

Salt Lake County Human Resources Policy 3-600: Alcohol and Drug Screening, Testing, and Treatment

Purpose

This policy provides alcohol and drug screening, testing and treatment procedures for County employees.

I. Policy

It is the policy of Salt Lake County to prohibit the use of alcohol and illegal drugs and the abuse of legal medications that may impact job performance; may create a significant danger or harm to the public, employees and county property; may be in violation of the criminal laws of the state of Utah; and increase the potential legal liability of the county for accidents or misconduct of its employees. Employees who violate this policy will be subject to discipline.

II. Procedures

A. Use of Alcohol and Drugs

1. Action under this policy will be limited to instances of alcohol and drug use that may impact job performance or the ability to safely perform assigned duties.
2. The use or possession of alcohol or drugs while on duty or at a county facility will not be considered a violation of this policy where use or possession is permitted by law, and is considered a normal part of job duties.

B. Job Relatedness

1. Alcohol

- a. No employee will drink alcohol while on duty.
- b. No employee will report for duty nor be on duty while under the influence of alcohol to the extent that it may impact job performance, nor be unfit for duty because of such use.
- c. No employee while on duty will operate a vehicle or motorized equipment while under the influence of alcohol.

2. Drugs

- a. No employee will use or possess drugs while on duty unless properly prescribed by a licensed practitioner and properly used for the treatment of an illness or injury.
- b. No employee will sell or transfer prescription drugs to other employees.
- c. The misuse of any over-the-counter drug is prohibited.
- d. No employee will use or possess illegal drugs while on duty.
- e. No employee will sell, transfer or purchase illegal drugs while on duty.
- f. No employee will report for duty nor be on duty while under the influence of any drug that may impact job performance nor be unfit for duty because of such use.
- g. No employee while on duty will operate a vehicle or motorized equipment while under the influence of any drug.

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- C. Reasonable Suspicion Alcohol and Drug Testing, All Employees and Volunteers (Including CDL Holders)
 - 1. When to Take Action
 - a. A supervisor or designee will take action under this paragraph when there is a reasonable suspicion that an employee or volunteer who is on duty is under the influence or effects of alcohol or drugs.
 - b. A supervisor or designee's will document the employee's appearance, current behavior, speech, or body odors that cause the supervisor or designee to believe an alcohol or drug test is needed. [Reasonable Suspicion Checklist](#)
 - c. Circumstances that may constitute a basis for determining a reasonable suspicion include, but are not limited to:
 - i. abnormal or erratic behavior (e.g. a significant change in the quantity or quality of work, unusual mistakes or errors of judgment, unusual absence)
 - ii. a work-related accident, in combination with other factors
 - iii. the direct observation of the employee using illegal drugs or an open container of alcohol or misusing drugs in violation of policy
 - iv. the employee's possession of illegal drugs or an open container of alcohol at a county worksite
 - v. the noticeable presence of physical symptoms of alcohol or drug use (e.g. glassy, blurry or bloodshot eyes, hand tremors, flushed or swollen face, the odor of alcohol, slurred speech, or poor coordination or reflexes)
 - vi. being informed by a county employee or other source that an employee is believed to be using or under the influence of alcohol or drugs, in combination with other factors
 - d. when a supervisor or designee determines that reasonable suspicion exists, the following steps will be taken:
 - i. The employee will be immediately removed from assigned duties.
 - ii. The supervisor or designee will immediately contact the administrator or designee to report that reasonable suspicion exists and request assistance.
 - iii. The supervisor or designee will inform the employee that impairment due to the use of alcohol or drugs is suspected.
 - iv. The employee will be given an opportunity to explain the behavior which led to the suspicion of being under the influence of alcohol or drugs.
- Cl. If the supervisor/designee does not receive a satisfactory explanation for the behavior giving rise to the suspicion, the supervisor or designee may direct that the employee submit to testing to determine whether alcohol or drugs are present in the employee's system. From this point forward the employee is not to be left unattended.
 - 1. An employee confronted with reasonable suspicion may request testing be conducted. Such request must be honored.
 - 2. Refusal to submit to testing will be regarded as a positive test and the employee is subject to disciplinary action.

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3. An employee will be escorted to the testing site by the supervisor or designee, or the administrator or designee as soon as possible.
 4. An employee suspected of being under the influence of alcohol or drugs will not be allowed to drive to a testing site or to any other location as long as reasonable suspicion exists that the employee is in an impaired state.
 5. The employee may be placed on paid administrative leave at the discretion of the administrator or designee in accordance with the procedures outlined in [HR Policy 4-200 Leave Practices](#).
- E. Post-Accident Alcohol and Drug Testing, All Employees and Volunteers (Including CDL Holders)
1. All employees and volunteers who operate a vehicle or motorized equipment for the purpose of conducting County business will be tested for alcohol and drugs under the ten panel (See 3-600-II-F-2) when one or more of the following occur:
 - a. The employee is involved in an accident resulting in major physical injury (immediately receives medical treatment away from the scene of the accident) or loss of human life;
 - b. The employee is involved in an accident resulting in a citation;
 - c. The employee is involved in an accident more than once in a 90 day period;
 - d. There is reasonable suspicion that the employee is under the influence of alcohol or drugs.
 2. CDL holders may be tested outside of the DOT regulated panel under 3-600-II-D-1-d, and, if not cited, under 3-600-II-D-1-a and 3-600-II-D-1-e.
 3. Following a vehicle accident, the onsite County Safety Officer or designee or the supervisor or designee will inform the employee involved in an accident of the requirement for alcohol and drug testing as stated in 3-600-II-D-1.
 4. The employee's supervisor or designee will escort the employee to the independent laboratory for testing.
 5. Any employee or volunteer subject to post-accident testing who leaves the scene of an accident or fails to remain readily available for testing may be deemed to have refused to submit to testing and is subject to discipline.
 6. After testing, at the discretion of the administrator or designee, the employee may be released from duty and escorted to the employee's place of residence. An employee released from duty may be placed on paid administrative leave at the discretion of the administrator or designee in accordance with the procedures outlined in [HR Policy 4-200 Leave Practices](#).
 - a. Employees who return to duty will not be allowed to operate a vehicle or motorized equipment on county business until test results are received.
 7. If there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the County Safety Officer or designee will prepare a written record of all factors related to the accident including observations of appearance, behavior, speech or body odors of the employee and other relevant information, and provide a copy to Risk Management and the administrator or designee.
- F. Testing Requirements for Reasonable Suspicion and Post Accident (Including CDL Holders)

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1. Prior to performing an alcohol or drug test, all covered employees will be notified they are subject to testing for the use of drugs identified in 3-600-II-E-2.
 2. Employees may be tested for alcohol and the following partial list of drugs (ten panel):
 - a. synthetic opiates (Oxycontin and Hydrocodone)
 - b. cocaine
 - c. opiates
 - d. phencyclidine (PCP)
 - e. amphetamines (including methamphetamines)
 - f. barbiturates
 - g. benzodiazepines
 - h. cannabinoids
 - i. methadone
 - j. propoxyphene
 3. Other drug tests may be administered based on specific identifiable information as a basis for testing.
 4. The costs for alcohol and drug testing under this policy will be paid by the agency of the employee tested.
 5. Time spent participating in the alcohol and drug testing procedures required by this policy is compensable time whether the employee is on or off duty.
 6. The following may be grounds for disciplinary action:
 - a. Refusal to submit a laboratory sample as provided in this policy
 - b. An attempt to contaminate a sample or provide a false sample
 - c. interference with testing procedures
 - d. or any violation of this policy
- G. Testing Procedures For All Employees (Including CDL Holders)
1. Alcohol and Drug Testing
 - a. A test for alcohol use will be conducted by a trained and certified technician from a county contracted independent laboratory using an accepted and recognized testing method.
 2. A test for drug use will be done through urine sample analysis. Urine samples will be collected by a county contracted independent laboratory and tested by a contracted drug testing laboratory following the guidelines set forth by the Substance Abuse and Mental Health Services Administration (SAMHSA), National Institute on Drug Abuse (NIDA), or the College of American Pathology, as provided in [Utah Code 34-41-104](#) or federal regulations [U.S. Code 49 CFR.40.B and C](#)
 - a. A Medical Review Officer (MRO) must review and verify all positive drug tests.
 - b. An employee notified of a positive test result will have ten (10) calendar days from the date of notification to request in writing to the administrator or designee that additional independent testing of the original sample be conducted. Testing must be performed at a certified laboratory. The cost of the additional testing will be paid by the employee.

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- i. The administrator or designee will notify the contracted drug testing laboratory of the employee's request for an independent test.
 - c. Sample collection will be conducted in reasonable and sanitary conditions with due respect for the privacy of the person tested and in a manner that ensures the samples are not contaminated or misidentified.
- H. Alcohol or Drug Test Results for Reasonable Suspicion and Post Accident
 - 1. Evaluation and Treatment
 - a. Employees with positive tests may be referred to a Substance Abuse Professional (SAP) or licensed mental health professional for counseling or treatment, but are not entitled to treatment in lieu of disciplinary action.
 - i. An administrator or designee may consult with the Employee Assistance Program (EAP) Manager, a SAP or a licensed mental health professional before deciding on whether to issue discipline.
 - b. Employees with negative test results will be informed by the administrator/designee and are not subject to further action under this policy.
 - 2. Violation of Policy
 - a. Nothing in this policy will be construed as granting an employee immunity from disciplinary action under other policies, or arrest or prosecution by appropriate law enforcement authorities for activities involving alcohol or drugs, which are in violation of federal, state or local laws.
 - b. Any employee whose county position includes professional responsibilities, ethical standards or certification requirements where alcohol or drug abuse, on or off the job, adversely affects the employee's professional standing may be subject to disciplinary action under this policy.
 - c. An employee under the influence of alcohol or drugs in violation of this policy will be subject to discipline in accordance with [HR Policy 3-400 Discipline](#)
 - d. Volunteers who violate this policy will be immediately terminated.
- I. Voluntary Self-Identification of Alcohol Misuse and Drug Abuse
 - 1. An employee who admits to alcohol misuse or drug abuse to the EAP Manager or the immediate supervisor, and who has not violated the testing requirements of this policy is not subject to adverse action provided:
 - a. the admission is in accordance with this policy
 - b. the employee does not self-identify in order to avoid testing under the requirements of this policy
 - c. the employee makes the admission of alcohol misuse or drug abuse prior to reporting for duty
 - d. the employee does not self-identify in order to avoid discipline for violation of other county policies (e.g. [HR Policy 3-300 Standards of Conduct](#))
 - e. the employee receives a referral to counseling or a drug rehabilitation program in accordance with this policy
 - 2. A supervisor or manager notified by an employee of an alcohol or drug problem may refer the employee to the EAP Manager.

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3. The County EAP Manager will refer an employee who requests assistance to counseling or to an alcohol or drug rehabilitation program.
 - a. An employee will be allowed reasonable opportunity to seek evaluation, education or treatment to establish control over the alcohol or drug problem.
 - b. An employee seeking evaluation or treatment may apply for leave under the [Family and Medical Leave Act](#) or [HR Policy 4-200 Leave Practices](#)
 - i. The employee must be released by the Substance Abuse Professional (SAP), the licensed mental health professional or a health care provider to return to work.
 - c. All costs for counseling or rehabilitation will be the employee's responsibility.
- J. Record Keeping
 1. Records related to alcohol and drug testing must be maintained in a secured, confidential file by the agency and will not be kept in the employee's personnel file (official) unless the records are used as basis for disciplinary action.

III. References

- A. Title 49 of the Code of Federal Regulations Part 40 subparts B & C
- B. Utah Code Ann. §34-41-104
- C. State of Utah Government Records Access and Management Act
- D. Human Resources Policy:
 1. 3-400, Discipline
 2. 4-200, Leave Practices
 3. 4-600, Family and Medical Leave
 4. 4-700, Employee Assistance Program
 5. 3-300, Standards of Conduct