



10/31/2018

**COUNTY OF CARROLL  
OFFICE OF THE COMMISSIONERS**



## **DRUG & ALCOHOL POLICY**

### **A. Purpose and Goal**

County employees are public servants and provide important services that require the ability to think clearly, make sound decisions, and react in a manner that protects the safety, health and well-being of all Residents, Employees, and the public. Our goal is to establish a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

All Carroll County Employees should recognize that being under the influence of drugs or alcohol or suffering from the after effects of drugs or alcohol while at work can be disruptive, adversely affect the quality of work and job performance, pose serious risks to users and others, and have a negative impact on safety, productivity and morale. Carroll County Commissioners have no intention of interfering in the private lives of its Employees unless involvement with alcohol and/or drugs off the job affects job performance. As a condition of employment, Carroll County requires that all employees adhere to a strict policy regarding drugs and alcohol. The County Commissioners encourage employees to voluntarily seek help for drug and alcohol problems.

### **B. Covered Employees**

This policy covers elected officials, department heads, and full-time, part-time, per diem and contract employees.

### **C. Applicability**

This policy is intended to apply whenever covered employees and contractors are representing Carroll County. Therefore, this policy applies during all working hours, whenever conducting business or representing Carroll County, while on County property or at County-sponsored events. While at County-sponsored events such as the annual county conference, employees are permitted to consume alcohol in moderation after working hours. Employees are not permitted to become impaired or intoxicated.

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#### **D. Definitions**

*Alcohol* means anything edible or drinkable that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

*County premises* means all property of Carroll County, including but not limited to the buildings and surrounding areas on county-owned or leased property, parking lots and storage areas. The term also includes county-owned or leased vehicles and equipment wherever located.

*Covered Employee/Employees* means all persons who receive a pay check from Carroll County, all elected officials or any personnel who are contractually obligated to provide employment services for Carroll County.

*Illegal drug* means any drug or controlled substance that is illegal to possess under NHRSA 318-B, the Controlled Drug Act, or legal drugs illegally obtained or used in a manner inconsistent with their intended use and recommended dosage.

*Legal drug* means any prescribed drug or over-the-counter drug.

*Contraband* means alcohol, illegal drugs and drug paraphernalia.

*Drug paraphernalia* means any object or thing as defined in RSA 318-B.

*Reasonable suspicion* means showing signs that would lead a prudent person to have a suspicion that there has been a violation of this policy. Reasonable suspicion is proof or evidence that is more than a hunch, but less than probable cause, and must be based on specific, objective, articulable facts about the conduct of an individual.

*Substance abuse professional* means a qualified licensed medical professional, a certified drug and/or alcohol counselor or an accredited treatment facility.

*Positive test result* for alcohol means a blood alcohol content of .03% or more; for drugs means any result over the U.S. Department of Health and Human Services confirmatory limits.

#### **E. Prohibited Behavior**

Carroll County prohibits the manufacture, possession (\*), use, sale, transfer or distribution of illegal drugs, drug paraphernalia or alcohol in the workplace, on County premises or at any other facility or another location while on duty, except for nurses or MNA's who are dispensing alcohol to Residents pursuant to a doctor's order. Prohibited conduct will result in disciplinary action, up to and including discharge. (\*) Possession of alcoholic beverages in an unopened container with an unbroken seal securely locked in the employee's vehicle is not prohibited, provided the employee is at least 21 years of age.

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Prescription and over-the-counter drugs are not prohibited when used for the purpose intended by the manufacturer and taken in the recommended dosage and/or according to a physician's prescription. In accordance with RSA 318-B:14 –I, controlled substances are to be possessed only in the container in which they were dispensed, or with proper ID (RSA 318-B:14 – II(b)) or in a medication organizer (RSA 318-B:14 – II(c)). Any employee taking prescribed or over-the-counter drugs is responsible for consulting with the prescribing physician and/or a pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job.

If the use of a medication could negatively affect the employee's job performance or compromise the safety of the employee, coworkers, resident or the public, it is the employee's responsibility to notify the supervisor and to request a change of duty, if possible, or abstain from working to avoid unsafe situations.

#### **F. Notification of Convictions**

Any employee who is convicted of an alcohol or drug offense must notify their supervisor or designee within 5 calendar days of the conviction. The supervisor will take appropriate disciplinary action, up to and including discharge, in accordance with applicable personnel policies, collective bargaining agreements (if applicable), rules, regulations and statutes. Whenever an employee is convicted of an alcohol or drug offense, the supervisor shall notify the county administrator.

#### **G. Searches**

The County Administrator, the Mountain View Community Administrator, or the Superintendent of the Jail, has the authority to initiate unannounced inspections and searches for drugs and/or alcohol in Mountain View Community or on county premises, including but not limited to all property of Carroll County, buildings and surrounding areas on county-owned or leased property, parking lots and storage areas. Employees are expected to cooperate. If an employee refuses to sign a consent to search and inspection form and fails to fully cooperate in a search and inspection, shall be deemed insubordinate and in violation of this policy, and may result in discharge. Every employee is required to sign an acknowledgement of this fact either upon implementation of this policy or upon hire.

Search of an employee's pockets, clothing, personal property, lockers, desks, file cabinets, work spaces, equipment and vehicles on county premises while on county business may be made if there is reasonable suspicion that an employee has violated this policy. Employees have no expectation of privacy, including but not limited to the employees pockets, clothing, personal property, lockers, desks, file cabinets, work spaces, equipment and vehicles in or on county premises / county-owned or leased property.

Any employee who is found to possess contraband on county premises while on county business may be subject to discipline up to and including discharge, except for nurses who are dispensing medication or alcohol to residents pursuant to a doctor's order.

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## **H. Voluntary Treatment**

The Carroll County Commissioners strongly encourage employees with drug or alcohol problems to seek immediate treatment. Employees are encouraged to use the Employee Assistance Program, which can provide information on counseling and rehabilitation. If an employee believes he/she has a problem with drugs or alcohol, he/she may seek a leave of absence, in accordance with Carroll County personnel policies or the collective bargaining agreement (if applicable), for the time needed to complete an approved (\*) rehabilitation program at his/her own cost, if not covered by health insurance. The employee will not receive a disciplinary penalty of any kind for this decision. However, this does not apply if, prior to requesting a leave of absence, the employee is a) involved in a situation where a possibility exists he/she may be asked to take a test, or b) is informed by the County he/she will be tested, or c) is tested. (\*) An "approved" rehabilitation program is one that is conducted by a substance abuse professional.

## **I. Drug Testing**

**Reasonable Suspicion:** Employees will be required to participate in a drug and/or alcohol screening when showing signs that would lead a prudent person to have a reasonable suspicion that there has been a violation of this policy. Only the County Administrator, Mountain View Administrator, or Jail Superintendent may authorize the test. The person authorizing the test will inform the employee about the facts upon which the suspicion of impairment and the decision to test is based. Employees who are requested to submit to a drug and/or alcohol test will be expected to complete a "Consent / Release" form authorizing an agent of a facility to perform the test and to release the results to the County. (A sample copy of the "Consent / Release" form is attached) Refusal to complete and sign a "Consent / Release" and to promptly take a required test as instructed by the employer is insubordination, a violation of this policy, and may result in termination.

**Random:** The County reserves the right to require all employees who submit to a drug and/or alcohol test will be expected to complete a "Consent / Release" form authorizing an agent of a facility to perform the test and to release the results to the County. (A sample copy of the "Consent / Release" form is attached.) Refusal to complete and sign a "Consent / Release" and to promptly take a required test as instructed by the County is insubordination, a violation of this policy, and may result in termination.

**Pre-employment:** Upon being presented with an offer for employment, applicants may be required to submit to a drug screen within 2 business days following receipt of the offer. If an applicant has a positive test, fails to appear for the test as instructed by the County or otherwise violates this policy, the offer of employment may be withdrawn and the applicant may not be considered for employment in the future.

**Post-accident:** All employees may be required to take a drug and/or alcohol test following a work related injury that results in medical treatment by a licensed physician if the employer has a reasonable suspicion to believe the accident was a result of drug or alcohol use.

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Substances that may be tested for include but are not limited to alcohol, amphetamines, barbiturates, benzodiazepine, benzoyllecgonine, cannabinoids (THC), cocaine, methadone, methaqualone, opiates, and phencyclidine (PCP). Carroll County uses U.S. Department of Health and Human Services (USDHHS) cut-off levels for drug testing. A confirmed result above the USDHHS cut-off will be considered a positive drug test. A blood alcohol content of .03% or more will be considered a positive alcohol test. Positive results without legitimate explanation may be considered a violation of this policy.

Testing for the presence of alcohol may be conducted by breath or saliva, the manner to be determined by the testing facility. Testing for the presence of drugs generally will be done by urinalysis using the test and test location of the County's choosing. Testing conducted by other authorities, whether by blood, breath or urine, may be used by the County to determine if there has been a violation of this policy.

An initial drug screen which shows positive for drug(s) will be subjected to a confirmatory test. All confirmed positive tests shall be reviewed with the employee who will be given the opportunity to contest or explain the positive result. Absent a valid explanation, a confirmed positive test results in the conclusion that the employee may have violated this policy.

During the period pending receipt and review of final test results, the County reserves the right to suspend the employee without pay and/or place him/her on leave in accordance with applicable statutes, collective bargaining agreements (if applicable) and Carroll County personnel policies.

Employees who are under the age of 18, along with their parent or legal guardian, must sign for receipt of this policy and acknowledge its content. In the event a minor becomes a candidate for drug or alcohol testing, the minor's parent or legal guardian must be contacted and either 1) give written consent for testing before the minor leaves county premises or 2) remove the minor from county premises.

To avoid placing employees or others in a situation that might endanger the safety of the employee or member or the public, the County is responsible for transporting the employee to the testing site (if off-site testing is required) and then back to the work site.

The results of the drug or alcohol test shall be given to the Employee Relations Department and will be maintained in a separate confidential file. The following individuals or organizations shall have access to the results of the test: the Employee, the Employee's Department Head, the County Administrator, the Employee Relations Department, the Mountain View Community Administrator, the Union if the Staff Member files a grievance, persons participating in the grievance process, the Board of Commissioners, any local, or state agency needing the information, including but not limited to Workers' Compensation, Employment Security, and any person who uses process of law to secure the results.

#### **J. Consequences**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help for alcohol and/or drug problems. If, however, an individual violates any part of this policy, the consequences are serious. Any employee who violates this policy may be immediately removed from duty and suspended without pay and/or placed on leave in accordance with statutes, Carroll County personnel policies (and collective bargaining agreements, if applicable). If he/she tested positive for drugs or alcohol, he/she must seek advice of a substance abuse professional, comply with all recommendations made, and if recommended, seek treatment.

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The employee must provide to their Employee Relations Department, within five (5) business days of the County's action, a written statement from the substance abuse professional that 1) the employee consulted him/her, 2) whether rehabilitation is recommended, 3) an estimated time frame for treatment, and 4) whether the employee is cooperating and following the substance abuse professional's recommendations and/or treatment plan.

The Employee's Relation Department will advise the Mountain View Administrator, the County Administrator or their designee, of the employee's anticipated absence, if any. If the Employee fails to seek professional help from a substance abuse professional, follow the substance abuse professional's recommendations and/or treatment plan and present a written statement from the substance abuse professional within a time frame specified by Carroll County or meet the goals of the treatment plan, discharge may result. An employee receiving treatment will be required to present periodic proof, as specified by Carroll County, of on-going treatment while he/she is away from work.

Prior to reinstatement, the employee will be required to present a written statement from the substance abuse professional that the employee has complied with all of the substance abuse professional's recommendations, and, if recommended, is engaged in on-going treatment or has completed a treatment program. Prior to reinstatement, the employee will also be required to pass a fitness-for-duty drug and/or alcohol screening. Failure to do any of these things will result in discharge. The employee will also be subject to on-going, fitness-for-duty follow-up testing for a period of 2 (two) years. Any subsequent violation of this policy or confirmed positive test may result in discharge.

If an employee refuses the screening/test, drinks water or other liquid excessively, alters, adulterates, dilutes or otherwise tampers with the specimen in any way, substitutes the specimen with that from another person or sends an imposter, will not complete and sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test, or if the test result reveals the presence of substances intended to mask the presence of drugs or alcohol, it will constitute failure of the employee to submit to the testing, and shall be considered insubordination and a violation of this policy, and may well result in termination. It is understood that an inconclusive test result does not necessarily mean the sample was adulterated.

Time away from work for testing is paid. If the initial or confirmed test is negative, the employee will be paid in full for time missed during any period of unpaid suspension or leave. In the case of employees who have undergone or are undergoing treatment, time used during the regular work day for follow-up testing is also paid. Except under the provisions of Carroll County's Family Medical Leave of Absence policy (FMLA) and the County's Medical Leave policy, the County does not guarantee the availability of work during treatment or after the employee completes treatment if the County determines that no work for the employee is available or the absence will create a hardship for the employer.

If an employee is the subject of an investigation by the County or by a law enforcement agency because of suspected prohibited alcohol or drug use, he/she may be suspended and/or placed on leave in accordance with statutes, Carroll County personnel policies and the collective bargaining agreement (if applicable) pending completion of the investigation.



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