that includes these provisions.

(b) Subchapter B. Commercial Driver's License (CDL) Drug and Alcohol Policy is adopted by the Commissioners Court in compliance with the federal requirements in the Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation regulations in 49 CFR § 382.101 et seq.

(c) Subchapter C. Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* is adopted by the Commissioners Court in compliance with the federal requirements in the Federal Aviation Administration's Drug and Alcohol Testing Program and the Department of Transportation regulations in 49 CFR § 382.101 et seq.

15.952 Jurisdiction

(a) Drug Free Work Place only applies to employees who can be hired and terminated by the Commissioners Court and employees of Elected Officials who have adopted it in writing.

(b) Commercial Driver's License (CDL) Drug and Alcohol Policy only applies to employees who are required to hold a Commercial Driver's License to perform their job.

(c) Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* applies to all employees whose positions are covered by the Federal Aviation Administration (FAA) regulations and to medical staff who perform safety sensitive functions during helicopter operations such as operating the hoist and Bambi bucket.

15.953 Effective Date

(a) Drug Free Work Place initially became effective on March 28, 1995 as part of Chapter 9 and was replaced in December 2, 2003, as Subchapter D of Chapter 9. It has been moved to this chapter on July 20, 2010. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

(b) Commercial Driver's License (CDL) Drug and Alcohol Policy initially became effective on May 16, 1995 and has been amended on July 20, 2010. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

(c) In part, Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* initially became effective on May 16, 1995 as part of Subchapter B and has been expanded and added as Subchapter C on _____, 2014. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

15.954 Precedents and Interpretation

(a) The County reserves the right to change any provision of the Drug and Alcohol Free Work Place Policy, the Commercial Driver's License (CDL) Drug and Alcohol Policy, and the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* unilaterally at any meeting of the Commissioners Court without specific notice of the potential change to an employees

(b) No employee, supervisor, official, or representative of the County has nay authority to change any portion of the Drug and Alcohol Free Work Place Policy, the Commercial Driver's License (CDL) Drug and Alcohol Policy, and the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* without the express and specific authorization of the Commissioners Court.

(c) The provisions of this chapter shall be applied prospectively from the dates of their initial adoption.

(d) Commissioners Court shall resolve any questions about any interpretation of this chapter.

(e) If there is any conflict between this chapter and the state constitution, or state law or rule adopted under a state law or the United States Constitution, a federal law or a rule adopted under federal law, the policy prevails to the greatest extent possible without violating the United States Constitution, the state constitution, any constitutional federal or state law, or any constitutional rule adopted under either of these.

(f) The masculine, feminine, and neuter genders shall be interpreted to include the other genders if required. The singular and plural numbers should be interpreted to include the other number if required. Words in the present tense shall be interpreted to include the future tense. Words in the future tense shall be interpreted to include the present tense.

(g) Words and phrases shall be read in context and interpreted according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition in this chapter or otherwise, shall be interpreted according to that acquired meaning.

(h) Throughout this chapter, headings for chapters and sections are used for convenience only. These headings shall not be interpreted to expand or to limit the interpretation of the section that follows the heading.

15.955 Computation of Time

(a) When a period of time is stated in days, the days shall be interpreted as calendar days unless otherwise stated.

(b) If the last day of any period is a Saturday, Sunday, or County holiday, the period is extended to include the next day that is not a Saturday, Sunday, or County holiday.

C69

Chapter 15. Drug and Alcohol Policy

Subchapter A. Drug And Alcohol Free Workplace 2
15.001 Purpose 2
15.002 Affected Departments/Employees 2
15.003 Employee Responsibilities 3
15.004 Supervisors' Responsibilities 3
15.005 Drug and Alcohol Testing 6
15.006 Consequences 7
15.007 Assistance Provided 7
15.008 Employee Education 8
15.009 Management Discretion 8
(Sections 15.010 through 15.019 are reserved for expansion.) 8

Subchapter B Commercial Driver's License (CDL) Drug And Alcohol Policy 8
15.020 Purpose 8
15.021 Covered Employee 8
15.022 Employee Responsibilities 9
15.023 Referral/Evaluation and Testing Process 9
15.024 Disciplinary Actions 10
15.025 Evaluation and Rehabilitation Process 11
15.026 County Requirements 12
15.027 Medical Information 13
15.028 Types of Required Testing 13
15.029 Methods of Testing 14
15.030 Pre-Employment Drug & Alcohol Testing Procedures 14
15.031 Post Accident Drug & Alcohol Testing Procedures 15
15.032 Random Drug & Alcohol Testing Procedure 17
15.033 Reasonable Suspicion Drug & Alcohol Testing Procedures 19
15.034 Drug & Alcohol Testing Collection Site Procedures 22
15.035 Post Testing Procedures for Alcohol Testing 22
15.036 Post Testing Procedures for Drug Testing 23
(Sections 15.037 through 15.0539 are reserved for expansion) 24

Subchapter C Drug And Alcohol Policy for Safety Sensitive Positions in STAR Flight 24
15.040 Purpose 24
15.041 Safety Sensitive Employee 24
15.042 Employee Responsibilities 24
15.043 Disciplinary Actions 25
15.044 County Requirements 26
15.045 Medical Information 27
15.046 Types of Required Testing 27
15.049 Methods of Testing 28
15.050 Prior to Hire Drug & Alcohol Testing Procedures 29
15.051 Post Aviation Incident Drug & Alcohol Testing Procedures 29
15.052 Random Drug & Alcohol Testing Procedure 31
15.053 Reasonable Suspicion Drug & Alcohol Testing Procedures 33
15.054 Drug & Alcohol Testing Collection Site Procedures 36
15.055 Post Testing Procedures for Alcohol Testing 36
15.056 Post Testing Procedures for Drug Testing 37
(Sections 15.057 through 15.059 are reserved for expansion) 38

Subchapter D. Definitions 38
15.060 Definitions 38

C 70

(Sections 15.061 through 15.950 are reserved for expansion) 41

Subchapter Z. General Interpretive Provisions 41
15.951 General Interpretive Provisions-Authority 41
15.952 Jurisdiction 41
15.953 Effective Date 42
15.954 Precedents and Interpretation 42
15.955 Computation of Time 43

Subchapter A. Drug And Alcohol Free Workplace

15.001 Purpose

The purpose of the Drug and Alcohol Free Work Place policy is to ensure that Travis County is a drug and alcohol free workplace. Travis County intends to prevent and eliminate the use, exchange, or presence of illegal drugs and the misuse of legally obtained Drugs and Alcohol in the workplace and offsite while conducting official County business.

15.002 Affected Departments/Employees/Persons

(a) The Drug and Alcohol Free Work Place policy applies to all employees who work in departments under the direction of Commissioners Court and those Elected and Appointed Officials who adopt the Drug and Alcohol Free Work Place policy, the Commercial Driver's License Drug and Alcohol Policy, or the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*. To comply with its purpose, in this subchapter only, "employee" includes an employee, volunteer, intern and anyone who performs functions in or on County property or on behalf of County.

(b) Employees who work for Elected and Appointed Officials who have **not** adopted the Drug and Alcohol Free Work Place policy should contact their supervisor for a copy of their department's drug and alcohol policy. If these employees' positions require them to hold a Commercial Driver's License, they must also comply with Subchapter B. Commercial Driver's License Drug and Alcohol Policy as required by federal law. If these employees are in safety sensitive positions in ***STAR*** *Flight*, they must also comply with Subchapter C. Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* as required by federal law.

15.003 Employee Responsibilities

(a) Employees shall not use, manufacture, procure, distribute, sell, dispense, possess (i.e. on a person, in a desk or county vehicle) or consume illegal drugs or alcohol while in the workplace or while conducting official County business.

(b) Alcohol consumption is prohibited during the workday, including rest periods and meal periods, as well as at all times an employee is conducting County business.

(c) Employees shall not arrive to work or remain at work under the influence of illegal drugs or alcohol that is detectable with a breath alcohol test.

(d) Employees shall not arrive to work or remain at work while under the influence of lawfully prescribed or over-the-counter substances if these substances impair the employee's ability to perform the essential functions of the employee's job.

(e) Employees shall not misuse substances and materials available in the workplace which may impair the employee's ability to perform the essential functions of the employee's job

(f) Any employee suspected of noncompliance with the Drug and Alcohol Free Work Place policy may voluntarily request that a drug or alcohol test be performed at the County's expense. If the test result is positive and the employee faces disciplinary or possible legal action, within 72 hours the employee may request a second test be performed on a second sample from the same specimen.

(g) An employee shall notify his or her supervisor on the next business day of any arrest for a violation of a criminal statute related to drugs or alcohol.

(h) If an employee has reason(s) to believe that his or her supervisor is under the influence of drugs or alcohol, he or she should report the matter to his or her Elected or Appointed Official, County Executive, department head, the HRMD director, the County Attorney, or a member of Commissioners Court.

15.004 Supervisors' Responsibilities

(a) Supervisors shall make every effort to ensure the County provides a drug and alcohol free environment for its employees. If a supervisor observes or is

notified of a potential violation of the Drug and Alcohol Free Work Place policy, he or she shall take immediate action(s) to prevent the employee from causing harm to him or herself, to others, and to Travis County property.

(b) If an employee, himself or herself, voluntarily advises a supervisor that he or she has an Illegal Drug or alcohol problem or that he or she is under the influence of drugs or alcohol while in the workplace or while conducting official County business, that admission should not result in disciplinary action for the employee beyond being placed on probation but should result in:

(1) A referral by their department to a Substance Abuse Professional to be evaluated and for a determination of what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use and for the preparation of a treatment plan that the employee must follow;

(2) Advise by their department of resources available to assist him or her in evaluating and resolving problems associated with the misuse of alcohol and the use of Illegal Drugs, or

(3) A referral to the County's EAP by their department.

(c) A determination that there is probable cause that an employee is using or under the influence of drugs or alcohol may be made on the basis of the direct observations of one supervisor, who is trained to detect behaviors associated with the Use of Alcohol and/or Drugs or through the results of a drug and alcohol testing program authorized by Commissioners Court. The Human Resources Management Department assists any department if a trained supervisor is not available.

(d) If a supervisor determines that there is probable cause to believe that an employee is in violation of the Drug and Alcohol Free Work Place policy, the supervisor should immediately notify his or her department head or Elected or Appointed official as well as the Risk Management Division of HRMD or the County Attorney's Office.

(e) If it is determined that an employee is in violation of the Drug and Alcohol Free Work Place policy, supervisors shall not allow that employee to remain on-duty before the employee has successfully completed rehabilitation and/or education through EAP. However, as part of a rehabilitation or counseling program approved in writing by the EAP's Substance Abuse Professional, each department head or Elected or Appointed Official or his or her designee may allow an employee in his or her department to return to duty. However, if

a Safety Sensitive Employee is referred to the EAP as a result of a violation of the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*, that Safety Sensitive Employee may not be returned to duty.

(f) If a supervisor determines there is probable cause to believe an employee is using or is under the influence of drugs or alcohol, the supervisor should immediately notify his or her department head or Appointed or Elected Official. The department head, or his or her designee, shall:

(1) Stop the employee from performing his or her job duties,

(2) Contact another trained supervisor, if at all possible,

(3) Contact the Risk Management Division of HRMD or the County Attorney's Office to determine whether there is probable cause to suspect the employee is under the influence of drugs or alcohol to support drug or alcohol testing,

(4) Arrange to safely transport or have the employee transported to the appropriate testing location if there is probable cause to suspect the influence of drugs or alcohol,

(5) Determine what appropriate actions must be taken prior to the employee returning to work, and

(6) Determine appropriate disciplinary action in consultation with the Risk Management Division of HRMD or the County Attorney's Office.

(g) If an employee who is tested for Illegal Drugs or alcohol because there was a probable under section 15.004 (f) and the result of the test is a Positive Drug Test or a Breath Alcohol Test with a result of a determinable concentration of alcohol while in the workplace or while conducting official County business:

(1) If the test result for alcohol is less than 0.02, the supervisor should inform the County Elected or Appointed Official or County Executive for whom the employee works about the result if the test result for alcohol is less than 0.02 so that he or she can exercise the discretion granted to him or her in section 15.009;

(2) If the test result for alcohol is greater than 0.02 and less than 0.04, the employee is

(A) Removed from duty,

(B) Required to leave the workplace, and

(C) Referred to County's EAP to be evaluated and for a determination of what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use;

(3) If the test result for alcohol is greater than 0.04, the department head, or his or her designee, shall determine appropriate disciplinary action in consultation with the Risk Management Division of HRMD or the County Attorney's Office and the employee is

(A) Removed from duty,

(B) Required to leave the workplace, and

(C) Referred to County's EAP to be evaluated and for a determination of what assistance, if any, the employee needs in resolving problems with alcohol misuse or Drug use.

(h) Any Elected or Appointed Official whose department receives a grant or administers a contract financed directly by federal funds shall give a copy of the drug and alcohol policy adopted by their department to each employee involved in the performance of that grant or contract. No later than ten (10) days after a conviction, the Elected or Appointed Official must also notify the federal government of any employee who is convicted of a criminal offense relating to illegal drugs for a violation occurring in the workplace.

15.005 Drug and Alcohol Testing

(a) **For Employees of the Commissioners Court and Employees of Officials Adopting this Policy.** This policy applies to employees of departments under the Commissioners Court and employees of other elected or appointed officials who have adopted this policy. If there is probable cause to believe such an employee is in violation of the Drug and Alcohol Free Work Place Policy, upon review by the Risk Management Division of HRMD or the County Attorney's Office, that employee's supervisor may request that the employee submit to drug and alcohol testing. If the result of a drug or alcohol test is positive, disciplinary action up to and including termination may be taken. Refusal to test is a violation of policy and subject to discipline.

(b) **Employees with a Commercial Drivers' License**. Employees who hold positions requiring a Commercial Driver's License are covered under Subchapter B Commercial Driver's License Drug & Alcohol Policy. Please see Subchapter B for more information.

(c) **Employees in Safety Sensitive Positions in *STAR* *Flight***. Employees who hold safety sensitive positions in ***STAR*** *Flight* are covered under Subchapter C Drug & Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight.* Please see Subchapter C for more information.

(d) **Employees of Officials not Adopting Policy**. Employees who report to Elected or Appointed Officials who have not adopted this specific Drug and Alcohol Free Work Place Policy should consult their departmental personnel policy for guidance on this issue.

15.006 Consequences

(a) Violations of the Drug and Alcohol Free Work Place policy may result in disciplinary action up to and including termination, required participation in a rehabilitation program, or possible legal action.

(b) In considering appropriate disciplinary action, a department should consider that an employee:

(1) Voluntarily identified himself or herself as having a drug or alcohol problem before it is identified through other means, and

(2) Obtains professional counseling or rehabilitation, such as the Employee Assistance Program available through County employee benefits, and

(3) Does not engage in these behaviors in the future in accordance with the Drug and Alcohol Free Work Place policy.

15.007 Assistance Provided

The County recognizes drug and alcohol dependency as an illness. Employees needing assistance in dealing with these dependencies are encouraged to contact the Risk Management Division of HRMD, the County's Employee Assistance Program, or his or her healthcare provider.

15.008 Employee Education

The County shall inform all employees of the Drug and Alcohol Free Work Place policy, dangers of drug abuse in the workplace, disciplinary action that may be taken for violations of the Drug and Alcohol Free Work Place policy, the Employee Assistance Program and any other drug counseling and rehabilitation programs available through County employee benefits.

15.009 Management Discretion

If an employee has an alcohol test with a result above 0.0 and less than 0.02 the County Elected and Appointed Officials and County Executives have the discretion to take appropriate action considering all relevant circumstances. This may include but is not limited to removing the employee from duty, requiring the employee to leave the work site, and ordering the employee to report to duty at his or her next scheduled shift. This also includes the discretion to refer the employee to the Employee Assistance Program and any other drug counseling and rehabilitation programs available through County employee benefits.

(Sections 15.010 through 15.019 are reserved for expansion.)

Subchapter B Commercial Driver's License (CDL) Drug And Alcohol Policy

15.020 Purpose

The purpose of the Commercial Driver's License Drug and Alcohol Policy is to provide a brief overview of the federal requirements in the Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation regulations in 49 CFR § 382.101 et seq. The Commercial Driver's License Drug and Alcohol Policy is interpreted to be consistent with these requirements as they may be amended from time to time. Employees may direct questions about these requirements and Subchapters B, C, and D to the Drug and Alcohol Program Coordinator in HRMD.

15.021 Covered Employee

In the Commercial Driver's License Drug and Alcohol Policy, Covered Employees are all employees who are required to hold a Commercial Driver's License to perform their jobs. Affected classifications may include but are not limited to: Van Driver, Equipment Operator, Maintenance Worker, Corrections Officer-Transportation, Mechanic, Senior Mechanic, and Building Maintenance IV-Exposition Center.

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15.022 Employee Responsibilities

(a) Covered Employees are responsible for knowing the terms of and complying with the Commercial Driver's License Drug and Alcohol Policy and procedures.

(b) In accordance with the Omnibus Transportation Employee Testing Act of 1991, a Covered Employee shall **not**:

(1) Engage in work within four hours after consuming alcohol, regardless of the employee's actual alcohol concentration,

(2) Report for duty or remain on duty while using drugs, unless using them in compliance with the instructions of a *licensed medical practitioner* who has indicated that there will be no adverse effect related to operating a commercial vehicle or equipment safely,

(3) Use Alcohol or illegal drugs on the job when performing or on call to perform safety-sensitive functions,

(4) Use Alcohol for eight hours following an Accident, or until the employee submits to alcohol testing, whichever occurs first, if required to undergo post-accident alcohol testing,

(5) Refuse an alcohol or drug test required by law,

(6) Report for duty or remain on duty if the Covered Employee has a Positive Drug Test,

(7) Report for duty or remain on duty while having an alcohol concentration of 0.02 or greater, or

(8) Refuse to sign an Acknowledgment Form indicating training and explanations on the Commercial Driver's License requirements were made available to a Covered Employee.

15.023 Referral/Evaluation and Testing Process

(a) Covered Employees who violate any provision of the Commercial Driver's License Drug and Alcohol Policy are evaluated by a Substance Abuse Professional who determines what assistance, if any, the employee needs in

resolving problems with alcohol misuse or Drug use. The Covered Employee is required to release any evaluation information before return-to-duty testing.

(b) Referrals and evaluations are required by federal law. Any Covered Employee who violates any provision of the Commercial Driver's License Drug and Alcohol Policy shall be:

(1) Advised by their department of resources available to assist him or her in evaluating and resolving problems associated with the misuse of alcohol and the use of Illegal Drugs;

(2) Referred to the County's EAP by their department, or

(3) Evaluated by a Substance Abuse Professional who determines what assistance, if any, the employee needs in resolving problems associated with the misuse of alcohol and the use of illegal drugs.

(c) If the Substance Abuse Professional prescribes a rehabilitation program, the Covered Employee must complete that program as a condition of continued employment.

(d) The Substance Abuse Professional advises the Drug and Alcohol Program Coordinator of the prescribed rehabilitation program.

(e) Before a Covered Employee returns to duty after engaging in prohibited conduct, the Covered Employee shall undergo return-to-duty tests, as directed by the Substance Abuse Professional, and receive a report of negative results for all tests.

(f) The County may direct the Covered Employee to undergo return-to-duty testing for both alcohol and drugs, if the Substance Abuse Professional determines that return-to-duty testing for both alcohol and drugs is necessary for that particular Covered Employee.

15.024 Disciplinary Actions

(a) For the first violation of the Commercial Driver's License Drug and Alcohol Policy, the initial action includes at least disciplinary suspension without pay for three days and may result in termination if the Covered Employee is not able to perform the essential functions of his or her job.

(b) Disciplinary action under the Commercial Driver's License Drug and Alcohol Policy shall not be required for a Covered Employee who:

(1) Voluntarily identifies himself or herself as having a drug or alcohol problem before it is identified through other means and before starting a safety sensitive task,

(2) Obtains counseling or rehabilitation, and

(3) Refrains from engaging in these behaviors after that in accordance with the Commercial Driver's License Drug and Alcohol Policy.

(c) In addition, the Covered Employee shall be:

(1) Referred to a Substance Abuse Professional for evaluation and rehabilitation,

(2) Placed on disciplinary probation and advised that a future violation within five years results in dismissal, and

(3) Subject to return-to-duty testing as required by federal regulations.

15.025 Evaluation and Rehabilitation Process

(a) As part of the evaluation and rehabilitation process,

(1) The Covered Employee is further evaluated by a Substance Abuse Professional to determine whether the Covered Employee has properly followed any rehabilitation program prescribed,

(2) After return-to-duty, the Covered Employee may be subject to unannounced follow-up alcohol and drug testing,

(3) The number and frequency of this follow-up testing is directed by the Substance Abuse Professional and consists of at least six (6) tests for alcohol or drugs or both in the first twelve (12) months after return-to-work,

(4) The County may direct the Covered Employee to undergo follow-up testing for both alcohol and drugs, if the Substance Abuse Professional determines that follow-up testing for both alcohol and drugs is necessary for that particular Covered Employee,

(5) Follow-up testing shall not exceed 60 months from the date of the Covered Employee's return to duty, and

(6) The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered if the Substance Abuse Professional determines that this testing is no longer necessary.

(b) Elected and Appointed Officials may allow a Covered Employee to return to duty if return is approved in writing by the Substance Abuse Professional and it is determined that this action would not pose a danger to public health or safety.

15.026 County Requirements

(a) The County provides the following materials to all Covered Employees:

(1) Specific information about drug use and alcohol abuse,

(2) The requirements of federal law,

(3) The Commercial Driver's License Drug and Alcohol Policy,

(4) The consequences for violating those requirements,

(5) The drug and alcohol testing process,

(6) Information about the effects of drug use and alcohol abuse,

(7) Specific information about where employees can get help for drug use and alcohol abuse, and

(8) An acknowledgment form which the Covered Employee must sign that indicates training opportunities on the Commercial Driver's License Drug and Alcohol Policy and the consequences of any violations were made available.

(b) Supervisors who manage Covered Employees are trained by professionals approved by the U.S. Department of Health and Human Services to recognize behavior which might be associated with drug or alcohol use.

15.027 Medical Information

(a) All Drug and alcohol test results and medical information furnished during the testing process is treated as confidential medical information and is released only as required by federal regulations.

(b) Records of all tests conducted under the Commercial Driver's License Drug and Alcohol Policy are maintained and used in accordance with federal regulations.

(c) Any tested employee has the right to request a copy of his or her test records.

15.028 Types of Required Testing

Drug and alcohol testing is conducted in accordance with the U.S. Department of Transportation regulations and the procedures which implement the Commercial Driver's License Drug and Alcohol Policy. The County has contracted with a laboratory approved by the U.S. Department of Health and Human Services for these testing services. The following types of tests are conducted:

(a) Pre-Employment Testing- If an applicant applies for the positions of Covered Employees, pre-employment drug and alcohol testing is required, at the County's expense. Applicants for these positions are advised that any job offer is contingent upon not having a Positive Drug Test or a Positive Alcohol Test or both.

(b) Post-Accident Testing- If a Covered Employee is involved in an Accident as defined in this policy, the Covered Employee is required to submit to post-accident drug and alcohol testing.

(c) Random Testing- Covered Employees are required to submit to random drug and alcohol testing throughout the year at unannounced times. A Covered Employee could be randomly selected for testing more than once annually. Each year, at least 50% of Covered Employees are tested for drugs and at least 10% are tested for alcohol.

(d) Reasonable Suspicion Testing-Covered Employees are required to submit to drug and alcohol testing if reasonable suspicion exists to believe that Covered Employee has violated any part of the federal regulations or the Commercial Driver's License Drug and Alcohol Policy.

(e) Return to Duty- Any Covered Employee who violates any of the requirements in the Commercial Driver's License Drug and Alcohol Policy, is subject to drug and alcohol testing as directed by the Substance Abuse Professional before returning to duty.

15.029 Methods of Testing

(a) Drugs- In testing for drugs, a urinalysis is used. Any Covered Employee who uses drugs in compliance with the instructions of a licensed medical practitioner is responsible for reporting that information before providing a urine specimen.

(b) Any Covered Employee who is notified of a Positive Drug Test has the right to request that a verification test be conducted on a second urine sample from the same specimen, (which has not previously been subjected to any testing). The Covered Employee must request this test within 72 hours after being notified of the Positive Drug Test and this request must be made in writing to the Medical Review Officer (MRO).

(c) Alcohol- In testing for alcohol, an Evidential Breath Testing Device is used to determine a breath alcohol concentration. The device conforms to specifications established by federal regulations.

15.030 Pre-Employment Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, in all job postings for the positions of Covered Employees and during the initial job interview for these positions, the County indicates that:

(1) Pre-employment testing, at the County's expense, is required and

(2) Any applicant who is hired is also required to submit to ongoing drug and alcohol testing.

(b) All applicants for the position of a Covered Employee must complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test.

(c) If the Medical Review Officer determines that an applicant's drug or alcohol test is Positive, the hiring process is terminated. The MRO forwards a copy of the test results to the Drug and Alcohol Program Coordinator. Records of a Positive Drug Test or Positive Alcohol Test are maintained for five years. The Drug and Alcohol Program Coordinator ensures that the applicant is provided

with information about an EAP that can make referrals to a Substance Abuse Professional for evaluation.

(d) An applicant may re-apply for a position of a Covered Employee if the applicant presents a letter from a Substance Abuse Professional confirming that the applicant may engage in safety-sensitive functions as defined in CFR 49, Part 382. A copy of the letter is forwarded to the Drug and Alcohol Program Coordinator. The applicant for a position of a Covered Employee must then complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test before being employed in a position of a Covered Employee. A copy of the results of this test is forwarded to the Drug and Alcohol Program Coordinator.

(e) All recommendations made by the Substance Abuse Professional about continued testing or treatment are administered by the Drug and Alcohol Program Coordinator.

15.031 Post Accident Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, the County requires Covered Employees to submit to alcohol and drug testing if they are involved in an incident.

(b) If the Covered Employee is involved in an incident, then he or she must notify his or her departmental dispatch office or supervisor that an incident has occurred.

(c) If the appropriate law enforcement agency has not been notified, then the Covered Employee or departmental dispatcher must contact the supervisor or law enforcement agency.

(d) The individual who first receives notification of the incident asks the Covered Employee the following questions to determine whether the incident is an Accident under the federal regulations:

(1) Was there a fatality?

(2) Was a person removed from the scene for medical treatment?

(3) Was a vehicle towed from the scene?

(4) Was a citation for a moving traffic violation resulting from the incident issued to the Covered Employee? Within 8 hours after the incident? Within 32 hours?

(e) The answers to these questions determine whether post-accident testing occurs as indicated in the following chart:

Type of Incident	Was a Citation Issued to Employee?	Is Post Accident Testing Required and Allowed?
(1)Human fatality occurred	Yes	Yes
	No	Yes
(2) Person removed from scene for medical treatment	Yes, within 8 hours.	Yes, both alcohol and drug testing are required.
	Yes, within 32 hours	Yes, drug testing is required, alcohol testing is not allowed.
	No	No
(3) Vehicle has disabling damage & is towed from the scene	Yes	Yes
	No	No

(f) If there is an Accident and post-accident testing is required, the supervisor on call reports to the Accident scene to transport the Covered Employee to a collection site and follows the Collection Site and Post Testing Procedures. The supervisor also notifies the Drug and Alcohol Program Coordinator immediately of the Accident and of the need for testing. If transportation of the Covered Employee to a collection site is not feasible, the Drug and Alcohol Program Coordinator makes other arrangements so that testing is completed within the required time.

(g) If a Covered Employee who is subject to post-accident testing does not remain readily available for this testing, the Covered Employee may be deemed by the County to have refused to test.

(h) If a required alcohol test is not administered,

(1) within two (2) hours after an Accident, the supervisor may continue attempts to administer an alcohol test and shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours of the Accident.

(2) within eight (8) hours after an Accident, the supervisor shall cease all attempts to administer an alcohol test and prepare and maintain on file, a record stating the reasons the test was not administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 72 hours of the Accident.

(i) If a required drug test is not administered within thirty two (32) hours after an Accident, the supervisor shall cease all attempts to administer a drug test and prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator.

(j) If the Covered Employee is injured, then ensuring that the Covered Employee receives medical attention takes priority over the requirement to conduct drug and alcohol testing.

15.032 Random Drug & Alcohol Testing Procedure

(a) In compliance with federal regulations, the County requires Covered Employees to submit to random alcohol and drug testing. On an annual basis, a minimum of ten percent (10%) of Covered Employees are tested for alcohol, and a minimum of fifty percent (50%) of Covered Employees are tested for drugs. Random testing is not announced and occurs at unpredictable times.

(b) Each department, including Elected and Appointed Officials, notifies the Drug and Alcohol Program Coordinator of the names of a primary contact person and an alternate contact person within the department.

(c) Once every month, department contacts must provide the Drug and Alcohol Program Coordinator with an updated list of Covered Employees who operate, or could be called upon to operate, a commercial motor vehicle. The list must include the work location and work schedule of each Covered Employee. If the work location changes during the month, the department contact must notify the Drug and Alcohol Program Coordinator.

(d) The Drug and Alcohol Program Coordinator contacts the contracted entity and requests that a random list of names of County Covered Employees be generated.

(e) The random list of names is delivered in a sealed envelope, marked "CONFIDENTIAL" by an employee of the contracted laboratory, by commercial courier or by secure electronic means to the Drug and Alcohol Program Coordinator. Except when in actual use, the list of names is kept in a locked storage unit at all times. Access is limited to authorized employees only.

(f) In advance, the Drug and Alcohol Program Coordinator notifies the contracted entity of the date, time, and number of Covered Employees to be tested for alcohol or drugs.

(g) The Drug and Alcohol Program Coordinator may notify the department contact by telephone or secure electronic means or both no sooner than 24 hours before the time testing is to occur.

(h) Immediately before testing the department contact notifies the supervisor(s) of the Covered Employees to be tested.

(i) The supervisor:

(1) Confirms that the Covered Employee(s) to be tested have reported to work,

(2) Confirms that the Covered Employee(s) to be tested for drug or alcohol was performing, is performing, or may be called upon to perform a safety sensitive function,

(3) Ensures that the selected Covered Employee(s) report for testing immediately,

(4) Transports the Covered Employees to be tested to the collection site, and

(5) Follows the Collection Site and Post Testing Procedures.

(j) If the supervisor needs to be tested, an alternate supervisor must be designated as the transporting supervisor to transport all those to be tested to the collection site.

(k) Upon arrival at the collection site, the transporting supervisor meets with collection site contact to confirm list of Covered Employees to be tested.

15.033 Reasonable Suspicion Drug & Alcohol Testing Procedures

(a) In compliance with the federal regulations, the County requires Covered Employees to submit to testing for the presence of drugs and alcohol when a reasonable suspicion exists that a Covered Employee has violated any part of the federal regulations or the Commercial Driver's License Drug and Alcohol Policy.

(b) In accordance with federal regulations, supervisors are trained to and do monitor the following symptoms as indicators of the possible use of alcohol or drugs: body odor, appearance, speech, and behavior. For drugs only, supervisors are trained to and do monitor indications of the chronic effects and withdrawal effects of drugs.

(c) After a trained supervisor makes specific, contemporaneous, clearly described observations that are consistent with the use of drugs or alcohol, he or she must request, when at all possible, that another trained supervisor make independent observations and verify these observations and conclusions.

(d) If a supervisor who has not received alcohol and drug training suspects that a Covered Employee is under the influence of alcohol or drugs, he or she must:

(1) Immediately remove the Covered Employee from performing safety sensitive functions, and

(2) Document the observations creating the suspicion in writing, and wait until a trained supervisor can confirm the suspicion.

(e) If a trained supervisor is not available within the department to confirm the suspicion, the untrained supervisor should contact Drug and Alcohol Program Coordinator to provide assistance in locating a trained supervisor. Confirmation by a trained supervisor must occur before administering a drug or alcohol test to the Covered Employee.

(f) In cases when a verification by a second supervisor is not possible or practical—such as when the supervisor and the Covered Employee are in a remote location and no other trained supervisor is available to observe the Covered Employee—the supervisor may contact HRMD and the County

Attorney to determine whether a determination of reasonable suspicion is warranted.

(g) Reasonable suspicion exists when one supervisor has made specific observations that are consistent with the use of drugs or alcohol if

(1) That supervisor has been specifically trained to recognize the appearance, behavior, speech or body odors associated with drug and alcohol use and the indications of the chronic effects and withdrawal effects of drugs or alcohol, and

(2) A request has been made that a second trained supervisor, based on independent observations of the Covered Employee, verify the initial observations and concurs with the conclusions and either there was a second trained supervisor available who could do this or extenuating circumstance preclude the review by a second trained supervisor, and

(3) The observations and conclusions of the supervisors available to make the observations are reviewed by the County Attorney and HRMD.

(h) If the Covered Employee is suspected of drug or alcohol use, and the supervisors, HRMD and the County Attorney have determined that reasonable suspicion exists, reasonable suspicion testing may only be administered:

(1) If the supervisor's observations were made during, just preceding, or just after a work day during which the Covered Employee is performing or on call to perform safety sensitive functions and, therefore, subject to compliance with the federal regulations, and

(2) If the testing is performed before, during, or after the Covered Employee has performed a safety sensitive function.

(i) Each supervisor is required to document in writing the specific indicators, symptoms, or observations that form the basis for the determination that reasonable suspicion exists and that testing of the Covered Employee is warranted.

(j) If the supervisor making the determination of reasonable suspicion is not the Covered Employee's immediate supervisor, the supervisor making the determination must notify the Covered Employee's immediate supervisor of the intent to test. The immediate supervisor must then coordinate the testing of the Covered Employee in accordance with these procedures.

(k) The immediate supervisor contacts HRMD and the County Attorney for final approval to test the Covered Employee.

(l) Once approval to test has been obtained from HRMD and the County Attorney, the supervisor notifies the affected Covered Employee of the intent to test and follows the Collection Site and Post Testing Procedures.

(m) The following time limits apply to reasonable suspicion testing:

(1) Alcohol-The Covered Employee must be tested within two (2) hours after the observation of suspicious behavior. The Covered Employee may not be tested unless there is a determination by the supervisors, HRMD, and the County Attorney that alcohol testing based on reasonable suspicion is warranted. All attempts to administer alcohol testing must cease within eight (8) hours after observation of suspicious behavior even if there has been a determination that alcohol testing based on reasonable suspicion is warranted. If alcohol testing is not administered within two hours after the initial observation, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered and update it if the attempt to test is not accomplished. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours.

(2) Drugs-A urine specimen must be collected within thirty-two (32) hours after the observation of suspicious behavior. The Covered Employee may not be tested unless there is a determination by the supervisors, HRMD, and the County Attorney that drug testing based on reasonable suspicion is warranted. All attempts to administer a drug test must cease within thirty-two (32) hours after the observation. If the urine specimen is not collected within thirty-two (32) hours, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within seventy two (72) hours.

(n) After testing has been conducted, the supervisor making the referral must complete a Behavior/Incident Documentation Report. The supervisor must forward copies of the report and any other documentation that supports the determination of reasonable suspicion to the Elected or Appointed Official and to the Drug and Alcohol Program Coordinator within 24 hours of the initial observation of the behavior.

15.034 Drug & Alcohol Testing Collection Site Procedures

The procedures provided below are followed for all alcohol and drug testing except Pre-Employment Testing:

(a) If a Covered Employee indicates at the time of notification that he/she is sick, the supervisor must still request that the Covered Employee provide a specimen for the alcohol test or drug test.

(b) If the Covered Employee refuses to be tested or becomes hostile or threatening, all attempts to test shall cease and a report of the refusal to test is sent to the Drug and Alcohol Program Coordinator.

(c) Covered Employee(s) to be tested are transported to the collection site by an individual in a supervisory capacity referred to as the "transporting supervisor".

(d) Drug and Alcohol testing is administered at the collection site, in accordance with federal regulations.

15.035 Post Testing Procedures for Alcohol Testing

(a) Personnel at the collection site inform the transporting supervisor of the test result for alcohol testing.

(b) If the Covered Employee has a Positive Alcohol Test with a result of 0.02 or greater, the Covered Employee

(1) Is removed from duty,

(2) Required to leave the work site, and

(3) Ordered to report to duty at his or her next scheduled shift.

(c) If the Covered Employee is tested for alcohol and drugs at the same time or for alcohol only, and the test result for alcohol is less than 0.02, the transporting supervisor transports the Covered Employee back to the worksite to resume job duties unless the County Elected or Appointed Official or County Executive for whom the employee works exercises his or her discretion as authorized in in section 15.009.

(d) Each department is responsible for making a reasonable effort to arrange safe transportation for the Covered Employee.

(e) If the transporting supervisor and the Covered Employee's immediate supervisor are not the same person, the transporting supervisor is responsible for notifying the Covered Employee's immediate supervisor of the test results.

15.036 Post Testing Procedures for Drug Testing

(a) Because results of drug testing may not be available for 72 hours or more from the time the test is administered, the Covered Employee continues to perform normal job duties until otherwise notified unless the Covered Employee is being tested post-accident or for reasonable suspicion. If being tested for reasonable suspicion or post-accident, the Covered Employee is reassigned to non-safety sensitive duties until test results are available.

(b) The Medical Review Officer (MRO) notifies the Drug and Alcohol Program Coordinator of drug test results.

(c) The Drug and Alcohol Program Coordinator notifies the Risk Manager and departmental personnel of the drug test results. All notified personnel have the responsibility of maintaining the confidentiality of all drug test results.

(d) The MRO notifies each Covered Employee who has a Positive Drug Test that he or she has 72 hours in which to request a second test of a second sample from the same specimen.

(e) If the MRO is unable to contact a Covered Employee, the Drug and Alcohol Program Coordinator makes reasonable efforts to contact each Covered Employee who submitted a urine specimen, regardless of the Covered Employee's employment status. If the Drug and Alcohol Program Coordinator is able to contact a Covered Employee, the Coordinator requests the Covered Employee to contact the MRO to discuss the results of the drug test within 24 hours.

(f) The Drug and Alcohol Program Coordinator immediately notifies the MRO that the Covered Employee has been notified to contact the MRO within 24 hours.

(g) If there is a Positive Drug Test, the Covered Employee is removed from all safety-sensitive duties until evaluation, rehabilitation and discipline are completed.

(Sections 15.037 through 15.0539 are reserved for expansion)

Subchapter C Drug And Alcohol Policy for Safety Sensitive Positions in STAR Flight

15.040 Purpose

The purpose of the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* is to provide a brief overview of the federal requirements in the Federal Aviation Administration's Drug and Alcohol Testing Program and the Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs. The Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* is interpreted to be consistent with these requirements as they may be amended from time to time. Employees may direct questions about these requirements to the Director of Aviation or the Drug and Alcohol Program Coordinator in HRMD.

15.041 Safety Sensitive Employee

In the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*, Safety Sensitive Employees are all employees whose positions are covered by the Federal Aviation Administration (FAA) regulations and medical staff who perform safety sensitive functions during helicopter operations such as operating the hoist and Bambi bucket. Affected classifications may include but are not limited to: Helicopter Pilot, Helicopter Mechanic, Directors of Aviation Operations, Flight Nurse, and Flight Paramedic.

15.042 Employee Responsibilities

(a) Safety Sensitive Employees are responsible for knowing the terms of and complying with the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* and procedures as well as the ***STAR*** *Flight* Policy for Alcohol Misuse and Prevention Program and the ***STAR*** *Flight* Substance Abuse Policy.

(b) A Safety Sensitive Employee who performs flight crewmember or flight medical attendant duties shall not perform work within eight hours after consuming alcohol, regardless of the employee's actual alcohol concentration. A Safety Sensitive Employee who performs other safety sensitive duties, like instruction, dispatch or maintenance, shall not perform

these safety sensitive functions within four hours after consuming alcohol, regardless of the employee's actual alcohol concentration. In addition, any Safety Sensitive Employee shall not:

(1) Report for duty or remain on duty while using drugs, unless using them in compliance with the instructions of a licensed medical practitioner who has indicated that there will be no adverse effect related to operating aviation related equipment safely,

(2) Use **any Alcohol** or illegal drugs on the job when performing, ready to perform, immediately available to perform, or on call to perform safety-sensitive functions,

(3) Use Alcohol following an Aviation Incident involving an aircraft for which they performed a safety-sensitive function at or near the time of the Aviation Incident, until the first of these occur:

(A) eight hours have passed since the Aviation Incident, or

(B) the Safety Sensitive Employee submits to alcohol testing if required to undergo post-Aviation Incident alcohol testing unless the supervisor determines that the employee can be completely discounted as a contributing factor to Aviation Incident,

(4) Refuse an alcohol or drug test required by law or this policy,

(5) Report for duty or remain on duty if the Safety Sensitive Employee has a Positive Drug Test, or

(6) Report for duty or remain on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

15.043 Disciplinary Actions

(a) If a Safety Sensitive Employee Refuses to Test when requested to submit to a post-Aviation Incident, random, reasonable suspicion, or follow-up Alcohol or Drug test, the Safety Sensitive Employee is immediately removed from performing or continuing to perform safety-sensitive functions.

(b) If a person Refuses to Test when requested to submit to a prior to hire or return to duty Alcohol or drug test, the person will not be allowed to perform or continue to perform safety-sensitive functions.

(c) If a Safety Sensitive Employee has one (1) verified positive alcohol test result or one (1) verified positive drug test while performing a safety sensitive function, that Safety Sensitive Employee is barred from performing or continuing to or being ready to or being immediately available to perform safety-sensitive functions until cleared for return to duty by the Federal Air Surgeon if regulated by the Federal Aviation Administration.

(d) If a Safety Sensitive Employee uses Illegal drugs or Alcohol while performing a safety sensitive function, that Safety Sensitive Employee is permanently barred from performing or continuing to or being ready to or being immediately available to perform safety-sensitive functions.

(e) Any Safety Sensitive Employee who holds an airman certificate issued under 14 CFR part 67and has been reported to the Federal Air Surgeon is barred from performing or continuing to or being ready to or being immediately available to perform safety-sensitive functions until the Federal Air Surgeon recommends that this Safety Sensitive Employee be permitted to perform these safety sensitive functions.

(f) Any Safety Sensitive Employee who violates any provision of this policy is subject to disciplinary action, including termination.

15.044 County Requirements

(a) The County provides the following materials to all Safety Sensitive Employees:

(1) Specific information about drug use and alcohol abuse,

(2) The requirements of federal law,

(3) The Drug Free Work Place Policy and the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*,

(4) The consequences for violating those requirements,

(5) The drug and alcohol testing process,

(6) Information about the effects of drug use and alcohol abuse, including the behavioral cues that may indicate drug use and abuse,

(7) Specific information about where employees can get help for drug use and alcohol abuse, including a community service hot-line telephone number for employee assistance, and

(8) An acknowledgment form which the Safety Sensitive Employee must sign that indicates training opportunities on the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* and the consequences of any violations were made available.

(b) Supervisors who manage Safety Sensitive Employees are trained by professionals approved by the U.S. Department of Health and Human Services to recognize behavior which might be associated with drug or alcohol use.

15.045 Medical Information

(a) All Drug and alcohol test results and medical information furnished during the testing process is treated as confidential medical information and is released only as required by federal regulations.

(b) Records of all tests conducted under the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* are maintained and used in accordance with federal regulations and this policy.

(c) Any tested employee has the right to request a copy of his or her test records.

15.046 Types of Required Testing

Drug and alcohol testing is conducted in accordance with the U.S. Department of Transportation regulations and the procedures which implement the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*. The County has contracted with a laboratory approved by the U.S. Department of Health and Human Services for these testing services. The following types of tests are conducted:

(a) Prior to Hire Testing- If an applicant applies for the positions of Safety Sensitive Employees, prior to hire drug and alcohol testing is required, at the County's expense. Applicants for these positions are advised that any job offer is contingent upon **not** having a Positive Drug Test or a Positive Alcohol Test or both. These results must be verified.

(b) Post-Aviation Incident Testing- If a Safety Sensitive Employee is involved in an Aviation Incident as defined in this policy, the Safety Sensitive Employee is required to submit to post- Aviation Incident drug and alcohol testing unless the employee can be completely discounted as a contributing factor to Aviation Incident.

(c) Random Testing- Safety Sensitive Employees are required to submit to random drug and alcohol testing throughout the year at unannounced times. A Safety Sensitive Employee could be randomly selected for testing more than once annually.

(d) Reasonable Suspicion Testing-Safety Sensitive Employees are required to submit to drug and alcohol testing if reasonable suspicion exists to believe that Safety Sensitive Employee has violated any part of the federal regulations or the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*.

(e) Return to Duty- Any Safety Sensitive Employee who violates any of the requirements in the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight*, is subject to drug and alcohol testing as directed by the Substance Abuse Professional before returning to duty.

15.049 Methods of Testing

(a) Drugs- In testing for drugs, a urinalysis is used. Any Safety Sensitive Employee who uses drugs in compliance with the instructions of a licensed medical practitioner is responsible for reporting that information before providing a urine specimen.

(b) Any Safety Sensitive Employee who is notified of a Positive Drug Test has the right to request that a verification test be conducted on a second urine sample (which has not previously been subjected to any testing) from the same specimen. The Safety Sensitive Employee must request this test within 72 hours after being notified of the Positive Drug Test and this request must be made in writing to the Medical Review Officer (MRO).

(c) Alcohol- In testing for alcohol, an Evidential Breath Testing Device is used to determine a breath alcohol concentration. The device conforms to specifications established by federal regulations.

15.050 Prior to Hire Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, in all job postings for the positions of Safety Sensitive Employees and in the initial interview for these positions, the County indicates that:

(1) Prior to Hire testing, at the County's expense, is required and

(2) Any applicant who is hired is also required to submit to ongoing drug and alcohol testing.

(b) All applicants for the position of a Safety Sensitive Employee must complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test.

(c) If the Medical Review Officer determines that an applicant's drug or alcohol test is Positive, the hiring process is terminated. The MRO forwards a copy of the test results to the Drug and Alcohol Program Coordinator. Records of a Positive Drug Test or Positive Alcohol Test are maintained for five years. The Drug and Alcohol Program Coordinator ensures that the applicant is provided with information about an EAP that can make referrals to a Substance Abuse Professional for evaluation.

(d) An applicant may re-apply for a position of a Safety Sensitive Employee if the applicant presents a letter from a Substance Abuse Professional confirming that the applicant has successfully complied with the prescribed education and/or treatment . A copy of the letter is forwarded to the Drug and Alcohol Program Coordinator. The applicant for a position of a Safety Sensitive Employee must then complete drug and alcohol testing without a Positive Drug Test or a Positive Alcohol Test before being employed in a position of a Safety Sensitive Employee. A copy of the results of this test is forwarded to the Drug and Alcohol Program Coordinator.

(e) All recommendations made by the Substance Abuse Professional about continued testing or treatment are administered by the Drug and Alcohol Program Coordinator.

15.051 Post Aviation Incident Drug & Alcohol Testing Procedures

(a) In compliance with federal regulations, the County requires Safety Sensitive Employees to submit to alcohol and drug testing if they are involved in an Aviation Incident and their performance either contributed to the occurrence

or cannot be affirmatively discounted as a contributing factor to the Aviation Incident.

(b) If the Safety Sensitive Employee is involved in an Aviation Incident, then he or she must notify his or her supervisor that an Aviation Incident has occurred.

(c) The individual who first receives notification of the Aviation Incident asks the Safety Sensitive Employee questions to determine whether there was an Aviation Incident and whether post-Aviation Incident testing is required and allowed.

(d) Post Aviation Incident testing is limited as follows:

When Post Aviation Incident Testing Is Required and Allowed	
Within 8 hours.	Yes, both alcohol and drug testing are allowed and required.
Within 32 hours	Yes, drug testing is required, alcohol testing is not allowed.
More than 32 hours	No, drug testing and alcohol testing are not allowed

(e) If there is an Aviation Incident and post Aviation Incident testing is required, the supervisor on call reports to the Aviation Incident scene to transport the Safety Sensitive Employee to a collection site and follows the Collection Site and Post Testing Procedures. The supervisor also notifies the Drug and Alcohol Program Coordinator immediately of the Aviation Incident and of the need for testing. If transportation of the Safety Sensitive Employee to a collection site is not feasible, the Drug and Alcohol Program Coordinator makes other arrangements so that testing is completed within the required time.

(f) If a Safety Sensitive Employee who is subject to post-Aviation Incident testing does not remain readily available for this testing, the Safety Sensitive Employee may be deemed by the County to have Refused to Test.

(g) If a required alcohol test is not administered,

(1) within two (2) hours after an Aviation Incident, the supervisor may continue attempts to administer an alcohol test and shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours of the Aviation Incident.

(2) within eight (8) hours after an Aviation Incident, the supervisor shall cease all attempts to administer an alcohol test and prepare and maintain on file, a record stating the reasons the test was not administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 72 hours of the Accident.

(h) If a required drug test is not administered within thirty two (32) hours after an Aviation Incident, the supervisor shall cease all attempts to administer a drug test and prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator.

(i) If the Safety Sensitive Employee is injured, then ensuring that the Safety Sensitive Employee receives medical attention takes priority over the requirement to conduct drug and alcohol testing.

15.052 Random Drug & Alcohol Testing Procedure

(a) In compliance with federal regulations, the County requires Safety Sensitive Employees to submit to random alcohol testing and drug testing for illegal drugs. The Federal Aviation Administration requires that the only Safety Sensitive Positions regulated by the Federal Aviation Administration may be in the random testing pool and all Safety Sensitive Positions regulated by the Federal Aviation Administration must be in that random pool. The Federal Aviation Administration also requires that the only Safety Sensitive Positions who are NOT regulated by the Federal Aviation Administration may be in another random testing pool and all Safety Sensitive Positions who are NOT regulated by the Federal Aviation Administration must be in that second random pool. For all Safety Sensitive Positions, the Federal Aviation Administration, through its Administrator, sets the minimum annual percentage of these positions that are tested for alcohol and drugs each year. At 2014, the minimum for alcohol testing is ten percent (10%) and for drug testing the minimum is twenty five percent (25%). Random testing is not announced and occurs at unpredictable times.

(b) County Executive Emergency Services notifies the Drug and Alcohol Program Coordinator of the names of current primary contact person and an alternate contact person within ***STAR*** *Flight*.

(c) The ***STAR*** *Flight* contact must provide the Drug and Alcohol Program Coordinator with a list of Safety Sensitive Employees and their SSNs who are governed by the Federal Aviation Administration regulations and of Safety Sensitive Employees who are not regulated by the Federal Aviation Administration, and promptly notify the Drug and Alcohol Program Coordinator of any changes to the list.

(d) The Drug and Alcohol Program Coordinator contacts the contracted entity and requests that two random lists of names be generated: one list from the names of all Helicopter Pilots, Helicopter Mechanics, and Directors of Aviation Operations, and the second list from the names of the Flight Nurses, Flight Paramedics and all other Covered Employees

(e) The random list of names is delivered in a sealed envelope, marked "CONFIDENTIAL" by an employee of the contracted laboratory, by commercial courier or by secure electronic means to the Drug and Alcohol Program Coordinator. Except when in actual use, the list of names is kept in a locked storage unit at all times. Access is limited to authorized employees only.

(f) In advance, the Drug and Alcohol Program Coordinator notifies the contracted laboratory of the date, time, and number of Safety Sensitive Employees to be tested for alcohol or drugs.

(g) The Drug and Alcohol Program Coordinator notifies the ***STAR*** *Flight* contact by telephone or secure electronic means or both and testing is to occur as soon as practical after notification.

(h) Immediately before testing the department contact notifies the supervisor(s) of the Safety Sensitive Employees to be tested.

(i) The supervisor:

(1) Confirms that the Safety Sensitive Employee(s) to be tested have reported to work,

(2) Confirms that the Safety Sensitive Employee(s) to be tested for drug or alcohol was performing, is performing, or may be called upon to perform a safety sensitive function,

(3) Ensures that the selected Safety Sensitive Employee(s) report for testing immediately,

(4) Transports the Safety Sensitive Employees to be tested to the collection site, and

(5) Follows the Collection Site and Post Testing Procedures.

(j) If the supervisor needs to be tested, an alternate supervisor must be designated as the transporting supervisor to transport all those to be tested to the collection site.

(k) Upon arrival at the collection site, the transporting supervisor meets with collection site contact to confirm list of Safety Sensitive Employees to be tested.

15.053 Reasonable Suspicion Drug & Alcohol Testing Procedures

(a) In compliance with the federal regulations, the County requires Safety Sensitive Employees to submit to testing for the presence of drugs and alcohol when a reasonable suspicion exists that a Safety Sensitive Employee has violated any part of the federal regulations or the Drug and Alcohol Policy for Safety Sensitive Employees in ***STAR*** *Flight*.

(b) In accordance with federal regulations, supervisors are trained to and do monitor the following symptoms as indicators of the possible use of alcohol or drugs: body odor, appearance, speech, and behavior. For drugs only, supervisors are trained to and do monitor indications of the chronic effects and withdrawal effects of drugs.

(c) After a trained supervisor makes specific, contemporaneous, clearly described observations that are consistent with the use of drugs or alcohol, he or she must request, when at all possible, that another supervisor make independent observations and verify these observations and conclusions.

(d) If a supervisor who has not received alcohol and drug training suspects that a Safety Sensitive Employee is under the influence of alcohol or drugs, he or she must:

(1) Immediately remove the Safety Sensitive Employee from performing safety sensitive functions, and

(2) Document the observations creating the suspicion in writing, and wait until a trained supervisor can confirm the suspicion.

(e) If a trained supervisor is not available within the department to confirm the suspicion, the untrained supervisor should contact Drug and Alcohol Program Coordinator to provide assistance in locating a trained supervisor. Confirmation by a trained supervisor must occur before administering a drug or alcohol test to the Safety Sensitive Employee.

(f) In cases when a verification by a second supervisor is not possible or practical—such as when the supervisor and the Safety Sensitive Employee are in a remote location and no other trained supervisor is available to observe the Safety Sensitive Employee—the supervisor may contact HRMD and the County Attorney to determine whether a determination of reasonable suspicion is warranted.

(g) Reasonable suspicion exists when one supervisor has made specific observations that are consistent with the use of drugs or alcohol if

(1) That supervisor has been specifically trained to recognize the appearance, behavior, speech or body odors associated with drug and alcohol use and the indications of the chronic effects and withdrawal effects of drugs or alcohol, and

(2) That, when possible to do so in a timeframe that does not delay testing, a second trained supervisor, based on independent observations of the Safety Sensitive Employee, has verified the initial observations and the second trained supervisor concurs with the conclusions

(h) If the Safety Sensitive Employee is suspected of drug or alcohol use, and the supervisors, have determined that reasonable suspicion exists, reasonable suspicion testing may only be administered

(1) If the supervisor's observations were made during, just preceding, or just after a work day during which the Safety Sensitive Employee is performing or on call to perform safety sensitive functions and, therefore, subject to compliance with the federal regulations.

(2) If testing is performed before, during, or after the Safety Sensitive Employee has performed a safety sensitive function.

(i) Each supervisor is required to document in writing the specific indicators, symptoms, or observations that form the basis for the determination that reasonable suspicion exists and that testing of the Safety Sensitive Employee is warranted.

(j) If the supervisor making the determination of reasonable suspicion is not the Safety Sensitive Employee's immediate supervisor, the supervisor making the determination must notify the Safety Sensitive Employee's immediate supervisor of the intent to test. The immediate supervisor must then coordinate the testing of the Safety Sensitive Employee in accordance with these procedures.

(k) The ***STAR*** *Flight contact* person or designee contacts HRMD to arrange for testing of the Safety Sensitive Employee.

(l) Once HRMD has arranged for testing, the supervisor notifies the affected Safety Sensitive Employee of the intent to test and follows the Collection Site and Post Testing Procedures.

(m) The following time limits apply to reasonable suspicion testing:

(1) Alcohol-The Safety Sensitive Employee must be tested within two (2) hours after the observation of suspicious behavior. The Safety Sensitive Employee may not be tested unless there is a determination by the ***STAR*** *Flight* contact person that alcohol testing based on reasonable suspicion is warranted. All attempts to administer alcohol testing must cease within eight (8) hours after observation of suspicious behavior even if there has been a determination that alcohol testing based on reasonable suspicion is warranted. If alcohol testing is not administered within two hours after the initial observation, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered and update it if the attempt to test is not accomplished. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within 24 hours.

(2) Drugs-A urine specimen must be collected within thirty-two (32) hours after the observation of suspicious behavior. The Safety Sensitive Employee may not be tested unless there is a determination by the ***STAR*** *Flight* contact person that drug testing based on reasonable suspicion is warranted. All attempts to administer a drug test must

cease within thirty-two (32) hours after the observation. If the urine specimen is not collected within thirty-two (32) hours, the supervisor shall prepare and maintain on file, a record stating the reasons the test was not promptly administered. A copy of this record is forwarded to the Drug and Alcohol Program Coordinator within seventy two (72) hours.

(n) After testing has been conducted, the supervisor making the referral must complete a Behavior/Incident Documentation Report. The ***STAR*** *Flight* contact person or designee must forward copies of the report and any other documentation that supports the determination of reasonable suspicion to the County Executive Emergency Services and to the Drug and Alcohol Program Coordinator within 24 hours of the initial observation of the behavior.

15.054 Drug & Alcohol Testing Collection Site Procedures

The procedures provided below are followed for all alcohol and drug testing except Prior to Hire Testing:

(a) If a Safety Sensitive Employee indicates at the time of notification that he/she is sick, the supervisor must still request that the Safety Sensitive Employee provide a specimen for the alcohol test or drug test.

(b) If the Safety Sensitive Employee refuses to be tested or becomes hostile or threatening, all attempts to test shall cease. These actions result in termination for refusal to test.

(c) Safety Sensitive Employee(s) to be tested are transported to the collection site by an individual in a supervisory capacity referred to as the "transporting supervisor".

(d) Alcohol testing is administered at the collection site, in accordance with federal regulations.

15.055 Post Testing Procedures for Alcohol Testing

(a) Personnel at the collection site inform the transporting supervisor of the test result for alcohol testing.

(b) If the Safety Sensitive Employee is tested for alcohol and drugs at the same time or for alcohol only, and the test result for alcohol is less than 0.02, the transporting supervisor transports the Safety Sensitive Employee back to the

worksite to resume job duties unless the County Elected or Appointed Official or County Executive for whom the Safety Sensitive employee works exercises his or her discretion as authorized in in section 15.009

(c) If the Safety Sensitive Employee has a Positive Alcohol Test with a result over 0.02, the Safety Sensitive Employee:

(1) Is removed from duty, and

(2) Required to leave the work site.

(d) ***STAR*** *Flight* is responsible for making a reasonable effort to arrange safe transportation for the Safety Sensitive Employee.

(e) If the transporting supervisor and the Safety Sensitive Employee's immediate supervisor are not the same person, the transporting supervisor is responsible for notifying the Safety Sensitive Employee's immediate supervisor of the test results.

15.056 Post Testing Procedures for Drug Testing

(a) Because results of drug testing may not be available for 72 hours or more after the test is administered, the Safety Sensitive Employee continues to perform normal job duties until otherwise notified unless the Safety Sensitive Employee is tested for reasonable suspicion or post Aviation Incident. If being tested due to reasonable suspicion or an Aviation Incident, the Safety Sensitive Employee is reassigned to non-safety sensitive duties until test results are available.

(b) If there is a Positive Drug Test, the MRO requests a second test of a second sample from the same specimen. If the Positive Drug Test is verified for a Safety Sensitive Employee regulated by the Federal Aviation Administration, the MRO reports that Safety Sensitive Employee who holds an airman certificate issued under 14 CFR part 67 to the Federal Air Surgeon within 2 working days of the violation. This notice is sent to: Federal Air Surgeon, Federal Aviation Administration, Office of Aerospace Medicine, Attention: Drug Abatement Division (AAM-800), 800 Independence Avenue, SW., Washington, D.C. 20591. The Medical Review Officer (MRO) notifies the Drug and Alcohol Program Coordinator of drug test results.

(c) The Drug and Alcohol Program Coordinator notifies the Risk Manager and departmental personnel of the drug test results. All notified personnel have the responsibility of maintaining the confidentiality of all drug test results.

(d) The MRO notifies each Safety Sensitive Employee who has a verified Positive Drug Test.

(e) If the MRO is unable to contact a Safety Sensitive Employee, the Drug and Alcohol Program Coordinator makes reasonable efforts to contact each Safety Sensitive Employee who submitted a urine specimen, regardless of the Safety Sensitive Employee's employment status. If the Drug and Alcohol Program Coordinator is able to contact a Safety Sensitive Employee, the Coordinator requests the Safety Sensitive Employee to contact the MRO to discuss the results of the drug test within 24 hours.

(f) The Drug and Alcohol Program Coordinator immediately notifies the MRO that the Safety Sensitive Employee has been notified to contact the MRO within 24 hours.

(g) If there is a verified Positive Drug Test the Safety Sensitive Employee is immediately removed from all safety-sensitive duties.

(Sections 15.057 through 15.059 are reserved for expansion)

Subchapter D. Definitions

15.060 Definitions

(a) Words used in the Drug and Alcohol Free Workplace Policy and the Commercial Driver's License (CDL) Drug and Alcohol Policy that are defined in the Drug and Alcohol regulations of the Department of Transportation related to holders of Commercial Driver's Licenses have the meanings stated in those sections in 49 CFR § 382.101 et seq.

(b) The following words in the Drug and Alcohol Free Workplace Policy, the Commercial Driver's License (CDL) Drug and Alcohol Policy, and the Drug And Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* have the meanings stated in this section.

(c) "Accident" is any incident involving a commercial motor vehicle which results in:

(1) A human fatality, or

(2) A citation arising from the incident being issued for a moving violation under state or local law if:

(A) An injury is reported which is treated away from the scene, or

(B) A vehicle is towed from the scene.

(d) "Alcohol" means any beverage alcohol, ethyl alcohol or other low molecule weight alcohol including methyl and isopropyl alcohol.

(e) "Aviation Incident" is an occurrence associated with the operation of an aircraft, or any hoist or Bambi bucket or other external equipment attached to an aircraft, which

(1) takes place between the time any person boards the aircraft with the intention of flight and the time that all persons have disembarked, and

(2) results

(A) in a human fatality or serious injury to any person, or

(B) substantial damage to the aircraft.

(f) "Drug and Alcohol Program Coordinator" is a person in HRMD who is responsible for the overall administration of the County Drug and alcohol testing program.

(g) "Drugs" means controlled substances.

(h) "Employee Assistance Program" or "EAP" is a professional, confidential counseling service available to all employees and their families that is provided by the County that offers assessment, short-term counseling and referral services for a wide range of issues including Drug, alcohol, and mental health programs that affect employee job performance. The EAP is responsible for referring employees using Drug and alcohol to rehabilitation and for monitoring these employees' progress and treatment.

(i) "Illegal Drugs" refer to marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine) and other controlled substances for which an employee does not have instructions for use from a licensed medical practitioner.

(j) "Medical Review Officer" or "MRO" is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's Drug testing program. An MRO has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's verified Positive Drug or Alcohol Test, together with his or her medical history, and any other relevant biomedical information.

(k) "Positive Alcohol Test" is a breathalyzer test that reveals an alcohol concentration at or above 0.02.

(l) "Positive Drug Test" is a urinalysis by a certified laboratory that reveals the presence of Illegal Drugs that is performed using acceptable medical cutoff levels for screening and confirmation.

(m) "Performing" includes any period in which the employee is actually performing, ready to perform or immediately available to perform a safety sensitive function.

(n) "Probable cause" exists where a person has reasonably trustworthy information which, when considered as a whole, is sufficient to justify a reasonable person to believe that a particular person has violated the Drug and Alcohol Free Work Place Policy.

(o) "Refuse to Test" means that, after receiving notice of the requirement under federal regulations to be tested, a Covered Employee fails to do any of the following:

(1) Appear at the site for testing and remain until the testing is complete,

(2) Provide a sufficient urine specimen or a breath specimen unless a valid medical explanation for not doing so is provided,

(3) Allow observation of collection if requested,

(4) Undergo a medical examination directed by the MRO,

(5) Cooperate with the testing process,

(7) Engage in conduct that clearly obstructs the testing process, or

(8) Does not provide an unadulterated and unsubstituted test result as reported by the MRO.

(p) "Substance Abuse Professional" is a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and Drug disorders.

(q) "Use Alcohol" means consuming any beverage, mixture or preparation (including a medication) that contains Alcohol.

(Sections 15.061 through 15.950 are reserved for expansion)

Subchapter Z. General Interpretive Provisions

15.951 General Interpretive Provisions-Authority

(a) Subchapter A Drug Free Work Place is adopted by the Commissioners Court in compliance with the federal requirements in the Drug-Free Workplace Act of 1988 and 1990. These Acts require companies and governmental entities that receive contract funds from the federal government to have a policy that includes these provisions.

(b) Subchapter B. Commercial Driver's License (CDL) Drug and Alcohol Policy is adopted by the Commissioners Court in compliance with the federal requirements in the Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation regulations in 49 CFR § 382.101 et seq.

(c) Subchapter C. Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* is adopted by the Commissioners Court in compliance with the federal requirements in the Federal Aviation Administration's Drug and Alcohol Testing Program and the Department of Transportation regulations in 49 CFR § 382.101 et seq.

15.952 Jurisdiction

(a) Drug Free Work Place only applies to employees who can be hired and terminated by the Commissioners Court and employees of Elected Officials who have adopted it in writing.

(b) Commercial Driver's License (CDL) Drug and Alcohol Policy only applies to employees who are required to hold a Commercial Driver's License to perform their job.

(c) Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* applies to all employees whose positions are covered by the Federal Aviation Administration (FAA) regulations and to medical staff who perform safety sensitive functions during helicopter operations such as operating the hoist and Bambi bucket.

15.953 Effective Date

(a) Drug Free Work Place initially became effective on March 28, 1995 as part of Chapter 9 and was replaced in December 2, 2003, as Subchapter D of Chapter 9. It has been moved to this chapter on July 20, 2010. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

(b) Commercial Driver's License (CDL) Drug and Alcohol Policy initially became effective on May 16, 1995 and has been amended on July 20, 2010. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

(c) In part, Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* initially became effective on May 16, 1995 as part of Subchapter B and has been expanded and added as Subchapter C on July 22, 2014. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

15.954 Precedents and Interpretation

(a) The County reserves the right to change any provision of the Drug and Alcohol Free Work Place Policy, the Commercial Driver's License (CDL) Drug and Alcohol Policy, and the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* unilaterally at any meeting of the Commissioners Court without specific notice of the potential change to an employees

(b) No employee, supervisor, official, or representative of the County has nay authority to change any portion of the Drug and Alcohol Free Work Place Policy, the Commercial Driver's License (CDL) Drug and Alcohol Policy, and the Drug and Alcohol Policy for Safety Sensitive Positions in ***STAR*** *Flight* without the express and specific authorization of the Commissioners Court.

(c) The provisions of this chapter shall be applied prospectively from the dates of their initial adoption.

(d) Commissioners Court shall resolve any questions about any interpretation of this chapter.

(e) If there is any conflict between this chapter and the state constitution, or state law or rule adopted under a state law or the United States Constitution, a federal law or a rule adopted under federal law, the policy prevails to the greatest extent possible without violating the United States Constitution, the state constitution, any constitutional federal or state law, or any constitutional rule adopted under either of these.

(f) The masculine, feminine, and neuter genders shall be interpreted to include the other genders if required. The singular and plural numbers should be interpreted to include the other number if required. Words in the present tense shall be interpreted to include the future tense. Words in the future tense shall be interpreted to include the present tense.

(g) Words and phrases shall be read in context and interpreted according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition in this chapter or otherwise, shall be interpreted according to that acquired meaning.

(h) Throughout this chapter, headings for chapters and sections are used for convenience only. These headings shall not be interpreted to expand or to limit the interpretation of the section that follows the heading.

15.955 Computation of Time

(a) When a period of time is stated in days, the days shall be interpreted as calendar days unless otherwise stated.

(b) If the last day of any period is a Saturday, Sunday, or County holiday, the period is extended to include the next day that is not a Saturday, Sunday, or County holiday.

ORDER AMENDING
CHAPTER 15, DRUG AND ALCOHOL POLICY
TRAVIS COUNTY CODE

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Pursuant to Sections 1.0051 and 1.0052 of the Travis County Code, the Travis County Commissioners Court makes the following orders:

1. Chapter 15. Drug and Alcohol Policy of the Travis County Code is deleted.
2. The form of Chapter 15. Drug and Alcohol Policy attached to this order is inserted as Chapter 15 of the Travis County Code in its place.

Date of Order: _____

TRAVIS COUNTY COMMISSIONERS COURT

_____
Samuel T. Biscoe, County Judge

_____
Ron Davis
Commissioner, Precinct 1

_____
Bruce Todd
Commissioner, Precinct 2

_____
Gerald Daugherty
Commissioner, Precinct 3

_____
Margaret Gómez
Commissioner, Precinct 4

ORDER AMENDING
CHAPTER 15, DRUG AND ALCOHOL POLICY
TRAVIS COUNTY CODE

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Commissioner, Precinct 3

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Margaret Gómez
Commissioner, Precinct 4