



Drug-Free Workplace Policy

Original Effective Date:

November 2, 2011

Review / Revision Date:

June 22, 2017

Board of Health Resolution:

2017.06.082

Maintenance Steward: Director of Human Resources **History:** New Revised Archived

Organizational Scope:

Full Agency Administration Community Services Environmental Health Health Services

Frequency of Review:

Annually Biennially 5 Years As Needed Other:

Location:

G-Drive: G: → Users → Common → Policies & Procedures

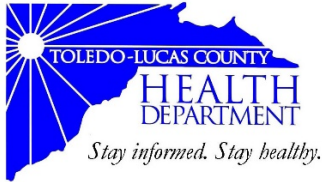
Website: www.lucascountyhealth.com/employee-login/

Hardcopy: TLCHD Policies & Procedures Manual in HR Office

Archived Version(s): G: → Users → Common → Policies & Procedures → Archived Versions

Requisite Signatures

<input checked="" type="checkbox"/>	 _____ Board of Health President	<u>6.22.2017</u> Date
<input checked="" type="checkbox"/>	 _____ Health Commissioner	<u>06-26-17</u> Date
<input checked="" type="checkbox"/>	Vacant _____ Director of Administrative Services	_____ Date
<input checked="" type="checkbox"/>	 _____ Director of Environmental Health & Community Services	<u>7/5/2017</u> Date
<input checked="" type="checkbox"/>	 _____ Director of Health Promotion & Policy Integration	<u>6/22/2017</u> Date
<input checked="" type="checkbox"/>	 _____ Director of Health Services	<u>6-27-17</u> Date
<input checked="" type="checkbox"/>	 _____ Director of Human Resources	<u>6-27-17</u> Date



Drug-Free Workplace Policy

I. Policy

The Toledo-Lucas County Health Department (TLCHD) promotes a drug-free workplace and does not tolerate the use of illicit drugs or alcohol. All employees are expected to be fit for duty and capable of performing their assigned responsibilities in a safe and productive manner.

II. Scope

The Drug-Free Workplace Policy applies to all TLCHD staff and Board of Health members.

III. Purpose

The purpose of the Drug-Free Workplace Policy is to maintain a workplace free from the effects of intoxicating substances which may cause potential health, safety, and security problems and to foster public trust by requiring all employees to maintain the highest standard of integrity, honesty and responsibility during both work and non-work hours.

IV. Background

The Drug-Free Workplace Policy ensures TLCHD's compliance with Ohio Administrative Code, Chapter 123:1-76 Drug-Free Workplace Program.

A list of definitions for relevant terms can be found in the section *XI. Glossary*.

V. Drug-Free Campus

- A. Employees will abide by the provisions of this policy as a condition of employment. Any violation of this policy will result in discipline up to and including termination in accordance with the *Progressive Discipline Policy*.
- B. Toledo-Lucas County Health Department (TLCHD) employees are prohibited from unlawfully manufacturing, distributing, dispensing, purchasing, transferring, possessing, or using alcohol or controlled substances, or abusing prescription drugs in any way that is illegal on official business either on or off the workplace location.
 - 1. "Controlled substances" consist of those substances defined in sections 3719.01 and 3719.41 of the Ohio Revised Code (ORC).
 - 2. This prohibition includes the misuse of prescribed or over-the-counter drugs in a manner other than intended or authorized.

3. Employees who possess or sell alcohol or illegal drugs in the workplace, or any location where employees conduct official business, may be appropriately disciplined pursuant to ORC 124.34 and the discipline provisions of TLCHD's policies and procedures. Such activity shall also be reported to the appropriate law enforcement authorities.
 - a. Sale of illegal drugs, in particular, will result in the strongest form of discipline possible, up to and including termination.
- C. TLCHD recognizes that some prescription medications and other over-the-counter medications may cause impairment in judgment, coordination, and physical ability. Employees taking prescription or other over-the-counter drugs that may affect performance, judgment, or behavior shall notify their immediate supervisor of such use and/or need. Reasonable accommodations will be made for any employee who uses a properly prescribed medication.
- D. No employee with a substance abuse problem shall have his or her job security or promotional opportunities jeopardized by a request for diagnosis and/or treatment. However, continued unacceptable job performance, attendance, and/or behavioral problems may result in disciplinary action up to and including termination.
- E. Employees who are arrested for any violation of any criminal drug statute, including misdemeanors, must notify the TLCHD Human Resources Office directly within five (5) days after an arrest has occurred.
 1. Following such an arrest, the employee shall keep Human Resources informed of any trial dates, pleas or convictions.
 2. The employee shall notify the Human Resources department directly of any pleas or conviction(s) within five (5) days of such plea or conviction occurring.
 3. A conviction means a finding of guilty, no contest (including a plea of nolo contendere), or the imposition of a fine, jail sentence, suspended sentence, or other penalties by a judge or jury in any federal or state court.
- F. All Board issued equipment, in accordance with the *Department Issued Equipment Policy* remains the exclusive property of the Board and, as such, may be accessed and/or subject to search by the Board, administration, or supervisors at any time, with or without prior notice.
- G. TLCHD recognizes that employees may need to bring certain personal items to work. Employees are encouraged to refrain from bringing unnecessary or inappropriate personal property to work.
 1. TLCHD reserves the right to inspect all personal property brought onto the Health Department's premises in order to maintain security, protect against theft, or for the

purposes of supervising and investigating the performance of employee duties, including compliance with this and all other TLCHD policies and procedures. Such property may include, but is not limited to, personal vehicles, purses, brief cases, clothing, packages, backpacks, wallets, etc.

VI. Alcohol and/or Drug Testing Procedures and Requirements

- A.** TLCHD enforces the Drug-Free Workplace Policy through management supervision and alcohol or other drug testing. Confidentiality of employee medical records and alcohol or other drug test results will be maintained to the extent provided by Ohio and Federal laws.
 - 1. Employees shall have the opportunity to refute the results of any alcohol or other drug test pursuant to OAC 123:1-76-10(G) and/or 123:1-76-13.
- B.** The following are criteria under which applicants or employees will be tested:
 - 1. All final applicants for classified and unclassified positions must complete, and successfully pass, a drug test as a condition for employment.
 - 2. Any TLCHD employee suspected to be impaired by, or under the influence of, drugs or alcohol when reporting for duty or while on the job.
 - 3. For determining Worker's Compensation benefits eligibility in the event of an injury, an employee may undergo a drug or alcohol test for cause.
- C.** TLCHD employees are responsible for the cost of any test that is required as the result of a positive test (i.e., re-test, return-to-duty and follow-up tests).
- D.** All travel time and time spent in the actual testing process will be considered "time worked" for compensation purposes. The exception to this is return-to-duty testing.
- E.** Any employee refusing to test or cooperate with the testing process in any way that would prevent completion of the test will be considered as having received a positive test result.
- F. Applicant Testing:**
 - 1. Once an applicant has been approved for hire by the Board of Health, an employment offer will be extended.
 - a. If the offer is accepted, the applicant will report to the Occupational Health Center at St. Vincent's Hospital to be screen for illicit substances prior to employment with the Department.
 - i. Applicant must bring ID.
 - ii. Location: 2213 Cherry St, Toledo Ohio

- iii. Applicant is responsible for scheduling an appointment, or the applicant can simply walk in Monday-Friday 8-4:30pm. Contact: 419-251-4858
2. Any applicant who tests positive will not be eligible for employment with the department for a period of one (1) year following the date of the positive result.
3. Applicants shall be advised of the opportunity to offer an explanation or submit medical documentation of legally prescribed medications which may explain a positive test result pursuant to OAC 123L1-76-09 (D).
4. Any applicant who refuses to be tested or whose actions impeded the collection process in any way will not be hired.
5. Any applicant that, with approval by the Health Commissioner and Board of Health, does not complete testing prior to hire or selection, and then tests positive, will be terminated.

G. Reasonable Suspicion Testing:

1. "Reasonable Suspicion" must be based upon objective facts or specific circumstances found to exist, that present a reasonable basis to believe an employee is under the influence of alcohol or drugs. Examples include, but are not limited to:
 - a. smell of alcohol;
 - b. slurred speech;
 - c. disorientation;
 - d. abnormal conduct or behavior;
 - e. involvement in an on-the-job accident resulting in a disabling personal injury requiring immediate hospitalization of any person;
 - f. post-accident testing when an employee has been involved in an on-the-job accident;

*Appropriate medical assistance should always be sought **first** (911) for an employee injured on the job and in need of immediate medical attention.

2. All TLCHD employees may be required to submit a urine specimen for testing for the presence of drugs *and* a breath sample for the testing of the presence of alcohol.
3. All reasonable suspicion testing will consist of both an alcohol test and a drug test.
4. Testing will be conducted in accordance with sections (VI)(E) and (VI)(F)(1)(a).
5. For reasonable suspicion testing, bargaining unit employees have the right to consult with a union representative, if one is available, within one hour prior to testing. A union representative may accompany the employee to the collection site provided the representative's attendance does not impede the testing process.

- a. Testing will not be postponed if a union representative is requested but unavailable.
6. Reasonable Suspicion must be documented in writing and supported by the person having a suspicion and **one (1) witness**.
- a. When a supervisor or manager suspects an employee is under the influence of drugs or alcohol while on duty, his or her suspicion should first be supported by a witness, preferably another manager or supervisor.
 - i. The *Reasonable Suspicion Testing Documentation Report* must be completed and submitted to the Director of Human Resources or designee (Appendix A).
 - ii. The written documentation must be presented to the employee and the Division Director. The Director will maintain the report in the strictest confidence, except that a copy shall be released to any person designated by the affected employee.

VII. Post Testing Procedures

A. The employee shall be placed on administrative leave with pay pending test results.

B. Positive Test Results:

1. An employee who tests positive for drugs or alcohol must be removed from his or her duties, pending evaluation by a substance abuse professional and a negative return-to-duty test.
 - a. A positive result for alcohol testing is 0.04% or higher Blood Alcohol Content (BAC).
 - b. If the alcohol and/or drug test results are positive, the employee shall be prohibited from driving an agency vehicle. TLCHD shall initiate the disciplinary process in accordance with the appropriate collective bargaining agreement and the *Progressive Discipline Policy*.
 - c. An employee may request a retest of positive drug specimens. This test must occur within 72 hours of being advised of a positive test result.
 - d. An employee should always have a negative return-to-duty result before returning to work.
2. Employees may not be eligible for worker's compensation benefits if they are injured while under the influence of alcohol (BAC of 0.08% or higher) or under the influence of drugs not prescribed by the employee's physician pursuant to ORC 4123.54.

3. Any employee who has not completed his or her initial probationary period shall be subject to termination on the first occasion in which the employee tests positive for alcohol or other drugs.

C. If the alcohol and drug test **results are negative**, the employee shall be notified to report to work.

VIII. Referral for Treatment:

A. On the first occasion an employee tests positive for alcohol or drugs, the employee will be given the opportunity to be evaluated by a Substance Abuse Professional (SAP), and may enter into a substance abuse program certified/ recommended at the direction of that SAP or an employee assistance program (EAP).

B. An employee's refusal to accept referral for diagnosis, or to follow prescribed treatment or continued unacceptable job performance, attendance, and/or behavioral problems will result in disciplinary action up to and including termination.

IX. Return-To-Duty

A. Before an employee who has tested positive for drugs or alcohol (BAC of 0.04% or above) may return to duty, the SAP must certify in writing to the Director of Human Resources or designee that the employee may return and the employee has passed a return-to-work drug/alcohol test.

B. Any employee who has not produced an official negative return-to-duty test within 180 calendar days after a positive test result will be subject to termination.

C. An employee who has returned to duty after receiving treatment/assistance for substance abuse as a result of a positive test will be subject to unaccounted follow-up alcohol or other drug testing as directed by the Substance Abuse Professional (SAP)

1. The employee must be tested a minimum of six times within the first 12 months after returning to duty.

2. Additional tests may be conducted for up to 60 months (5 years) if ordered by the SAP.

3. The employee is responsible for all costs associated with follow-up testing.

X. Maintenance

A. Review

1. The *Drug-Free Workplace Policy* is to be reviewed every 5 years to ensure compliance with both agency and accreditation standards.

B. Revision

1. All changes made to this policy are to be noted on the **Record of Change**. Substantial changes will require renewed signatures from all applicable parties. This includes changes to the intent, scope, procedures, or policy statement.
2. Changes in style, format, grammar or minor error correction will not require renewed signatures but must be indicated on the Record of Change.

XI. Glossary

- A. **Applicant/Pre-employment Testing**: testing is required for final applicants for all positions who have met all relevant employment criteria but have not been officially offered employment.
- B. **Reasonable Suspicion Testing**: any TLCHD employee may be required to undergo alcohol and other drug testing based on a for-cause determination by management.
- C. **Rebuttable Presumption Testing**: for the purposes of determining eligibility for Workers' Compensation benefits in the event of an injury, a TLCHD employee may undergo a drug or alcohol test for cause or at the request of a police officer or physician.
- D. **Return-to-Duty Testing**: any TLCHD employee who has tested positive for alcohol or drugs on a reasonable suspicion test must pass a return-to-duty test before he or she may return to their duties.
- E. **Substance Abuse Professional (SAP)**: a licensed physician (Medical Doctor or Doctor of Osteopathy), or a license or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Appendix A

Reasonable Suspicion Testing Documentation Report

Revised May 2017