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Drug Free Workplace

Policy and Procedures

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DRUG-FREE WORKPLACE POLICY AND PROCEDURES

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INTRODUCTION

To ensure a safe, healthful and productive work environment, to protect the health and welfare of the citizens of Westchester County, and to assure compliance with the Federal Drug-Free Workplace Act of 1988, the County has adopted the Drug-free Workplace Policy and Procedures to address employee drug and alcohol abuse. The policy and the procedures provide the County with reasonable measures to ensure employee drug or alcohol use does not jeopardize the public or the County's ability to serve its citizens.

It is the overriding intent of the Drug-Free Workplace Policy and Procedures to create a humanitarian program. **Treatment, in lieu of discipline**, is a very important aspect of the plan. (Discipline, however, is always an option.) Even drug testing, which will be part of the program, is intended as a means of identifying those who need help – not an unnecessary intrusion to justify harsh discipline. In fact, the testing components of the program will not be instituted until the policy and procedures have been in force for 60 days. This two-month delay is intended to allow you to have time to consider if you have problems with substance abuse and to take actions on your own to rid yourself of drugs before risking discovery through a drug test or other procedures described below. Self-help is the bedrock of this program; we hope that as many of you as need to will take advantage of self-help opportunities including the County's Employee Assistance Program (EAP).

The County will not tolerate any drug or alcohol use which could affect an employee's job performance. The citizens of Westchester County have a right to expect that County employees will carry out their duties in a safe and reliable manner, free from the effects of drug or alcohol use. The policy and procedures are based upon the Drug-free Workplace Policy established in October, 1989. They are designed to achieve the goals stated above and in that policy while sustaining all employee rights to privacy, confidentiality and fairness. The policy and procedures replace, except where contrary to contractual obligations, any and all earlier procedures based on or expanding upon the Drug-Free Workplace Policy or its predecessor policies, but they do not replace or in any way supplant any other policies or procedures including, but not limited to, rules of professional conduct or performance policies. Nothing in the policy and procedures should be interpreted as providing probationary or provisional employees with any additional rights or privileges other than those granted under current law.

The policy and procedures are significantly more comprehensive than the Federal Drug-Free Workplace Act requirements. Westchester County must, by law, comply with that Act and report our drug-free workplace activities to the Federal government. The Act requires the adoption of a policy, some training, informing employees of the availability of help, and requiring employees to report convictions for drug crimes committed on the job. The intent of the Act is admirable, but Westchester County believes much more must be done than these minimal requirements. There are three important ways in which the policy and procedures are broader and more effective than the Drug-Free Workplace Act:

We emphasize treatment and help rather than discipline in most cases;

- We will employ drug-testing procedures primarily to overcome the drug user's denial that a problem exists, so that we may provide help and treatment if appropriate.

The policy and procedures apply to all active County employees in all government departments and to the staff of the Board of Legislators. Additional or amended procedures which are applicable to individual departments are included as separate documents in this manual. The County reserves the right to modify the policy and procedures in whole or in part in accordance with law and contractual procedures.

Implementation of these procedures will be the responsibility of the Department of Human Resources.

I. DEFINITIONS

- A. Controlled Substance – any drug included in Title M, Article 220 of the New York State Penal Law or in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code (21 USC 802(6) (for example: cocaine, marijuana, valium, morphine, anabolic steroids), the possession of which is unlawful under Chapter 3 of that title. The term does not include the use of prescribed drugs which have been legally obtained and are being used for the purpose for which they were prescribed.
- B. Illegally-Used Drug – any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes, all designer drugs not listed in the Controlled Substances Act (for example: MDA, fentanyl), and any other over-the-counter or non-drug substances (for example: airplane glue) being used for other than their intended purpose.
- C. Alcohol – colorless, volatile and flammable liquid that is the intoxicating agent in fermented and distilled liquors. It includes, but is not limited to, beer, wine and liquor. It does not include alcohol used in chemical processing, cleaning or testing.
- D. County Property – includes buildings, offices, facilities, equipment, vehicles, land, and parking lots owned, utilized or leased by the County. It also includes suppliers' facilities and any other site at which business of the County is transacted whether on or away from County-owned or leased property.

- E. Accident – an unplanned, unexpected and unintended event, which a) occurs on County property, on County business, or during working hours, and b) initially appears, in the judgment of a supervisor to have been caused wholly or partially by a County employee, and c) results in either i) a fatality, ii) bodily injury requiring medical treatment away from the scene of the event or iii) damage to property in excess of \$2,500.
- F. Drug Paraphernalia – any item which is used for the administering, transferring, manufacturing, testing or storing of a controlled substance and/or an illegally-used drug.
- G. Reasonable Suspicion of Drug and/or Alcohol Use – The reasonable suspicion standard for drug testing of employees is based upon specific objective facts and reasonable inferences drawn from those facts in light of experience that the individual may be involved in the use of any illegally-used drug, controlled substance, or alcohol. Examples would include:
1. Observable phenomena, such as direct observation of on-duty drug or alcohol use or possession and/or the on-duty display of behaviors which appear to be indicative of the use of any illegally-used drug, controlled substance, or alcohol and are not attributable to other factors;
 2. A pattern of abnormal conduct, erratic behavior or deteriorating work performance, including but not limited to, frequent absenteeism, excessive tardiness, or frequent accidents, not attributable to other factors and which appears to be related to drug and/or alcohol abuse;
 3. Conviction for a drug-related offense in the workplace or during working hours;
 4. Newly discovered evidence that the employee has tampered with a prior drug/alcohol test;
 5. Repeated or flagrant violations of the County's safety or work rules which are determined by a supervisor to pose a substantial risk of injury of property damage and which are not attributable to other factors and appear to be related to drug and/or alcohol abuse.

The above examples are not all-inclusive, but are intended to be illustrative. The symptoms of being affected by a drug or by alcohol are not confined to those consistent with misbehavior, nor to obvious impairment or physical or mental ability, such as slurred speech or difficulty in maintaining balance. Although reasonable suspicion does not require certainty, mere "hunches" are not sufficient to meet this standard.

H. Under the Influence of an Unauthorized Controlled Substance, Illegally-used drug and/or Alcohol

1. the presence of alcohol in the blood at a concentration greater than .05%; or a verified positive drug test result, at levels specified by the National Institute of Drug Abuse, for an unauthorized controlled substance or an illegally-used drug; and,
2. documentation, by a supervisor who has been trained in the making of such determinations, of articulable facts leading to the pre-test determination of reasonable suspicion of drug and/or alcohol use.

III. SUPERVISOR TRAINING AND CONFIDENTIAL PHONE SUPPORT

To assist supervisors to understand and to avoid the problems associated with application and enforcement of the County's Drug-Free Workplace Policy and these procedures, the County is providing to its supervisors a comprehensive awareness and training program. Training will include, but not be limited to, the making of determinations of reasonable suspicion, the process of sending an employee for a drug/alcohol test and referring an employee to the Employee Assistance Program.

All supervisors will be provided with the name and phone numbers of a support supervisor who will be familiar with all procedures relevant to their assigned departments/agencies and who will be available to address callers' questions regarding County Policy, procedural steps, the signs and symptoms of substance abuse, and treatment and rehabilitation programs. All calls to these support supervisors will be kept strictly confidential.

IV. EMPLOYEE ASSISTANCE PROGRAM

Early recognition and treatment of alcohol and drug abuse is critical to successful rehabilitation and return to full productivity, and to minimize governmental, personal, family and social disruption. The County encourages early diagnosis and treatment for substance abuse and supports sound treatment efforts.

To assist employees in obtaining treatment, the County has established an assessment, counseling and referral service (EAP) for employees with substance abuse and other personal problems. This service may be accessed Monday to Friday between the hours of 8:30 A.M. to 4:30 P.M. by calling 995-6070. The EAP will provide experienced counselors to help with personal problems and is available to all employees. Anonymity and confidentiality are assured by the EAP when the employee voluntarily refers himself or herself to the EAP.

Supervisors may refer employees who have violated the County's Drug-Free Workplace policy to the EAP for assessment, referral for treatment, and oversight of treatment. If the EAP then refers the employee for treatment, the employee will be required to sign a Rehabilitation Agreement (sample attached). In short, the Rehabilitation Agreement requires the employee to a) accept treatment and comply with clinical mandates, b) remain drug and alcohol free, c) submit to regular follow-up drug testing for a period of time during and following successful completion of treatment, and d) meet all normal job performance requirements, both while in treatment (as appropriate) and upon return to work.

When a supervisor refers an employee to the EAP the supervisor will contact the EAP counselor and will arrange a schedule of communications between the EAP counselor and the supervisor. This schedule may be altered at any time by the supervisor. Scheduled communications will continue as long as the employee is participating in any form of clinical substance abuse treatment. Communications will only consist of reports regarding treatment progress, adherence to the terms of the Rehabilitation Agreement, and the ability of the employee to safely and effectively perform job functions.

The County believes that most persons with substance abuse problems can be treated while continuing in their positions. In those instances where an employee needs leave for treatment purposes, the County will do its best to accommodate such requests.

Voluntary requests for assistance will not prevent disciplinary action for violation of the County's Drug-Free Workplace Policy or for failure to meet performance standards. Employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct and job performance or be subject to discipline.

V. AUTHORIZED USE OF PRESCRIPTION MEDICINE

Employees, in safety sensitive positions as defined by each Department, undergoing prescribed medical treatment with any drug which may alter their behavior or physical or mental ability must report this treatment to their supervisor, who will determine whether the employee's job assignment should temporarily change during treatment. Employees must keep all such prescribed medicines which are classified as controlled substances in their original containers which identify the drug, date of prescription and prescribing doctor.

This section is necessary because the use of drugs, even when done under a doctor's care, can cause temporary effects on behavior which could imperil the safety of others or adversely affect the employee's job performance.

VI. PROHIBITED CONDUCT

The following employee conduct is prohibited:

- A. Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance, illegally-used drug, or drug paraphernalia on County property, on County business, in County supplied vehicles, in vehicles being used for County purposes, or during working hours;
- B. While on County property, on County business, or during working hours:
 - 1) consumption of alcohol, except during and at official County functions where consumption of alcohol has been authorized by the County Executive, Deputy County Executive, or any Commissioner/Department Head of a County Department;
 - 2) possession, distribution, dispensation, or sale of alcohol, except for that which is to be served, as authorized at an official County function or that which is intended for sale to the general public at an authorized County facility and in that course of official County business.
- C. Any consumption, distribution, dispensation or sale of alcohol while in County supplied vehicles or in vehicles being used for County purposes.
- D. Storage in a desk, locker, automobile or other repository on County property of any illegally-used drug, controlled substance, drug paraphernalia, or alcohol whose storage is unauthorized;
- E. Being under the influence of an unauthorized controlled substance, illegally-used drug or alcohol on County property, on County business, in County supplied vehicles or vehicles being used for County business or during working hours.
- F. Possession, use, manufacture, distribution, dispensation or sale of illegally-used drugs or controlled substances off County property that adversely affects the employee's work performance, his own or others' safety at work, or the County's regard or reputation;
- G. Switching or adulterating any urine or blood sample;
- H. Refusing consent to testing or refusing to submit a breath, urine, or blood sample for testing;
- I. Failing to adhere to the terms of any Rehabilitation Agreement (sample attached) which the employee has signed;
- J. Conviction under any drug or alcohol statute for a violation occurring in the workplace;

- K. Failure to immediately notify in writing the County of any arrest or conviction under any drug or alcohol statute for a violation occurring in the workplace;
- L. Failure to notify a supervisor of the use of a prescription drug which may alter the employee's behavior or physical or mental ability;
- M. Failure to keep prescribed medicine which may alter behavior or physical or mental ability in its original container;
- N. Refusing to sign (a) a statement agreeing to abide by the County's Drug-Free Workplace Policy, (b) the Medical Questionnaire, (c) the Chain of Custody Form, or (d) a Rehabilitation Agreement;

VII. TESTING

Employees of Westchester County will be tested by an independent NIDA certified New York State Licensed laboratory for drugs and/or alcohol under the following circumstances:

- A. Reasonable Suspicion of Drug and/or Alcohol Use: An employee of the County will be tested for drugs and/or alcohol when a supervisor who has been trained in the making of determinations of reasonable suspicion has made such a determination. Referrals for reasonable suspicion testing will be made using the procedures set forth in Appendix A of these procedures.
- B. Follow-Up Testing – An employee referred by the County to EAP, and who undergoes any form of treatment for substance abuse, will be subject to unannounced testing for a period of eighteen months following completion of the rehabilitation program.

VIII. CONSEQUENCES OF VIOLATION OF THE POLICY

A first violation of item (E) in Section VI. above (being under the influence as confirmed by a positive drug test) will automatically result in referral to the EAP for assessment. If the EAP makes a referral for treatment, execution by the employee of a Rehabilitation Agreement will be required. Refusing to sign the Rehabilitation Agreement will result in disciplinary actions being taken.

Any violation of the Drug-Free Workplace Policy may lead to disciplinary action. The severity of the action chosen will depend on the circumstances of each case, however employees need to be aware that certain offenses, including but not limited to the sale or use of controlled substances on County premises, will normally result in a recommendation of termination.

The County may, at its discretion, suspend any disciplinary action while an employee is undergoing substance abuse treatment. The suspended disciplinary action will remain pending during treatment and for a period of eighteen months (as per Section 75 and/or disciplinary arbitration) after completion of the rehabilitation program. At the end of those eighteen months (with the receipt of the final negative follow-up drug test) the suspended disciplinary act will be cancelled.

**WESTCHESTER COUNTY DRUG-FREE WORKPLACE
POLICY AND PROCEDURES**

ACKNOWLEDGEMENT

I hereby acknowledge that I have received the Westchester County Drug-Free Workplace Policy and Procedures. I have carefully and thoroughly read, The County's Drug-free Workplace Policy and Procedures. I agree, without reservation, to follow the policy and procedures. I understand I may be required to submit to an alcohol and/or drug test. I also understand that failure to comply with the policy and procedures is the basis for discipline.

Date

Employee's Signature

Employee's Name (printed)

Appendix A

REFERRAL PROCEDURES FOR SUPERVISORS

The County's supervisors are responsible for being alert to declining job performance, erratic behavior or other symptoms of possible substance abuse. Whenever a supervisor who has been trained in the making of determinations of reasonable suspicion of drug and/or alcohol use (as defined in Section II of these procedures) makes such a determination, the following steps will be taken:

- A. The supervisor will document in writing all circumstances, information and facts leading to and supporting his/her suspicion. At a minimum, the report will include appropriate dates and times of suspect behavior, reliable/credible sources of information, rationale leading to referral for testing and the action(s) taken.
- B. Prior to referring an employee for testing, the supervisor will discuss the problem with the employee in a private location with one witness present. Caution will be taken not to accuse the employee of substance abuse, but the employee will be presented with instances of questionable behavior. If the employee does not have an acceptable explanation for his questioned behavior, the supervisor will continue with the procedures set forth in this section.
- C. The supervisor will consult with another supervisor and they will jointly decide whether to refer an employee for testing. Where no other supervisor is reasonably available, the decision may be made by one supervisor. In all cases, at least one person involved in the decision-making process will have received training in the identification of actions, appearance, and conduct which are indicative of the use of alcohol and/or drugs.
- D. In those cases where the supervisor determines that the person's behavior causes a potential threat of harm to himself or others, the employee will be immediately removed from the work site.
- E. Once a determination has been made to refer an employee for testing, it will be the responsibility of the supervisor to advise the employee of such decision and to escort the employee to a collection facility. The supervisor should remain with the employee until testing is concluded. In the event that leaving the scene and/or remaining with the employee is not feasible, the supervisor will arrange transportation to the collection facility (the employee will be instructed not to drive a vehicle), will notify the collection facility that the employee is being sent for testing, will request that the collection facility notify the supervisor when collection procedures are completed, will request that the collection facility arrange for the employee to be transported home following the collection process, and will notify the employee that he or she is not to return to work pending receipt of the test results by the County.

- F. Upon conclusion of the examination, the supervisor will ensure that the employee is escorted home. The supervisor will take all possible steps to ensure the employee does not drive himself home. In those instances where the employee refuses assistance, the supervisor will notify the Westchester County Department of Public Safety. The employee will be suspended from work pending receipt by the County of the test results and the employee will be notified of this change in status.
- G. If the employee tests negative for drugs or alcohol, the employee will be compensated for any regularly scheduled hours he or she would have worked during the suspension period.
- H. In those cases where a supervisor discovers an employee who possesses what appears to be a controlled substance, illegally-used drug or alcohol, he or she will proceed as described above for instances where reasonable suspicion exists, and, if the substance in question appears to be a controlled substance or illegally-used drug, will in addition perform the following steps:
1. Immediately confiscate the substance and all equipment or paraphernalia directly employed with the substance. Wrap them in any clean material, (e.g. paper towel, copier paper, handkerchief). The supervisor will keep the package on his or her person or where he or she can be absolutely sure it cannot be tampered with.
 2. As soon as the supervisor can, he or she will put the wrapped materials, still in the wrapping, into a large envelope and seal the envelope completely. The supervisor's initials will be written over the seam of the envelope in several places.
 3. The supervisor will write the employee's name, his or her own name, and the date at the top of the envelope, will promptly notify the Westchester County Police Department of their actions by phoning (914) 741-4400, and will turn the envelope over as soon as possible to County law enforcement officials. The supervisor will witness the signing and dating of the envelope by the person to whom he or she turns it over.
 4. All persons who subsequently and for whatever reason have possession of the envelope will sign and date it in the presence of the previous supervisor.

Appendix B

REHABILITATION AGREEMENT

Date: _____

Name: _____

Department: _____

Dear _____ :

On _____ 20____, Westchester County agreed to your request to seek counseling and referral by the Employee Assistance Program to a rehabilitation program for alcohol and/or drug abuse. The following conditions apply to your rehabilitation program:

1. You must authorize your treatment provider to provide to the County's EAP proof of enrollment in a rehabilitation program and proof of attendance at all Required sessions on a monthly basis. Your attendance will be monitored closely and the County will institute appropriate disciplinary action if you do not regularly attend all sessions.
2. If you are absent from work during the rehabilitation period without prior authorization, you must promptly submit a written doctor's certificate explaining the reason for such absence. The County will take disciplinary action if you are absent as a result of alcohol or drug use.
3. You will pay for all costs of rehabilitation which are not covered under the County's medical plan.
4. During the eighteen months following the completion of your rehabilitation program, the County will test you for alcohol and/or drug use on a random basis. The County will take prompt disciplinary action if you refuse to submit to testing or if you test positive during the eighteen-month period.
5. You must meet all established standards of conduct and job performance. The County will institute appropriate disciplinary action if your on-the-job conduct or job performance is unsatisfactory.

6. Failure to comply with all of the above conditions will result in the institution of appropriate disciplinary action.

I hereby voluntarily agree to all of the above conditions and authorize my treatment provider to provide the County's EAP with proof of my enrollment and attendance at the recommended rehabilitation program. I sign this rehabilitation agreement of my own free will, and without duress.

Employee's Name

Supervisor's Name

Employee's Signature

Supervisor's Signature

Date

Date

**EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES
WESTCHESTER COMMUNITY COLLEGE
AND
DEPARTMENT OF PARKS, RECREATION AND CONSERVATION**

Exception A

APPLICABILITY: Employees who operate "heavy equipment" or motor equipment" (as such personnel may be identified on schedules generated and periodically updated by the College or Department).

ADDITIONS TO SECTION VII "TESTING":

- C. Post-Accident Testing – Heavy/Motor Equipment Operators whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.

- D. Consequences of a Positive Test – 1) Any Heavy/Motor Equipment Operator who receives a verified positive test result for drugs or alcohol will be offered treatment (via referral to the EAP) and will be required to sign a Rehabilitation Agreement. Upon completion of treatment, Heavy/Motor Equipment Operators will be subject to follow-up testing, at random intervals, for a period of twenty-four months. Any Heavy/Motor Equipment Operator who receives a verified positive test result for drugs or alcohol will be prohibited from operating heavy/motor equipment until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely operate heavy/motor equipment.

ADDITIONS TO SECTION VII "TESTING":

- O. Conviction of any drug or controlled substance offense.

Exception B

APPLICABILITY: Applicants for a position requiring the operation of heavy/motor equipment.

ADDITIONS TO SECTION VI "PROHIBITED CONDUCT"

- E. Pre-Employment Testing – All applicants for Heavy/Motor Equipment Operator will be required to submit to a drug test. The College/Department will not knowingly employ as a Heavy/Motor Equipment Operator any individual who actively abuses alcohol, an illegally-used drug or controlled substance. All applicants for Heavy/Motor Equipment Operator will be advised in connection with their application for employment that, after being offered a position requiring the operation of heavy/motor equipment, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position requiring the operation of heavy/motor equipment.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF COMMUNITY MENTAL HEALTH And DEPARTMENT OF HEALTH

Exception A

APPLICABILITY: All employees involved in direct patient medical care or who are licensed to dispense medications (including, but not limited to physicians, nurses, physician assistants, perfusionists, pharmacists, respiratory therapists, interns; and third and fourth-year medical students) (hereinafter referred to as Qualifying Employees, positions held by Qualifying Employees will be referred to as Qualifying Positions).

ADDITIONS TO SECTION II "DEFINITIONS":

- I. Significant Event – any occurrence, including an isolated occurrence, which causes harm to a patient or has the potential for harm, and which arises out of the performance of professional duties, or a discrepancy in the documentation of a controlled substance. Significant Events must be reported by a responsible party on the scene at the time of the occurrence, to the Commissioner.

Examples of Significant Events include, but are not limited to:

1. Unexpected or unexplained patient deaths.
2. Equipment malfunction where user error is suspected.
3. Technique-related procedural breakdowns.
4. Preventable complications.
5. Inappropriate behavior towards patients, visitors or staff.
6. Gross medication errors.
7. Application of impaired judgment, inclusive of:
 - a. Frequent medication errors
 - b. Inappropriate diagnosis
 - c. Failure to follow up

ADDITION TO SECTION VII "TESTING":

- C. Significant Event Testing - Qualifying Employees whose actions, as determined by the Commissioner, lead to a Significant Event as defined above, will be subject to drug and alcohol testing.

- D. Consequences of a Positive Test - 1) Any Qualifying Employee who receives a verified positive test result for drugs or alcohol will be offered treatment (via referral to the EAP) and will be required to sign a Rehabilitation Agreement. Upon completion of treatment, Qualifying Employees will be subject to follow-up testing, at random intervals, for a period of twenty-four months. Any Qualifying Employee who receives a verified positive test result for drugs or alcohol will be prohibited from carrying out the duties of a Qualifying Position until such time as they are certified by the treatment provider, to be drug-free, recovering, and able to safely perform the duties of a Qualifying Position.

ADDITIONS TO SECTION VI "PROHIBITED CONDUCT"

- O. Conviction of any drug or controlled substance offense.

Exception B

APPLICABILITY: Applicants for a Qualifying Position.

ADDITIONS TO SECTION VII "TESTING":

- E. Pre-Employment Testing - All applicants for a Qualifying Position will be required to submit to a drug test. The Department will not knowingly employ as a Qualifying Employee any individual who actively abuses alcohol, an illegally-used drug or a controlled substance. All applicants for a Qualifying Position will be advised in connection with their application for employment that, after being offered a Qualifying Position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a Qualifying Position.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF CORRECTIONS

Peace Officers (Correction Officers and higher-ranking Peace Officers including, but not limited to, those holding the rank of Sergeant, Captain, Assistant Warden, Associate Warden, and Warden) function in a work environment where security and integrity are of the utmost importance to effective job performance. A breach in security and/or integrity could cause disastrous results for co-workers, the prison population and public. This situation justifies the following exceptions to the Drug-Free Workplace Procedures:

Exception A

APPLICABILITY: All applicants for the position of Peace Officer.

ADDITION TO SECTION VII "TESTING":

- C. Pre-Employment Testing – All applicant for the position of Peace Officer will be required to submit to a drug test. The Department will not knowingly employ as a Peace Officer any individual who actively abuses alcohol, an illegally-used drug or a controlled substance. All applicants for the position of Peace Officer will be advised in connection with their application for employment that, after being offered a position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position subject to pre-employment testing.

Exception B

APPLICABILITY: All non-probationary Peace Officers.

ADDITIONS TO SECTION VII "TESTING":

- D. Post-Accident Testing – Any Peace Officer whose actions lead to an accident as defined in Section II.E. will be subject to drug and alcohol testing.
- E. Random Testing – All non-probationary Peace Officers are subject to random drug testing. Selections for random testing will be generated by a computer under the sole control of an outside contractor and each Officer will have an equal chance of selection. Testing will be performed approximately once per month. Officers will be notified of their selection

on the day of testing. The names of all selected Officers will be returned to the selection pool. The number of tests to be conducted each year will be equal to 25% of the population of non-probationary Peace Officers.

- F. Consequences of a Positive Test – Non-probationary Peace Officers who receive a verified positive test result for drugs may be disciplined and/or offered treatment (via referral to the EAP) at the option of the Commissioner. Officers who are offered and accept treatment will be required to serve an immediate 30-day suspension. Upon completion of treatment, Officers will be subject to follow-up testing, at random intervals, for a period of sixty months. Any Officer receiving a verified positive drug test will be placed in an administrative position and have their on and off-duty weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely carry weapons.
2. Non-probationary Peace Officers who test positive for alcohol will be subject to discipline and/or treatment at the option of the Commissioner. Officers who undergo treatment for alcohol abuse will be placed in administrative positions and have their weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be alcohol-free, recovering, and able to safely carry weapons.

Exception C

APPLICABILITY: All probationary Peace Officers.

ADDITIONS TO SECTION VII "TESTING":

- D. Probation Period Testing – All probationary Peace Officers are subject to drug testing twice during their probation period.
- E. Post Accident Testing – Any probationary Peace Officer whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.
- F. Consequences of a Positive Test – Probationary Peace Officers who receive a verified positive test result for drugs or alcohol will be immediately terminated.

Exception D

APPLICABILITY: All Peace Officers, probationary and non-probationary.

REVISION OF SECTION II "DEFINITIONS" (H) Under the Influence of an Unauthorized Controlled Substance, Illegally-used drug and/or Alcohol:

The presence of alcohol in the blood at a concentration greater than .05%; or a verified positive drug test result, at levels specified by the National Institute of Drug Abuse, for an unauthorized controlled substance or an illegally-used drug

REVISION OF SECTION II "DEFINITIONS" (G) Reasonable Suspicion of Drug and/or Alcohol Use EXAMPLE (3):

3. Arrest or Conviction for a drug-related offense.

ADDITION TO SECTION VI "PROHIBITED CONDUCT":

- O. Failure to immediately notify the Department of any arrest or conviction under a drug or alcohol statute.
- P. Conviction of any drug or controlled substance offense.

REPLACEMENT OF THE FOURTH PARAGRAPH OF SECTION IV "EMPLOYEE ASSISTANCE PROGRAM (EAP)":

When a supervisor refers an employee to the EAP, the supervisor will notify the Commissioner or his designee of the referral and the name of the EAP counselor. The Commissioner or his designee will contact the EAP counselor to arrange a schedule of communications; this schedule may be altered at any time by the Commissioner or his designee. Scheduled communications will continue as long as the employee is participating in any form of clinical substance abuse treatment. Communications will only consist of reports regarding treatment progress, adherence to the terms of the Rehabilitation Agreement, and the ability of the employee to safely and effectively perform job functions.

Exception E

APPLICABILITY: All employees of the Department.

**ADDITION TO APPENDIX A "REFERRAL PROCEDURES FOR SUPERVISORS" OF
NEW PARAGRAPH (G) (and relettering of subsequent paragraphs):**

- G. In situations where it is impossible or contrary to other important procedural strictures to transport the employee to a collection facility and where it is not possible to have qualified collection facility personnel perform an on-site collection in a timely manner, the supervisor will promptly notify the Department's Special Investigation Unit of the fact. A trained member of the Special Investigation Unit will then go on-site to collect and transport to the collection facility a urine sample. The Special Investigation Unit member will use procedures previously approved by the County.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

OFFICE OF THE DISTRICT ATTORNEY

Exception A

APPLICABILITY: All applicants for the position of Sworn Police Officer.

ADDITIONS TO SECTION VII "TESTING":

- C. Pre-Employment Testing – All applicants for the position of Sworn Officer Police Officer will be required to submit to a drug test. The Department will not knowingly employ as a Sworn Police Officer any individual who actively abuses alcohol, an illegally-used drug or a controlled substance. All applicants for the position of Sworn Police Officer will be advised in connection with their application for employment that, after being offered a position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position subject to pre-employment testing.

Exception B

APPLICABILITY: All Sworn Police Officers.

ADDITIONS TO SECTION VII "TESTING":

- D. Post-Accident Testing – Any Sworn Police Officer whose actions lead to an accident as defined in Section II.E. will be subject to drug and alcohol testing.
- E. Random Testing – All Sworn Police Officers are subject to random drug testing. Selections for random testing will be generated by a computer under the sole control of an outside contractor and each Sworn Police Officer will have an equal chance of selection. Testing will be performed approximately once per month. Sworn Police Officers will be notified of their selection on the day of testing. The names of all selected Sworn Police Officers will be returned to the selection pool. The number of tests to be conducted each year will equal one third of the total number of Sworn Police Officers.
- F. Consequence of a Positive Test – 1) Sworn Police Officers who receive a verified positive test result for drugs may be disciplined and/or offered treatment (via referral to the EAP) at the option of the District Attorney. Sworn Police Officers who are offered and accept

treatment will be required to serve an immediate thirty-day suspension. Upon completion of treatment, Officers will be subject to follow-up testing, at random intervals, for a period of sixty months. Any Sworn Police Officer receiving a verified positive drug test will be assigned to administrative duties and have their on and off-duty weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely carry weapons.

2. Sworn Police Officers who test positive for alcohol will be subject to discipline and/or treatment at the option of the Director. Officers who undergo treatment for alcohol abuse will be assigned to administrative positions and have their weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be alcohol-free, recovering, and able to safely carry weapons.

Exception C

APPLICABILITY: All Sworn Police Officers.

REVISION OF SECTION II "DEFINITIONS" (H) Under the Influence of an Unauthorized Controlled Substance, Illegally-used drug and/or Alcohol:

The presence of alcohol in the blood at a concentration greater than .05%; or a verified positive drug test result, at levels specified by the National Institute of Drug Abuse, for an unauthorized controlled substance or an illegally-used drug

REVISION OF SECTION II "DEFINITIONS" (G) Reasonable Suspicion of Drug and/or Alcohol Use EXAMPLE (3):

3. Arrest or Conviction for a drug-related offense.

ADDITION TO SECTION VI "PROHIBITED CONDUCT":

- O. Failure to immediately notify the Department of any arrest or conviction under a drug or alcohol statute.
- P. Conviction of any drug or controlled substance offense.

**REPLACEMENT OF THE FOURTH PARAGRAPH OF SECTION IV
"EMPLOYEE ASSISTANCE PROGRAM (EAP)":**

When a supervisor refers an employee to the EAP, the supervisor will notify the District Attorney or his designee of the referral and the name of the EAP Counselor. The District Attorney or his designee will contact the EAP counselor to arrange a schedule of communications; this schedule may be altered at any time by the District Attorney or his designee. Scheduled communications will continue as long as the employee is participating in any form of clinical substance abuse treatment. Communications will only consist of reports regarding treatment progress, adherence to the terms of the Rehabilitation Agreement, and the ability of the employee to safely and effectively perform job functions.

Exception D

APPLICABILITY: All employees of the Department.

**ADDITION TO APPENDIX A "REFERRAL PROCEDURES FOR SUPERVISORS" OF
NEW PARAGRAPH (G) (and relettering of subsequent paragraphs):**

- G. In situations where it is impossible or contrary to other important procedural strictures to transport the employee to a collection facility and where it is not possible to have qualified collection facility personnel perform an on-site collection in a timely manner, the supervisor will promptly notify the Department's Special Investigation Unit of the Department of Public Safety of the fact. A trained member of the Special Investigation Unit will then go on-site to collect and transport to the collection facility a urine sample. The Special Investigation Unit member will use procedures previously approved by the County.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF ENVIRONMENTAL FACILITIES

Exception A

APPLICABILITY: Tank truck drivers.

ADDITIONS TO SECTION VII "TESTING":

- C. Post-Accident Testing – Tank truck drivers whose actions lead to an accident as defined in Section II.E. will be subject to drug and alcohol testing.
- D. Consequences of a Positive Test – 1) Any tank truck driver who receives a verified positive test result for drugs or alcohol will be offered treatment (via referral to the EAP) and will be required to sign a Rehabilitation Agreement. Upon completion of treatment, tank truck drivers will be subject to follow-up testing, at random intervals, for a period of twenty-four months. Any tank truck driver who receives a verified positive test result for drugs or alcohol will be prohibited from driving a tank truck until such time as they are certified by the treatment provider, to be drug-free, recovering, and able to safely drive a tank truck.

ADDITION TO SECTION VI "PROHIBITED CONDUCT":

- O. Conviction of any drug or controlled substance offense.

Exception B

APPLICABILITY: Applicants for the position of tank truck driver.

ADDITIONS TO SECTION VII "TESTING":

- E. Pre-Employment Testing – All applicants for the position of tank truck driver will be required to submit to a drug test. The Department will not knowingly employ as a tank truck driver any individual who actively abuses alcohol, and illegally-used drug or controlled substance. All applicants for the position of tank truck driver will be advised in connection with their application for employment that, after being offered a position requiring the operation of heavy/motor equipment, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment as a tank truck driver.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF EMERGENCY SERVICES

Exception A

APPLICABILITY: Applicants for the position of Fire Dispatcher

ADDITIONS TO SECTION VII "TESTING":

- E. Pre-Employment Testing - All applicants for the position of Fire Dispatcher will be required to submit to a drug test. The Department will not knowingly employ as a Fire Dispatcher any individual who actively abuses alcohol, and illegally-used drug or a controlled substance. All applicants for the position will be advised in connection with their application for employment that, after being offered a position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment as a Fire Dispatcher.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF PROBATION

Exception A

APPLICABILITY: All applicants for the position of Probation Officer.

ADDITION TO SECTION VII "TESTING":

- C. Pre-Employment Testing - All applicants for the position of Probation Officer will be required to submit to a drug test. The Department will not knowingly employ as a Probation Officer any individual who actively abuses alcohol, illegally-used drug or a controlled substance. All applicants for the position of Probation Officer will be advised in connection with their application for employment that, after being offered a position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position subject to pre-employment testing.

Exception B

APPLICABILITY: All Probation Officers who ask for and receive permission to carry a weapon (hereinafter referred to as "Qualifying Officers").

ADDITION TO SECTION VII "TESTING":

- D. Post Accident Testing - Any Qualifying Officer whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.
- E. Random Testing - All Qualifying Officers are subject to random drug testing. Selections for random testing will be generated by a computer under the sole control of an outside contractor and each Qualifying Officer will have an equal chance of selection. Testing will be performed approximately once per month. Qualifying Officers will be notified of their selection the day of testing. The names of all selected Qualifying Officers will be returned to the selection pool. The names of all selected Officers will be returned to the selection pool. The number of tests to be conducted each year will equal the total number of Qualified Officers.
- F. Consequences of a Positive Test - 1) Qualifying Officers who receive a verified positive test result for drugs may be disciplined and/or offered treatment (via referral to the EAP) at the option of the Commissioner. Qualifying Officers who are offered and accept treatment will be required to serve an immediate thirty-day suspension. Upon completion of treatment, Officers will be subject to follow-up testing, at random intervals, for a period of sixty months.

Any Qualifying Officer receiving a verified positive drug test will be assigned to administrative duties (which preclude mandatory field visits and/or assignment to units where firearms are readily available) and have their on and off-duty weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely carry weapons.

2. Qualifying Officers who test positive for alcohol will be subject to discipline and/or treatment at the option of the Commissioner. Officers who undergo treatment for alcohol abuse will be assigned to administrative duties (which preclude mandatory field visits and/or assignment to units where firearms are readily available) and have their weapon carrying privileges suspended until such time as they are certified by the treatment provider, to be alcohol-free, recovering, and able to safely carry weapons.

Exception C

APPLICABILITY: All Probation Officer Trainees and, during their probation period, all Probation Officers who have transferred in from another jurisdiction (hereinafter collectively referred to as "probationary Officers").

ADDITIONS TO SECTION VII "TESTING":

- D. Probation Period Testing – All probationary Officers are subject to drug testing twice during their probation period.
- E. Post Accident Testing – Any Probationary Officer whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.
- F. Consequences of a Positive Test – Probationary Officers who receive a verified positive result for drugs or alcohol will be immediately terminated in accordance with law.

Exception D

APPLICABILITY: All Qualifying Officers as per Exception B and all probationary Officers as per Exception C.

REVISION OF SECTION II "DEFINITIONS" (H) Under the Influence of an Unauthorized Controlled Substance, Illegally-used drug and/or Alcohol:

The presence of alcohol in the blood at a concentration greater than .05%; or a verified positive drug test result, at levels specified by the National Institute of Drug Abuse, for an unauthorized controlled substance or an illegally-used drug.

REVISION OF SECTION II "DEFINITIONS" (G) Reasonable Suspicion of Drug and/or Alcohol Use EXAMPLE (3):

3. Arrest or conviction for a drug-related offense.

ADDITIONS TO SECTION VI "PROHIBITED CONDUCT":

- O. Failure to immediately notify the Department of any arrest or conviction under a drug or alcohol statute.
- P. Conviction of any drug or controlled substance offense.

REPLACEMENT OF THE FOURTH PARAGRAPH OF SECTION IV "EMPLOYEE ASSISTANCE PROGRAM (EAP)":

When a supervisor refers an employee to the EAP, the supervisor will notify the Commissioner or his designee of the referral and the name of the EAP counselor. The Commissioner or his designee will contact the EAP counselor to arrange a schedule of communications; this schedule may be altered at any time by the Commissioner or his designee. Scheduled communications will continue as long as the employee is participating in any form of clinical substance abuse treatment. Communications will only consist of reports regarding treatment progress, adherence to the terms of the Rehabilitation Agreement, and the ability of the employee to safely and effectively perform job functions.

Exception E

APPLICABILITY: All employees of the Department.

ADDITION TO APPENDIX A "REFERRAL PROCEDURES FOR SUPERVISORS" OF NEW PARAGRAPH (G) (and relettering of subsequent paragraphs):

- G. In situations where it is impossible or contrary to other important procedural strictures to transport the employee to a collection facility and where it is not possible to have \ qualified collection facility personnel perform an on-site collection in a timely manner, the supervisor will promptly notify the Special Investigation Unit of the Department of Public Safety of the fact. A trained member of the Special Investigation Unit will then go on-site to collect and transport to the collection facility a urine sample. The Special Investigation Unit member will use procedures previously approved by the County.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF PUBLIC SAFETY

Police Officers are the County's most visible employees; the very nature of the job requires that their conduct conform to the highest standards. Even a minor deviation from these standards can threaten the integrity of the force and the security of the general public. This situation justifies the following exceptions to the Drug-Free Workplace Procedures:

Exception A

APPLICABILITY: All applicants for the position of Police Officer

ADDITIONS TO SECTION VII "TESTING":

- C. Pre-Employment Testing – All applicants for the position of Police Officer will be required to submit to a drug test. The Department will not knowingly employ as a Probation Officer any individual who actively abuses alcohol, an illegally-used drug or a controlled substance. All applicants for the position of Police Officer will be advised in connection with their application for employment that, after being offered a position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position subject to pre-employment testing.

Exception B

APPLICABILITY: All applicants for the position of Police Officer

ADDITIONS TO SECTION VII "TESTING":

- D. Post Accident Testing – Any Police Officer whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.
- E. Random Testing – All Police Officers are subject to random drug testing. Selections for random testing will be generated by a computer under the sole control of an outside contractor and each Officer will have an equal chance of selection. Testing will be performed approximately once per month. Police Officers will be notified of their selection the day of testing. The names of all selected Officers will be returned to the selection pool. The number of tests to be conducted each year vary as follows for different officer populations.

Narcotics Squads and Bomb Technicians – these two groups will comprise a single pool and the number of tests will be equal to the entire number of officers in the combined pool.

Detectives – the number of tests will equal to one-third of the number of Detectives.

All other Police Officers – the number of tests will be equal to one-fourth of the number of all other Police Officers.

- F. Consequences of a Positive Test – 1. Police Officers who receive a verified positive test result for drugs may be disciplined and/or offered treatment (via referral to the EAP) at the option of the Commissioner. Officers who are offered and accept treatment will be required to serve an immediate thirty-day suspension. Upon completion of treatment, Officers will be subject to a follow-up testing, at random intervals, for a period of sixty months. Any Officer receiving a verified positive drug test will be suspended from law enforcement activities (placed in administrative positions) and have their on and off-duty weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely carry weapons.
3. Police Officers who test positive for alcohol will be subject to discipline and/or treatment at the option of the Commissioner. Officers who undergo treatment for alcohol abuse will be suspended from law enforcement activities (placed in administrative positions) and have their weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be alcohol-free, recovering, and able to safely carry weapons.

Exception C

APPLICABILITY: All Probationary Police Officers

ADDITIONS TO SECTION VII “TESTING”:

- D. Recruit Training Period Testing – All Probationary Officers are subject to drug testing twice during their training period.
- E. Post-Accident Testing – Any Probationary Police Officer whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.
- F. Consequences of a Positive Test – Probationary Police Officers who receive a verified positive test result for drugs or alcohol will be immediately terminated.

Exception D

APPLICABILITY: All Police Officers, Probationary and Non-Probationary.

REVISION OF SECTION II "DEFINITIONS" (H) Under the influence of an Unauthorized Controlled Substance, Illegally-used drug and/or Alcohol.

The presence of alcohol in the blood at a concentration greater than .05%; or a verified positive drug test result, at levels specified by the National Institute of Drug Abuse, for an unauthorized controlled substance or an illegally-used drug.

REVISION OF SECTION II "DEFINITIONS" (G) Reasonable Suspicion of Drug and/or Alcohol Use EXAMPLE (3):

3. Arrest or conviction for a drug-related offense.

ADDITIONS TO SECTION VI "PROHIBITED CONDUCT":

- O. Failure to immediately notify the Department of any arrest or conviction under a drug or alcohol statute.
- P. Conviction of any drug or controlled substance offense.

REPLACEMENT OF THE FOURTH PARAGRAPH OF SECTION IV "EMPLOYEE ASSISTANCE PROGRAM (EAP)":

When a supervisor refers an employee to the EAP, the supervisor will notify the Commissioner or his designee of the referral and the name of the EAP counselor. The Commissioner or his designee will contact the EAP counselor to arrange a schedule of communications; this schedule may be altered at any time by the Commissioner or his designee. Scheduled communications will continue as long as the employee is participating in any form of clinical substance abuse treatment. Communications will only consist of reports regarding treatment progress, adherence to the terms of the Rehabilitation Agreement, and the ability of the employee to safely and effectively perform job functions.

Exception E

APPLICABILITY: All employees of the Department

ADDITION TO APPENDIX A "REFERRAL PROCEDURES FOR SUPERVISORS" OF NEW PARAGRAPH (G) (and relettering of subsequent paragraphs):

- G. In situations where it is impossible or contrary to other important procedural strictures to transport the employee to a collection facility and where it is not possible to have qualified collection facility personnel perform an on-site collection in a timely manner, the supervisor will promptly notify the Department's Special Investigation

Unit of the fact. A trained member of the Special Investigation Unit will then go on-site to collect and transport to the collection facility, a urine sample. The Special Investigation Unit member will use procedures previously approved by the County.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF PUBLIC WORKS

Exception A

APPLICABILITY: Flagmen and employees who operate "heavy equipment" or "motor equipment" (as such personnel will be identified on schedules generated and periodically updated by the Department).

ADDITIONS TO SECTION VII "TESTING":

- D. Post-Accident Testing – Heavy/Motor Equipment Operators whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.
- E. Consequences of a Positive Test – 1) Any Heavy/Motor Equipment Operator who receives a verified positive test result for drugs or alcohol will be offered treatment (via referral to the EAP) and will be required to sign a Rehabilitation Agreement. Upon completion of treatment, Heavy/Motor Equipment Operators will be subject to follow-up testing, at random intervals, for a period of twenty-four months. Any Heavy/Motor Equipment Operator who receives a verified positive test result for drugs or alcohol will be prohibited from operating heavy/motor equipment until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely operate heavy/motor equipment.

ADDITION TO SECTION VI "PROHIBITED CONDUCT":

- O. Conviction of any drug or controlled substance offense.

Exception B

APPLICABILITY: Applicants for a position requiring the operation of heavy/motor equipment.

ADDITIONS TO SECTION VII "TESTING":

- E. Pre-Employment Testing – All applicants for Heavy/Motor Equipment Operator will be required to submit to a drug test. The Department will not knowingly employ as a Heavy/Motor Equipment Operator any individual who actively abuses alcohol, an illegally-used drug or a controlled substance. All applicants for Heavy/Motor Equipment Operator will be advised in connection with their application for employment that, after being offered a position requiring the operation of heavy/motor equipment, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position requiring the operation of heavy/motor equipment.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF SOCIAL SERVICES

Exception A

APPLICABILITY: All employees involved in direct patient care or who are licensed to dispense medications (including, but not limited to physicians, nurses, and physician assistants) (hereinafter referred to as Qualifying Employees, positions held by Qualifying Employees will be referred to as Qualifying Positions).

ADDITION TO SECTION II "DEFINITIONS":

- I. Significant Event – any occurrence, including an isolated occurrence, which causes harm to a patient or has the potential for harm, and which arises out of the performance of professional duties, or a discrepancy in the documentation of a controlled substance. Significant events must be reported by a responsible party on the scene at the time of the occurrence, to the Commissioner.

Examples of Significant Events include, but are not limited to:

1. Unexpected or unexplained patient deaths.
2. Equipment malfunction where user error is suspected.
3. Technique-related procedural breakdowns.
4. Preventable complications.
5. Inappropriate behavior towards patients, visitors or staff.
6. Gross medication errors.
7. Application of impaired judgment, inclusive of:
 - a. Frequent medication errors
 - b. Inappropriate diagnosis
 - c. Failure to follow up

ADDITIONS TO SECTION VII "TESTING":

- C. Significant Event Testing - Qualifying Employees whose actions, as determined by the Commissioner, lead to a Significant Event as defined above, will be subject to drug and alcohol testing.
- D. Consequences of a Positive Test – 1) Any Qualifying Employee who receives a verified positive test result for drugs or alcohol will be offered treatment

(via referral to the EAP) and will be required to sign a Rehabilitation Agreement. Upon completion of treatment, Qualifying Employees will be subject to follow-up testing, at random intervals, for a period of twenty-four months. Any Qualifying Employee who receives a verified positive test result for drugs or alcohol will be prohibited from carrying out the duties of a Qualifying Position until such time as they are certified by the treatment provider, to be drug-free, recovering, and able to safely perform the duties of a Qualifying Position.

ADDITION TO SECTION VI "PROHIBITED CONDUCT":

- O. Conviction of any drug or controlled substance offense.

Exception B

APPLICABILITY: Applicants for a Qualifying Position as defined in Exception A above.

ADDITIONS TO SECTION VII "TESTING":

- E. Pre-Employment Testing – All applicants for a Qualifying Position will be required to submit to a drug test. The Department will not knowingly employ as a Qualifying Employee any individual who actively abuses alcohol, and illegally-used drug or a controlled substance. All applicants for a Qualifying Position will be advised in connection with their application for employment that, after being offered a Qualifying Position they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a Qualifying Position.

Exception C

APPLICABILITY: Any child protective service or social case worker who transports children on a regular basis in a motor vehicle in the course of their professional duties (hereinafter referred to as Qualifying Employees, positions held by Qualifying Employees will be referred to as Qualifying Positions).

ADDITIONS TO SECTION VII "TESTING":

- C. Post-Accident Testing – Qualifying Employees whose actions lead to an accident as defined in Section II.E. will be subject to drug and alcohol testing.
- D. Consequences of a Positive Test – 1. Any Qualifying Employee who receives a verified positive test result for drugs or alcohol may be disciplined and/or offered treatment (via referral to the EAP) at the option of the Commissioner. Upon completion of treatment, Qualifying Employees will be subject to follow-up testing, at random intervals, for a period of twenty-four months.

Any Qualifying Employee who receives a verified positive test result for drugs or alcohol will be prohibited from carrying out the duties of a Qualifying Position until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely perform the duties of a Qualifying Position.

Exception D

APPLICABILITY: Applicants for a Qualifying Position as defined in Exception C above.

ADDITIONS TO SECTION VII "TESTING":

- E. Pre-Employment Testing - All applicants for a Qualifying Position will be required to submit to a drug test. The Department will not knowingly employ as a Qualifying Employee any individual who actively abuses alcohol, and illegally-used drug or a controlled substance. All applicants for a Qualifying Position will be advised in connection with their application for employment that, after being offered a Qualifying Position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the application for employment in a Qualifying Position.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF TRANSPORTATION

Exception A

**AMENDMENT TO APPENDIX A "REFERRAL PROCEDURES FOR SUPERVISORS",
PARAGRAPH H.3:**

The supervisor will write the employee's name, his or her own name, and the date at the top of the envelope, and will turn it over as soon as possible to the Commissioner or Deputy Commissioner of the Department of Transportation. The supervisor will witness the signing and dating of the envelope by the person to whom he or she turns it over.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

DEPARTMENT OF CONSUMER PROTECTION

Exception A

APPLICABILITY: All personnel in the Petroleum Testing Unit

ADDITIONS TO SECTION VII "TESTING":

- C. Post Accident Testing – Any person employed in the Petroleum Testing Unit whose actions lead to an accident as defined in Section II.E will be subject to drug and alcohol testing.

- D. Consequences of a Positive Test – 1) Any person employed in the Petroleum Testing Unit who receives a verified positive test result for drugs or alcohol will be offered treatment (via referral to the EAP) and will be required to sign a Rehabilitation Agreement. Upon completion of treatment, employees will be subject to follow-up testing, at random intervals, for a period of twenty-four months. Any person employed in the Petroleum Testing Unit who receives a verified positive test result for drugs or alcohol will be assigned to duties in another unit until such time as they are certified, by the treatment provider, to be drug-free, recovering, and able to safely perform their duties in the Petroleum Testing Unit.

ADDITION TO SECTION VI "PROHIBITED CONDUCT":

- O. Conviction of any drug or controlled substance offense.

EXCEPTIONS TO DRUG-FREE WORKPLACE POLICY AND PROCEDURES

ALL OTHER DEPARTMENTS/OFFICES

No exceptions apply.

Departments/Offices to which no exceptions apply are:

Board of Acquisition and Contract
Board of Elections
Board of Legislators
County Clerk
Department of Budget
Department of Finance
Department of Human Resources
Department of Laboratories and Research/Medical Examiner
Department of Law
Department of Planning
Office of the County Executive
 Affirmative Action
 Office of Senior Programs and Services
 Office of Commerce and Constituent Services
 Office of Cultural Affairs
 Office for the Disabled
 Office of Employment and Training
 Office of Government Relations
 Office of Public Affairs
 Office for Women
 Veterans Service Agency
 Youth Bureau
Department of Emergency Services
Department of Public Safety
Tax Commission